



EMPOWERING WOMEN TO ACHIEVE FOOD SECURITY LAND RIGHTS

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Land assets, including soils, home sites, and crop, grazing, and forestland, are important everywhere. But in countries where agriculture dominates, ownership of land is politically significant and directly associated with power. Command over property is, arguably, the most severe form of inequality between men and women today. Despite its prevalence, gender differences in rights to land are one of the most poorly documented dimensions of gender inequality and figure in few statistical systems.

Poverty is inversely correlated with household land ownership. The landless are more vulnerable, especially in famines, and have higher infant mortality rates. Women and children suffer disproportionately from shocks when their rights to household resources, including land, are mediated through men. Direct access to land minimizes women's risks of impoverishment and improves the physical well-being and prospects for her children. Even small plots provide access to natural resources that contribute to survival, security, and economic status. Furthermore, since many types of development specialists seek out only heads of household with secure tenure status, direct access to land also indirectly facilitates access to agricultural support services.

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. By diminishing the threat of eviction or economic destitution, direct and secure rights to land can increase women's bargaining power in their families and participation in public dialogue and local political institutions.

An important policy issue is whether customary tenure systems that are locally enforceable and have adapted over time or formal statutory systems that are legally or morally bound by universal conventions can provide women with greater and more secure access to land. Central to this debate is the question of whether human rights, including rights to land, are seen as universal or as relative to cultural, religious, and national rights. While no clear answer exists, a simplified comparison of the two types of tenure systems reveals key challenges for policymakers aiming to improve women's land rights.

CUSTOMARY OR FORMAL?

Land rights, in both statutory and customary tenure systems, fall along a spectrum that roughly corresponds to degrees of power. This spectrum accommodates diverse and fluctuating interests and provides different people with different bundles of rights. The entitlements a woman holds determine where she fits on the

spectrum, from full ownership with all entitlements at one end to landlessness without entitlements at the other. In both systems, most women are located somewhere between these two extremes.

Both customary and formal tenure systems evolve and can accommodate short-term changes and opportunities. Customary systems usually regulate access to resources according to membership in a lineage, community, or household. These systems operate most effectively 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, requiring transparency and public records to reduce information asymmetries.

Even in formal tenure systems, unwritten rights often coexist with the limited number of rights that are actually recorded in registries or titles. In practice, however, the codification of customary rights has often strengthened and concentrated land rights of individual, senior, male household heads over multiple other interests, resulting in only a small percentage of the population, and strikingly few women, holding land certificates or titles in developing countries. Joint titling appears promising, but its application is, as yet, too limited in time and scope to judge.

SECURING RIGHTS

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 comparative advantage of customary tenure systems is an institutional capacity to support existing land rights, while for formal systems it is the capacity to 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. Security of tenure consists of three dimensions: definition, independent control, and enforcement.

The first component is clarity in duration and content of rights. Very limited rights, such as fuel wood collection, can be secure if they endure over time. The content of customary rights can be ambiguous, however, since they are established through oral contracts that are frequently modified and reinterpreted. A promising area for policy development is the clarification and registration of women's customary use rights. Tenure security for women could 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.

A second component of security is independent control—a



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factor greatly diminished because of the derivative character of women's rights to land. For most women, land rights are derived from 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. But in most cases, unlike men, women cannot liquidate, trade, or retain derived land rights when the male link is lost. Continued access to land depends on a woman's fulfilling or negotiating a constantly changing set of obligations and expectations defined by the men who hold the rights.

A third dimension of security of tenure concerns women's ability to defend and enforce their land rights. Tenure security depends upon women's capacity to lobby for and promote their interests and 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. Customary land institutions are familiar and convenient to rural women, reducing the transaction costs that prohibit recourse to formal land administration services. But this social and physical proximity can also be repressive. Government offices and land registries can introduce new principles, maintain public land records, and offer a neutral forum in which women can effectively press their claims, but require transparent and consistent procedures and affordable transaction costs. In many countries, these institutions are inefficient, corrupt, time consuming, and complex. Few women have the political connections, know-how, money, or physical proximity needed to secure land rights within them. A challenge 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. Such a procedure needs to have a quasi-judicial footing, consistency in its operation, impartial and informed officials, a court-based appeal process, and the support of both men and women.

CREATING RIGHTS

Where there is political will, formal tenure systems can be better suited than customary ones to rapidly creating new land rights for women. However, two major formal mechanisms—land reform and land markets—have not resulted in positive change. A brief examination of these experiences highlights areas for future policy attention.

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. Only an estimated 4 to 25 percent of the beneficiaries of Latin American

land reforms in the 1960s and 1970s were women. Similarly low percentages continue to characterize donor-driven resettlement and irrigation projects. Clearly, to improve women's property rights, land reform policy must focus political will on favoring women in redistribution through stable, capable institutions.

Changing policies that regulate land markets is a second formal mechanism for creating new rights. However, where women can legally purchase land, in practice only wealthier women and women's groups have the income to compete in the market. 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.

Women do not form a single group or always act in solidarity. 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. 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. These shifts in public attitudes are critical for creating the convergence of values that support changes in tenure systems.

CONCLUSION

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 of each category of stakeholder noted below, in keeping with their distinct 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.
- **National governments/parliaments** must approve regulations that create the fertile ground on which positive change can take root.
- **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.

For further reading see B. Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge University Press, 1994); L. Gray and M. Kevane, "Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa," *African Studies*

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