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Women's Tenure Security on Collective Lands

A Conceptual Framework

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ABSTRACT

Within discussions of land and resource rights, there is growing attention to women's rights, mostly in terms of household and individual rights to private property. This leaves unanswered questions about whether and how women's land rights can be secured under collective tenure, upon which billions of people worldwide depend. There is an important gap in conceptual tools, empirical understanding, and policy recommendations on women's land rights within collective tenure. To address this gap and lay the foundations for a sound body of empirical studies and appropriate policies, we develop a conceptual framework to improve understanding of women's land rights under collective tenure. We begin by discussing what secure tenure for women on collective lands would entail. We then present the conceptual framework for what factors would affect women's tenure security, building on a framework for land tenure security that focuses on individual and household tenure. We give attention to particularities of rangelands, forests, and other types of lands as well as commonalities across types of collective lands. A key theme that emerges is that for women to have secure tenure under collective tenure, two dimensions must be in place. First, the collective (group) itself must have tenure security. Second, the women must have secure rights within this collective. The latter requires us to consider the governance structures, how men and women access and control land, and the extent to which women have voice and power within the collective. More consistent analyses of collective tenure systems using the framework presented in this paper can help to identify which action resources are important for groups to secure rights to collective lands, and for women to advocate for their rights within the group.

Keywords: women's land rights, tenure security, common property, communal tenure, forests, rangelands, collective land rights

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1. INTRODUCTION

The importance of secure land tenure is widely acknowledged in both research and practice. Within discussions of land and resource rights, there is growing attention to women's rights, spurred by the need to achieve gender equality as a goal in its own right, and as endorsed by the Sustainable Development Goals. Evidence demonstrates the instrumental value of women's land and resource rights for a range of developmental outcomes (Agarwal 1994; Quisumbing and Maluccio 2003; Meinzen-Dick et al. 2019). An additional motivation comes from the demands of land rights and women's movements.¹

Much of the policy and research attention has been focused on household and individual rights to private property (Agarwal 2003; Doss et al. 2015; Meinzen-Dick et al. 2019). This leaves unanswered questions about whether and how women's land rights can be secured under collective tenure.² Billions of people worldwide depend on resources that are held or used collectively (Meinzen-Dick et al. 2006; Flintan 2019; Errico 2021). This includes both commons (such as many forests and rangelands) where land is held and managed collectively as well as communal property in which the land is held collectively but may be allocated to individuals to manage (Alden Wily 2011; Otsuka and Place 2001; Newton et al. 2020). Many of these are customary systems that have developed over centuries in response to the characteristics of the environment, the land use and what is needed to govern these (Cotula and Toulmin 2007).

¹ See for example: <https://www.empowerwomen.org/en/who-we-are/initiatives/landrights-and-sdgs>, <https://www.landesa.org/securing-womens-land-rights-challenges-and-solutions/>, <https://www.landcoalition.org/en/newsroom/collective-womens-land-rights-commitment/>; <https://stand4herland.org>

² We use the term "collective" to refer to some form of group that is larger than a household. This may be a clan, lineage, or Indigenous People, a geographic community, or a smaller, defined group such a forest user group. "Collective tenure" refers to land that is held, managed and/or used by a group. This corresponds to what RRI (2020) refers to as "community-based tenure." Following Alden Wily (2011) we distinguish between two forms of collective tenure: commons and communal lands. Commons (or common property) refers to lands that are collectively owned or managed, often forests and rangelands. In some cases, the commons may be formally owned by the state, with varying degrees of recognized use and management rights for groups of users. Communal lands refers to areas held by a group, including both commons and parcels over which individual and family possession is established.

The areas under various forms of collective tenure are substantial: in a study of 42 countries covering half the world's land area, RRI (2020) estimates the area to be over 3.1 billion ha, or 49.2% of the area, ranging from 30.6% of the Latin American countries to 69.5% of the African countries studied. Often these types of land are part of a landscape mosaic of land uses and tenure types, including individual, collective, and public lands (Robinson 2019). In rural contexts, indigenous or customary land use and ownership patterns within collectively-held lands are made up of a complex mesh of overlapping and temporally defined claims to land and natural resources. Some lands are used privately by families such as for agricultural purposes, while others are used collectively for pasture or forest resources, or in furtherance of the health, prosperity, and religious practices of the greater community. Some areas may be left in reserve for the use of future generations; for the shifting patterns of agriculture necessitated by fluctuations in rainfall, crop rotation and soil fertility; or to accommodate changing community needs.

Collective tenure differs from individual tenure because it requires coordination among users to manage the provision and appropriation of land or resources across multiple users (Andereis and Janssen 2013) and to adjudicate land and resource-related conflicts. Thus, local governance arrangements are vital. Such arrangements vary across tenure systems, whether customary or formal, but all require a particular entity that holds the right (or claim, if the right is not recognized by law) and an authority or set of institutions to govern decision- and rule-making (Larson et al. 2015a). For example, a particular clan or tribe may hold the right with a chief who has decision-making authority (common in Africa); an Indigenous group may hold the right with an elected authority to enforce decisions (common in Latin America); or a forest user group or livestock keeper association may hold the right with a variety of ways to determine the head of the group (common across regions).

In addition to agricultural or residential lands held under collective tenure, the commons are often the source of a range of resources necessary to household and community sustenance and survival, including a wide range of food, fiber, fodder, spices, medicinal plants, materials used for building or artisanal products for subsistence and sale, as well as supporting ecosystem services (Qureshi and Kumar 1998). Both rich and poor households use collective lands, with the poorer relying on them for a higher proportion of their livelihoods, particularly as a safety net in lean seasons or years (Jodha 1986; Qureshi & Kumar 1998; Shackleton, *et al.* 2001).

While collective resources are important to both men and women, there are often differences in their collection and use of resources, as well as differences in which products they value the most. For example, women are often responsible for collecting water, firewood or other cooking fuel, fodder, and medicinal plants, whereas men may be more involved in obtaining poles or timber for building. Despite women's reliance on collective resources, women's rights are invisible in many analyses of collective tenure, resulting in insufficient understanding of the extent to which women are considered members of the collective, and the extent and security of their rights to use collective resources, let alone to make decisions on how to manage them.

Meanwhile, studies of factors affecting women's land rights have focused on individual rights, rather than for women's rights within collective tenure (for a review of such studies, see Meinzen-Dick *et al.* 2019).

There is thus an important gap in conceptual tools, empirical understanding, and policy recommendations on women's land rights within collective tenure. To address this conceptual gap and lay the foundations for a sound body of empirical studies and appropriate policies, in this paper we develop a conceptual framework about women's land rights under collective tenure. As described by Ostrom (2011: 8):

Frameworks identify the elements and general relationships among these elements that one needs to consider ... and they organize diagnostic and prescriptive inquiry. They provide a general set of variables that can be used to analyze all types of institutional arrangements. ... They attempt to identify the universal elements that any theory relevant to the same kind of phenomena needs to include.

A framework facilitates meta-analyses and allows us to better understand the factors affecting women's collective tenure security across contexts.

In developing this framework, we draw on the theoretical and empirical literature on tenure security and women's land rights, as well as the authors' own research and observations. The latter includes extensive work on forests, rangelands, wetlands, and other forms of commons and collective tenure related to these, as well as our research on women's land and resource rights more generally. The conceptual framework described below can be used by researchers, policymakers, practitioners, and advocates working on issues of collective tenure security.

We begin by discussing what secure tenure for women on collective lands entails. We then present the conceptual framework for the factors affecting women's tenure security, building on a conceptual framework for land tenure security that focuses on individual and household tenure (Doss and Meinzen-Dick 2020). We give attention to particularities of rangelands, forests, and other types of lands as well as commonalities across these different types of collective lands.

A key theme that emerges is that for women to have secure rights under collective tenure, two dimensions must be in place. First, the collective holding the land must itself have tenure security. Second, the women must have secure rights within the collective, which requires us to consider the governance structures and the extent to which women have voice and power within the collective.

2. CONCEPTUALIZING WOMEN’S COLLECTIVE PROPERTY RIGHTS AND TENURE SECURITY

Land tenure security can be defined as “the certainty that a person’s rights to land will be recognized by others and protected in cases of specific challenges.... Security of tenure cannot be measured directly, and, to a large extent, it is what people perceive it to be” (FAO 2002:18). Studies use a wide range of definitions and proxy measures, with the presence of a formal title being a common indicator (Arnot et al. 2011). Place et al. (1994) identify three components of tenure security that are relevant for both individual and collective tenure: breadth, duration, and assurance. We begin with a discussion of these components and how they are relevant to understanding women’s tenure security under collective tenure. We identify two key dimensions that must be considered in this context. First, the land tenure security of the collective (tribe, lineage, user group or other entity from which women derive their rights) and second, the extent to which women’s rights are recognized and exercised within the collective.

Breadth of rights

The notion of bundles of rights, including the rights to use, manage, exclude or alienate land and resources, is important in the literature on property rights, with “ownership” often thought of as holding all of these rights. Under a private property rights regime, it is commonly asserted that the greater breadth or number of rights—especially alienation rights—over an entire bounded area means greater tenure security (FAO 2002). This notion has been challenged by research in both individual (Broegaard 2005) and collective (RRI 2018) property rights regimes, however, particularly with regard to the alienation right. This is especially complex in the context of collective tenure, where individuals and even groups may be interested primarily in specific rights (or “sticks in the bundle of rights”) which may not be easily captured if those rights are

formalized. For example, in the Mabira forest in Uganda, women use a range of non-timber forest products for crafts, while young men seek sticks that can be used as skewers for grilling meat—both to sell to tourists. For example, pastoralists, sedentary small-scale farmers, and hunter-gatherer groups may all use the same forest or rangeland at different times over the course of a year, in different ways (Cotula and Toulmin 2007). Different communities and institutions—including different state agencies—may hold complex, overlapping rights (Sikor et al. 2017) from a landscape, a forest or a rangeland to a farm plot or a tenure niche such as a tree or well (Flintan 2012). In certain circumstances and at particular times, one piece of land may be shared by groups practicing varied livelihoods, and include lands (such as wetlands, drylands, forests or rangelands) subject to state laws. Thus, the land’s administration may be subject to both overlapping customary as well as formal governance paradigms.

In addition, individuals within a given community will have nested and multidimensional rights and relations differentiated by gender, age, status, and purpose of use (Howard and Nabanoga 2005; Flintan 2012). For example, in rangelands, where pastoralists tend to access and manage variably distributed resources across the landscape, collective tenure provides for multiple uses of the rangeland, taking into account and providing protection for needs of both primary users (local pastoralists) and secondary users such as visitors or those who access the rangeland to cut grass, hang beehives or collect honey, tap trees for lucrative gums and resins, and increasingly plant some crops. Further, secondary rights can include rights-of-way or passage through lands and natural resources considered to be within the bounds of another, sedentary or non-sedentary community (Knight 2010). Use rights within forests are similarly varied and nuanced, with many groups holding different management, use and access rights to the same forest. For instance, access rights to land and *néré* fruits in Burkina Faso depend on

intersection of gender, ethnicity, and marital status: even in cases where lands are managed as commons, management of *néré* fruits is controlled by men, constraining women's ability to benefit (Pehou et al. 2020).

In this context, we should consider the extent to which so-called secondary rights are recognized, as well as whether a particular collective (such as a customary community or a forest user group) holds a complete bundle of rights over a defined area or only part of it. For example, does a community have the rights to manage the land and exclude outsiders, or does the state claim the rights over whether trees can be planted or cut? Who holds the right to transfer the land to other uses or users?

Thus, conventional indicators of tenure security that focus on documented ownership (Arnot et al. 2011) do not capture the complex aspects of women's—or men's—tenure under collective tenure, including whether their rights are recognized and protected within and by the collective.

While it is important to understand the breadth of rights held by a collective, it is not necessarily the case that holding more of these rights ensures stronger tenure security. Within a collective, gender differences in uses of resources may make different access and use rights more important to women and men. Thus, having a say in the governance (which implies management rights) is important to ensure that the resource will be available when it is needed.

Duration

Place et al. (1994) identify duration of rights as a second dimension of tenure security. In collective tenure, use and access rights may vary between seasons or even over years to accommodate fluctuations in the quantity and quality of resources, or to allow for certain users to access land or resources at different times of the year or under specific circumstances. This might

include rights to harvest products only at specific times when there is an abundance (Howard and Nabanoga 2005), or to access grazing reserves during a drought. Often rights of use and access strengthen over time, especially where the users are seen to be investing in the resources, e.g., planting trees. The extent to which temporal changes in rights of men and women to collective resources are a source of security or insecurity therefore depends on local conditions and history of use. While the importance of use rights may vary over time, management rights and the rights to transact or bequeath usually have a longer time horizon. Indeed, where land is seen as part of a group's heritage and identity, there may be a concern for tenure security that goes beyond an individual's lifetime and extends to generations yet to come. This is particularly true of Indigenous Peoples' ancestral lands, which are also protected by international conventions (e.g., UNDRIP).

For women, the issue is not only the duration of the rights held by the collective, but also the duration of women's membership in the group. If rights are derived from membership in a group such as a tribe or lineage, women's tenure security will depend on whether they are considered full members of that group or whether their claims are contingent upon being married to (or being the unmarried daughter of) a member (Giovarelli et al. 2016). It also depends on how inheritance rights are defined, whether unmarried daughters are allocated land, and whether rights continue if women who marry into a community are divorced or widowed and are able to continue residing in the area (Adoko, Akin and Knight 2011).

Assurance

Assurance relates to the exercise and enforceability of rights, especially when under threats from such as eviction or encroachment. Reviewing concepts of tenure security, Valkonen (2021) argues that if "tenure security relates to a sense of comfort that what one has is

recognized and protected by authorities and institutions and will not be taken away when one needs it” then breadth and duration are less important than assurance of ability to exercise specified rights “during a timeframe needed to serve the purpose of the rights”. Assurance, in turn, is affected by the social and legal legitimacy of rights, the claimants’ knowledge of their rights, the physical and social accessibility of forums for claiming rights, and the degree of state backing for the rights.

In the context of collective tenure, a woman faces two levels of concerns about the assurance of her rights: whether the rights of the collective are assured, and whether her rights within the group are assured.

Regarding the first level, the social and physical marginality of groups such as pastoralists and many Indigenous Peoples limits the assurance of collective land rights. Alden Wily (2011) points out that weak state recognition of land holders’ rights to both customary land rights and common property dates back to colonial eras in many countries. Kelly and Peluso (2015) document how formalization was used historically to increase state control. Currently, the tenure insecurity of rural communities is compounded by factors such as bad faith land-grabbing by national elites, land corruption, large-scale land acquisitions to national and international investors, and government infrastructure projects.

The marginality of women within their communities and particular sources of vulnerability of women challenge their assurance of rights as part of the collective. When CIFOR’s Global Comparative Study on forest tenure reforms held workshops in Peru and Uganda to discuss the driving forces of secure and insecure tenure, both mixed sex groups and women’s groups identified similar issues in general, but women in Peru also mentioned violence in their communities, the need to strengthen indigenous identity and morale within the family

and community, climate vulnerability, and the need of specific spaces for women to participate at all levels. In Uganda, women mentioned domestic relations and the specific ways in which women are discriminated against in resource access. Notably, even if women have the right to collective lands as an individual rather than as part of a household, the groups in Uganda confirmed that, in general, women's control over resources is closely dependent on their relationships with their spouses or other male relatives, i.e., they are reliant on their male kin to provide and/or defend assurance of their rights (Zamora and Monterroso 2017).

For individuals, the key to having secure tenure within collective property rights regimes is having a voice in the governance structures. It may be that they individually have a voice or that their voice is represented by those who share their particular interests. Although women and men often have a common interest in overall security of the collective lands, they may have different interests in particular resources within those lands, hence input into the rules governing the management of these resources can be particularly important for women. Findings from the gender analysis of forest reform processes in Indonesia, Uganda and Peru suggest that tenure reforms implemented in collective tenure regimes do not necessarily result in rules about forest access and use that are perceived as clear or fair, particularly to women (Monterroso et al. 2019). Results also showed that women's participation in rule enforcement is higher in places where women are more involved in rule making. Thus, efforts to secure collective land rights are likely to be insufficient unless there is also attention to the governance arrangements within the collective, as well as social norms that affect the implementation of those governance arrangements (Knight et al. 2012).

These aspects of tenure security are shaped by a host of factors, as identified in the following discussion of the conceptual framework.

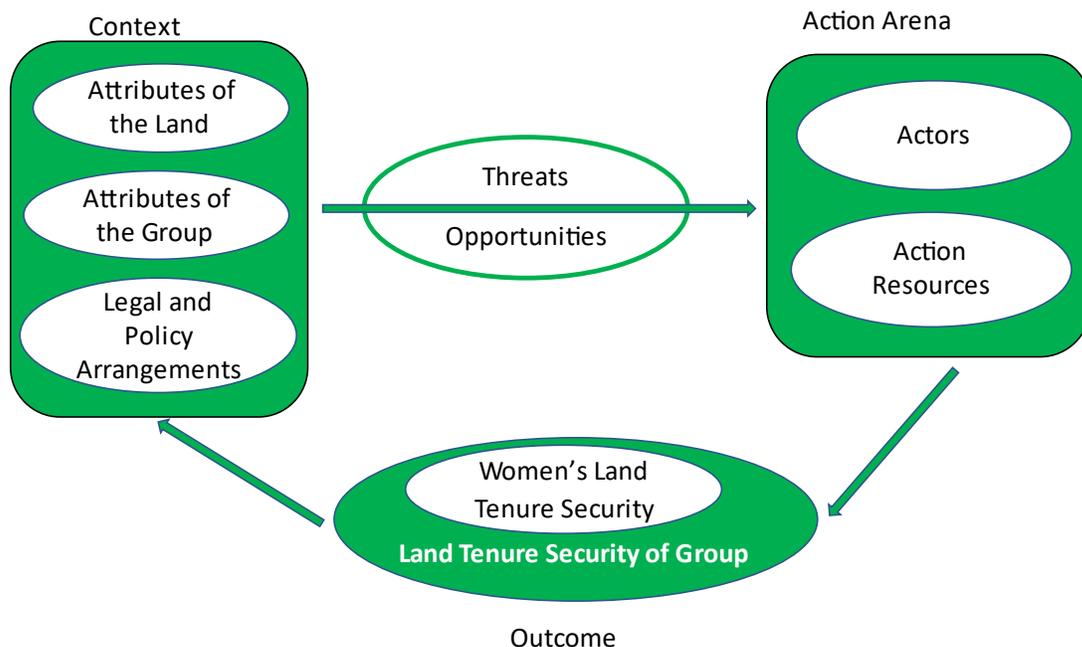
3. CONCEPTUAL FRAMEWORK

This framework builds on one developed by Doss and Meinzen-Dick (2020) to analyze women's land tenure security under private individual property, which, in turn derives from the Institutional Analysis and Development (IAD) framework (Ostrom 2011; Di Gregorio et al. 2008). The framework has four components:

- 1) *Context*. Understanding the context is the fundamental starting point for understanding tenure security.
- 2) *Threats and Opportunities* interact with initial conditions to strengthen or weaken women's tenure security.
- 3) *Action Arena* includes all of the actors who affect women's tenure security and the action resources used by the actors to promote their respective interests with regard to land.
- 4) *Women's Land Tenure Security*. The outcome of the interactions in the action arena include the tenure security of the group and of women within the group, which feeds back to shape the context for future interactions.

In the remainder of this section, we discuss the first three components; women's land tenure security has already been discussed in the previous section.

Figure 1: Conceptual Framework of Factors Affecting Women’s Land Tenure Security in Collective Tenure



Source: Adapted from Ostrom 2011; Doss and Meinzen-Dick 2020

Context

Many contextual factors can be considered; we have grouped these under the headings of attributes of the land; attributes of the group; and the legal and governance arrangements. In the following section, we highlight key factors. This is not a rigid list; some factors (e.g., land tenure) can be examined under multiple headings.

Attributes of the Land

The characteristics of the landscape and ecosystems shape how land is used and the dominant livelihoods practiced by the communities who live and work on it. Landscape and livelihoods, in turn, impact the structure of land tenure, including the different ways that men and women access, use, and manage land. The following dimensions are particularly relevant for women’s land rights under collective tenure.

Resource systems: Collective lands can hold a wide range of resources, depending on the ecology and history. Many forests or rangelands are left under collective tenure because they have lower perceived productivity compared to prime agricultural or urban lands. While these resources may provide valuable ecosystem services and livelihoods to the people who live there, they may have limited commercial value. In other areas, there are economically valuable resources on the collective lands, such as oil and gas or mineral reserves. The presence of particular types of biodiversity, especially charismatic species, may create pressures to convert land to national parks or protected areas. The presence of infrastructure such as roads, irrigation, or electricity influences the availability of different livelihoods and thus the pressures on tenure security. If the resources on the lands are valuable to outsiders, then there may be threats to tenure security as discussed below.

Variability: As noted above, many collective lands are characterized by heterogeneity, with resource variability between seasons, years, and pieces of the landscape. This means that a large area forms the unit of use, with diverse and often overlapping uses by different individuals, depending on their gender, age, and position within the community. Using variable resources requires a socio-cultural and institutional system that provides for flexibility of movement, collective governance, and the sharing of resources that vary over space and time.

Spatial extent: Communities that rely even partially on hunting and gathering may move across large areas (e.g., forests or drylands) over changing seasons. Pastoralists often require large expanses of land and move with their livestock to access the variably distributed resources (Robinson 2009; Flintan 2012). This often requires negotiating rights to transit across other lands of other users, to graze on farmers' stubble fields, or to access water and grazing resources of other pastoralists during drought years. Mobility is vital for their livelihood and requires

protection in law and practice, including across borders (see for example the recently approved transhumance protocol of the Intergovernmental Authority for Development (IGAD 2020)).

Location: Distance from homesteads can also affect land uses and tenure. Land in remote areas may face less pressures than land nearer urban areas. For example, in Kenya, Mwangi (2007) found greatest pressure to privatize Maasai group ranches in peri-urban areas, compared to more remote areas. Nevertheless, land further away from settlements can be more difficult to protect or enforce rules and regulations. By the nature of their livelihoods pastoralists and hunter-gatherers are not using all their lands all the time and for much of the year will have no presence in one particular place. Usually, these lands are without signage or fences so can be easily invaded and it is difficult to move someone from a piece of land once they have established themselves, even if their establishment is illegal. Climate change actions such as reducing emissions from deforestation and forest degradation (REDD+) initiatives increased pressure over forest lands (Larson et al. 2018), especially those farther away.

Women often have less access to resources on more distant lands because of physical or social restrictions on how far they can travel. Often people may live some distance from village centers and without good communication: if religious or other restrictions limit their movement then they are less likely to be able to attend meetings or other events related to land governance. Women's household duties may also keep them closer to home.

All these characteristics of the land influence land tenure as well as land uses. We return to the discussion of land tenure under the section on legal and governance arrangements.

Attributes of the Group

Because communal land rights are socially embedded (Julia and White 2012), characteristics of the groups that hold land rights will affect women's land rights in multifaceted

ways. Key attributes to consider include the history and identity of the groups, how membership is defined, its internal governance arrangements, and social relationships and exposure of the group to internal and external forces calling for change.

Membership: The group holding collective tenure may be defined by clan, customary institution, age-set, religion, or ethnicity, or have been formed based on the use of a particular piece of land or resource. The group may be formally and legally constituted, such as forest or water user groups or cooperatives, or may be recognized only by customary or other law, rules, and regulations. For instance, processes for recognizing customary lands in Uganda require the formation of Communal Land Associations (CLA); in practice, villages, and clans form CLA to apply for land certificates (Knight, Adoko, and Eilu 2013). The group's membership may be tightly defined and closed to new membership or with very high standards for new members, or membership may be more fluid and open.

How membership in the groups is defined has very important implications for women's land rights (Larson et al. 2015b). In patrilineal and patrilocal societies where membership in the group is identified through the male line and social location of the man, women who marry into the group may only be considered members through their relationship with their husband and lose access if they divorce or if their husband dies, particularly if there are no sons, and most certainly if they move away from their ex-husband's village. For example, a comparative study on forest tenure reforms in collective lands in Peru, Indonesia, and Uganda found that while most processes required the establishment of a legal community level organization, women are not always considered full members with full decision-making power (Monterroso et al. 2019). In Indonesia, community forest user groups (*Hutan Kemasyarakatan*, or HKM) were formed to allocate forest permits, but these were granted to individual household heads, limiting women's

ability to be considered members (Siscawati et al. 2017). Additionally, findings showed that women may have to leave their village when they marry somebody from outside the community, divorce, or are widowed. In Maluku, Indonesia, a married woman is entitled to what is owned by her husband if he dies but if she remarries, she loses that right. In Peru, in case of divorce or the death of a spouse, rights over Brazil nut extraction are given to the community; the woman cannot retain the rights. Rules do not always apply to men and women in the same way. For instance, in Indonesia and Peru women marrying somebody outside their communities may lose their rights to communal land or be asked to leave the community (Monterroso et al. 2019). In contrast, men marrying somebody outside their communities are allowed to stay with their wives, but in case of divorce these women may be requested to leave. While these rules are argued with the intention to protect outsiders from acquiring land by marriage, social biases determine how these are enforced, affecting women and men differently.

Women are not always excluded from membership. Amongst the Boran pastoralists of southern Ethiopia and northern Kenya, marriage means a woman joins the clan of her husband and his generation class. If her husband dies, she will be inherited by her dead husband's brother and become his wife. Though this arrangement might not sit comfortably with western ideas of freedom of choice, in the harsh drylands of East Africa being a pastoralist single mother is no easy task. According to Flintan (2012: 162):

This inheritance is primarily intended to protect the children of the deceased and keep the woman in the family circle and the clan. Until today, marriage is considered indissoluble; widowed women are taken care of by their husband's relatives or other members of the sub-clan as appropriate. Divorce is considered a social vice and is not possible.

In this case, a woman whose husband has died will continue to have claims—even if limited—as the spouse of a member of the clan.

In matrilineal systems, where land rights are transmitted through the female line, women may have more robust use rights, especially in matrilocal areas, where women do not leave their community when they marry. However, this does not necessarily mean that they have control rights over land. In Papua New Guinea, control rights are often exercised by their brothers or other male kin (World Bank 2012). In Malawi, however, Berge et al. (2013) find that, although traditional leaders have been seen as the custodians of the land, lineal groups of women allocate land, and women are recognized to be in control of land.

Internal governance: The governance arrangements within the groups holding collective land rights are critical to the security of those rights. Effective governance that ensures ongoing investment in stewardship of common resources and restricting withdrawals to sustainable levels is key to ensuring that resources and biodiversity are maintained for equity of us by all. But strong governance that is effective in sustaining the resource base does not necessarily mean that the needs of all members are met, nor does it assure an equitable distribution of costs and benefits in management of the resources.

Customary land management and administration systems reflect power relations within a family or community. Land management decisions may be made by male leaders (e.g. chiefs), or by groups of elders, as defined by customary or statutory law. It is therefore important to ask what voice and influence women have in communal governance and decision-making, and the extent to which rules (and their enforcement) take both women's and men's interests into account. The positions of chief or elder are often only available to men, although there are exceptions. As male-dominated customary institutions come under greater pressure to be more

inclusive and include women, and as women gain more confidence and the skills and capacities to be good leaders, women are increasingly taking part in local land governance: such as in Ethiopia, after implementation of under participatory rangeland management (PRM) (Flintan et al. 2019) and in Tanzania, where Women's Leadership Forums supported by a local NGO has seen success in women taking up more leadership positions in village government (Dungumaro and Amos 2019).

Communal assemblies or new organizational structures such as boards or committees or forest user groups with responsibility for overall community land or particular parcels (e.g., forest compartments) may have requirements or quotas for women's membership, but it is important to consider the extent to which women are effectively involved in decision-making, which is affected by their critical mass, heterogeneity of interests among women, and extra-local linkages (Agarwal 2010).

In Ethiopia, reforms in land regulations, incorporating 30% quotas for women in land use administration committees resulted in increased participation of women up to 20% at the district and village level (Deininger et al. 2008). In the pastoral areas of both Afar region and Borana, Oromia region, Belay and Flintan (2021) found little discrimination against women as far as communal land use is concerned. Instead, limitations to women's land rights seem to arise in relation to the inheritance of land, dispute settlements and other private properties.

Social relations: As noted by Toulmin and Quan (2000:6): “The question of who gains access to land and on what terms can only be understood by seeing how control over land is embedded within the broader patterns of social relations.” Not all decision-making related to land takes place through formal governance channels. Social relations may provide a partial substitution for a direct voice in governance. Women may find ways to influence their husbands

or other men who have a voice. For instance, in West Kalimantan, only husbands are allowed to attend social forestry group meetings. In cases where they are unable to participate, their wives may attend the meetings but are not able to take any decisions (Siscawati et al. 2017). Women may also influence decisions through other women. Women of status or older women may be allowed in some male-dominated decision-making platforms where single, young women are not. These single, young women must claim their place in the platform through the older women. But different groups may value different characteristics of members, and these may vary for men and women and across age groups. For example, men may have more influence if they are confident speakers, but women may gain more approval, and have stronger claims on resources, if they are seen as good wives and mothers, and are claiming resources to fulfill those customary roles.

Women can have a variety of means at their disposal to influence decision making processes of the household and community. This includes ‘pillow talk’ where they influence their husband during private times such as in bed; withholding food or sexual services; and influencing male relatives including elder sons with whom mother’s often have a very close relationship (Flintan 2008; Langton 1984). Raika women of Rajasthan, India for example, do not come forward or speak in the presence of their men. However generally, Raika women are acknowledged as the ones pulling the strings behind the scenes. This is reflected in the proverb: ‘Raika men are as straight as a cow, but Raika women are as cunning as a fox’ (Köhler-Rollefson 2007).

In a study carried out in Samburu and Rendille, northern Kenya, Mitchell (2007) reports almost all male informants stated that they always listened to their wives’ advice, and that the advice given by their mothers, sisters and other female relatives influenced their decision-

making. Here women have a tremendous amount of unrecognized power in their hands, which some women are aware of, and some are not. Men do not want to freely admit this power as they fear what women would do if men openly recognized it. However, though many women have a great deal of influential power in their societies, their authoritative power is crippled due to male-biased traditions (Mitchell 2007).

Legal and Policy Arrangements

The tenure rights of groups, and of women within groups, exist within the broader context of legal and policy frameworks that affect land and resource management in the country and the region. Women's tenure security on collective land can only be as secure as the group's rights to the land. Thus, the legal recognition of collective tenure is important. Is collective tenure recognized formally by the state? How strong are these claims? Are these claims seen as legitimate tenure rights by the broader community in the area?

There are several types of laws and policies that are particularly relevant in this regard.

Constitutional law: Much land held under collective tenure is governed by customary law rather than formal law, with varying degrees of recognition by the state. The national constitution often provides for how customary law intersects with formal law, as well as sets out the basic principles that govern land tenure dynamics within the country. For instance, the constitution may vest all land in the state, or it may recognize rights of individuals or groups to have varying types of land rights. Uganda's Constitution (1995, [Amended 2005]) includes customary land as a statutorily recognized form of tenure, governed by customary law. Although Article 40 of the Ethiopian Constitution vests all land ownership in the state and prohibits sale of land, it also states that "Ethiopian pastoralists have the right to free land for grazing and

cultivation as well as the right not to be displaced from their own lands” (Art. 40[5]) (Abebe and Flintan 2021). Ideally, constitutional provisions create the foundation for other laws on these topics, but policy is not always translated to practice.

National law: Property laws that govern land, land administration, resources (including forests and rangelands), and real or immovable property are an important starting point for understanding the dimensions of land tenure in a given context. These laws can provide insight into many of the features of formal land tenure, and, in some cases, how customary land rights are treated. When it comes to gender, these laws can protect women’s rights that might be based in family laws, for example, by providing for mandatory joint titling land rights held in the community, as defined in the marriage law. They can just as easily weaken women’s rights (FAO 2013). Property laws can also provide legal definitions of co-ownership or shared rights.

Formal provisions for women’s land rights are often not sufficiently detailed, or not implemented in practice. A comparative analysis of law and regulations on women’s rights to collective forests in 30 countries and 80 community-based tenure regimes in those countries (RRI 2017). On constitutional protections against discrimination, 93% of countries got full credit; for women’s property rights, 57% got full credit; and on inheritance, 27% got full credit. The authors found community-specific property rights to be more problematic, with inadequate provisions to acknowledge and protect women’s rights to inheritance at this level: 29% of the cases got full credit for protecting women’s membership rights: only 3% provide adequate protection for women’s voting rights in community-level governance, and 5% adequately protect women’s leadership rights.

A recent study on the implementation of land policy and law in relation to women’s land rights in Ethiopia shows that there is significant disparity between what formal laws state and

what is practiced on the ground. In Afar, where society is gradually changing but remains more patriarchal, both customary and religious systems ensure that women continue to have inferior access to land in comparison to men, regardless of what Ethiopia's formal laws may state. In contrast, in Borana, Oromia region, society is less patriarchal, and state laws and the customary system govern women's land rights without influence from a religious system. As a result, women have relatively equal status to men when it comes to land use and many women have private plots and participate directly in the management of communal lands. There does, however, continue to be discrimination against women concerning land inheritance (Abebe and Flintan 2021).

Legal pluralism: When both customary and statutory law are recognized or applied, understanding the relationships in practice is important (Benda-Beckmann 2006). Giovarelli and Scalise (2016) note that women's land rights are more secure when they have both cultural and legal legitimacy and when they are recognized in statutory law, customary law, and community and family norms. Conflicts may be handled through customary processes or through statutory courts.

Examining women's land rights and policy and legislation in Ethiopia, Belay and Flintan (2021) note that it is not feasible to simply replace the customary system, as state law has not been developed with concern for customary norms. On the other hand, adhering solely to the customary system will likely not benefit the interests and rights of women in the long term. Instead, the authors conclude that legal pluralism is advantageous in the short term because it provides additional avenues for land users, including women, to access their land rights. The study's interviewees also generally support legal pluralism, likely because it would allow landholders an option of where to turn for legal assistance.

International legal agreements: Numerous international conventions provide a solid foundation for women’s rights to land and resources, or for collective rights to land, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (ILO Convention 169), the United Nations Declaration on the Rights of Indigenous Peoples UNDRIP, and the Ramsar Convention for the protection of wetlands. These are reinforced by other international agreements such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs) and the Sustainable Development Goals (SDGs) (Errico 2021). These provide principles and indicators to monitor progress that become useful to support accountability and compliance among the signatory countries.

While these have broad coverage, the extent to which they apply in practice varies. A UN study found that “at least 115 countries specifically recognize women’s property rights on equal terms with men” (UNWOMEN and OHCHR 2013: 3), yet implementation and enforcement is weak. “Even in countries where good laws exist, women frequently do not enjoy their rights to access and control productive resources. Implementation is too often hindered by sociocultural norms and women’s lack of knowledge of their entitlements” (Ibid).

Threats and Opportunities

Threats and opportunities regarding land rights are often catalysts of change. By identifying potential threats, it is possible to consider how to mitigate or overcome them. Potential opportunities can include legal reform processes, openings for new projects and interventions that support more equitable access to land and resources and may give greater

voice to social movements. Below are some of the threats and opportunities that should be considered in any assessment of collective tenure security, including women's rights.

Legal and Policy Reforms

Legal and policy reforms may include those that are directly addressing issues of land and land tenure, such as the formalization of tenure, or forest or rangelands policy. The reforms may also be addressing broader issues, such as quotas for women in governance bodies, which indirectly impact tenure security.

Formalization of tenure: The formalization of land rights, through titling or privatization, often has negative consequences for collective tenure. In many instances, the privatization of land breaks up the collective lands and distributes them among individuals. These may be individuals from the community or outsiders. And these processes often exclude women. Mwangi (2007) shows how the Kenyan process of rangeland privatization; granted land titles to men; the only women who received titles were widows, who received much smaller holdings than men received. Women lost out from the breakdown of access rights through the collective and did not directly gain from individualized tenure. As Adoko and Levine (2009) put it, "they fell between two stools." Even in cases where reform processes aim to formalize collective tenure, processes of recognition of collectives tend to lag behind tenure interventions that prioritize formalization of individual tenure rights (Monterroso et al. 2021). This increases pressure for individualizing collective rights, simultaneously increasing the vulnerability of collective lands in cases of mounting pressures (Monterroso et al. 2019).

Within collective tenure, consolidating or documenting the rights of one group may weaken or erase the land rights of other groups who also have legitimate, historical rights to the

land. The complex interrelations between rights and rights-holders can be considered as a “web of interests” (FAO 2002; Arnold 2002). Vesting all rights—especially exclusion and alienation rights—in one group inherently cuts off the access and use rights and future claims of others. Pastoralists with customary claims to graze their flocks on crop fields after harvest may lose these rights when farmers are granted exclusive title. Or women who depend on gathering fodder from a forest may lose access when an investor or a neighboring community is granted exclusive title. Meinzen-Dick and Mwangi (2009) caution that formalization processes such as individual titling may not only undermine the rights of women, but “cut the web of interests” that are important for the functioning of collective tenure. As Adoko, Akin and Knight (2011: 6) point out:

To ensure appropriate solutions, policy makers and women’s rights activists must endeavor to understand customary land laws correctly. ... The solution is therefore not the inappropriate imposition of rights from freehold tenure onto customary lands – but a more nuanced, culturally-appropriate modification of customary rights to ensure women’s equal rights within the customary legal framework.

The formalization of collective lands or forests may grant rights to the entire village or collective (Larson et al. 2019). This may involve titling or registering land in the name of the community (as under India’s Forest Rights Act or in many Indigenous communities in Latin America), or land use planning processes, such as Tanzania’s joint village land use planning processes, which provide rights to grazing lands for pastoralist communities (Kalenzi 2016). This may open up opportunities for women to participate in the governance or it may exclude them. In Peru, the formalization of Indigenous communities in the Amazon involves a requirement to

develop community statutes defining institutional arrangements, and some women have taken the opportunity to change rules of participation. In one village, for example, the community eliminated the requirement that a woman had to be married to have access to village land (Larson, et al 2019). Thus, these changes open up a complex set of possibilities, both positive and negative.

Policy Reforms: In addition to reforms directly related to land tenure, other policy reforms can affect women's participation in governance and the benefits that they can derive from collective tenure. In a policy reform process, the state will define who is considered as a member to participate in the process. Under the social forestry reforms in Indonesia, the household participates in the initiative, usually represented by the male household head (Siscawati 2017). In Uganda, under collaborative forest management agreements, membership is individual, and men and women may both opt in (Nsita et al. 2017). Thus, they may be inclusive or exclusive of women. Both of these grant use rights, rather than ownership rights.

Policies that specify quotas for membership by women or certain ethnic groups in local government bodies (such as India's Panchayati Raj Act) or user groups (such as the guidelines for community forestry or joint forest management in Nepal) can increase space for women's voices (Agarwal 2010).

Development Projects and Interventions

A range of development projects and interventions have been implemented by government agencies and NGOs within collective lands. They may be designed specifically to have an impact on tenure security, such as Namati's programs to help communities secure collective lands and address internal governance arrangements. Or they may have a different objective, but indirectly affect tenure security. For example, interventions to develop enterprises

using forest or rangeland products may inadvertently limit access to the resources to members of established cooperatives only. This may reduce the rights of those who are not cooperative members.

Such development projects may have varying effects on different groups of women. For example, in northern Kenya, a 30-year process of transformation from pastoralism to agro-pastoralism has been underway. A central feature in this transformation was the use of enclosures for land rehabilitation, initiated by an NGO, Vi Agriforestry. This presented both opportunities and challenges for women. When Vi Agriforestry first introduced enclosures, women were more willing to embrace the new land use techniques as they were less mobile than the men. The enclosures increased the status of some women within the community, opening up new women-dominated livelihood strategies such as poultry production. But only women whose household had access to an enclosure were able to benefit, excluding some women (Nyberg et al. 2015).

Projects to empower women or to increase their voice within public forums may have a positive impact on women's tenure security if they strengthen women's voice in governance of the collective lands (Knight et al. 2012). For instance, early agricultural development projects in the Gambia aiming to improve agricultural production by opening new lands for irrigation, such as the Jahally Patcharr Project (1981-1991) overturned the gender division of labor and existing land ownership and user rights. While women provided the majority of labor in rice fields, men maintained customary control over production as heads of household (Carney 1993; Levien 2017). Women resisted this loss of land rights; as a result, in subsequent projects, land used for rice cultivation was reverted to women farmers, who organized in *kafos* (groups of women farmers) allowing them to negotiate better land contract conditions for women beneficiaries with

individual headmen. The Gambian irrigated rice projects have been hailed as a good practice regarding women's land rights, however, the effective "success" of conferring rights to irrigated rice land onto women is merely a reversal of the adverse effects of previous development projects (Monterroso et al. 2021).

In a more positive example, Namati's work with communities in securing collective tenure in Uganda and Liberia, and working with communities to draft bylaws led to increases in women's substantive and procedural rights. Procedurally, the process appears to have shifted community members' perceptions that land is "men's business." Many communities' by-laws/constitutions include new provisions stating that women and youth must have elected representatives on permanent governing bodies responsible for community land and natural resource management. Meanwhile, women reported feeling as though their community took women's opinions seriously during the by-laws/constitution drafting discussions. Substantively, the process provided an opportunity for women and other vulnerable groups to actively challenge discriminatory customary norms and practices and argue for the inclusion of stronger protections for their land and inheritance rights.

Civil Wars and Conflict

Land is often at the root cause of conflicts and civil wars (André & Platteau 1998; Verwimp 2005). The capacity of the state to enforce land rights and to do so in a consistent and transparent manner influences both the potential for conflict and tenure security. In the short run, conflicts render tenure much more insecure. Conflicts and civil wars may also have long-term destabilizing effects on communities and collective tenure. Men and women will experience the conflicts and resulting changes differently. In particular, the impacts of the breakdowns in state

and community institutions as well as in the family, may affect men's and women's tenure security differently.

For instance, in Colombia, post-conflict negotiations aimed at reducing the vulnerability of ethnic communities highlight how land rights are affected by violence and displacement. In 1991, constitutional reforms recognized collective tenure and promoted legal protection for Indigenous *resguardos* and Afrodescendent Community Councils (Ruiz 2018). Later in the context of peace negotiations new frameworks were put in place to establish community reparations focusing on the recognition of women's rights to land, under the premise that while both women and men are victims of war, their consequences were different (Cramer and Wood 2017). However, further efforts are needed to examine how violence against Indigenous and Afrodescendant women as a means of deterritorialization and dispossession by enforcing displacement, discontinuity of cultural knowledge and norms, and as a barrier to exercising legal and customary use rights over their collective territories (Bolaños and Monterroso 2022). In particular, concern emerges around how changes in Colombian regulation tended to homogenize women; without addressing specific characteristics, history, demands and perspectives, ethnic and social background highlighting the need to address the multiple dimensions of historical inequality preventing women from fully exercising their land and resource tenure rights (Ibid).

Transformation of Rural Economies

As rural economies transform, greater commercialization and higher incomes often put pressure on communal land tenure. This has particular impacts on communal land tenure, which may face pressure from the expansion of private lands for agriculture, ranches, or recreation.

As land becomes scarcer, communities are redefining ideas about belonging and inclusion in ways that can undermine the land rights of women and members of minority groups.

In particular, women who married into the community, members of minority groups, and outsiders, i.e., people who were not born into the community but moved there as adults, often have the weakest land rights in the community and may be the first to be disenfranchised of their access and use rights (see review in Knight 2010). New market opportunities arise for products from collective lands may similarly result in some people as no longer having rights within the community.

As rural economies transform, we often see patterns of men's migration out of the rural areas. They may migrate to other rural areas with greater opportunities, to cities within the country, or internationally. They may move seasonally, for several years, or permanently. This may have an implication for the governance of collective lands. If many men leave and the community is viewed as less viable, those remaining may have a harder time advocating for their land rights. As the men leave, there may be opportunities for women to take on new roles in the governance of the collective, but increased time constraints on women when men migrate may also limit their ability to participate in meetings and governance (Agarwal 2010).

Large-Scale Land Acquisitions

In response to greater pressure on the land as noted above, increasingly, we see large scale land acquisitions of lands that had been community lands (Alden Wily 2011). Typically, the state claims the lands and then makes them available to the private sector for commercial use.

One of the key issues for lands under collective tenure is who has a voice in the negotiations with the state and with the private firms. The collective governance structure may or may not have a seat at the table and their voice may or may not be considered. A second dimension is whether women are included in the negotiations, whether the specific concerns of women are recognized, whether their needs are part of the agreements, and whether they receive

compensation. In Cameroon, for example, Nnoko-Mewanu (2016) relates how only men were invited to the meeting with investors that demarcated the land, resulting in a map that did not reflect women's uses of the land and forests. Women were not only discouraged from participating, but even threatened if they spoke up.

One example of both threats and opportunities comes from Morocco, where the formalization of tenure was part of a broader strategy of liberalization and privatization. In the early 2000s, the State began seizing collective land and sold it to public or private real estate agencies. As land was seized, thousands of unmarried, widowed, and divorced Soulaliyate women were displaced and denied compensation because land rights are limited to male household heads who have a patrilineal link to the community. These women were forced to move to urban slums and live under extreme poverty to make ends meet, unlike the men from the villages, who were compensated with land or money. Despite the contempt and death threats they received from the men in their villages, through protests and campaigns, Soulaliyate women were able to win recognition of their rights to collective land and to influence policy changes including the right to compensation for land appropriated (EJ Atlas undated, accessed 2021).

The government may also seize land through processes of gazetting for national parks or other conservation areas. In this process, they take collective lands and turn them into public lands or nature reserves, with restrictions on their use. This affects both men and women, but often in different ways, depending on their prior uses of the land and the extent to which they benefit from the new land uses, e.g., through employment.

Action Arena

In the action arena, actors mobilize their resources to influence change. In the context of women's land tenure security on collective lands, at least two distinct types of action arenas are

relevant: the arenas in which the collective seeks to ensure their land rights within the national and local context; and the arenas in which women seek to ensure their land rights within the collective. We need to identify both the relevant actors and the relevant resources upon which they can draw.

The actors may be both internal (those who are directly affected by the outcomes of the action arena) and external (those who have an influence on the outcomes but are not directly affected by it). Internal actors may include individuals, both men and women of different age groups. Both migrants and long-term community members are actors. Those in leadership positions within the community, such as chiefs or religious authorities are particularly relevant actors. In addition, there are numerous group actors, such as family lineages, age sets among the Maasai (Mwangi 2007), councils of elders or other community lands governance institutions as well as the groups managing particular resources, such as a forest users association or the women's group that has the right to harvest a particular forest resource.

Key external actors may include the local and national government leaders, as well as those working in public institutions that affect the collective lands and their resources, including departments of forestry, water, rangelands, livestock, and agriculture. NGOs, both local and international, may influence tenure security by providing information, resources, or advocacy on these issues. Civil society movements may be relevant actors, particularly Indigenous People's movements and women's movements. Finally, international institutions, such as those responsible for treaties, may be relevant actors in some contexts.

The action resources are what are needed to be effective in a particular arena. The arenas and action resources needed to ensure that laws and policies support collective property rights are different from those needed for a particular woman to secure her rights within her

community. This will be particularly relevant when looking into how other dimensions of social differentiation, including age, ethnicity, religion and others may influence how women engage with the collective.

One arena is related to the enacting and implementation of laws and policies around land use. The actors involved would include members of the relevant local and national governments as well as the range of grassroots groups organizing around these issues and the local collective land groups. The action resources needed would be the ability to organize people and speak persuasively in public arenas, as well as money, legal knowledge, and connections to politicians or other influential people. The ability to access research and advocacy resources to support the claims of the collective is another resource; these may be available through links with broader groups such as the Indigenous People's movement.

Social mobilization has been key to advance processes of recognition of collective lands (Monterroso et al. 2019). For instance, in the Peruvian Amazon, Indigenous mobilization was key for implementation, resulting in the titling of over 12 million hectares for 1,300 Indigenous communities (Monterroso et al. 2017). Despite these efforts, challenges to ensure women's participation in local governance processes remain. A study conducted in 20 native communities in Loreto and Madre de Dios showed that while 43% of men participated in forest management related meetings, only 22% of women were able to participate (Cruz-Burga et al. 2019). This constrained women's ability to benefit from and improve livelihoods. To strengthen women's participation in community governance spaces indigenous women established ONAMIAP the National Organization of Indigenous Andean and Amazonian Women. Their focus to work at strengthening how indigenous women engage, with strong focus in supporting capacity building at the local level, ONAMIAP is now considered one of the crucial national Indigenous

constituencies to discuss women's tenure rights and their effective participation in climate change initiatives (Bolanos and Monterroso 2021).

A second key arena is within the community responsible for the collective lands. The action resources here may be different. Kinship networks will play a role in a woman's ability to advocate for her rights. The ability to speak up within community governance structures may be a useful action resource, but where women speaking in public runs counter to social norms, connections to family members or other social networks may be a more important action resource, to mobilize others to advocate for women's land rights (Archambault 2016). The claims on which land rights are based will be different – women will need to advocate based on their claim to be a member of the community, or a good wife or mother.

Nnoko-Mewanu (2016) provides rich examples of action resources in Cameroon, including claims of being a “native” of the area (and calling others—even those who have lived in the community all their lives—“strangers”); status, influence, and power in community decision-making; information; money; lawyers; intimidation and threats of violence or loss of benefits. Her summary of Piacenza's (2012) study of a palm oil project in Kalangala, Uganda illustrates how women's strategies to access arable land were influenced by the action resources they had—and did not have:

The underlying power relations, and women's lack of access to social networks, limited control over family income, and their relative weakness in addressing authority and accessing political circles vis-à-vis men shaped the negotiation over access, control and use of land. This caused most women to rely on intra-household negotiations over land use rights, which were in turn influenced by the woman's social status in the community, and the degree of inequality in terms of

asset ownership and participation in household decision-making (Nnoko Mewanu 2016: 129).

Understanding what happens in each type of action arena is key to identifying the constraints that women (and other collective groups) face in securing their land rights, as well as the types of resources they mobilize and agency they employ. Ideas from successful groups may provide insights for others who are struggling. In so doing, we can identify what interventions might be useful. Where women lose out because they lack action resources of other more powerful actors, it may be possible to build up those resources. Examples of this would be legal literacy or paralegal programs that help women to know their land rights (Knight et al. 2012). It may also be possible to change the way action arenas operate to reduce the constraints women face. For example, because rural women often have limited mobility, ensuring that key discussions take place close to where they live (rather than in district headquarters), and in times and locations that are acceptable and convenient for women to attend would reduce the disadvantages they face. Acknowledging women's agency means asking them what they would want to see, and how interventions can assist them to achieve that.

In Tanzania local NGOs supported pastoralist women to establish pastoral women's rights leadership forums (WRLFs) with the aim of providing a space for them to learn about and defend land rights, strengthen women's leadership and public participation, and enhance women's economic empowerment. A WRLF is made up of 20 women and four Maasai male customary leaders. Customary leaders are trained on different issues surrounding women's social welfare challenges and how these can be addressed. Some WRLF members have also been trained to act as paralegals to support women in their community to claim their rights (Dungumaro and Amos 2019).

Outcomes: Women's Land Tenure Security on Collective Land

Outcomes from action arenas will be reflected in both the tenure security of the collective and of the women who are a part of it.

And these outcomes will feed back into the context and shape the next set of changes that take place. For example, passing legislation to recognize pastoralists rights to land, will shape the context. Similarly, changing the governance structure of the collective lands community to allow women to participate as full members, will also reshape the context.

4. CONCLUSION

An individual's tenure security on collective lands requires both that the collective has secure tenure and that as an individual, she/he has secure rights within the collective. Women face particular challenges with regard to rights within the collective. They are often blocked from having a direct voice in the governance of the collective to ensure that their concerns are represented and may not even be recognized as full members of the collective, further eroding their security of tenure. Similar issues may arise for others whose voices tend to be marginalized within the collective governance, such as migrants.

Better conceptual tools are needed to understand women's land rights under collective tenure, to lay the basis for better empirical studies, leading to sound policy recommendations for these important, but often overlooked, lands.

This conceptualization needs to begin with a better understanding of what tenure security means for women on communal lands and commons, considering the rights of the group, as well as women's rights within the group.

In this paper, we provide a framework for analyzing the factors that influence women's land tenure security under collective tenure. Before designing policies or interventions, it is useful to understand the four components described in the conceptual framework: context; threats and opportunities; action arena; and outcomes.

Better attention to documenting these different components within research on collective lands will facilitate analyses across studies. Individual studies often do not locate their analysis within the broader context and thus leave out information that would be relevant for comparison. Rich descriptive and analytical data on the context provides a means to identify, across studies,

which factors may be different, and thus which factors may be shaping women's tenure security. It may also lessen the potential for interventions that have negative unintended consequences.

Collective lands face a range of threats and opportunities. These may result from changes in formal policy, including land titling and registration programs. While there are documented instances of land titling programs strengthening women's private land rights, there has been less attention to titling or registration to secure collective land rights. Even if registration programs improve tenure security of the collective, there needs to be attention to ensuring that women have secure membership and voice in the governance of the collective lands. Increasing pressure on land from a range of outsiders, from mining companies to large-scale agricultural enterprises and national parks, provides threats to the security of the group, but may also provide opportunities for women to strengthen their land rights and their position within the community through social mobilization, as illustrated in the Amazonian women's example.

Often, as we have documented, changes may have both positive and negative consequences. These consequences will depend on the extent to which people can mobilize the appropriate resources to have their voice heard and to shape policy development and implementation, both at the national level and within the group. More consistent analyses of collective tenure systems using the framework presented in this paper can help to identify which action resources are important for women to advocate for the rights that matter for them within the group, and for the various types of groups to secure their rights to collective lands.

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