



Final Report

**Women's Access and Rights to land:
Gender Relations in Tenure:**
An Advisory Group Working Meeting
convened by IDRC and the International Land
Coalition (ILC)

24-25 May, 2006, Rome (Italy)

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Executive summary

IDRC and ILC jointly convened an Advisory Group Working Meeting on “Women’s Rights to Land: Gender Relations in Tenure” in Rome, 24-25 May 2006, in order to discuss some of the key issues regarding women’s access, identify gaps in research and priorities for future work, as well as define elements of a strategy for such work.

Section 1 briefly mentions the **rationale** for the meeting, highlighting the role of women’s access and control over land plays in securing livelihoods, the lack of gender considerations in land policy formulation and/or implementation, and a gap between research and its application in policy and advocacy efforts.

Section 2 describes the **objectives** of the grant provided to ILC, situating it within a larger IDRC effort to develop a program of support for research and action that can improve women’s access, in practice. For this purpose, an IDRC research support grant was given to ILC to jointly plan and conduct an advisory group working meeting, to identify gaps and priorities for research, strategically move the research and development agenda forward, and build partnerships for future work.

Section 3 summarises the **key outcomes** of the working meeting, highlighting the issues emerging from the presentation and ensuing discussions, particularly in relation to the objective of identifying gaps and priorities for research and a strategic approach to research. The need to synthesise and complement existing information rather than producing new research was considered crucial, especially considering the complexity of pluralistic legal frameworks and practice. In addition to specific under-researched areas, such as gender-sensitive indicators or and the gendered impact of socio-economic changes, how to empower women and encourage agency was considered a central question for researchers in order to contribute to a transformative agenda. To move this agenda forward, two methodologies were also discussed in particular, action research and comparative research.

The **conclusion** sums up the main elements emerging from the meeting, stressing the importance of research as a tool for empowerment and advocacy, and discusses some possible follow-up to the meeting, especially the complementary role ILC could play through an involvement of its membership.

1. Rationale

Access to and rights over land and other natural resources is crucial for the livelihood needs of rural poor households, yet there are considerable social, political, and institutional challenges to be faced—and such challenges are even more pronounced for poor women. Gender inequality in access to and control over resources is deeply rooted in social, political and power relations. Changing social conditions due to migration, HIV/AIDS, and conflict have further contributed to women's vulnerability.

There has been a growing body of research on the importance of resource rights and their key role in rural development and poverty alleviation, as well as, more specifically, research on pluralistic frameworks governing access and rights to resources. Such research confirms women's vulnerability as well as the crucial role women's access to resources can have in securing livelihoods. Research has also produced evidence that gender considerations are neglected in land policy and/or its implementation, despite recognition of gender discrepancies in access and rights to land.

Notwithstanding advances at the level of research, policy and efforts by advocacy groups to lobby for women's improved access to land, rural women continue to face obstacles in securing such access. Even where legislation or policy embody gender equality, it is difficult for women to pursue their rights because of failures in policy implementation, a lack of awareness of their rights, or customary or institutional norms that are at odds with formal law. There is a lack of research on the obstacles women face in practise, i.e. research that can be applied practically to support initiatives that promote women's access to and rights over land.

There is also a disjuncture between research and advocacy, with research not being translated into action and advocacy initiatives not utilising research as a resource. Beyond helping to understand the complex issues surrounding women's access and/or criticising current policies, research should not remain in a vacuum, but should be applied to promote a transformative agenda of improving women's access to and rights over land and other resources.

2. Objectives

As part of its Rural Poverty and Environment programme, the IDRC has identified women's access to resources as a particularly urgent issue, as gender roles in rural areas are changing enormously without the policy implications having been fully understood. In addition, previous gender research had clearly shown a need for a transformative approach, i.e. to focus on how research can change how society looks at gender issues.

In order to understand how research can make such a contribution, IDRC provided a grant to ILC in order to:

- Plan, in collaboration with IDRC, an Advisory Group Working Meeting, including the meeting prospectus, agenda, selection of participants and invitations;
- Produce a brief background issues paper (8-12 pages) to provide an overview of key issues, past actions, and lessons learned from global debates, international agreements, research and other findings;

- Co-ordinate and manage an Advisory Group Working Group Meeting, including logistical arrangements such as participants' travel, accommodation, food, per diems, conference facilities, workshop supplies, production of workshop documents and transport; and
- Produce a summary report of the workshop discussions.

IDRC and ILC convened an Advisory Group for a two-day working meeting on “Women’s Rights to Land: Gender Relations in Tenure” involving 20 participants (including 2 ILC and 2 IDRC staff). The number of participants was limited at a maximum of 20 in order to allow for an active discussion involving all those attending. Key experts from international agencies, researchers and activists engaging in gender and tenure issues in Latin America, Africa, and Asia were invited to provide for a broad and varied perspective (see annex 1).

The purpose of this meeting was to better comprehend formal and informal obstacles, challenges and constraints to women’s access, as well as examples of women’s agency. The **main objectives** of the meeting were to

1. review gaps in and priorities for research (and development at large);
2. develop elements of a strategy to move the research and development agenda forward;
3. build partnerships with key agencies working in this area.

More generally, the meeting was envisaged to contribute to a larger IDRC initiative to develop a program of support for research and action that can improve women’s access, including some activities at the regional level as well as an electronic discussion forum. The initiative emerged from a need to better understand the obstacles and challenges beyond legal frameworks faced by women when accessing land and other resources and to consider the gendered power relations that govern the ownership, control over, and access to land.

As part of an effort to synthesise and complement existing work on the topic through its programmes, IDRC’s Rural Poverty and Environment Programme supported “**scoping reviews**” of nine sub-regions that focused on past and current work on women’s access and the main issues faced per region, key gaps and priorities for research, as well as opportunities for research to add value. The studies also considered questions on pluralistic norms governing land rights, social and institutional impediments faced by women, as well as examples of agency and how these could be strengthened. Finally, the studies considered the linkages between land tenure and tenure over other productive resources.

Two of these scoping studies, on India and Eastern Africa, were presented and discussed at the meeting. A first draft of a paper on the common points and major differences emerging from these reviews also served as input to the meeting, as did a **global issues** paper produced by ILC providing a concise overview of the current “state of affairs” regarding gender relations in tenure as a basis for the discussions at the meeting, including key international agreements and binding laws, recent thinking and research findings, including areas of policy receiving the most attention, and issues/themes addressed in advocacy campaigns to set the stage for discussion. These

inputs were intended build on previous work and avoid repetition, in order to move forward with an effective research and development agenda.¹

The advisory group meeting was aimed at drawing on the expertise and experience of participants, both to check the findings of the scoping studies and to help identify research priorities for future work as part of a broader strategy. In addition to the presentations and ensuing group discussions, participants were encouraged to name the most relevant issues for discussion and further group these top be discussed in working groups. As a result, two working groups were formed to discuss in depth and presented their result on the second day, before the final session of the meeting that summarised outcomes and encouraged participants to suggest ways of collaborating in the future.²

3. Key outcomes

The principal findings and research issues arising from the papers and discussion throughout the meeting can be summarised according to the first two meeting objectives, i.e. to identify gaps in research and define elements of a strategy.

On the issue of research gaps, a need to **synthesise**—and, where necessary, complement— existing information was identified as key to achieving a more **nuanced understanding** of the gendered aspects of access to and control over land, especially the overlap/differences between statutory and customary law in pluralistic systems and how women are positioned within such systems with regards to negotiating access.

Several specific areas for further research were identified:

- Beyond contextual and policy-making analysis the gap between legal frameworks/policy and **implementation** needs to be addressed;
- **Gender-sensitive indicators** for measuring the **impact** of policies and programmes need to be developed to produce credible evidence, especially to make an economic argument for women's access using quantitative indicators. At the same time, qualitative indicators should be used to address status questions related to land, and women's rights should be an overarching theme;
- The linkages between access to **land and other resources** as well as between **natural resources** and **other assets**, such as services (extension) and credit, should be further explored.
- The **gendered implications of social/economic changes** (deagrarianisation, HIV/AIDS, migration, conflict etc.) on livelihoods strategies, specifically the role of access to land (for food security, access to services, identity/status), are under-explored. Two specific phenomena are the gendered impact of HIV/AIDS (inheritance/property rights), mainly in Africa, and whether there is a backlash of violence against women as they improve their access to land (East Africa/India).

Much emphasis was put on the heterogeneity of women as a group, as well as on the various types of land women can access or not. While recognising the need to address

¹ The issues paper as well as some of the scoping studies are available at <http://www.dgroups.org/groups/genderandland/>

² Minutes are available on request from the ILC Secretariat. Please contact Sabine Pallas (s.pallas@ifad.org).

such differences, participants agreed that gendered power relations are the underlying cause for women's lack of access. Thus, **empowerment** should be a general goal of research if it is to support a transformative agenda to improve women's access.

Closely related to this idea of empowerment, **women's agency** was considered to be crucial for a transformative agenda, on which little research or documenting had been done so far. Improving the understanding of the strategies and mechanisms used by women, individually and collectively, to negotiate access, the enabling factors and incentives for collective action, the position of women in pluralistic systems and where such action could be directed, as well as the role of outside support, particularly through research, were all mentioned as critical for improving women's access.

Secondly, to address such research gaps, some **elements of a research strategy** were discussed. It was considered essential to synthesize and build on existing work on two axes, action research and comparative research, as well as to consider some common points for both types of research:

- **Action research** can strengthen actions and capacity at the community/local level, linking capacity-building to grassroots-activism by collecting stories and testimonies and bringing women and their organizations together to exchange their experiences. Action research, especially recording/documenting and sharing builds capacity and thus contributes to a process of empowerment, but it is important to consider how the expectations are raised by action research can be addressed and what impact they have on the whole community, not just women. Working with other stakeholders in the community and not just women is crucial: the changing role of men, for instance, should be addressed, since a failure to do so can lead to resentment or even violence in contexts where new opportunities are opened for women but not for men. In contexts where customary law is predominant, it is essential to engage the traditional leaders that interpret such law in action research aimed at improving women's access, and involving courts, police and other institutional actors can be useful when addressing the gap between policy/legal frameworks and implementation.
- **Comparative research** on common themes and lessons across countries and regions, in partnership with key organizations and actors interested to take this agenda forward can enhance collaboration between those engaged in improving women's access. A stocktaking or mapping of existing initiatives, legal frameworks, etc. could be a first step to allow for comparison (at the global, regional, national, local level). Customary systems, the changes they are undergoing and divergent practice need to be specifically addressed, since they may not fit easily into a format. Equally, for statutory laws, implementation should be mapped for such an exercise to add value to existing work. Identifying indicators and benchmarks for success may be a better approach than to penalize those not fulfilling legal norms, as may be focusing on countries that set a positive example ('beacons of progress') and highlighting examples of women's agency.

For a transformative agenda, identifying approaches to improving women's access that have had a positive impact and a focus on empowering processes that strengthen the capacity of women (and other actors in the field) are crucial for both axes. Both approaches should also be rigorously designed and executed to produce credible evidence (quantitative and qualitative) and should be living and organic, as well as practice-oriented. An inter-disciplinary approach should be encouraged, as should research that considers positive and negative stories, rather than reducing its analysis to problems.

The results of research should be communicated back to those who contributed to it, as well as other actors. For such purposes as well as for advocacy, research should be tailored to its audience, using arguments strategically, for instance, using quantitative data for a technocratic audience. A mapping of legal norms and practise in statutory, customary, and hybrid systems, was suggested as a first step not only for comparative research, but also to assess the situation regarding access to land, particularly for women, in any given country.

In order to close the gaps in research and systematize existing research, alliances with like-minded organizations or others that can contribute should be formalized. Also, networks across women's groups should be strengthened but engagement should not be restricted to usual networks but collaboration should be actively sought with those working on conflict, social change, climate change to link the work on women's access to land and other resources to these topics. It is particularly important to bridge gender and land work, possibly by looking at the role other services (health and education) could play to support women's access to land/resources, or at links between natural capital and other assets (human and social capital, understanding livelihoods). The capacity for gender analysis, especially in civil society organizations working on land, should be strengthened, as should the exchange between gender specialists and land tenure specialists in intergovernmental organizations and bilateral donor agencies.

Land, it was agreed, is more than just an economic issue, an asset to use as collateral. Land is a basic right, it has cultural value, is central to identity and status within a community. The social norms governing the access to and control over land reflect power relations, which are usually biased against women. Improving women's access to land is ultimately a question of power, and research can make a contribution through focusing its efforts on the empowerment of women.

5. Conclusion

During the advisory group working meeting some of the key issues to be addressed in future research were discussed, but it was also stressed that a more than just filling gaps was necessary in order to improve women's access to land and other resources in practise. Rather than continuously creating new research, complementing and synthesising existing research was identified as a way to practically address the obstacles faced by women, and mapping such information was considered a crucial first step.

Much of the debate, particularly during the working groups, focused on research questions, both general, on methods, involvement, feeding back and disseminating results etc., and specifically related to research on women's access, such as the need to map existing legal frameworks of statutory and customary law as well as practise. Though it is important to continue the debate on research methods, it was stressed that the purpose of research should primarily be to empower women. It was stressed that research should have a very practical orientation, so as to empower women's organisations to more strongly represent their own interests to overcome their positions of insecurity, while also presenting research outcomes in a way that directly responds to policy limitations or proposes policy options to decision-makers at various levels. The discussion around agency and how to support it was central in this regard, and seen as the way forward.

The meeting also provided a good opportunity for first contacts between institutions/individuals interested in furthering the agenda for improving women's access to land. Several of the participants mentioned ongoing activities that they offered to share information about and potential partners for collaboration were identified both during the run-up to the meeting and at the meeting itself.

Importantly, the follow-up to the meeting can build on existing partnerships and create new contacts for future collaboration, encouraging synergies between organisations working on improving women's access. Such collaboration should include managing and synthesising information, building on and expanding existing systems, and enriching such information through involving organisations at the grass-roots level.

In terms of research capacity, efforts should be aimed not only at building the capacity for gender analysis among relevant stakeholders, but also at linking the gender specialists and land tenure specialists in a range of organisations, from civil society to intergovernmental. Producing credible and relevant data, tailored to specific audiences, will greatly enhance advocacy work. Furthermore, building partnerships between various stakeholders, such as intergovernmental and bilateral organisations involved in development programmes and non-governmental and community-based organisations, can facilitate dialogue between women's groups and other community-based organisations, and the authorities interpreting and implementing law (customary and statutory).

It is crucial to continue the discussion started at the meeting as soon as possible so as not to lose momentum, and a first step has been made by IDRC-SARO by establishing a DGroup (<http://www.dgroups.org/groups/genderandland/>). This DGroup will serve as a forum to further discuss scoping studies, to be shared as they become available in their final form, and the issues paper. Additional inputs and feedback to the scoping studies not only at a country but also a regional level can inform on progress and bottlenecks and allow lesson sharing. The discussion could then be extended to a wider debate on how to move the agenda forward based on the elements of strategy identified at the working meeting, and could involve more stakeholders at the regional and country level. An effort should also be made to bring gender specialists not usually dealing with land questions, as well as specialists concerned with other natural resources, into the debate.

With an active moderation, the DGroup could lead to a validation of the scoping studies, identify research priorities and define a research strategy. This would allow relating the working group meeting to the larger IDRC initiative to develop a program of support for research and action that can improve rural poor women's access to and rights over land and other productive resources.

ILC's international membership, two thirds of which are civil society organisations mostly from developing countries, could play a role in the grounding and validation of research at community-level. Acting as a hub for information to be shared among members and a bridge between civil society and intergovernmental members, ILC offers a unique platform for dialogue and lesson-sharing. ILC thus suggests exploring further ways of working together with IDRC.

Annexes:

1. Agenda

**IDRC-ILC Advisory Group Meeting on Women's Access and Rights to
Land
May 24th-25th, 2006**

<i>Time</i>	<i>Item</i>	<i>Notes</i>
DAY 1 Wednesday May 24, 2006		
8:30 – 9:00	Registration	Location: Room B201 (except working groups)
9:00 – 9:30	Welcome and Introductions	Remarks by Co-Chairs: Bruce Moore (ILC) and Simon Carter (IDRC)
9:30 – 10:00	Background, overview, objectives, and agenda	Presenters: Liz Fajber (IDRC) and Sabine Pallas (ILC)
10:00 – 11:00	Global Issues Paper	Presenters: Susana Lastarria-Cornhiel (University of Wisconsin) This review document draws on recent research and events and highlights key issues in Women's Access and Rights to Land at a global level (30 min presentation, 30 min discussion).
11:00 – 11:30	<i>Refreshments</i>	
11:30 – 13:00	Sub Regional Studies <ul style="list-style-type: none"> • East Africa (Kenya, Uganda, Rwanda & Ethiopia) • South Asia (India) 	Ritu Verma (TSBF-CIAT) Nitya Rao (University of East Anglia) Nine sub-regional studies have been commissioned to give a regional review of key issues to date; main actors, critical gaps and priorities, and identification of how research may address these issues. Two of these will be presented (20 plus 25 mins discussion per paper).
13:00-14:15	Lunch	
14:15-15:00	Learning Across Regional Scoping reviews	Chair for the afternoon: Sabine Pallas (ILC) Presenter: Liz Fajber (IDRC) A brief discussion paper drawing out common issues across regional studies and regional differentiations will be presented to bring in elements from scoping studies not presented and to introduce issues for discussion (20 minutes presentation, 25 minutes discussion).

15:00-16:00 <i>Rooms:</i> B201 B205 B336 B524	Working Groups on Key Issues <ul style="list-style-type: none"> • What are the research priorities in this issue area? • How can research add value to existing work, knowledge, and policies? • What are the best strategies to address these issues? 	Facilitator: Liz Fajber (IDRC) 3-4 working groups will be formed around key issue areas to prioritize areas/questions of research. Initially, one hour will be spent in plenary to identify and prioritize the issue areas to be discussed in each group. Groups will discuss how research can add value to, rather than re-invent, existing work, knowledge and policies. Groups will discuss practical strategies to address these research questions including ground realities, challenges, opportunities
16:00 – 16:15	<i>Refreshments</i>	
16:15 – 18:00	Working Groups	Participants breaking into working groups for discussion.
Evening 20:15	Conference Dinner at Er Bucatino	Meet outside Santa Prisca Hotel at 20:00
Day 2 Thursday May 25th, 2006		
8:30 – 10:00	Working Groups Continued	
10:00 – 11:00	Outcomes and Synthesis of working groups	Facilitator: Ruth Meizen-Dick (IFPRI/CAPRI) Brief presentation by each group followed by discussion <ul style="list-style-type: none"> - Key strategy elements emerging from the working groups? - Are there key issues missing?
11:00 – 11:30	<i>Refreshments</i>	
11:30-12:45	Framing the Research and Action Agenda <ul style="list-style-type: none"> • How will this improve women's access to land and productive resources in practice? • Clarification of objectives and strategy of research and action agenda • Who should be involved/at which level (global, regional, and national)? 	Facilitator: Bruce Moore (ILC) How will this support women <i>in practice</i> to improve their access to land and productive resources? Who are the key actors that we want to influence/reach and how? Define elements of the strategy to do so: goal, objectives, and types of activities; at multiple levels: global, regional, national. Is this a practical agenda? Who should be involved and how? How can we ensure that the results of this work reach the right audiences?
12:45 – 14:00	<i>Lunch</i>	
14:00-15:30	A Strategy for Moving Forward	Facilitator: Liz Fajber (IDRC)

	<ul style="list-style-type: none"> • Roles, responsibilities, and specific activities for follow up • Resource requirements 	Next stage of activities may involve activities at different scales: global, regional as denoted above. What might some of these activities look like? Who will take responsibility to move these activities forward? What resources are required?
15:30-16:00	Refreshments	
16:00-17:00	Overview and Closing	Overview of discussions; participants' comments on product and process; wrap up and closing by organizers