



SECURING WOMEN'S RESOURCE RIGHTS THROUGH GENDER TRANSFORMATIVE APPROACHES



Investing in rural people



ENHANCING WOMEN'S RESOURCE RIGHTS FOR IMPROVING RESILIENCE TO CLIMATE CHANGE



RESEARCH PROGRAM ON Policies, Institutions, and Markets

Led by IFPRI



RESEARCH PROGRAM ON Forests, Trees and Agroforestry



GENDER Platform

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While land and resources are critical assets for sustaining livelihoods and food security, only 15% of women globally are recognized as landholders (FAO and PIM, 2018). A large body of evidence has shown that security of tenure is important for women to adopt long-term practices like tree planting, terracing, or improvements in the soil – so-called climate-smart practices that help to secure carbon and adapt to climate change (Meinzen-Dick et al., 2019).

WHAT DO WE NEED TO ACHIEVE AT COP26?

SECURE GLOBAL NET ZERO BY MID-CENTURY AND KEEP 1.5 DEGREES WITHIN REACH.

Countries are being asked to come forward with ambitious 2030 emissions reductions targets (NDCs) that align with reaching net zero by the middle of the century. To deliver on these stretching targets, countries will need to accelerate the phase-out of coal, encourage investment in renewables, curtail deforestation and speed up the switch to electric vehicles.

ADAPT TO PROTECT COMMUNITIES AND NATURAL HABITATS.

The climate is already changing and it will continue to change even as we reduce emissions, with devastating effects. At COP26 we need to work together to enable and encourage countries affected by climate change to protect and restore ecosystems, build defences, put warning systems in place and make infrastructure and agriculture more resilient to avoid loss of homes, livelihoods and lives.

MOBILISE FINANCE.

To realise our first two goals, developed countries must deliver on their promise to raise at least \$100bn in climate finance per year. International financial institutions must play their part and we need to work towards unleashing the trillions in private and public sector finance required to secure global net zero.

WORK TOGETHER TO DELIVER.

We can only rise to the challenges of climate change by working together. At COP26 we must finalise the Paris Rulebook (the rules needed to implement the Paris Agreement). And, we have to turn our ambitions into action by accelerating collaboration between governments, businesses and civil society to deliver on our climate goals faster.

This brief sets out to unpack these linkages, directly addressing two of the four COP 26 key goals, improving **the ability to adapt and protect communities**, in particular those more vulnerable to climate change and **strengthen partnerships** that mobilize knowledge and action to improve the recognition and realization of women rights.

COP26



Key messages

- ▶▶ When women hold secure rights to land, efforts to tackle climate change are more successful – and responsibilities and benefits associated with climate change response programs are more equitably distributed.
- ▶▶ Regardless of the indicators used, evidence shows that women are significantly disadvantaged relative to men in terms of recognition and the enjoyment of secure tenure rights. Globally, less than 15% of all landholders are women. Women are less likely to have a legal document proving ownership of their plots – or to have their names on the land ownership document – than their male counterparts.
- ▶▶ Women face diverse and context-dependent challenges and barriers in terms of land rights, and these are often shaped by history, conflict, and political and legal reforms. Some of the issues recur in different contexts, including i) legal barriers emerging from implementation gaps, a lack of awareness, and the enforcement of policies and laws

at a local level; ii) overlaps and contradictions between customary regimes and formal arrangements, and iii) discriminatory social norms and practices at institutional and community levels that limit the recognition and realization of women's legal rights.

- ▶▶ Secure rights to land and the ability to make decisions over productive resources are vital for women's ability to respond to climate change and a key pillar for strengthening climate action and building resilience.
- ▶▶ There is a need to secure women's resource rights to improve the wellbeing of women, children and their communities – and to enhance the effective implementation of development interventions that allow for positive synergies to achieve climate-land-gender outcomes.

Background

Secure tenure, including the ability to make decisions over land and productive resources, is fundamental for enhancing women's empowerment and building resilience to climate variability, socio-environmental crises and shocks (Johnson et al., 2016). Insecure tenure rights – including a lack of clear and formally recognized rights to land – has been identified as a major constraint in engaging women and other historically marginalized groups in climate action initiatives (Larson et al., 2018; Monterroso et al., 2019).

Identifying barriers that constrain women's ability to fully participate in and equally benefit from economic activities and governance processes is also key to enhancing outcomes in mitigation and adaptation processes (Brockhaus et al., 2021; Evans et al., 2021).

When climate actions address existing gaps, recognize and enforce rights, and develop mechanisms for participation, representation and the distribution of benefits, these actors are in a better position to support goals that lead to more effective outcomes (Elias et al., 2021). At the same time, promoting positive synergies to achieve climate-land-gender outcomes, especially those that strengthen rights, abilities, and incentives that promote gender-responsive approaches, can become effective mechanisms for building climate change resilience – which can contribute to efforts to reduce emissions by promoting more sustainable use and management practices (Ibid).

Defining how forest-dependent communities – in particular women, Indigenous Peoples, and pastoralists – participate in the implementation of climate change action is key to advancing SDG goals without risking the further exclusion of historically marginalized groups as initiatives are designed and implemented (Djoudi et al., 2016; Larson et al., 2018). In contrast, not addressing social inclusion concerns and recognizing existing trade-offs risks increasing marginalized groups' vulnerability to being hit by negative impacts from climate change, undermining our efforts for building resilience (Brockhaus et al., 2021).

Tenure relations around land and productive resources play a social role – defining status and political and economic power, and structuring relationships both within and outside the household. When land is held under collective tenure (also known as collective tenure regimes), such as those involving pastoralists, forest-dependent communities and Indigenous Groups, women's rights to land and resources are obtained through membership in the community (Doss and Meinzen-Dick, 2020; Monterroso et al., 2019). Furthermore, women play a key role in producing and providing food in areas that are under high risk of climate variations. This highlights the need to better understand how issues of rights and gender are linked to issues of resilience and climate change (Djoudi et al., 2016; 2011). Women hold unique knowledge that can contribute to the improved stewardship of agrobiodiversity, as well as the use of neglected and often underutilized species, which in turn could improve food security (Shanley and Gaia, 2001).

When climate actions address existing gaps, recognize and enforce rights, and develop mechanisms for participation, representation and the distribution of benefits, these actors are in a better position to support goals that lead to more effective outcomes.



What are tenure rights?

Land rights refer to a broad set of formal and informal rules, norms and practices that regulate how women and men access, manage and benefit from land under different tenure arrangements.

These factors influence how women access land; their ability to make decisions over land; the security of tenure; and their ability to benefit from their land rights.

About this Brief

EVIDENCE FROM AMAZONIA

A study in Amazonia found that indigenous women were able to identify 45 more plant species than their male counterparts in the community. Knowledge of a broad range of plant species is particularly important in situations of food shortages and natural disasters (Ibid).

Despite this, many rural women continue to face significant barriers when it comes to enjoying land rights. This is especially true for Indigenous People, pastoralists and women living in forest- and resource-dependent communities. Women's roles as landholders and farmers have long been disregarded in social practices, and this has been reinforced by a lack of provisions to recognize their rights in national regulatory frameworks (Namubiru-Mwaura, 2014; Johnson et al., 2016). It is also often custom for women's access to land to be mediated by their social and marital status. Existing customary and many legal arrangements defining who has recognized rights and control over land favor men as heads of households (Doss and Meinzen-Dick, 2021). Furthermore, inheritance often follows a patrilineal and patrilocal system that privileges men. For instance, in a survey conducted in sub-Saharan Africa, nearly half (48%) of married female respondents reported feeling insecure about their rights in the event of divorce, compared to 34% of married male respondents (Feyertag et al., 2021).

In cases of divorce, access to land is also contingent on whether women have children. There is a particularly wide gender gap in perceived tenure insecurity, which can have major implications for women's participation in climate response efforts. Addressing social dynamics that reinforce differentiation based on gender, age, ethnicity and socio-economic conditions can help to leverage synergies between efforts to combat climate change – contributing to achieving sustainable development goals, ensuring access to benefits, and promoting active participation. Not addressing existing tensions and risks, such as the sources of tenure insecurity – including overlapping rights and poor recognition that inhibits the ability to benefit further – constrains the global ability to meet the COP26 goals. It is especially detrimental when it comes to adapting and protecting communities that are vulnerable to climate change, and strengthening partnerships that mobilize knowledge and action to improve the recognition and realization of women's rights.

This Brief summarizes relevant findings from socio-legal analyses, combining the review of key legal and policy documents and literature on existing barriers to the recognition of women's land rights. The review analyzes existing tenure systems, identifies tenure interventions recognizing rights to women, as well as barriers constraining their ability to benefit from those rights. The analysis was conducted in four countries – including Ethiopia, Bangladesh, The Gambia and Uganda – and forms part of a wider set of activities underway by the IFAD – supported by Women's Resources Rights Initiative, led by the Center for International Forestry Research and World Agroforestry Centre (CIFOR-ICRAF), the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) and the International Food Policy Research Institute (IFPRI).

In contrast, not addressing existing tensions and risks, such as the sources of tenure insecurity – including overlapping rights and poor recognition that inhibits the ability to benefit further – constrains the global ability to meet the COP26 goals.



What is a socio-legal analysis?

An in-depth review of laws within the context of particular social problems that the law aims to address (Schiff, 1976; Creutzet et al., 2019). Findings draw on the analysis of a country's legal and institutional frameworks that recognize women's land rights, and information on existing procedures and processes for the implementation of tenure interventions. These analyses provide the basis for identifying incongruencies, overlaps, and gaps that pose barriers to the recognition and enjoyment of women's rights to land and productive resources.

Context to the four countries

Socio-legal analyses were conducted in four countries that vary in terms of socio-economic conditions. The countries are densely populated, with more than 60% of their populations still living in rural areas (except for The Gambia). Agriculture and resource-based economies continue to play an important role, both in the share of gross domestic product (GDP) as well as a source of employment – generating more than 70% of the agricultural labor (except for Bangladesh). Ethiopia and The Gambia are divided into ethno-states, therefore intersections around ethnicity, political organization, and socio-economic history are particularly important.

Data from the gender inequality index (GII) used to measure dimensions of reproductive health, empowerment, and labor market participation for the four countries is below the global average (0.42, 2019). While information on gender indicators is scarce, especially in terms of access to socio-economic resources, agriculture is an important activity for women – as a source of both labor and income – especially in Ethiopia and Bangladesh. Although there is an increase in women’s participation in decision-making around access to health, mobility and purchasing power in Ethiopia and Bangladesh, gender gaps persist in The Gambia.



THE GAMBIA

Area	10,689 km ²
Population	2.4 million (2020)
Population density (2020)	238.8
Rural population (% , 2020)	38%
Poverty (headcount ratio, 2010)	25.4%
Agriculture (2020)	22% of the GDP
Labor force in Agriculture	85% (2015)
Proportion of female employment in agricultural sector (2019)	33% of female employment
Women (15-49) engaged in decision making (health care, purchase and mobility)	39% (2013)
Gender inequality index (2019) – global GII is 0.43	0.61
Ethnicity	>95% belong to 9 different ethnic groups
Political Administration	Five administrative provinces and one city (Great Banjul), further divided into Districts and Wards



UGANDA

Area	241,038 km ²
Population	45 million (2020)
Population density (2020)	228.1
Rural population (% , 2020)	75%
Poverty (headcount ratio, 2010)	45.3%
Agriculture (2020)	24% of the GDP
Labor force in Agriculture	71% (2013)
Proportion of female employment in agricultural sector (2019)	76% of female employment
Women (15-49) engaged in decision making (health care, purchase and mobility)	51% (2016)
Gender inequality index (2019) – global GII is 0.43	0.53
Ethnicity	67% belong to 9 ethnic groups
Political Administration	131 districts with parishes and villages

The Global Initiative for Securing Women’s Resource Rights aims to promote and strengthen women’s resource rights in target countries by sharing lessons learned to improve policies, tools and practices. These countries were selected to highlight the multiple challenges women face when it comes to access to rights, but also provided opportunities to enhance women’s land rights in project interventions. IFAD rural development interventions in these countries are diverse – ranging from efforts

to improve women’s access to irrigated lands in The Gambia, to improve access to pasture lands in Ethiopia, to engagement in inclusive value chains in Uganda and to improve access to land that enhances climate resilience in Bangladesh. They all have common goals to contribute to secure livelihoods and improve food security for the most disadvantaged members of rural communities, including women.

Source: Based on socioeconomic indicators in the **World Development Indicators**, the **World Factbook** and the **Global Human Development Indicators** databases



ETHIOPIA

Area	1,104,300 km ²
Population	114 million (2020)
Population density (2020)	101.8
Rural population (% , 2020)	78%
Poverty (headcount ratio, 2010)	35.6%
Agriculture (2020)	35% of the GDP
Labor force in Agriculture	72% (2013)
Proportion of female employment in agricultural sector (2019)	58% of female employment
Women (15-49) engaged in decision making (health care, purchase and mobility)	70% (2016)
Gender inequality index (2019) – global GII is 0.43	0.52
Ethnicity	>85% belong to 9 different ethnic groups (2016)
Political Administration	10 ethnically based, autonomous regional states and two self-governing administrations further divided into district woreda and villages kebele



BANGLADESH

Area	148,460 km ²
Population	164 million (2020)
Population density (2020)	1,265.1
Rural population (% , 2020)	61%
Poverty (headcount ratio, 2010)	19.2%
Agriculture (2020)	13% of the GDP
Labor force in Agriculture	42% (2016)
Proportion of female employment in agricultural sector (2019)	57% of female employment
Women (15-49) engaged in decision making (health care, purchase and mobility)	64% (2018)
Gender inequality index (2019) – global GII is 0.43	0.54
Ethnicity	98% belong to one ethnic group (2011)
Political Administration	8 divisions

Key Findings and Insights



KEY INSIGHT

Tenure

Existing tenure arrangements are highly dynamic. Despite varying histories of colonialism, political conflict and legal reforms, customary systems continue to play important roles. Most countries have explicitly recognized women's land rights at a constitutional level – except for The Gambia – and have introduced recent reforms on their land administration systems, providing the opportunity to engage women in implementation processes. Ethiopia and Uganda have introduced quotas to engage women in implementation structures, including Land Use Committees and Land Boards. In practice, important differences and challenges to engage women in land administration and land tenure interventions persist.

Governments are promoting different types of tenure interventions (Table 2) to formalize rights to land in some cases, opening opportunities – as well as risk – for recognizing women as individual rights-holders (eg. joint titling) or collectives (eg. pasture land communities, indigenous territories). These interventions are not only restricted to land, they also involve access to other resources, including pasture lands, forests (eg. protected areas) and water (eg. irrigated lands).

OUR FINDINGS SUGGEST THAT TENURE INTERVENTIONS MAY HAVE DIFFERENT AND OVERLAPPING OBJECTIVES INCLUDING:

BOUNDARIES



P. Wiggers

To establish boundaries (eg. demarcation, regularization) that allow for recognizing women's land rights.

Joint certification in Ethiopia and Uganda and joint titling in Bangladesh are some clear examples of efforts to recognize women as right-holders. Less progress is observed in collective tenure regimes which affect women that rely on such resource systems.

REGISTRATION



IFAD Ethiopia

To clarify, document and register rights (eg. registration) and rights-holders (eg. certification and titling).

Here, the progress in all four countries is less clear. While Ethiopia and Uganda seem to advance, the registration of rights emerges as an important challenge across all countries. A lack of awareness and cumbersome procedures affect women's ability to register their rights to land in some cases.

DISPUTES







IFAD Ethiopia

To establish responsibilities and mechanisms for dispute resolution in cases of overlapping and conflicting claims.

Inheritance and divorce are issues of particular importance to women, as well as increasing external pressures (eg. land acquisition and overlapping rights). Efforts to establish Land Tribunals at a national level have not been functional in Uganda and The Gambia. More promising are local mediation practices that involve and recognize customary authorities. In the case of Uganda, the establishment of local village courts have been key to addressing land-related conflicts of a customary nature. However, women's engagement in these spaces remains both low and with limited decision-making power, which constrains their ability to enforce and protect their rights in the event of external pressures.

Table 2. Tenure systems in analysed countries

 ETHIOPIA	 THE GAMBIA	 UGANDA	 BANGLADESH
CONSTITUTIONAL RECOGNITION OF WOMEN'S RIGHTS TO LAND			
Women have the right to acquire, administer, control, use and transfer property (Art 35)	While the constitution prohibits discrimination, no specific provision is provided in terms of land tenure	Constitution of Uganda recognizes that women have the right to own land in property life and acquire it through purchase, inheritance, gift, or divorce (Art 26[1, 2])	Guarantees equal opportunity and ensures the equal participation of women in all spheres of national life.
TENURE SYSTEM			
All land is state land, usufruct rights are granted through certification process	<ul style="list-style-type: none"> • Freehold, • Leasehold (deemed leasehold, rent) • Customary tenure system 	<ul style="list-style-type: none"> • Freehold tenure • Leasehold tenure • Mailo tenure • Customary tenure 	<ul style="list-style-type: none"> • Freehold tenure • Leasehold tenure • State ownership of unoccupied land (khas) • Trustee land Waqf (Muslim Land) • Debottar land (allocated to Hindu people)
RECOGNITION OF CUSTOMARY TENURE SYSTEMS			
Statutory law does not formally recognize customary land tenure systems	After 1991, customary lands are designated as state land and formalized as leasehold	<ul style="list-style-type: none"> • Recognized formally • About 75% of land is still under customary ownership 	Personal laws are recognized by the constitution allowing issues of inheritance, marriage, and divorce to be guided by religion and custom.
LAWS GUIDING THE RECOGNITION OF WOMEN'S LAND RIGHTS			
<ul style="list-style-type: none"> • Rural Land Administration and Land Use Proclamation (2005) • Revised Family Code Proclamation (2000) • Federal States have their own land regulations 	<ul style="list-style-type: none"> • The Land (Province) Act amended to Lands (Regions) • State Lands Act of 1991 	<ul style="list-style-type: none"> • The Land Act (1998 Amendment Act, 2001, 2004, 2007, and 2010) Succession Act 	<ul style="list-style-type: none"> • The 1984 Land Reforms Ordinance (Ordinance No. X of 1984) • Land Reform Board Act No. 23 OF 1989
TENURE INTERVENTIONS ANALYZED			
Land Certification (including joint certification)	<ul style="list-style-type: none"> • Title deed • Certification 	<ul style="list-style-type: none"> • Land titling • Customary Certification of Ownership (CCO) • Certificates of occupancies (Cos), including joint Certification 	Land titling (including joint titling)

Source: based on findings of socio-legal analyses in study countries.

For the full list of references included in the review, please refer to the socio-legal studies in this series included in the list of Additional Resources.

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Challenges like these are also identified in the type of tenure interventions promoted in incentive-based mechanisms, such as those promoted in mitigation strategies – eg reduced emissions from deforestation and forest degradation (REDD+) (Monterroso and Sills, 2021). Clear and secure tenure rights allow for meeting obligations, and they provide the authority to make land-use decisions and ensure protection against external claims. However, by being relegated as secondary right-holders, women's rights are tied to their marital or social status, which means they face important challenges to access benefits.

Addressing these tenure challenges is a highly contested and political process (Naughton-Treves & Wendland, 2014). While the focus has been on tenure interventions that focus on land – including subsets of the full bundle of rights (access, management, exclusion) – in the context of climate change

actions; others recognize different subsets of the resources or services associated with land (eg. wood, non-wood forest products, carbon rights, water provision) (Bruce et al., 2010; Naughton-Treves & Wendland, 2014). Despite assuring that women have secure tenure rights to these subsets of resources and services, as they are key to ensure their access to benefits, these issues are often overlooked – and this risks the equality of the outcomes of benefit-sharing schemes (Larson et al., 2018). Furthermore, insecure land tenure also influences adaptive responses to climate change. For example, in Uganda, land-use changes in wetlands were tied to increasing floods and insecure land tenure (Aben et al., 2017). Furthermore, Kabasake argues that recognition and support for secure land rights for women should be considered important pathways for building adaptive capacity and resilience (2020).



KEY INSIGHT

Address key barriers

Despite intended outcomes and progress so far, prevailing barriers continue to constrain women's ability to exercise their rights, even when formal regulations are in place that recognize them. Barriers that prevent women's access to, control over, and use of land (and other productive resources) depend on local contexts.

WE HAVE DIVIDED THESE BARRIERS IN THREE DIMENSIONS:

LEGAL BARRIERS



M. Tevelde

Legal barriers emerging from implementation gaps, a lack of awareness, and enforcement. These may include inadequate legal frameworks and the ineffective implementation of policy at national and local levels.

LEGAL SYSTEMS



D. Solomon

Overlapping and contradictory legal systems. These barriers emerge from contradictions between existing customary regimes and formal arrangements and

SOCIAL NORMS



P. Wiggers

Social norms about land – both related to practices of recognition and the exercising of rights. These barriers include discriminatory social norms and practices at institutional and community levels that limit the recognition and realization of women's legal rights.

A literature review conducted during socio-legal analysis shows that at a country level, information on these barriers exists, providing a minimum understanding of how barriers constrain women's recognition and enjoyment of rights. Table 2 provides results of our literature review and indicates barriers at a country level – assessing whether literature recognizes barriers as a problem, and the extent to which adequate information and/or at least minimum understanding of how barriers constrain women's recognition and enjoyment of rights about these barriers by country. In most cases, information is under development or non-existing, underscoring information gaps that need to be addressed to improve policy development.

If ongoing efforts are not recognized or remain poorly understood, attempts to address challenges and increase investments – especially in rural areas where climate actions are being implemented – risk further exacerbating gender inequalities. Recognizing women's land rights and addressing the barriers that constrain their ability to enjoy and secure land rights can also influence their ability to participate and benefit from climate actions at the same time that it impairs their ability to cope with climate change.



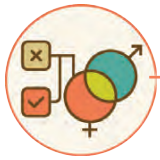
Table 3.
Extent to which literature review shows adequate information and understanding of barriers to the recognition of women's resource rights, by country

 DIMENSION	 BARRIER	ETHIOPIA	UGANDA	THE GAMBIA	BANGLADESH
Legal barriers emerging from implementation gaps, lack of awareness, and enforcement	Long and cumbersome procedures, insufficient staff, lack of capacities for promoting gender-responsive processes,	●	●	●	●
	Poor access to information, lack of legal awareness of legal rights	●	●	●	●
	Lack of mechanisms to coordinate and collaborate across government and CSO organizations that promote an exchange of lessons learned and the identification of best practices on how to recognize women's land rights	●	●	●	●
	Lack of funding earmarked to address gender gaps and existing constraints	●	●	●	●
	Lack of clear roles and institutional structures that provide spaces for women to engage and benefit in implementation and ensure monitoring of progress (e.g. Land Commission, District Land Boards, and Land Committees).	●	●	●	●
	Poor recognition of collective tenure regimes and clarity over how women can access resources within	●	●	●	●
	Lack of clarity on the nature of rights of women in polygamous households	●	●	●	●
	Lack of proper documentation of processes and registration of rights that allow women to enforce their rights in cases of dispute	●	●	●	●
Overlapping and contradictory legal systems	Incongruencies existing in statutory law increase ambiguities in the enforcement of provisions that recognize women's rights, especially at the local level	●	●	●	●
	Existing contradictions between different sectorial regulations result in a lack of clarity, and do not protect the rights for women in cases of widowhood or divorce.	●	●	●	●
	Predominance of customary arrangements guiding tenure practices in practice overruling of formal arrangements	●	●	●	●
	Tenure practices and statutory laws on succession and marriage highly influenced by custom, religion and ethnicity result in contradictions in the application of laws related to divorce, marriage and, inheritance –, limiting the ability of female-headed households, divorce and single women's to access land	●	●	●	●
Social norms about land, both related to practices of recognition and exercise of rights	Social norms that determine the size of landholdings based on household's ability to use the land result in female-headed households receiving smaller land holdings.	●	●	●	●
	Norms restricting women's mobility limit their ability to participate in land formalization processes, to access information and participate in existing governance structures	●	●	●	●
	Customary norms and social practices constrain women from speaking out in public, constraining their ability to claim their rights in committees, limiting also their ability to represent women's interests in committees even when they engage	●	●	●	●
	High levels of illiteracy and poverty constrain women's ability to access information and strengthen their capabilities.	●	●	●	●
	Elite capture and corruption may limit the ability of women to gain recognition of rights or enforce the protection of their rights in cases of dispute	●	●	●	●

KEY

- Literature review shows adequate information and/or at least minimum understanding of how barriers constrain women's recognition and enjoyment of rights;
- Literature review indicates that information is under development with diverse levels of progress;
- Literature review shows information on barriers is non-existent or poorly developed.

For the full list of references included in the review, please refer to the socio-legal studies in this series included in the list of Additional Resources.



Establishing legal structures to protect women's rights

Most countries have promoted reforms – some at the constitutional level that recognize principles to protect women's rights.

In some cases, this may include affirmative provisions to recognize and enforce their rights to land and resources through land tenure interventions, as is the case for large certification processes in Ethiopia and Uganda. Others have increased knowledge and awareness about women's land rights and promoted women's participation across different governance levels. Such is the case of legal awareness campaigns promoted in Uganda to strengthen women's claims and rights to land in cases of divorce, being widowed and other types of disputes.

Customary tenure systems continue to be highly relevant in all countries, particularly in rural areas.

While customary tenure systems are recognized at the constitutional level in some cases, for example in Uganda, in others – for example, in The Gambia – processes of formalizing customary rights may result in changes of customary systems formalized into state tenure systems. In some cases, inheritance, marriage, and divorce issues – which have implications for land rights – are regulated by personal laws dictated by religion and custom.

While all countries have implemented initiatives for the formalization of tenure rights, not all have established institutional structures that ensure women are participating in these processes.

We can draw interesting lessons from Uganda, Ethiopia and Bangladesh where quotas were introduced in law for ensuring women representation in specific structures at different governance levels. Such is the case in Ethiopia, where women are involved in Local Land Use Committees. However, despite these efforts, numbers continue to be small and women's ability to influence decisions in these spaces remains uncertain.

Furthermore, while initiatives have advanced in the reporting of the number of joint certificates and/or titles; efforts to ensure that these are included in public registries and that the data is updated remains an important challenge.

For women in particular, ensuring that their rights are recognized in registries continues to be a challenge – and this becomes a particular problem when faced with land disputes. Another challenge is that tenure interventions promoted to formalize rights have generally prioritized the recognition of individual rights, rather than collective rights over the commons, although the latter is important for livelihoods. This puts women in vulnerable situations – especially women in rangeland communities in Ethiopia (Flintan, 2010). It also affects women that have restricted access to irrigation lands in The Gambia, who risk their livelihoods and food security as they are forced to intensify their practices (Zimmerer et al. 2015).

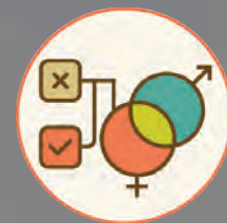


Table 4. Women's engagement in the implementation of tenure interventions

ETHIOPIA	THE GAMBIA	UGANDA	BANGLADESH
IMPLEMENTATION PROCESS			
<p>First Level Land Certification (1998-2004)</p> <p>Second Level Land Certification (2004)</p>	<p>Unclear, women are usually defined as secondary right-holders</p>	<p>First phase (LSSPI 2002-2012)</p> <p>Phase two (LSSP2 2013 - 2023).</p>	<p>Char Development and Settlement Project (CDSP) currently in phase IV</p>
WOMEN'S ENGAGEMENT IN IMPLEMENTATION PROCESSES			
<p>Around 20% of Land Use Administration Committees members at the Village and district level are women (2007)</p>	<p>Not specified in law</p>	<p>One-third of District Land Board members should be women</p> <p>One-fourth of Land Committee members should be women</p>	<p>Existing laws establish quotas of one-third of seats to women in union councils at the local level</p>
RECOGNITION OF WOMEN'S LAND RIGHTS			
<p>Around 35% to 45% of land was registered in the name of women through joint certification</p>	<p>Women are recognized as secondary right-holders with access to land mainly through sub-lease arrangements</p>	<p>16.8% of women had sole ownership of their plots compared to 25.8% for men (2016)</p> <p>53.2% of the plots are jointly owned (mostly husband and wife in a household)</p>	<p>Khas land settlement policy provides ownership of over 50 % of the settled land to the women beneficiaries</p>
COMMONS			
<p>Certification progress has been slow in the arid lowlands, affecting tenure rights to rangelands, where pastoralists remain</p>	<p>Pastures, mangrove and forests. Irrigated lands are managed as commons in some cases</p>	<p>Possible through Communal Land Associations CLA – also engagement of women is unclear. CLA have been organized to access farmland as well as secure access rights in forest reserves</p>	<p>In char settlements, access to fisheries and grazing areas may be considered as commons, but it is not common</p>

Source: based on findings of socio-legal analyses in study countries.

These countries' experiences illustrate the challenges that need to be addressed in order to secure women's land rights. The empowerment of women, including securing rights and access to land tenure, can lead to more successful efforts to tackle climate change, as well as enhanced equitable distribution of responsibilities and benefits associated with climate change response programs, and the broader sustainable development agenda.

For the full list of references included in the review, please refer to the socio-legal studies in this series included in the list of Additional Resources.

Concluding remarks

This Brief argues that the recognition of women's land rights and promoting tenure interventions that secure women's tenure rights remain neglected opportunities to build adaptive capacity, resilience as well as effective mitigation actions.

The Brief synthesizes findings from the analysis of tenure interventions that recognize women's land rights in Ethiopia, Bangladesh, The Gambia and Uganda. Our results show that rural women face barriers to enjoying land rights, limiting their ability to fully participate in and equally benefit from profitable economic activities challenging our efforts to build resilience to climate change and strengthening climate action.

These challenges are diverse and context-dependent, shaped by history, conflict and political and legal reforms. We discussed these barriers around three different dimensions including barriers emerging from implementation gaps, overlaps and contradictions between customary regimes and formal arrangements, and discriminatory social norms and practices at institutional and community levels.

These countries' experiences illustrate the challenges that need to be addressed in order to secure women's land rights and enhance women's adaptive capacities – highlighting secure rights are instrumental points – not only for empowering women, but also to strengthen climate action and building resilience. Addressing barriers to the recognition of women's land rights is a critical and often overlooked strategy toward climate change action and sustainable development goals.

When women hold secure rights to land, efforts to tackle climate change are more successful, and responsibilities and benefits associated with climate change response programs are more equitably distributed. If barriers are not recognized or remain poorly understood and remain disregarded, our attempts to promote incentives to adopt sustainable practices in climate actions may further reinforce social differentiation losing opportunities to enhance climate-land-gender outcomes.



References

- Aben, C., Friis-Hansen, E., Bashaasha, B., & Okiror, J. (2017). Competing interests over natural resources and adaptation to climate change: the case of rice cultivation in the Gweri wetlands, Uganda. *Decentralized Governance of Adaptation to Climate Change in Africa*, 111.
- Brockhaus, M., Di Gregorio, M., Djoudi, H., Moeliono, M., Pham, T. T., & Wong, G. Y. (2021). The forest frontier in the Global South: Climate change policies and the promise of development and equity. *Ambio*, 1-18.
- Bruce, J., Wendland, K., & Naughton-Treves, L. (2010). Whom to pay? Key concepts and terms regarding tenure and property rights in payment-based forest ecosystem conservation. *Land Tenure Center Policy Brief 15*. Policy Brief, 15.
- Creutzfeldt, N., Mason, M., & McConnachie, K. (Eds.). (2019). *Routledge handbook of socio-legal theory and methods*. Routledge.
- Doss, C., & Meinzen-Dick, R. (2020). Land tenure security for women: A conceptual framework. *Land Use Policy*, 99, 105080.
- Djoudi, H., Locatelli, B., Vaast, C., Asher, K., Brockhaus, M., & Sijapati, B. B. (2016). Beyond dichotomies: Gender and intersecting inequalities in climate change studies. *Ambio*, 45(3), 248-262.
- Evans, K., Monterroso, I., Ombogoh, D. B., Liswanti, N., Tamara, A., Mariño, H., ... & Larson, A. M. (2021). Getting it right, a guide to improve inclusion in multistakeholder forums. CIFOR.
- FAO and PIM, 2018. The Gender Gap in Land Rights. Available at <https://www.fao.org/3/i8796en/i8796EN.pdf>
- Feyertag, J., Childress, M., Langdown, I., Locke, A., & Nizalov, D. (2021). How does gender affect the perceived security of land and property rights? Evidence from 33 countries. *Land Use Policy*, 104, 105299.
- Johnson, N. L., Kovarik, C., Meinzen-Dick, R., Njuki, J., & Quisumbing, A. (2016). Gender, assets, and agricultural development: Lessons from eight projects. *World Development*, 83, 295–311.
- Kabasake, C. (2020). Climate change adaptation and women's land rights in Uganda and Kenya: Creating legal pathways for building the resilience of women. *Gender & Behaviour*, 18(2), 15458-15475.
- Larson, A. M., Solis, D., Duchelle, A. E., Atmadja, S., Resosudarmo, I. A. P., Dokken, T., & Komalasari, M. (2018). Gender lessons for climate initiatives: A comparative study of REDD+ impacts on subjective wellbeing. *World Development*, 108, 86-102.
- Larson, A. M., Monterroso, I., Liswanti, N., Herawati, T., Banana, A. Y., Canturias, P., Rivera, K., & Mwangi, E. (2019a). Models for formalizing customary and community forest lands: The need to integrate livelihoods into rights and forest conservation goals (Vol. 253). CIFOR.
- Larson, A. M., Monterroso, I., & Cantuarias, P. (2019b). Gender and the formalization of native communities in the Peruvian Amazon. *CIFOR Infobrief*, 238.
- Meinzen-Dick, R., Quisumbing, A., Doss, C., & Theis, S. (2019). Women's land rights as a pathway to poverty reduction: Framework and review of available evidence. *Agricultural Systems*, 172, 72–82. <https://doi.org/https://doi.org/10.1016/j.agsy.2017.10.009>
- Monterroso and Sills, 2021. Interaction of conditional incentives for ecosystem conservation with tenure security: multiple roles for tenure interventions. In Holland, M.; Masuda, M. and Robinson, B. *Land Tenure Security and Sustainable Development*.
- Monterroso, I., Larson, A. M., Mwangi, E., Liswanti, N., & Cruz-Burga, Z. (2019). Mobilizing Change for Women Within Collective Tenure Regimes. *Resource Equity*.
- Namubiru-Mwaura, E. (2014). *Land Tenure and Gender: Approaches and Challenges for Strengthening Rural Women's Land Rights*.
- Naughton-Treves, L., & Wendland, K. (2014). Land Tenure and Tropical Forest Carbon Management. *World Development*, 55, 1–6.
- Schiff, D. N. (1976). Socio-legal theory: social structure and law. *The Modern Law Review*, 39(3), 287-310.



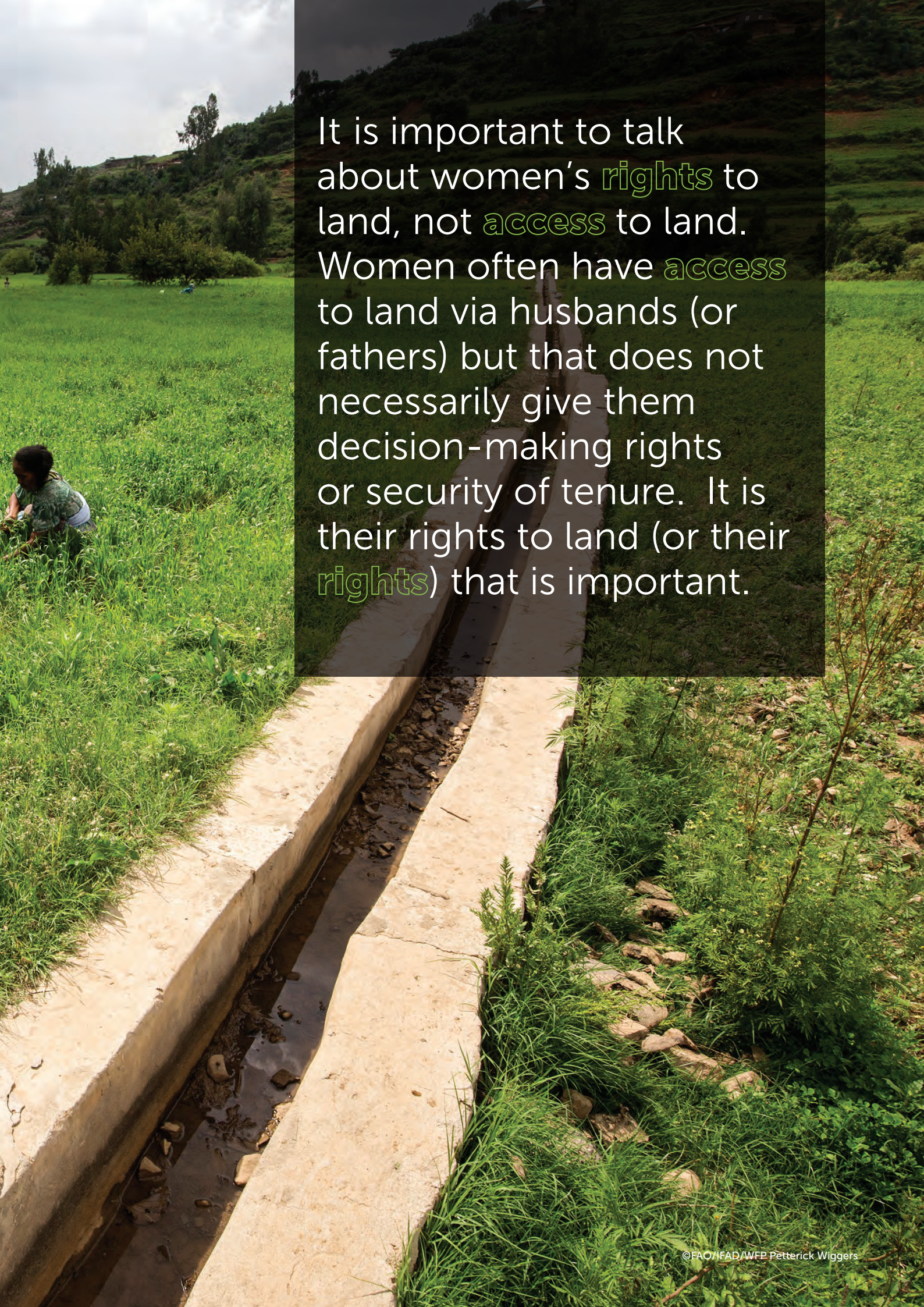
Additional resources

IFAD, 2021. **How to do note: Securing Women's Tenure Rights**

Monterroso, I., Ojong, Enokenwa. & Paez-Valencia, AM. 2021. Women's land Rights in Ethiopia: Socio-legal review. Securing Women's Resource Rights Through Gender Transformative Approaches. (Bogor) Indonesia: Center for International Forestry Research (CIFOR) and International Fund for Agricultural Development (IFAD).

Monterroso, I., Ojong, Enokenwa. & Paez-Valencia, AM. 2021. Women's land Rights in The Gambia: Socio-legal review. Securing Women's Resource Rights Through Gender Transformative Approaches. (Bogor) Indonesia: Center for International Forestry Research (CIFOR) and International Fund for Agricultural Development (IFAD).

Elias, M.; Ihalainen, M.; Monterroso, I.; Gallant, B.; Paez Valencia, A.M. (2021) **Enhancing synergies between gender equality and biodiversity, climate, and land degradation neutrality goals: Lessons from gender-responsive nature-based approaches.** Rome (Italy): Alliance of Bioversity International and CIAT. 36 p. ISBN: 978-92-9255-218-3

A woman is seen working in a lush green field, likely engaged in agricultural activities. The field is vibrant green, and a concrete irrigation channel runs through it, filled with water. The background shows rolling hills under a cloudy sky. The text is overlaid on a dark, semi-transparent rectangular area in the upper right portion of the image.

It is important to talk about women's **rights** to land, not **access** to land. Women often have **access** to land via husbands (or fathers) but that does not necessarily give them decision-making rights or security of tenure. It is their rights to land (or their **rights**) that is important.



The Center for International Forestry Research (CIFOR) and World Agroforestry (ICRAF) envision a more equitable world where trees in all landscapes, from drylands to the humid tropics, enhance the environment and well-being for all. CIFOR and ICRAF are CGIAR Research Centers.



RESEARCH PROGRAM ON Forests, Trees and Agroforestry

This research was carried out by CIFOR-ICRAF as part of the CGIAR Research Program on Forests, Trees and Agroforestry (FTA). FTA is the world's largest research for development program to enhance the role of forests, trees and agroforestry in sustainable development and food security and to address climate change. CIFOR leads FTA in partnership with Bioversity International, CATIE, CIRAD, INBAR, ICRAF and TBI. FTA's work is supported by the CGIAR Trust Fund: <https://www.cgiar.org/funders/>



RESEARCH PROGRAM ON Policies, Institutions, and Markets Led by IFPRI

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GENDER Platform

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