STRENGTHENING DRYLAND WOMEN'S LAND RIGHTS:

LOCAL CONTEXTS, GLOBAL CHANGE

Thematic Paper 1 in the series 'Women's empowerment in the drylands'

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CONTENTS

Acronyms and abbreviations v

Acknowledgments vi

Executive summary vii

1. Introduction: Women's empowerment in the drylands 1

Figure 1: Conceptual framework for the study 3

Strengthening dryland women's land rights: local contexts, global change 4

2. Drylands, land rights and gender 5

2.1 Land rights 6

2.2 Drylands and land rights 7

2.3 Gender and dryland land rights 9

3. Key challenges for drylands and women's empowerment 13

3.1 Generic drylands challenges of relevance to land rights 14

3.2 Challenges for dryland women relating to land rights 20

4. Opportunities for women's empowerment in land rights 25

4.1 Trends providing opportunities for dryland women 26

4.2 New engagement at the international level 26

4.3 Expansion of progressive legislation on women's land rights in dryland countries 29

4.4 Greater recognition of people and environment-centred land governance and the value of customary systems in dryland zones per se 32

4.5 Growing decentralization and efforts to strengthen local institutions in the drylands 33

4.6 Opening space for women's political representation for land rights and increased social movements 33

4.7 Harnessing development initiatives to facilitate more equitable land rights 34

5. Learning from experience 35

5.1 Informing policy and practice via in-depth understanding of local context 36

5.2 Considering the full bundle of land rights 37

5.3 The role of secure land rights for women in underpinning sustainable land management and income generation 37

5.4 Working with the adaptive capacity of customary law to secure land rights for women 39

5.5 Building an enabling statutory framework 40

5.6 Adaptation of land registration processes to drylands 41
5.7 Education and Communication on dryland women's land rights 43
5.8 Supporting women as agents of change through women's groups and social movements 44
5.9 Working with men 45
5.10 Increasing women's representation 47
5.11 Gender mainstreaming and land rights as part of dryland development projects 47
5.12 Land rights alone are not enough 48
5.13 Lack of evidence base and need for appropriate data 49

6. Strategic actions 51
6.1 Overview 52
6.2 Policy actions 52
6.3 Actions on institutions 53
6.4 Capacity strengthening actions 54

REFERENCES 56
Appendix A: Gender Evaluation Criteria 60
Appendix B: Innovative tools in land tenure and gender sensitivity – Social Domain Tenure model 61

LIST OF TABLES

Table 1 Dimensions of women's land rights 10

Table 2 FAO's Land Assessment Tool (LAT) Country scores on gender equality in land tenure for selected dryland countries 30 - 31

LIST OF BOXES

Box 1: Outcomes from land formalization processes in Niger, South Africa and Mali 14

Box 2: Contestation over land management in Eastern Cape, South Africa 15

Box 3: Sedentarization and resource struggles in south-west Tanzania 15

Box 4: Political instrumentalism in north-west Kenya 16

Box 5: The Impact of Mining on Human Rights in Karamoja, Uganda 17

Box 6: Diversity in regional experiences of environmental pressures 19

Box 7: Women and group ranches in Kenya 22

Box 8: Women and Municipal Land Committees in Niger 23

Box 9: Sustainable Development Goals and Land 27

Box 10: Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) and gender 28

Box 11: New Donor Initiatives: DFID's LEGEND programme 29

Box 12: UNCCD, gender and land rights 29

Box 13: Building regional capacity in social and gender research in Agricultural Research Institutions in Middle East and North Africa (MENA) region 37

Box 14: Changing production systems and women's traditional crafts in Algeria 38

Box 15: Securing land rights for women and livelihood improvement in North East Brazil 39

Box 16: Lessons from non-dryland contexts – improving gender equity in the mediation of land rights among local institutions in Rwanda 40

Box 17: Namibia's Communal Land Reform Act and women's rights 41

Box 18: Community demarcation in Mozambique 43

Box 19: ActionAid's Women's Land Rights Project in Andhra Pradesh, India 45

Box 20: IFAD's experience in facilitating stakeholder negotiations in support of land rights for landless women in Burkina Faso and Ghana 46

Box 21: The Evidence and Data for Gender Equality (EDGE) 50

ACRONYMS AND ABBREVIATIONS

CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CLRA	Communal Land Reform Act, Namibia
CSO	Civil Society Organization
DFID	UK's Department for International Development
DHCP	IFAD-led Dom Hélder Câmara Project, Brazil
FAO	Food and Agriculture Organization of the United Nations
GEC	Gender Evaluation Criteria
GLTN	Global Land Tool Network
GPC-Nairobi	Global Policy Centre for Resilient Ecosystems and Desertification
IDLO	International Development Law Organization
IFAD	International Fund for Agricultural Development
IIED	International Institute for Environment and Development, UK
ILC	International Land Coalition
ILCA	International Livestock Centre for Africa
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
iTC	Community Land Initiative, Mozambique (known in Portuguese as Iniciativa para Terras Comunitárias)
LAT	Legislative Assessment Tool
LEGEND	Land: Enhancing Governance for EcoNomic Development programme, DFID
MCC	Millennium Challenge Corporation
NARS	National Agricultural Research Systems
NGO	Non-governmental organization
PhD	Doctor of Philosophy degree
SAGA	Social and Gender Analysis
SDG	Sustainable Development Goal
STDM	Social Tenure Domain Model
UN	United Nations
UNCCD	UN Convention to Combat Desertification
UNDP	United Nations Development Programme
UN-Habitat	United Nations Human Settlements Programme
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure
WB	World Bank
WCA	World Census of Agriculture

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EXECUTIVE SUMMARY

Land and land-based natural resources are the foundation of livelihoods for millions of people and are related to social, cultural and spiritual identity. This is particularly the case for drylands people, who, due to low and variable rainfall and water availability, have developed adaptive strategies in response to seasonal, climatic and environmental change. Gender roles play an important role in these dynamics, where men and women often undertake different livelihood activities to manage difficult ecological conditions. Consequently, socio-cultural norms embedded within dryland systems have changed over time to govern land and natural resources, often on a communal basis.

This study was commissioned by the UNDP Global Policy Centre on Resilient Ecosystems and Desertification (GPC-Nairobi) and the UN Convention to Combat Desertification (UNCCD), in order to explore issues of dryland women's land rights. It is a series of reports on dryland women which includes Land Rights (Thematic Paper 1), Governance (Thematic Paper 2) and Resilience (Thematic Paper 3).

Women's land rights and their importance for women's empowerment and development goals have gained increased prominence in recent years. However, gender inequality in land rights in dryland countries and in developing countries more broadly remains pervasive. This is related to discriminatory socio-cultural norms in customary and statutory institutions and practices, along with the lack of women's representation in decision making. At the same time, land rights in the drylands are also precarious. Dryland communities typically experience restricted access to land, vulnerability to land loss and appropriation, and unclear ownership and property rights. Power relations play an important role in who has access to and control over contested spaces, which constrain land access for drylands people, and enforce inequality between men and women.

A stronger framework for addressing land rights in the drylands is essential if drylands communities are to be able to negotiate their rights and access. However, the unique characteristics of land use and governance in the drylands, and women's rights within this, are often unrecognized. For example, women may experience different types of land rights compared with men (such as use rights as opposed to decision making rights or ownership), and these rights can vary by the type of household in which they live, their age, status and position, the type of community and religion. Land rights are complicated further for dryland women, in contexts characterized by shared and pooled resources and mobility.

There are a number of challenges to achieving land rights in the drylands. This includes inappropriate land tenure policies that have traditionally ignored important features of dryland land governance, such as communal property and mobility. The prevalence of both customary and statutory tenure systems in the drylands leads to contexts where multiple sources of rights exist alongside one another leading to instances of abuse, and the lack of local governance capacity is an enduring challenge. Furthermore, land rights do not often include responsibilities for land management, resulting in further degradation of land. Increasing land acquisitions and environmental pressure have also increased competition and conflict over land and natural resources.

However, as land resources become increasingly limited in the drylands, women tend to lose out more. Women are found to face additional constraints to land rights in the drylands due to their spatial and gender marginalization, which is a result of women's lack of recognition and representation, and maldistribution of resources.

The diversity of local contexts and limited accuracy and availability of statistical data makes generalizations about women's land rights difficult. Notwithstanding, there are a number of common themes of women's exclusion of land rights occurring along the lines of gender justice:

- Lack of r**ecognition** of women's land rights independently of men and other social relationships, as community members and citizens of the state. This is related to the undervaluing of women's roles and the lack of recognition of women's land rights in different land tenure systems – both customary and statutory systems. Overall there isn't one system that can bring about greater gender equality for dryland women.
- Lack of women's **representation** in the drylands at the household level and land-related governance institutions, related to the lack of recognition of women's land rights. These issues intersect with other injustices such as poverty, illiteracy, lack of education and poorer health and levels of education, which affect women's ability to participate in decision making and governance processes. Furthermore, the political framing of land rights, which links territorial space with particular conceptions of economic development, can exclude women's traditional rights and practices to land.
- Unequal **distribution** of land rights in the drylands, where land distribution is skewed in favour of private individual ownership or elites, and is inherently patriarchal where land rights are gained through relationships with men in the majority of dryland areas. This is due to bias in state, customary and market systems and entrenched gender and social inequalities.

A number of opportunities exist for dryland women's empowerment with respect to land in international research, policy, dialogue and practical action. There is increased international attention on women's land rights among global institutions and international development organizations. There is growing pressure for progressive legislation on women's land rights, with increasing examples of such implementation across the world, including in dryland countries. Greater recognition of the value of dryland systems per se along with more enabling statutory frameworks, presents opportunities to work with customary and local systems to increase gender equality for land rights in the drylands. Other opportunities include the expansion of democratization and decentralization, growing social movements on women's land rights and women's collective action.

A number of important lessons were drawn from existing literature on women's land rights: understanding the local context is essential for effective land reform and interventions for women's rights in the drylands, as the type and source of land rights, along with socio-cultural norms, vary considerably. This means that women's land rights must be carved out from the realities of the locality, while embedded within an enabling legal framework. Dryland and women's land rights need to be linked with sustainable resource management and income generation, for positive impact. In addition, gender equity in statutory land law remains vitally important. There needs to be greater adoption and consistency to international standards, while at the same time working with customary systems to support women's land rights in the drylands.

Clarity on how statutory and customary systems work together for women's land rights and dryland governance is also required, along with tackling the practical barriers that women experience in realizing their land rights, such as having a form of identification or being literate. Furthermore, a formal land title alone is not sufficient for women to improve development outcomes in the drylands.

Education and communication on dryland women's land rights is key and should be part of all dryland development projects. Capacity strengthening should focus on women's increasing ability to negotiate rights among customary, statutory and other systems. Efforts must also include working with men to challenge discriminatory perceptions and behaviours. Furthermore, women must be viewed as agents of change, not beneficiaries, as there is evidence to suggest that there are important spaces of women's influence and power where women's land rights are progressing. Women's underrepresentation in land governance also needs to be addressed as a priority.

Good quality data on women's land rights in developing regions is lacking. Therefore, it is imperative that governments and development organizations working in the drylands commit to improving data collection.

In the policy sphere, national governments need to recognize communal land rights in the drylands, and women's rights within groups and independent of them, in policy and practice. This should be within the context of broader government initiatives to deepen good, democratic and decentralized governance in the drylands with full participation of communities, particularly women. The introduction of quotas for women's representation in land governance bodies, from local to national level, needs to be supported by capacity strengthening programmes. National governments are also encouraged to adopt greater safeguards for women's land rights and support legal empowerment approaches to advance women's land rights. Land redistribution should also be prioritized for communities and women who are identified as experiencing substantial land inequalities.

In the institutional sphere, national governments, supported by international donors, are encouraged to develop an inter-ministerial working group to review policy and practice on dryland women's land rights s. Local authorities and Civil Society Organizations (CSOs) are also encouraged to forge local-level partnerships to strengthen awareness of women's land rights and women's representation. International donors will need to provide support for the development of context-specific programmes to promote women's empowerment in dryland governance systems. Research institutes and CSOs are encouraged to conduct more comprehensive assessments on land customs and practices, including their gendered nature, in all dryland development projects and investments. It is recommended that they work with the media to increase awareness of issues around women's land rights in the drylands. This can be supported through high-level policy dialogues. National governments and national statistics offices are to direct efforts to improve land administration systems to collect gender-disaggregated data on the full 'bundle of land rights', among different tenure systems.

We recommend that:

- Donors and national governments fund awareness campaigns on women's land rights in dryland areas with leading women's organizations.
- National governments, with the support of international donors, direct investment, as a priority, to strengthening the capacity of local land governance structures, state and customary, in equitable and gender-just land governance, and governance more generally.
- National governments support the development of local multi-stakeholder review panels with female representatives to assess and approve of development projects and investment in dryland regions.
- The international community, national governments, research institutions and CSOs also need to share good practices (internationally and locally) on pathways for greater gender justice in land rights in the drylands.

1 INTRODUCTION: WOMEN'S EMPOWERMENT IN THE DRYLANDS

1. Introduction: Women's empowerment in the drylands

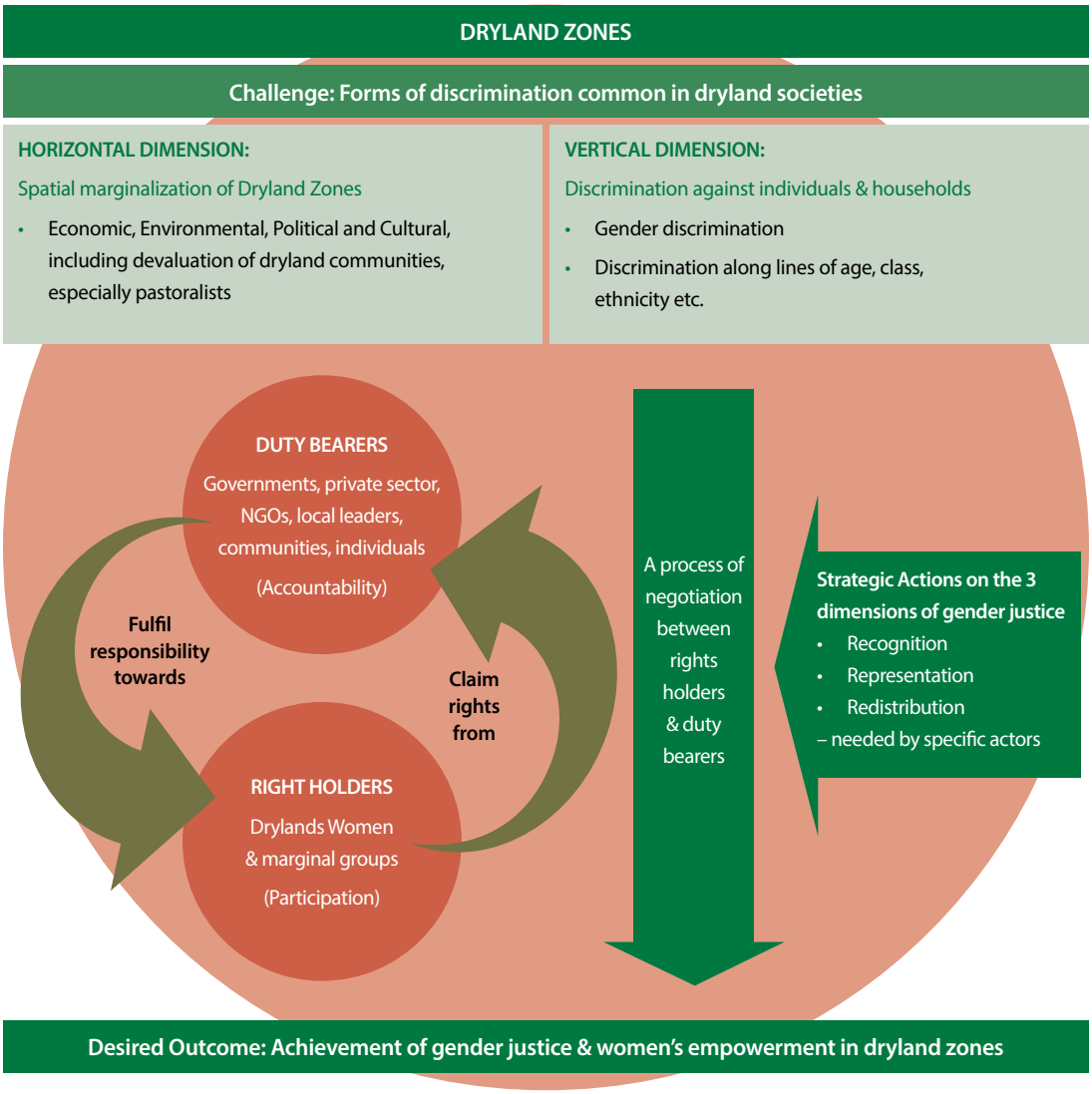
This policy research assignment has been commissioned by the UNDP Global Policy Centre on Resilient Ecosystems and Desertification (GPC-Nairobi), and the United Nations (UN) Convention to Combat Desertification (UNCCD). The partnership recognizes that globally, drylands are important and that women play an important role in drylands development, managing land, crops, forest and water resources, which affect the livelihood options of families. They also recognize that there are new opportunities for women to actively contribute to and benefit from sustainable drylands development if they are supported. However, there is widespread discrimination, inequality and stereotypes that prevent women's participation and realization of their human rights. Gender equality rooted in human rights is thus both an essential development goal on its own and vital to achieving sustainable and inclusive dryland.

The objective of the study is to propose strategic actions in the policy, institutional and capacity spheres to advance the gender equality and women's empowerment agenda in the drylands, in three thematic areas: land rights, resilience and governance. These reports are targeted at policy-makers, but are also of relevance to other drylands stakeholders including civil society, political leaders, traditional authorities and dryland communities and women.

This study presents findings from a review of peer-reviewed and grey literature relevant to women, the drylands and land rights, governance and resilience. Literature was identified through academic journal databases, internet search engines and targeted searches of development practitioners' publication depositories. Searches were conducted based on search criteria derived from the conceptual framework. Literature was also sourced through professional networks of the Natural Resources Institute. Due to the considerable gap in literature that examines the nexus of drylands, gender and social difference, and each thematic area (resilience, governance, and land rights), literature from developing countries more broadly was used to identify possible lessons and geographically-relevant examples, as well as broader thematic literature, for which gender implications have been analysed. In researching these themes, the generic marginalization of the drylands was considered as well as the specific types of discrimination affecting women. Furthermore, a human rights-based approach was adopted with a view to seeking ways of overcoming discriminatory practices and unjust distributions of power.

Our conceptual framework for analysing the literature explores the three dimensions of gender justice as identified by Fraser (2008); representation, recognition and redistribution. Gender justice is achieved at the intersection of all three, i.e. it requires women's empowerment in all spheres. The analytical framework includes the intersection of gender-related inequalities with other forms of identity-based discrimination and delineates the desired roles of duty-bearers and rights-holders in different strategic actions (policy, institutional and capacity-focused) for dryland women's empowerment.

Figure 1: Conceptual framework for the study



1.1 Strengthening dryland women's land rights: local contexts, global change

This paper explores issues of land rights in relation to gender justice in the drylands. The structure of the report is as follows:

- Section two provides a brief introduction to the key land rights concepts, a description of land rights dynamics in the drylands, followed by a closer look at how these processes affect women, as well as explaining the conceptual framework for this study.
- Section three presents the key challenges in dryland zones that are presented with respect to gender and land rights, exploring both the generic challenges of spatial marginalization of drylands and the specific challenges for drylands women.
- In section four, emerging opportunities are identified for dryland women's empowerment in the context of land rights, particularly with respect to overall international development trends and processes arising from field insights and practice.
- In section five, lessons are presented from experience in development programming in drylands zones.
- In section six, priority strategic actions for key stakeholders are set out.

2 DRYLANDS, LAND RIGHTS AND GENDER

This section provides a general overview of the importance of land rights for sustainable development and its definition. This is followed by a brief description of land rights in the drylands. Women's land rights in the drylands are then discussed, with reference to gender justice.

L. Forsythe

2.1 Land rights

2.1.1 Land and sustainable development

Land and land-based natural resources are the foundation of livelihoods for millions of people and are related to social, cultural and spiritual identity. Access to and control over land also contributes to a number of development pathways and the Sustainable Development Goals. Land rights are directly related to increases in agricultural productivity, which is linked to economic growth and poverty reduction. Land rights are also linked to more sustainable resource use, soil conservation, reduction in vulnerability, and have potential for reduced conflicts (UNCCD, 2011; Deininger et al., 2007). Women's access to and control over land in particular is related to improved household food security and nutrition, greater investment in education, greater gender equality and bargaining power, increased social status and social capital, reductions in gender-based violence and HIV prevention (Panda and Agarwal, 2005; UN, 2013; WB, FAO and IFAD, 2006; UNDP, 2008).

2.1.2 Definition of land rights

Land rights are defined as a claim to land that can be recognized by the state or government, along with a social system such as a community. The term refers to a bundle of rights that reflect the different relationships that individuals and groups have to land that are highly context specific. These rights typically include the right to use, control, own, inherit and transact land, and to use as collateral. Land rights are legitimized by different sources, and for this reason, land rights are often referred to as existing on a continuum, which include international agreements, the state, customary and religious systems, the household, and socio-cultural norms. These sources offer varying degrees of recognition, enforcement and security of rights. Different types and sources of land rights interact with one another in dynamic ways according to context, creating a hierarchy of overlapping bundles of rights for different users (GLTN, 2012).

In developing countries and in the drylands, particularly in sub-Saharan Africa and Asia, customary systems, including tenure, play an important role in managing the use and allocation of land and other natural resources. Customary tenure refers to rights of land that are held, not owned, by a group that is commonly of the same lineage or clan, that are often allocated by a family or lineage head on behalf of the group (Bruce and Holt, 2011). Under customary systems, rights to access land and resources such as pasture, forest and water are provided through group membership, and can vary according to factors such as age, gender and marital status. These systems are largely unwritten and flexible and govern inheritance, resource pooling and sharing, and mobility in the drylands.

This results in a complex landscape where different types of rights and sources of rights interact in dynamic ways, which can be referred to as a land rights environment. In the drylands, the land rights environment takes on additional complexity as customary systems are shaped towards facilitating the mobility of people and livestock, which is highly suitable for adaptability to the variability in resources, geography, climate and weather, and sharing between groups.

2.1.3 Land rights and human rights

While there is no explicit human right to land in the international legal framework, equality and non-discrimination in land ownership and inheritance, and the linkage between land and other human rights, such as housing, food and water, is referred to in a number of international legal instruments (Wickeri and Kalhan, 2012). There are also land rights provisions for indigenous and tribal people, which refer to the rights of people who have lived and depended on land resources over time, namely in the International Labour Organization (ILO) Convention 169 on the rights of indigenous and tribal peoples. However, the complexity of land rights in reality, such as land rights outside of ownership and inheritance, along with its ambiguity in international standards and legal mechanisms, has created a gap in accountability, enforcement, and regulatory mechanisms for effective land rights (Tapscott, 2012).

2.2 Drylands and land rights

2.2.1 Livelihoods and land rights in the drylands

The vast geographical coverage of the drylands globally makes any generalizations difficult. In general, there is a mixture of agriculture- and livestock-based systems which arise out of the environmental conditions of low and variable rainfall and water availability. In certain contexts other livelihood activities include wild harvesting, hunting and gathering, tapping gums and resins, collection of medicinal plants, honey production and making charcoal (Flinton, 2012). Adaptation to environmental conditions has taken place over centuries through pastoralism, which is prominent in sub-Saharan Africa and Central Asia. Pastoralism refers to a livestock-based land use and livelihoods system, whereby some or all household members travel for water, and for their livestock to forage, in response to seasonal, climatic and environmental changes (Flinton, 2012; Kitalyi et al., 2005; Hau and Squires, 2015). While pastoralists are predominately rural, they are economically and socially linked with urban areas (Flinton, 2012: 14) (See Thematic Paper 3: Resilience in this series).

The degree of pastoral mobility and reliance on livestock varies by location and changes over time, from highly nomadic (e.g. northern Mauritania and Namibia) to sedentary populations who send livestock short distances (e.g. Asia, Africa, and Latin America and the Caribbean) (Flinton, 2012; Kitalyi et. al. 2005; Choudhury and Jansen, 1999; Devendra et al 2005). However, not all dryland communities are pastoral, livestock based systems. In north-east Brazil for example, large land grants were made by colonial landlords to settle in the region, where extensive cattle grazing and dryland cropping were the major land uses. Labour was provided by migrant farmers occupying small portions of land for subsistence use (Sabourin, 2009; Olalde and Quan, 2011; Quan et al., 2011 and 2012). A key dimension of land rights in drylands is related to human ecology and involves seasonality and mobility. Therefore, dryland livelihoods require norms and rules that govern land and natural resources rights in changing environments, often communally for access to pasture and water, that are agreed between groups.

2.2.2 Land rights narratives

Development narratives around land rights are linked to broader colonial political projects of state-making and private property ownership for market exchange in developing countries, as well as in the drylands, albeit at a slower pace due to perceptions of lower resource value and productivity[1]. This involves a process by which colonial powers attempted to codify, co-opt or override customary systems[2] for control over land, resources and people (Galaty, 2011), in some cases resulting in the forced removal of communities (Hunter, 2004) The state is the basis for legitimizing land rights and is often, but not always, linked to the importance of land titling[3]. This gives power to the state as guarantor, in allocating land rights according to ideas of public interest and the most economically-efficient land use, for example, where private investments are favoured and in irrigable areas.

1 Irrigable areas and also wildlife reserves (which tend to lie on pastoral land) in Kenya and Tanzania for example, are important exceptions.
2 It is argued that customary governance systems are themselves a colonial construct.
3 The process of land registration and recording rights, either in the form of a document associated with the ownership of the land, or else in the form of a register of title to land. (UNECE, 2004).

These narratives were inherently gendered, where transactions and agreements between colonial administration and subjects took place between male household heads or community leaders, to the detriment of women's rights to land. For example, In Kenya, colonial authorities placed Maasai men in political and economic authority and encouraged men to market livestock, resulting in women's loss of access to livestock and livestock products which they had previously possessed (Hodson, 2001 in Smith, 2014). The lack of recognition of women's land and livestock use and ownership influences land and resource inequality today for women.

In the 1990s there was a shift from the emphasis on state-centred individual property towards communal and customary land and natural resource rights in the context of decentralization policies, particularly in the drylands of sub-Saharan Africa (Alden Wily, 2011). This recognizes group rights in decision making and use. This more community-oriented emphasis can potentially offer opportunities for greater gender sensitivity.

2.2.3 Precariousness of land rights in the drylands

Over time, complex tenure systems have evolved in the drylands and in much of the developing world, which has resulted in a complex land rights environment that is highly contextual. However, as a result of insecure land rights, dryland communities are vulnerable to land loss and appropriation (Adam et al., 2015). Power relations play an important role in who has access to and control over contested spaces in the drylands, which ultimately control who will be the beneficiaries. For example, property formalization such as titling or land registration which attempts to bring greater formality and security to land rights, has been shown in a number of contexts to benefit only selected groups, often those politically and economically connected. This has led to greater resource inequalities, land loss and deprivation of use rights in the drylands (Benjaminsen et al., 2011; Peters, 2004; Alden-Wily, 2011).

This is due to a number of challenges including: the history of inappropriate land policy and governance, tensions between customary and statutory tenure systems, lack of local land governance capacity, land usurpation; environmental pressures and increasing competition over land between different dryland actors, the lack of responsibility in the sustainable management of land, and land conflict and violence. These problems tend to prevail despite partial attempts to address them through the recognition of customary land rights and decentralization, which should enable dryland communities to negotiate greater land rights and access as greater power is devolved to the local level. Instead, a stronger framework for addressing land rights in the drylands, where the citizen is central, is required.

2.3 Gender and dryland land rights

2.3.1 Women's land rights

At the same time that there is increasing recognition of the importance for land rights for development, women's land rights are featuring prominently within and independently of these debates, due to their importance for development outcomes, the human rights agenda, and women's empowerment. This is also supported by international human rights frameworks, particularly the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). There is explicit mention of gender equality with regard to the bundle of land rights (ownership, use, access, control, transfer, inheritance and decision making), and the meaningful participation, and protection, of women in land law, policy, and implementation (Wickeri and Kalhan, 2012; UN, 2013).

Despite these international protections, however, women's land rights must be seen in the context of broader marriage and family law, along with local-level customary practices and socio-cultural norms. Without protections in these areas, women can experience insecure land tenure and vulnerability to land dispossession in the case of widowhood, divorce or migration of the husband. It can also leave women with access to only marginal and poor quality land. Land insecurity in turn impacts on all other aspects of livelihoods, particularly on access to credit, agricultural inputs, group membership and social status, along with contributing to resilience, wellbeing and adaption to climate change (UNCCD, 2011; UN, 2013; WB, 2009). In addition, in the context of collective rights, women's independent rights can potentially be weakened under the right to self-determination and customary practice, despite individual women's rights in international law (e.g. under Convention 169) (ILO, 2013).

In the drylands, as in the developing world as a whole, women's land rights vary according to context. Women may experience different types of land rights compared with men, such as the right to access and use land as opposed to legal ownership. Land rights for women can also vary according to: the type of household in which they live, for example male- or female-headed, polygamous, extended family; age and different life periods; position in the household, for example legal wife, second or third wife, cohabiting spouse, daughter or daughter in law; the type of community in which they live, such as common property, patrilineal and matrilineal communities, and religion. These rights can change as women move location, marry or divorce, in which case they may need to negotiate new rights and practices.

Gender also interacts with other forms of discrimination, such as ethnicity, caste, class, disability, including spatiality, of which the drylands context is important. This adds to the complexity of rights in a specific context. Characteristics of dryland land rights systems complicate the situation further for women, as they are predominantly based on communal ownership, shared and pooled resources related to seasonality, and mobility. The table below summarizes the various dimensions to be considered when examining women's land rights in relation to men in different contexts, as mentioned above.

Table 1. Dimensions of women's land rights

Dissagregation	Types of tenure	Type of right	Sources of rights	Land relationship	Type of land use
• **Intra-household** Sex, Marital status Income, age, etc. • **Household** Structure, position in household • **Community** Urban / rural, Patrilineal / Matrilineal	• Freehold • Leasehold • Land rentals • Customary tenure systems • Group titling • Licence to occupy • Squatting on public land	• Use • Control • Own • Inherit • Transact	• Laws / policies / regulations • Marital / family law • Community rights enshrined in law & outside of statutory law	• Individual • Family • Joint • Group • Communal • Common	• Crop • Grazing • Natural product extraction

2.3.2 Contingency and disadvantage in land rights for dryland women

As many dryland communities are themselves excluded from secure land rights, dryland women experience another layer of exclusion by way of their gender, which results in a distinctive context in the drylands. Existing literature on women's land rights demonstrates that women experience disadvantages in access and control in relation to men and weaker bundles of rights than men in developing countries; however, patterns can differ considerably according to context (Quisumbirg et al., 2009; UN, 2013; Deere and Doss, 2006; Adelman and Peterman, 2014).

However, while there is a wide breadth of literature on land rights in dryland areas, particularly in sub-Saharan Africa, the intersection of spatial disadvantage and gender is often unexplored. There is limited accuracy and availability of data on women's land rights in relation to men in developing countries in general, in addition to data from specific territorial spaces such as the drylands. Moreover, country- and regional-level data is often not captured on the full bundle of land rights, and instead focuses primarily on land ownership. However, ownership is only one type of right and definitions can differ according to context. Other types of land rights are often more prevalent among women, such as 'use rights', the right to use a piece of land that is held by another person. This gap results in a poor understanding of women's land rights, which undermines effective policy design (Doss et al.,

2013). More nuance is required for understanding specific trends and patterns in the drylands. This undermines effective policy design regarding women's land rights. While this paper seeks to delineate some of the differences in women's land rights that are specific to drylands situations compared to developing countries in general, drawing on the available evidence, more research is needed to provide a more in-depth analysis which could then inform and potentially improve policy making.

Gender inequality in land rights is often related to patriarchal socio-cultural norms in both statutory and customary land-tenure systems, and the interaction between them, along with processes of land privatization (IFAD, 2006: 4; FAO, 2003:12; Agarwal, 1994; Adelman and Peterman, 2014). Women's lack of decision-making authority and representation in land management and governance is further described in the literature (Bezabih and Holden, 2010; Sircar and Pal, 2014).

Particularly in sub-Saharan Africa and Asia, women's rights can be restricted to use rights derived from men through marital status, which is linked to male lineage (Berge et al., 2014; Odgaard, 2003). In dryland contexts, rights to natural resources located on the land (e.g. water, firewood or tree produce) may also be of importance to dryland women, but again may be restricted to use rights (IFAD, 2006). Women's tenure insecurity is also exacerbated by other trends in the drylands, including demographic pressure, urbanization, and climate variability.

2.3.3 Applying a gender justice framework to land rights

The analysis of literature for this study draws on Nancy Fraser's (2008) framework for gender justice. This framework provides a conceptual basis for understanding the multiple marginalizations of women in the drylands, where dryland marginalization interacts with gender and social difference, producing multiple sites of inclusion and exclusion. The focus on justice emphasizes the universal applicability of norms of justice, which is an important source of legitimacy for human rights and women's rights. Fraser (2008) defines gender justice as occurring on the achievement of redistribution, recognition and representation of women's rights. These three categories are interlinked and interdependent, and act in different ways according to context. Applied to a specific context, they can highlight the key barriers to and opportunities for, gender-just processes and outcomes. Descriptions of the Fraser's three dimensions (2008) as applied in this paper are as follows:

Recognition: refers to the acknowledgement of one's identity; essentially to who counts as a subject of justice. In the drylands, it involves the process of challenging hierarchies of social status and cultural value that marginalize and subordinate women, along with recognizing dryland women as community members with entitlements to independent land rights and participation in decision making. The level of recognition of women's rights can be played out in different ways according to context, varying by different livelihoods and systems (refer to Table 1), discriminatory socio-cultural norms and institutional characteristics.

In the drylands, this requires politics of recognition, but instead of recognizing a group-specific identity, such as a pastoral community, an indigenous community or women), it is the status of individual group members as full and participating members of society that is recognized (Fraser, 2000). Recognition also refers to dryland zones themselves, entailing a revaluing of people and their adaptive socio-ecological systems that give rise to different types of land use and management systems, such as seasonal mobility. If recognition is achieved, it is more likely that the redistribution of land rights and improved representation of dryland women can occur.

Representation: refers to who can participate in politics and decision making in local to transnational levels (Fraser, 2008). It is the process of opening up political spaces and supporting women's empowerment for greater participation of dryland women in decision making with respect to land and natural resource governance and related development projects. This occurs at multiple and overlapping locations, including at the household, local, regional and national levels. For example, at the household and community levels, women are represented as holders of land rights with the ability to participate in and influence decision making regarding land and natural resources. Representation also refers to the greater capacity of women's rights organizations and women's movements to engage with state and customary systems to create change for greater gender equality with regard to land. Importantly, representation also includes the reframing of land rights within the political landscape to address gender injustice, socio-economic inequality and spatial disadvantage.

Redistribution: refers to the process of a planned rebalancing and distribution of land rights and resources for dryland people, and between men and women, in different land tenure systems and including different types of rights. Redistribution also refers to an outcome, resulting from the reorganization of land rights and addressing the unequal control of land and property, management of land and natural resources, and benefit from resources. Redistribution of land rights to women is seen as fundamental for women to address further inequalities.

> **"As long as men have primary control over the resources such as land, women will never be able to overcome socio-cultural inequalities."**
>
> **Fareda Banda,**
> *Banda, F. (2005) Women, Law and Human Rights: An African Perspective.*

3 KEY CHALLENGES FOR DRYLANDS AND WOMEN'S EMPOWERMENT

This section presents the main challenges to land rights and land rights governance in the drylands, and for dryland women's land rights. The first part describes the generic challenges of the drylands of relevance to land rights, identifying factors that are both a contribution to and cause of dysfunctional land rights and land governance. These factors also have important implications for women's land rights. The second part identifies the challenges faced by dryland women regarding land rights, which are linked to misrecognition, misrepresentation and maldistribution.

R. Lamboll

3.1.1

Many dryland regions have experienced inappropriate land governance and socio-economic policies, or policy neglect. As described in section one, this is related to economic- and land-related policies based on private, individual property models, which undervalue pastoral ways of life and their relationship to land. For example, sedentarization and land privatization policies introduced in dryland areas in sub-Saharan Africa, the Middle East and Asia, and implemented through land titling and demarcation, have reduced the mobility of pastoral communities to fixed spaces and have decreased access to communal resources (Dyer, 2013; Davies et al. 2012; Kanoun et al., 2014; Nlamir-Fuller, 2005). Policies promoting the intensification of economic activities on defined spaces have also contributed to land degradation, ignoring indigenous knowledge on sustainable natural resource management in the drylands (Davies et al., 2012). These have ignored overlapping and shifting land rights that are traditional to customary systems in the drylands. For example, the agreements between farmers and pastoralists, whereby pastoralists can use farmer's fields for their livestock to forage on crop residues, and in turn, for their livestock to provide fertilizer for the fields (McCown et al, 1979).

Box 1: Outcomes from land formalization processes in Niger, South Africa and Mali

Processes of land formalization, such as surveying, registering and titling land rights, can be problematic, especially in dryland areas with considerable land pressure. Case studies from Niger, South Africa and Mali reveal different patterns. In Niger the formalization process led to an immediate scramble and competition for land, exacerbated by weak land administrative capacity, causing conflicts. In Mali, land formalization processes were less tense, but characterized by inequality, as processes mainly involved people with power and access to information and resources. In South Africa, land rights formalization was found to change the practice of the rights themselves, from more communal rights to individual rights, contributing to community tension.

Source: Benjaminsen et al., (2009)

Over time, these processes have not only challenged existing communal land governance systems but changed gender relations in relation to land rights. For example, sedentarization during the colonial era in south west Tanzania encouraged men to take up sedentary agricultural activities, which was traditionally undertaken by women, in favour of their traditional roles in mobile livestock herding. This resulted in an increase in the competition over land between different community groups and men and women (Odgaard, 2003). Similarly, in Niger and Mali, women's land use rights were reduced due to the sedentarization of nomadic groups (Monimart and Tan, 2006).

More contemporary policies in the drylands attempt to incorporate new understanding of dryland ecology along with common property resource management, named a "new pastoral development paradigm". This paradigm incorporates devolving governance authority to local groups along with acceptance of livestock mobility. However, these policies have resulted in little change on the ground, resulting from the rift between sustainable dryland management and institutional approaches. Instead, land governance and rights in the drylands need to be grounded in the social and ecological realities of regions and not necessarily the state (Turner, 2011). See Thematic Paper 3: Resilience in this series for more detail.

3.1.2 Confusion and tensions between customary and statutory systems in the drylands

Over time, customary land rights systems have weakened due to increasing commercialization and formalization of state land rights, and increasing demand from the private sector and conservationists; however, customary land rights systems still remain resilient and relevant in the drylands (Alden Wily, 2011; Finton, 2012). As a result,

statutory, customary and in some cases religious (e.g. Koranic law) systems, and different types of land rights such as private property, communal and state-owned land now exist alongside one another and vary in strength in different contexts (Galaty, 2011). For example, in contexts where formalized statutory land tenure regimes exist, customary practices may change or be reinterpreted. Therefore, dryland land rights are highly context specific and involve the interplay of a number of different systems and sources of rights. This makes for a complex and confusing environment for land rights in dryland countries (see Thematic Paper 2: Governance in this series).

Box 2: Contestation over land management in Eastern Cape, South Africa

Land tenure reform in South Africa has led to the development of new local land governance institutions, which is often considered an important part of decentralization. However, in the Eastern Cape rangelands, such reform has led to a complex and confusing rights environment. In communal areas in the Eastern Cape, both traditional authorities and CSOs have varying degrees of legitimacy over land administration in different areas, resulting in highly variable performance in managing rangeland resources and increasing conflict. To overcome this challenge, policy should accommodate collective management approaches that emphasize cooperation both within and between communities.

Source: Bennett (2013)

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Box 3: Sedentarization and resource struggles in south-west Tanzania

In many dryland contexts, the increasing complexity of land and natural source rights, along with the increasing pressure on natural resources, have challenged social cohesion in communities. In south-west Tanzania, this has resulted in land struggles between pastoralist groups, farmers, local officials, family and clan members, rural and urban areas, older and younger people, and men and women. Different individuals and groups used different sources of rights to assert claims over land. Some community members drew on customary land rights to exclude other groups from land rights, particularly those considered non-indigenous to the areas despite their long term settlement in the region. Families also began a 'double safe guarding' strategy where they would seek land rights from both formal and customary systems to protect their land access. Success in securing land rights depended on negotiation between the systems and social relationships, in which women and pastoralists were found to be less well positioned.

Source: Odgaard (2003)

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3.1.3 Lack of local governance capacity

Many local governance systems, including land governance institutions, remain weak and ineffective, leading to insecure land rights (see Thematic Paper 2: Governance in this series). For this reason, even countries with progressive land laws addressing equity experience considerable barriers to effective implementation and enforcement at local level (IFAD, 2006; UN, 2013). This is due to a lack of accountability, transparency and disempowerment, poor management, lack of political will and corruption (Deininger et al., 2011). In addition, capacity gaps in institutions can lead to greater discriminatory and paternalistic attitudes and behaviours that perpetuate land inequality.

Decentralization can create new opportunities for community land rights. For example in the Sahel, the semi-arid region of North Africa, governments reformed existing legislation and enacted new laws to allow greater involvement of civil society in the management of natural resources. However, some evidence indicates that in practice only limited powers have been effectively passed down in some contexts (Hesse and Trench, 2000). In fact, decentralization can risk further marginalization for groups with less influence and power (see Box 4).

Box 4: Political instrumentalism in north-west Kenya

Communities in North-western Kenya experience considerable tension and conflict over land claims, which are deeply intertwined with questions of ethnicity and local political representation. This is rooted in the colonial legacy, which has contributed to disempowerment of local institutions, along with poor capacity among local government. While administrative restructuring and land reform in the area has aimed to formalize communal claims over territory, infrastructure and grazing resources to bring about more coherence and natural resource management, it has also led to greater influence of political interests over boundary making. This has allowed certain groups to gain exclusive rights over common resources. Local officials have used pastoral disputes instrumentally to win votes among particular groups.

Source: Detges (2014)

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3.1.4 Land usurpation

Dryland areas, particularly in Africa, have seen a dramatic rise in land acquisitions or land grabbing of pastoral lands. Assumptions are frequently made by policy makers and investors that much of African land is empty, available and underutilized (Ossome, 2014). There is interest from governments and larger-scale investors in the dryland areas, driven and often legitimized by food insecurity and wildlife conservation concerns, perceived opportunities for international and domestic business, and increasing demand for alternative energy, the production for non-food agricultural commodities, and emerging carbon markets (Mortimore, 2009; Graham et al., 2009). This has contributed to an increased demand for land, along with increased environmental degradation, human rights violations, loss of livelihoods, and worsening inequity (Deininger et al., 2011; Diarra and Monimart, 2006; Monimart and Tan, 2006).

In East Africa the seizure of pastoral lands is being undertaken by a wide range of actors including the political elite, entrepreneurs, commercial farmers, speculators, conservationists, miners and tour operators (Galaty, 2011). This situation is based on a preference of governments and local power holders for a particular type of agricultural investment and development model, which is prioritized over pastoral methods in gaining value from marginal lands. Similar processes are occurring in West Africa (Hesse and Thebaud, 2006).

While increased land formalization is thought to provide protection against land usurpation, it is often found not to be sufficient, as land expropriation and forced evictions is occurring in contexts where land rights are already formalised (Graham et al., 2009). This is due to a lack of enforcement of land rights, resulting from competing interests and poor governance capacity.

Box 5: The Impact of Mining on Human Rights in Karamoja, Uganda

Uganda's government has promoted private investment in mining in the remote north-eastern Karamoja region to bring economic development over the last decade. However, the region has not received the development benefits from this investment, and there have been a number of instances where land had been usurped from local people.

The Karamoja region has a population of 1.2 million, many of whom are indigenous people. Land is held communally for livestock grazing and agriculture. The region has a history of conflict, the highest rates of childhood malnutrition in Uganda, and periodic food insecurity. People have experienced both colonial and state-sponsored discrimination, along with land seizure for wildlife conservation and hunting. Over the last decade, the Ugandan army led a disarmament campaign that resulted in loss of life, considerable fear among the people and loss of livestock.

The NGO Human Rights Watch found that companies were mining on lands owned and occupied by indigenous people without consultation or consent of local leaders or customary land owners. International donors were also found to be supporting the development of the mining sector without acknowledgement of the need to address indigenous people's rights, including the right to development. In the absence of adequate protection, fears of land grabbing have proliferated. Uganda's land laws recognize customary land ownership, but the government has not granted such certificates due to resistance to communal land ownership involving large numbers of owners.

Source: Human Rights Watch (2015)

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3.1.5 Environmental pressure and competition over land

Environmental challenges in the drylands are a result of poor land rights and contribute to tensions in land rights governance. Currently, environmental issues in the drylands are severe. The IPCC (2014) reported that in the 21st century, dry regions will experience a reduction in water resources, rising temperatures, increased droughts and competition for water. Currently, between 10% and 20% of drylands globally may be degraded, mainly as a result of increased susceptibility to water and wind erosion, which is related to unsustainable or inappropriate land use, including some agricultural practices and overgrazing, strip mining, vegetation damage by off-road vehicles and in some areas impacts of war or oil pollution (Davies et al., 2012). Despite the resilience of dryland systems, climate and environmental trends present unique challenges for the adaptability of people and ecosystems (Neumann et al., 2015).

These dynamics have increased demand for and competition over natural resources, particularly arable land, in a context where existing land rights are strained. This makes rights over these resources a source of contention and susceptible to abuse. This has led to increased vulnerability and poverty in dryland areas, contributing to increased migration (Neumann et al., 2015).

Box 6: Diversity in regional experiences of environmental pressures

Water scarcity is the predominant feature of drylands. In hyper-arid, arid and semi-arid regions, water is scarce most of the year and human settlements may cluster around water sources such as rivers, springs, wells and oases. In such areas, people have developed ways of finding, conserving and transporting water, including specialized land management techniques and structures to capture and retain precipitation, or to encourage groundwater replenishment. Dryland areas are also diverse in terms of rainfall and some wetter areas experience heavy rains and flooding. This can differ within countries. For example, in the pastoral provinces of China, Sichuan province is prone to droughts and flooding, while Xinjiang and Gansu provinces are more prone to drought. This makes concerted land management policy a challenging endeavour.

Sources: UN (2011) Hua and Squires (2015)

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Environmental pressures have important gender dimensions as women are often reported to be left to manage declining resources and land degradation and increasing labour burdens, without the associated rights (FAO, 2003). Women's poor land rights are found in areas with environmental pressure and competition, leading to changes in the quantity and quality of land that women can access, which have resulted in cases where women have had to search for alternative sources of livelihood (e.g. migration, commercial sex work etc.), (IFAD, 2006; Odgaard, 2003; Monimart and Tan, 2006).

3.1.6 Land management divorced from land rights

Another challenge for land rights in the drylands is the lack of recognition of the link between land rights and natural resource management in national policy or effective implementation (Davies et al., 2012). Moreover, narratives around this linkage are contradictory, and arise out of the complexity of land rights systems in the drylands and environmental challenges.

Firstly, land rights and use by pastoral communities, which involve livestock-based mobile systems have been typically stereotyped to be environmentally damaging due to overgrazing, which supports individual ownership of sedentary spaces (Scoones, 1995; Galaty 2011). This view is largely unfounded as a considerable amount of evidence suggests that pastoral land management practices are more sustainable and can more effectively manage resource sharing among groups. Nevertheless, there is also literature that links land formalization to individual ownership through title, with incentivizing farmers to maintain soil quality and invest in land and services (FAO, 2003). However, this may not be true in the case private land ownership by investors, who may be more oriented towards short-term profit than long-term land sustainability. In addition, the static and sedentary nature of private land rights can in fact lead to increased land degradation compared to traditional pastoral methods or shifting agriculture.

3.1.7 Conflict and violence as a result of and contributor to weak land rights

A lack of secure and defined land tenure and poor land governance has contributed to conflicts in the drylands, which is spurred on by displacement and relocation from land, migration, sedentarization and loss of mobility (Detges, 2014; Babiker, 2005; Beeler, 2006). Conflicts are complex and are caused by a number of factors; the conflicts themselves then reinforce these factors, which are fundamentally intertwined with governance issues. In Mali, for example, the erosion of capacity of traditional government structures through decentralization processes, along with threats to local elite power, were found to be contributing factors to conflict in Mali (Beeler, 2006). Conflict places further pressure on governance processes and sustainable land and natural resource planning and management (UNEP, 2007 in Adam et al., 2015). Intercommunal land conflict is closely tied to local level politics and power. For example, in Northern Kenya, livestock raids and violence are used by pastoralist groups to bolster political claims to particular territories, resources and public infrastructure (Detges, 2014).

Land conflict can further weaken women's land rights in particular, as a consequence of their already weak rights. For example, the post-conflict situation in Northern Uganda found that women-headed households lost more land area and value compared to male headed households during the conflict (Adelman and Peterman, 2014). In south-west Tanzania, women were also found to be less likely to claim land rights in areas that were experiencing high land competition and conflict due to low social capital which prevented them from negotiating effectively with power holders to access land (Odgaard, 2003).

3.2 Challenges for dryland women relating to land rights

This section examines the specific challenges for dryland women's land rights, at the intersection of gender and spatial marginalization. These challenges are explored in relation to recognition, representation and distribution.

3.2.1 Lack of recognition of women's roles in production and land management

The challenge of establishing land rights for dryland women is a result of the lack of recognition of women's inherent and existing rights to land independently of men and other social relationships. This lack of recognition stems from institutionalized hierarchies of cultural value, which, in turn, structure and value certain gender roles over others, particularly men's. Insecure land rights for women exists despite their traditional, and increasing responsibilities in agriculture and land management brought about by migration, market expansion, sedentarization, land degradation and increasing competition over resources (Nelson and Stathers, 2009).

For example, pastoral communities in the Horn and East Africa associate women's gender roles with household welfare and the contribution of livestock to nutrition, and men's gender roles with economic production and income generation (Flinton, 2011). Men's roles are often considered more important due as they are associated with public activity and the market economy, often related to larger livestock, and are valorized by external actors.

In pastoral communities of the Tibetan Autonomous region, despite women playing an important role in land management as men frequently travel long distances with livestock, projects addressing land degradation targeted men for tor training. This resulted in an increase in women's labour burdens without the benefits of training or decision-making authority (IFAD, 2006).

These dynamics prevent support from being directed to women's livelihoods, along with women's involvement in decision making and negotiations.

3.2.2 Lack of recognition of women's land rights in different land tenure systems

There is considerable debate around types of land tenure systems and their accommodation of women's rights. In the drylands, customary and statutory systems often operate simultaneously, which leads to diverse patterns of rights distribution in drylands in particular. This results in a complex land tenure environment, where land rights, both statutory and customary, depend on social relationships and processes of negotiation (Whitehead and Tsikata, 2003; Odgaard, 2003). However, this often results in an exclusion of the less powerful, including women. For example, in areas where land availability is poor, land purchases are much more common by people with close ties to village authorities mostly consisting of men, or those who have social capital, which many women may not (Diarra and Monimart, 2006).

Customary systems can be found to be discriminatory to women in some contexts, where patriarchal socio-cultural norms mean that land rights distributed among group members go primarily to men, which can result in a lack of independent access to land and greater vulnerability to losing land for women (Berge et al., 2014; Giovarelli et al., 2013; IFAD, 2006;Odgaard, 2003;). In some contexts, such as in the Sahel, women can achieve land rights in culturally defined ways after marriage through having consecutive successful harvests (Diarra and Monimart, 2006). With this logic, statutory law could potentially provide more opportunity for gender equity for land rights, as it can provide direct access to rights for women as individuals.

However, customary systems are also more adaptable and flexible then statutory law, and allow space for discrimination to be challenged and women's rights to be negotiated (Whitehead and Tsikata, 2003; Odgaard, 2003; Ossome, 2014). This is related to the greater moral leverage that can be used when authorities are in close residence to individuals claiming land rights or in dispute (ILDO, 2013). Therefore, recognition of dryland women's rights may require a move away from more normative judgements on tenure.

At the same time, women's rights will still require the support of the overarching legal framework of the country that is reflective of international human rights standards and norms. Since the 1990s there has been considerable progress internationally in states adopting legislation and the ratification of international documents that support women's land rights, customary rights, and decentralizing land administration (Spichiger et al., 2013, UNDP, 2006).

However, statutory law often does not recognize how women's land rights interact with other areas of law regarding inheritance and family law for example. There is a mixed record of state success in implementation, and vast inequalities in land rights for women remain in the drylands and developing country contexts (FAO, 2003; Bezabih and Holden, 2010). Processes of land formalization, often with aims to encourage land productivity and grow the commercialization of the land market, have been found to exclude women due to bias in land administration services leading to adverse effects on women such as losing control over important resources (Bezabih and Holdon, Lastarria-Cornhiel, 1997; Whitehead and Tsikata, 2003). This is related to the lack of capacity of local governance structures to support land rights in general and of women in particular, along with managing gender-related conflict bias (Bezabih and Holden, 2010; Sircar and Pal, 2014).

For example, Sircar and Pal (2014) state that in India, progressive law introduced in 2008 for equal rights in inheritance has not led to significant gains for women. Similar findings were also found in Mali and Nigeria, where local authorities were ineffective in supporting women's land rights (Monimart and Tan, 2006).

Box 7: Women and group ranches in Kenya

Land policy in the 1960s has contributed to the land inequality of today. During this time, land reform in Kenya included the formalization of group ranches. In this process, land parcels were allocated to herder households within a group, though this created inequality along the lines of class and gender. As group membership was restricted to men, women could not obtain land in their own right. In addition, poorer herders with little influence over authorities were assigned smaller parcels compared to wealthier herders or those who had direct connection to the management committee. Youth and women were also excluded from the ranch committees' decision-making processes, and their rights to the collective holdings were subordinated to the group members' need to maximise the size of their individual landholdings.

Source: Mwangi, 2005 in ILC, 2012

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Notwithstanding, the flexibility of these overlapping customary and statutory land tenure systems can leave avenues for women to demand rights. The social embeddedness of land rights can also be a source of strength for women in some contexts (Whitehead and Tsikata, 2003). For example, in Niger there is a growing trend of women and young men claiming rights to land under Islamic law, which guarantees the right to land for women. Prior to this, customary systems enabled women to borrow land, but these avenues to land access broke down over time with increasing land formalization and fragmentation and men selling their plots instead of distributing plots to their wives, or passing on land to their daughters (Diarra and Monimart, 2006).

3.2.3 Lack of women's representation

In the drylands, a significant challenge for gender justice in land rights is the lack of women's representation in decision-making processes (see Thematic Paper 2: Governance). Women's lack of land rights can be associated with the poor representation of women in decision making at household level, along with local to trans-national governance institutions. This is related to the lack of recognition of women as community members and citizens with entitlements. Issues of women's representation also intersect with other injustices such as poverty, illiteracy, lack of education and poorer health and levels of education, compared with men, which affect women's ability to participate in decision making (Dyer, 2013).

At a household level, the lack of women's decision making power over land and its resources has considerable negative impacts, particularly where male outmigration is occurring and there is increased incidence of female household headship, which requires women to manage increasingly scarce resources, often without attendant transfer or rights and recognition (Nelson and Stathers, 2009). In addition, in some pastoral communities, such as the Maasai, decision making on key livelihood decisions regarding livestock and mobility generally take place between male members of the community, in particular between clan heads and adult men of a specific age range (Grandin, 1991).

Women are also found to be excluded from community decision making regarding land purchases, investments, development projects and community titling, and men are found to benefit to a greater extent, such as with promises of employment (Ashley and Roe, 1998; IFAD, 2006; Ossome, 2014; IFAD, 2006). IFAD's (2006: 5–7) experience in irrigation schemes for example, raises a common problem in the drylands. They found that despite women's active role in agriculture and water collection they lacked social and political power to influence decision making over irrigated land, along with securing their access to irrigated land compared to men.

While there is increasing recognition of inequalities in women's political representation, women are still drastically underrepresented in dryland politics from local to national levels (see Thematic Paper 2: Governance). Discriminatory and paternalistic attitudes and behaviours in dryland governance structures and staff, due to lack of awareness of equality issues, also lead to poor development outcomes (IFAD 2006; UN, 2013). Problems have also been found with quotas, as women may not be trained or feel they can speak in public to act according to their role. See Box 8 for details.

Without addressing inequalities in women's representation, it can reinforce and exacerbate other inequalities and elite power, and contribute to increased conflicts. The challenge is to mandate a more nuanced process of consultation and involvement of communities, of which there is a large body of experience to learn from. In addition, there are spaces of female influence in the drylands where women are challenging social norms, influencing decisions and claiming rights to land, which require further investigation (see on lessons learned in Thematic Paper 3: Resilience in this series for more information on good practices).

Box 8: Women and Municipal Land Committees in Niger

The introduction of new land governance institutions in the drylands opens new avenues for women's representation. In reality success has been limited. In Niger, new municipal land committees that were introduced were found not to be utilized by communities, as local people still wanted to use local structures for negotiating access to natural resources. Furthermore, the introduction of a 10% quota for women's representation was found to be unsuccessful in improving gender equitable outcomes. This was because female councillors played mainly a symbolic role, and were found to be unaware of land law, women's land rights, and their role in the committee. Male councillors were also unaware of women's land rights. Women councillors were not considered 'real' leaders by local community members, as they were selected by outsiders and did not reach their position through merit, which was a community custom. Merit was achieved through practices such as 'tambara', where successful harvests and perceived good character would earn women a position of influence.

Source: Diarra and Monimart (2006)

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In addition, the lack of women's representation in decision making at policy levels adds to a misframing of land rights. The current framing of land rights, as private, fixed spaces, links territorial space with particular conceptions of economic development, such as the commodification of land, and masculinity, which results in policies that exclude women's realities and the realities of dryland communities. These dynamics impede broader social transformation towards recognition of the collective and social nature of land rights in the drylands (Odgaard, 2003). The question will be how women's representation can be facilitated to broaden policy to incorporate broader notions of land rights and citizenship.

3.2.4 Unequal distribution of land rights in the drylands, and between men and women

In general, the literature describes the current distribution of land rights in the drylands as being not only increasingly skewed in favour of private individual ownership and elites, but also inherently patriarchal where land rights are gained through relationships with men. Poor rural women and ethnic minorities often lose the few rights they have and generally are not able to participate fully in the land market (Lastarria-Cornhiel, 1997). This is linked to poverty-related constraints such as lack of income, credit access, and illiteracy, along with constraints in formalizing land rights such as through the need for personal identification when registering land. These issues are exacerbated by the increasing value of resources, and associated rise in competition and conflict for these resources. In this light, land formalization and titling is seen as a way for further land acquisition and commodification, where women many not benefit on an equal basis (Ossome, 2014:161), due to entrenched gender and social inequalities along with lack of capital (Odgaard, 2003; Lastarria-Cornhiel, 1997). This forms part of a wider critique of liberal economic policies that promote the free market, that both relies on and reproduces gender inequalities, for example by exploiting women's labour and unpaid care work (Wichterich, 2012).

4 OPPORTUNITIES FOR WOMEN'S EMPOWERMENT IN LAND RIGHTS

This section outlines new opportunities for dryland women to claim land rights. This can indicate how policy and practice can be oriented towards facilitating gender justice.

L. Forsythe

4.1 Trends providing opportunities for dryland women

A number of opportunities exist for dryland women's empowerment with respect to land in international research, policy, dialogue and practical action. There is increased international attention on women's land rights amongst global institutions and international development discourse. Pressure to implement progressive legislation on women's land rights is growing, with increasing examples of such implementation across the world, including in dryland countries. The greater recognition of the value of dryland systems per se, is also presenting opportunities to work with customary systems to increase gender equality, particularly in terms of ownership, control and decision making, and inheritance rights.

Other trends opening up opportunities for women's empowerment include the increasing democratization and decentralization processes, which devolve more authority to local institutions and communities. This provides new spaces for women's representation in land rights decision-making, along with linkages to growing social movements on women's land rights and collective action. These new trends present opportunities to increase the recognition of women's rights to land and natural resources, increasing women's representation in decision-making on land leading to improved distribution of women's access to land.

4.2 New engagement at the international level

The importance of women's land rights is being increasingly recognized by the international community. The Sustainable Development Goal discussions, for example, have made space to incorporate land rights and women's empowerment in a number of key development goals (see Box 9).

Box 9: Sustainable Development Goals and Land

The Sustainable Development Goals (SDGs) build on the foundation laid by the Millennium Development Goals, seek to complete the unfinished business of the MDGs, and respond to new challenges. They will be accompanied by targets that will be further elaborated through indicators developed with extensive consultation with international civil society. Land features in a number of the SDGs, specifically:

Goal 1: End poverty in all its forms everywhere: (1.4) by 2030 ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance.

Goal 2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture: (2.3) by 2030 double the agricultural productivity and the incomes of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets, and opportunities for value addition and non-farm employment.

Goal 5: Achieve gender equality and empower all women and girls: (5.a) undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws

Land is also relevant to a number of other SDGs including Goal 10: Reduce inequalities within and between countries; Goal 11: Sustainable cities and human settlements; Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss, and Goal 16: Peaceful and inclusive societies.

Source: UNDESA

As part of this momentum, there has been a range of guidance developed on improving land tenure systems including gender equity, such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) which is accompanied by a technical guide on responsible gender-equitable governance of land tenure (FAO, 2013), and the Principles for Responsible Investment in Agriculture and Food Systems that provides guidance for the private sector on agricultural investment and responsible business (CFS, 2014). Global donor agreements on land and development projects are also increasing, such as DFID's LEGEND programme (see Box 11) and the Millennium Challenge Corporation.

Box 10: Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) and gender

In 2012, the FAO published the 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security' (VGGT) with the aim to "improve governance of tenure [...] for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food" (Paragraph 1.1).

These guidelines are mainly directed at State governments and aim to protect tenure rights of citizens, including customary and informal tenure. The guidelines are written within a rights-based approach (RBA), which can help achieve tenure security and development goals, and ensure that tenure arrangements do not strengthen existing inequalities (Tapscott, 2012). With regards to gender equality, the VGGT aims to (paragraph 3B.4): ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality where necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil and marital status.

Guidance on gender equality and the VGGT has been produced by the FAO "Governing land for women and men", covering policy making, legal issues, institutions, communication and technical issues. In addition, pilots have been undertaken in partnership with the World Bank in the Western Balkans on streamlining VGGT principles on gender equality into existing land administration projects, discussed later in this section.

Source: FAO (2013)

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Box 11: New Donor Initiatives: DFID's LEGEND programme

DFID's programme 'LEGEND' – Land: Enhancing Governance for EcoNomic Development, focuses on strengthening and protecting land and property rights, improving the quality of land investments and strengthening the knowledge and evidence base on how to do so. DFID's priority of inclusive economic development is likely to involve promoting investment at all levels, ensuring real safeguards for land rights, real opportunities for women and positive linkages between investment projects and local economies in developing countries.

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This increased international engagement with women's rights to land, along with greater attention on dryland development, such as through the work of the United Nations Convention to Combat Desertification (UNCCD) – see Box 12, offers the opportunity for synergy between initiatives and the opening of policy space for dialogue on these issues. The opportunity will be to influence these processes to incorporate a drylands perspective to emphasize the specific problems of territorial exclusion and environmental constraints. In this context, there is an opportunity for states to harness support and expertise to develop a more consistent legislative approach with reference to global standards and principles, along with good practice in implementation, to make significant process in women's land rights in the drylands.

Box 12: UNCCD, gender and land rights

The UNCCD has an established mandate on gender and recognizes the role of gender inequality in land rights and its link to land degradation. The Gender Day at the Conference of Parties (COP) 11 in Namibia in 2013 announced a call to action for Dryland Women's Empowerment. Land rights and inheritance was a hot topic, and participants suggested strategies for change, such as targeted engagement with parliamentarians and traditional and religious leaders.

Source: UNCCD COP11 website.

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4.3 Expansion of progressive legislation on women's land rights in dryland countries

Many countries have gone some way to recognizing the rights of mobile herders and institutionalizing village and group based systems of tenure and land management. This is particularly evident in sub-Saharan Africa, which has been at the forefront of recognition of customary systems, for example, in Burkina Faso, Mali, Niger, and Senegal). As such, there are new narratives among researchers and policy makers internationally of increasing recognition of customary and group rights. In addition, a number of countries have also introduced legislation protecting

women's rights along with land rights. While implementation has been constrained by a lack of local government capacity and discriminatory norms, a number of countries are making strides in providing a more equitable legal framework and therefore offering opportunities for learning in land tenure reform.

Table 2 presents results from the Land Assessment Tool (LAT) developed by the Food and Agriculture Organization of the United Nations (FAO). The results include scores for selected dryland countries, which assess a country's performance regarding gender equality in land tenure. It shows the areas where countries are progressing well (green) and areas that need a concerted effort to address issues (red).

Table 2. FAO's Land Assessment Tool (LAT) Country scores on gender equality in land tenure for selected dryland countries

LAT indicator		Mali	Mongolia	Morocco	China
Constitution	The Constitution prohibits gender-based discrimination.	3	3	0	0
	The Constitution recognizes customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution.	0	N/A	N/A	N/A
	The Constitution recognizes religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution.	0	N/A	0	N/A
	The Constitution promotes the adoption of special measures for the advancement of women.	0	0	0	0
Legal capacity	Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations.	3	3	3	3
Nationality	Men and women are able to apply for identity documents under the same conditions.	N/A	3	4	3
	A female national can confer citizenship to her non-national spouse under the same conditions as a male national.	3	0	0	3
	Women can confer citizenship to their children under the same conditions as men.	3	3	3	3
Property	The law recognizes gender equality in the right to own or control property regardless of the type of marriage.	3	4	3	4
	The law recognizes full or partial community of property as the default marital property regime.	0	3	0	3
	Spousal consent is mandatory for any transaction involving matrimonial property.	3	3	0	0
	The law establishes a presumption of joint ownership of property in consensual unions.	0	0	0	0
	The legal framework includes provisions for the promotion of women's rights to land, property, and/or productive resources.	3	3	1.5	0

Table 2 (continued)

LAT indicator		Mali	Mongolia	Morocco	China
Inheritance	The surviving spouse is granted user rights to the matrimonial house for life.	3	0	0	0
	Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property.	3	3	0	4
	The law allows partners living in consensual union to inherit from each other.	0	0	0	0
	Brothers and sisters have an equal right to inherit.	3	3	3	4
	Brothers and sisters receive an equal share of inheritance.	0	3	0	3
	A right to compensation of other siblings giving up their claims on the family property exists.	3	0	0	3
Decentralization	Decentralization of land administration services is effected through formalised customary land institutions.	3	N/A	N/A	N/A
	Decentralization of land administration services is effected through formal land institutions.	4	3	4	3
Justice	The law guarantees equality before the law.	0	4	3	3
	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	0	4	3	3
	The law makes provision for legal support in civil procedures.	3	0	3	0
	A human rights commission or gender-specific institution is in place.	3	3	2	0
Female representation	The law sets quotas for the appointment of women in land management and administration committees.	1.5	0	1.5	0
	The law sets quotas for the appointment of women in land dispute resolution committees.	1.5	0	0	0

Legend

0	Absence of the indicator
1	A policy is being developed
1.5	A policy is in place
2	A draft legislation is to be submitted for deliberations
3	The indicator appears in primary law
4	The indicator appears in multiple legal instruments

Source: FAO's Legislative Assessment Tool (LAT)

4.4 Greater recognition of people and environment-centred land governance and the value of customary systems in dryland zones per se

Globally, there is increasing momentum towards strengthening customary land rights, recognizing 'occupancy', improving female land ownership, and decentralizing land administration (Deininger et al., 2009). New international standards have been developed, such as the VGGT, which includes a specific guidance document on gender equality along with indigenous and group rights (FAO, 2013). This shows the change in global narrative towards people- and environment-centred land governance that can provide new spaces for dryland women.

This trend provides the opportunity to reframe the way land rights are conceptualized in policy and implemented in practice to meet the needs of individuals and groups that experience multiple marginalisation, such as dryland women. This involves the recognition that rights are relationship-based, and arise from relations between the state, local systems, the natural environment, and communities. The goal will be to establish more equitable relationships in which land rights can be realized and made secure. Recognition of multiple land tenure systems can move the debate away from which source of law offers greater potential for women's equality in land rights, towards focusing on how these rights can be achieved in practice by shifting socio-cultural norms, and working with more context-appropriate institutions for more sustainable and transformative change.

Reframing will need to bridge the polarization and boundedness of rights in customary and statutory systems and redefine the rights environment that recognizes multiple sources of legitimacy and types of rights in a particular context. From a drylands perspective, it also means shifting the frame of rights from solely an individual basis, to one that can also be shared among communities in a territory. This may transfer focus away from individual titling efforts, which can ignore the realities of dryland communities and women within those communities. In the recognition of indigenous land rights and uses of land, it provides the basis for more collective management and use of land resources (grazing and agriculture, livestock, mobility), which is a pre-condition for achieving this sustainable land use management (reference to the resilience paper). As shared rights give rise to both rights (e.g. entitlement to individual use) along with obligations (e.g. of sustainable practices and cooperation), which include responsibilities of actors (including the private sector) over sustainable management. This can draw on the strength of indigenous knowledge and adaptation skills among dryland communities who are better adapted at managing the multiple constraints and opportunities within the environment.

4.5 Growing decentralization and efforts to strengthen local institutions in the drylands

Decentralization processes are widely accepted as being essential for achieving sustainable land use management and greater land rights (Bennett, 2013; see Thematic Paper 2: Governance). The expansion of decentralization provides the opportunity to develop more democratic and ecologically-based institutions that support the rights of drylands communities, women and the environment. It also opens a space to increase intra-community participatory governance by strengthening vulnerable groups' land rights at the local level, and to create a space within which it is possible to address discriminatory or inequitable aspects of land and natural resource management.

Cooperation both within and between communities will be needed, along with support for negotiation and consensus building, which has been used traditionally in dryland areas for decision making and land and natural resource management. Within this, local leaders and community members require greater awareness and understanding of gender issues and of women's rights within statutory and customary frameworks, which can help to change behaviour and mindsets to support women's right to land.

4.6 Opening space for women's political representation for land rights and increased social movements

There is increased recognition in international development that dryland communities have been politically marginalized. This is because, culturally they have been stigmatized and often not seen as members of a nation state due to the mobile nature of their livelihood practices and often cross-border reach. Further, there is generally an increased emphasis in international development that women should be recognized as a 'member' of a community in their own right (independent of husband and birthplace), and as such could then act as representatives through demographically elected processes. Combined with the increased valorization of dryland zones and the efforts to raise awareness of women as full members of communities in their own right, this context presents a major opportunity for dryland women to claim political power and influence and support the equitable redistribution of land rights.

Processes of recognition require not only changed awareness and representation by women and more female leaders, it also requires expansion of the political space so that different interests can be expressed and negotiated. This can run contrary to existing land use models which may prioritize economic interests over environmental or social interests[4]. This would require strengthening the capacity of women groups and individuals per se in decision-making to take up new roles in land governance systems and in leadership and supporting the representation of women's interests. Leaders are needed who have the skills and capacity to negotiate the rights environment, that is, the local context of which the different tenure systems operate to advocate for women's' rights.

4 As Ossome (2014) argues, land law is the expression of subjective political choices and doesn't govern the interplay between land and sustainable development objectively.

Growing women's social movements offer opportunities to facilitate change for land rights and women's empowerment in the drylands, who have already made extensive progress in achieving positive outcomes for women. Women's rights movements and broader social justice movements have shown to be effective in challenging status hierarchies and discriminatory social norms in a number of inter-related ways:

- by facilitating greater representation of women in public domains, including on broader dryland development pathways but also specifically on land
- working to challenge dominant policy narratives and social norms through increasing awareness of and knowledge about women's land rights
- placing pressure on local power structures to push for adaptation and change

Areas where there has been progressive change towards greater equality in land rights have often been the result of local processes of struggle led by women that often occur outside statutory law and debates on law reform and registration. Therefore support can be given where women are negotiating and contesting the customs and rights that disadvantaged them in these local spaces (Ossome, 2014). The success of social movements also depends on multi-scale alliances to apply considerable pressure on the powerful, such as governments and companies, for changes in the 'rules of the game'.

Women's collectives and networks have long provided an important space for women for support and resource access, and have also been a way in which women have recently increasingly claimed their rights to land and natural resources. Monimart and Tan (2006) found in Mali that progressive land laws were very difficult for women to utilize on their own, but it was possible for these rights to be claimed through the activity of a women's producer collective. Opportunities thus exist to build upon the capacity of such women's groups to enable them to negotiate for their rights.

4.7 Harnessing development initiatives to facilitate more equitable land rights

The increased understanding of the economic value of dryland zones presents both risks and opportunities. Governments and private sector actors increasingly see the potential economic opportunities presented by dryland zones, which can create risks of dispossession or exclusion for local communities and in particular for women. Conflicts and disputes can occur between powerful interests and local communities. However, there are also major opportunities for inclusive economic development. Assumptions about trickle-down effect from economic growth have long been recognized, but more attention is needed in market and value chain development programmes supported by international donors, for example, that inclusive growth is needed.

It is not yet clear overall if partnership efforts between communities and the private sector can be successful from an equity perspective, but there is the opportunity to strengthen processes of obtaining 'free and informed' consent and of negotiations between local communities and external interests. In particular these processes need to involve the recognition and representation of women as members of the community, with equal rights to men, and give women and other marginalized groups a voice in decision-making.

5 LEARNING FROM EXPERIENCE

This section presents lessons learned, good practice and case studies regarding women's land rights in the drylands and elsewhere.

L. Forsythe

5.1 Informing policy and practice via in-depth understanding of local context

The diversity of customary systems means that understanding the local context is essential for effective land reform and interventions. This is particularly important in the drylands as land rights dynamics vary considerably according to the local environment, resource constraints, stakeholder interests, and multiple tenure systems. Women's land rights in particular are also highly context specific due to the influence of socio-cultural norms. This means that there is no single defined path for improving land rights in the drylands, or women's rights. The path has to be carved out from the realities of the locality, while embedded within an enabling legal framework.

Situational analyses of the land rights environment are an invaluable tool. Such studies are adapted to the drylands agro-ecological context and when undertaken at the start of an initiative can be used to identify the barriers to land rights and opportunities for change. One approach used by the International Institute for Environment and Development's (IIED) dryland programme in Mali and Niger was to undertake case study research in gender relations in different dryland agro-ecological regions, from densely populated areas with high levels of rainfall, to more sparsely populated pastoral zones with low rainfall (Diarra and Monimart, 2006). This information can help legal reform and interventions to be more pragmatic and realistic.

There are a number of useful sources of guidance available on how to conduct such local studies on women's land rights, and improving women's access and control over land. For example, the FAO's (2013) guidance on addressing gender and equity issues as part of the implementation of the Voluntary Guidelines on Land Tenure (VGGT)[5].

The Gender Evaluation Criteria (GEC) of Land Tools also provide a framework for assessing land tools for gender responsiveness, and highlights areas that can be adapted to integrate various dimensions of gender issues. The GEC also includes identification of key factors in local contexts that affect land rights, such as different types of land rights, including inheritance and transact. The framework can be used in rural and urban contexts, though it does not include a focus on drylands or agro-ecology aspects so will need to be adapted (see Appendix A: Gender Evaluation Criteria for more information).

However, good research needs to be relevant and communicated effectively to policy makers, in order for research to inform polices. The capacity of both researchers and policy makers needs to be strengthened in order to better exchange needs and information between stakeholders. This can be aided through learning on succinct communication materials such as policy briefs and stakeholder forums, social media, and innovation platforms that bring policy makers and researchers together to discuss and design initiatives.

5 The guidance highlights the importance of examining family structure, women's decision-making power, inheritance, marital and divorce patterns, representation of women in local affairs, different uses of and interests in land, and existing boundaries and land rights (registered and unregistered).

Box 13: Building regional capacity in social and gender research in Agricultural Research Institutions in Middle East and North Africa (MENA) region

A review of a Social and Gender Analysis (SAGA) capacity strengthening initiatives among National Agricultural Research Systems (NARS) in Lebanon, Morocco and Algeria, presents a number of important lessons. The SAGA capacity programme included short term training programmes in SAGA concepts and methods, practical applications, mentorship and peer learning activities. An iterative approach was used to develop research proposals and fieldwork tools, which were shared in peer-learning workshops and applied in fieldwork activities.

The initiative was highly collaborative and involved other stakeholders such as National Institutes of Agriculture and social science departments, students, NGOs and communities and students. The initiative created new partnerships and further initiatives such as the development of gender module in universities and PhD studies, a discussion forum and publications. Partner NGOs also adopted the research tools to use on a long term basis. Key factors of success for the programme were the customized guidance provided to small teams, practical fieldwork experience and close field support. Importantly, participants felt they were able to identify the gender impact in their work, and could identify factors in past projects that did not work effectively.

Source: Pape-Christiansen et al., (2014)

5.2 Considering the full bundle of land rights

As described earlier, the drylands are characterized by different types of land use and land tenure systems that give rise to different types of rights more prevalent for certain groups of people. Women, pastoralists, and other groups including migrants and youth often experience use rights under customary tenure (IFAD 2006: 5)[6]. These rights are widely practised but seldom recognized or addressed as they are perceived to be temporary and informal by both customary and statutory systems. There may also be reluctance for households to declare use rights to officials (such as in a census or land formalization processes) as it could be seen as threatening men's primary rights and position in the household (Giovarelli et al., 2013).

Therefore, it is important for women and dryland communities that the full bundle of rights is taken into account in policy and practice and how these rights can move to greater legitimacy and access and control of land for women. Capacity strengthening is required to enable stakeholders to raise awareness of the different types of rights to land, including secondary and use rights, and consult different groups in the community and individuals in the household to identify these rights that may not be stated by community leaders or a male head of household.

5.3 The role of secure land rights for women in underpinning sustainable land management and income generation

Land shortages and degraded land are critical issues in the drylands. Women's land rights need to be seen in this context. The evidence demonstrates that secure land rights can play a role in incentivizing sustainable resource management along with income generation activities (UN, 2013). There are a number of examples of initiatives that have successfully linked dryland and women's land rights with sustainable natural resource management and market participation, such as working with women's groups on crop and livestock and dryland cropping activities (See Thematic Paper 3: Resilience).

For this to occur there is an opportunity to strengthen women's land rights in multi-stakeholder processes of assessment and consultation that inform policy-making and programming. This would identify how women gain

6 Trends vary according to context, and these trends are different in Latin America (FAO, 2003).

access to land and natural resources (or not) in the specific context under consideration, particularly where land investments by governments and external actors are occurring presenting risks to existing systems of rights (see Box 14). There is also a need to strengthen awareness of women's land and natural resource rights and women's roles to ensure a better deal from negotiations, appropriate consultation with women during decision-making processes and fair compensation outcomes.

Recognition of the potential impact that proposed land investment activities may have on women's livelihoods is also required in tandem with awareness-raising on the rights of women and communities within such processes. Box 14 demonstrates the risks involved with investments that can lead to unintended consequences.

Box 14: Changing production systems and women's traditional crafts in Algeria

In the drylands, agro-ecology, livelihood strategies and land rights are inherently interconnected and gendered. For example, the Steppe region of Algeria has experienced rapid change in production systems in the past decades due to environmental change and policies supporting sedentarization and intensified livestock and cereal industries, alongside increased private acquisition and illegal appropriation of the rangelands.

This rapid change has increased overcrowding on land and increased environmental degradation, and has also impacted on women's traditional weaving activities, particularly the 'qashabiya'. The qashabiya is a traditional type of men's clothing made from sheep's wool and camel hair. Due to socio-cultural norms that restrict women's mobility, qashabiya is sold by men, giving men more control over income. However women are said to have influence and use of profits, and are able to control production to influence decision making.

Local knowledge on weaving is declining, which is related both to changes in the production system and to changes in the price and availability of camel hair for weaving, as traders have had to move to more remote lands for better access to land and camel feed. In addition, as men's mobility with livestock has decreased, women's workloads increased as they became more responsible for livestock care while sedentary, which limited their time for weaving.

As a response, the government has invested in training in rural areas for women and girls to maintain knowledge of and trade with qashabiya. This investment has brought women's groups into contact with development schemes and programmes that are traditionally geared towards men. It also increased the capacity of women's groups to source material, to produce and to sell more products as collectives.

Source: Kanoun et al., (2014)

Other successful initiatives have extended efforts beyond securing women's land rights work to the incorporation of rights over natural resources for income generation through different natural product value chains, given the importance of such natural resources for women (see also the Resilience paper in this series). In many dryland areas, the need for alternatives in income generation to agriculture is increasing. And in many cases, pastoralists are diversifying their livelihood activities out of agriculture (Smith, 2014) and this includes women (Mutopo, 2011 Zimbabwe drylands).

However, such approaches can reinforce or exacerbate inequalities. In terms of natural resource management, it is important that such initiatives do not assume that women are solely responsible for land management. Too frequently women have been seen as "sustainability saviours" (Leach, 2014), as this can lead development projects to over-rely upon women's unpaid labour and to increase work burdens. Men and women have to share responsibilities, and measures are needed to ensure that women can benefit from the land as well.

Benefits from income-generation activities are also influenced by perceptions and socio-cultural norms of what is considered to be acceptable women's work. In pastoral communities in Northern Tanzania, women reported improved status and benefit from participation in new local product value chains. However, Maasai women in another community undertaking marketing activities at a mine reported decreased status despite income, as they became associated with commercial sex work due to their travel outside the community (Smith, 2014).

Box 15: Securing land rights for women and livelihood improvement in North East Brazil

The IFAD-led Dom Hélder Câmara Project (DHCP) was implemented from 2005–2010 in north-east Brazil as a response to agrarian reform processes that brought new settlers to the semi-arid region. The project aimed to develop sustainable and beneficial relationships between farmers and the environment through a number of complementary initiatives.

The DHCP held campaigns to obtain identity documents for more than 14,000 women. These documents enabled women to qualify for state benefits and land tenure. With more secure land rights, women began to organize themselves to undertake agricultural and income-generating activities, such as vegetable production that was sold at agro-ecological fairs. A number of women involved in the campaigns have been employed as technical advisors and social mobilizers following the campaigns.

The project emphasized self-organization and participation in its activities, and provided training such as adult literacy, technical skills and leadership for young women. Participants considered the project to contribute to their empowerment and improve their self-esteem. Importantly the project also positively changed young settlers' perception of their environment, bringing hope and a revalorization of the environment.

Sources: IFAD (2008) and IFAD (2011)

5.4 Working with the adaptive capacity of customary law to secure land rights for women

To improve women's rights and land rights generally in the drylands, both statutory and customary systems need to support and reinforce each other for this to occur. This is particularly the case in Africa and Asia where customary systems remain strong as part of systems of governance. The appropriateness of customary systems for dryland governance, however, needs to be recognized, in terms of facilitating mobility and sharing land and natural resources. It also offers greater flexibility which offers the potential for discrimination to be challenged and women's rights to be negotiated.

Lessons from both dryland and non-dryland countries in Africa and Asia demonstrate that customary systems cannot be stereotyped as being discriminatory towards women's land rights and participation in communities. Local contexts are much more nuanced. However in contexts where women's land rights have been constrained by customary socio-cultural norms, a number of initiatives have been found to be effective in improving land outcomes for women. This includes the need to strengthen local leader's capacity to understand gender and land issues, how socio-cultural norms can change, along with awareness of statutory laws (Giovarelli et al., 2013; Forsythe and Wellard, 2013; IDLO, 2013). An important feature of working with communities is building trust and respect among stakeholders, along with gaining support of men for women's independent land rights (See section 4.9 working with men). Development projects working in dryland areas can also be effective in encouraging community change in support of women's land rights (see Box 16).

Box 16: Lessons from non-dryland contexts – improving gender equity in the mediation of land rights among local institutions in Rwanda

The international NGO RCN Justice et Democratie based in Belgium operated in six districts in north-west Rwanda aiming to improve women's land rights at the local level. The aim was to strengthen the capacity of customary and local governance institutions to improve gender equity in the processes of land governance to improve land outcomes for women.

Field research conducted in 2007 and 2008 explored the constraints on land access from the perspective of women in local communities. This was followed by capacity strengthening and participatory workshops for village level councils and local representatives on women's land rights, particularly inheritance provisions in statutory law. In particular, local Women's Council members were supported to become women's advocates in land dispute resolutions, where prior to the initiative their work involved instructing women on how to be good wives and prevent family disputes.

Lessons from the project were that training and advocacy in community-based dispute resolution can support better land outcomes for women, and should be supported by policy and development programmes. Further, policy-makers and development programmers should go beyond the goal of aligning customary practice with statutory law, to better understand why discriminatory customary practices exist and what other purposes they serve, to find leverage for change.

Source: Lankhorst and Veldman (2011) in IDLO (2013)

5.5 Building an enabling statutory framework

Gender equity in statutory land law remains vitally important for a number of reasons. Firstly, having gender equity in national land laws can help to establish and influence customary norms and behaviours, deter discriminatory practices, and increase the accountability of informal decisions to support women's land rights. Secondly, grassroots efforts of women that put pressure on local and customary institutions for greater equity are more effective when supported through national laws and a constitution (IDLO, 2013:10; Giovarelli et al., 2013).

Therefore, there needs to be greater adoption of and consistency with international standards, while at the same time working with customary systems for their adaptation to support women's land rights in the drylands. It is particularly important for governments to establish clarity regarding how statutory and customary systems can work together and how responsibilities and procedures of land administration can be improved. In addition, there needs to be more context specific guidance provided and institutional support to reduce potential conflict and tension (Giovarelli et al., 2013). This is a long term process and is unlikely to occur in short term interventions.

Identifying barriers to women's land rights under statutory law need to be identified, but it is also important that areas of law beyond land laws are thoroughly analysed. Policy reviews conducted by expert panels that include gender and dryland specialists are an effective way to identify legal barriers to women's land rights in statutory law. Another of the important lessons learned is that the review must examine other areas of law such as marital, family and customary law, along with territorial governance decentralization, and economic and natural resource policy, which are relevant in the drylands, to identify points of contradiction or where women's rights are usurped by other laws.

For example, in Namibia, there are a number of inconsistencies between the country's Communal Land Reform Act (CLRA) and gender equality laws. Under the Traditional Authorities Act and customary practice, the relatives of a deceased husband have legitimate claim to the deceased husband's property over that of the spouse. The

CLRA provides explicit protections for a widow to inherit her deceased husband's allocation of customary land. In practice, traditional authorities tend to apply customary principles and the protections for women are ignored. In addition, despite the protection of women's personal and property rights in civil marriages under the Married Persons Equality Act 1996, the act does not cover women in customary marriages who follow the norms of the customary community (Giovarelli et al., 2013).

Box 17: Namibia's Communal Land Reform Act and women's rights

Namibia has incorporated women's land rights into its legal framework while recognizing customary and communal land tenure system. The CLRA was introduced in 2002 and governs communal lands in Namibia and provides for the registration and administration of land rights on communal lands, where men and women may apply for land in their respective communal area to the Traditional Authority. Traditional leaders are responsible for allocating and administering customary land rights and mandating they allocate land rights to spouses.

As part of the gender and land in the Millennium Challenge Corporation (MCC) Compact-Funded Land Project, a review was undertaken of policy and practice regarding communal land, which incorporated a gender perspective. In relation to women's rights, the following recommendations were made:

- Strengthen widows' rights to inheritance under customary land administration
- Amend the CLRA to make an explicit statement for joint registration by spouses of customary land rights of spouses
- Add anti-discrimination clauses to land legislation
- Add affirmative action provisions to land legislation
- Strengthen provisions in the draft national land tenure policy that limit the discretion of family heads regarding the alienation of family lands

However, a gender review of the MCC project recommended that the law review should have considered inheritance and family law to identify gaps and inconsistencies, and that anti-discrimination clauses be supported by specific regulations and procedures for registration. Other recommendations include a directive to registrars to only require written or witness proof of marriage if the marriage is disputed by one or the other of the spouses, a rule that both spouses must be present for registration, a regulation that states that the registrar is responsible for non-discriminatory practices, and assigning administrators with clear responsibility to ensure that legal gender rights are observed in the implementation of law.

Source: Giovarelli et al., (2013)

5.6 Adaptation of land registration processes to drylands

Increasing women's land rights through formal registration and title in the drylands should incorporate different strategies according to context. As different types of rights, individual rights for women, rights jointly with spouse, women's groups, or as part of community land registration activities, may be more or less appropriate in certain circumstances depending on existing land tenure arrangements and practices. In addition, registration also needs to be supported with documentation and protection. In addition, the formalization of rights may be more important with regard to resources on the land that may be more important for women, such as trees and water resources,) which may or may not include rights over the land itself.

Experience shows that processes for land registration need to take into account the practical needs of dryland women. This includes minimizing or eliminating requirements of identification or literacy, along with the full recognition of the bundle of land rights. Good practice from Lesotho in urban and peri-urban areas shows that public notice and comment to verify land claims is important for women in accessing land and resources, more than their lack of identification or marriage documentation (Giovarelli et al., 2013).

In Namibia, forms and procedures, particularly for joint title, were revised to facilitate the names and signatures of multiple household members. Staff training was conducted on processing the forms, for example, that joint husband and wife signatures are treated with equal weight as owners rather than women's signatures being interpreted as witnesses only (Giovarelli et al., 2013). In Ethiopia, the Government initiated a large scale certification process where 20 million certificates were issued and included photographs of both husband and spouse in the documentation process. Women reported that they had greater confidence through the certification process that their land wouldn't be taken if they rented it out (Palmer, et al., 2009).

Formalization efforts that occur at a community level also need to ensure that engagement methods incorporate a community and gender perspective and ensure community and women's representation and leadership. Community land documentation efforts are problematic when undertaken without accompanying community empowerment efforts that promote good governance of local lands and natural resources. For example, if community members are excluded from land titling processes, and land is sold following titling, community members may not be able to claim their rights to compensation. Processes involving land and natural resource mapping can often exclude women, as male community leaders or heads of household are often perceived as being more knowledgeable of tenure issues and the use of mapping technology such as Geographic Information Systems (GIS) can also be exclusive to women.

Box 18: Community demarcation in Mozambique

Since 2006, the Mozambique Community Land Initiative (known in Portuguese as Iniciativa para Terras Comunitárias or iTC)[7], has been working to secure land tenure and natural resource rights on behalf of local communities, to enhance their capacity for sustainable land use and to prevent and resolve land and natural resource conflict, in order to achieve poverty reduction and economic growth. iTC is a multidonor/government and civil society partnership programme that became a national, independent organization in 2014. They are committed to integrating gender and diversity in the implementation of their projects. The Community Land Use Fund of the iTC supports the implementation of community-based land and natural resource tenure security and development projects.

The iTC undertook a Gender and Diversity Audit of its activities and partners (2009) and found that women experienced limited access to and control over land and natural resources, and lacked knowledge of their rights to these resources. Women were often excluded from household and community decision-making in resource management in both matrilineal and patrilineal communities. In addition, iTC community engagement methodologies and project systems needed to be adapted to be more inclusive for women.

As a result, iTC undertook a Cascade Gender and Diversity Capacity Building Programme, targeted at improving community engagement methods, promoting positive impact for women, girls and vulnerable groups, and developing local solutions to gender and diversity issues. The aim was to build the capacity of key iTC partners to train other partners, including local government and community-based organizations. This 'Training of Trainers' model is designed to build long-term, sustainable capacity in Mozambican institutions. Following this, service providers were supported in how best to integrate gender training into broader capacity building for inclusive and sustainable rural development projects in Mozambique.

Over time, iTC also adapted their community engagement methodology 'Social Preparation' to be more gender sensitive in community demarcation activities. This includes using female facilitators, separate consultations and activities for women and men, including priority setting of resources or income generation activities. It was found that service providers implementing social preparation were more experienced in applying community consultation methods in areas such as healthcare, but not in land-related support. Therefore, capacity building of service providers to apply participatory methods in land demarcation was vital for improved community engagement.

5.7 Education and Communication on dryland women's land rights

A key constraint to achieving women's land rights is a widespread lack of awareness of women's rights afforded in law, and remedial measures when there is a breach in rights. This is particularly acute in the drylands that have had less interaction with state systems and the strength of male dominated governance structures (Werner, 2008). Capacity strengthening should focus on increasing women's ability to negotiate rights among different sources of land rights, customary, statutory or otherwise (while other initiatives can work on greater coherence between systems).

In many cases, information campaigns have played a critical role in translating rights into reality (Palmer, et al., 2009). Civic outreach organizations, NGOs and communities play an important role in increasing awareness for women's rights and land rights more generally (IDLO, 2013), along with procedures and processes on how to achieve this. Effective strategies indicate that awareness raising that includes male community members, leaders and government officials is effective in enabling greater access to women's land rights as traditional gatekeepers of land rights (Forsythe and Wellard, 2013). For example, the MCC project in Namibia demonstrated that local

7 iTC is a multi-donor/government and civil society partnership programme. In 2014 iTC became a national, independent organization.

officials' misunderstanding of the forms for joint title led to very few individuals registering for joint title. Female community members with greater mobility such as teachers can also be trained to communicate messages to others in more remote locations, if remunerated. Learning should also be reinforced with follow-up sessions in communities.

iTC Mozambique distributed land law material to men and women's groups, chatenges (traditional skirt wrap for women), community events and travelling theatre in local language, which all contributed to an increase in awareness of land rights for both men and women. Sessions were often held separately to encourage female participation. Female community facilitators were particularly successful in reaching women, not only due to socio-cultural norms where women may feel unable to talk to men, but also as role models. However, female facilitators available to travel to locations far from urban centres can be problematic due to reproductive responsibilities and socio-cultural norms, and recruiting women for field work is also reported to be difficult. Part of the success of these events in reaching out to more distant locations was due to the availability of staff, vehicles or motorcycles, with funds and per diems to travel, and material. It is notable in some areas, such as West Africa, that socio-cultural norms prevent women from riding motorcycles.

5.8 Supporting women as agents of change through women's groups and social movements

Land rights and development initiatives often include women as beneficiaries. However, a new narrative needs to be developed which supports women as agents of change. Literature demonstrates that there are important spaces of women's influence and power in customary systems dryland areas where women's land rights are progressing (Smith, 2014; Ossome, 2014). Supporting these activities, particularly focusing on women's groups and social movements, has shown to be effective in achieving positive outcomes for women's land rights.

For example, women's groups play a key role in raising awareness of land entitlements and providing support and advice for women that is relatively separated from household and family dynamics, such as the local 'Watchdog Groups' in Kakamega District, Kenya, which provide protection and legal advice for women in communities (Palmer et al., 2009). In addition, working with women's groups to gain title over group land can also be effective in contexts where land parcels are small or the land is degraded, as is demonstrated in the case study of ActionAid's Women's Land Rights project in Andhra Pradesh, India.

This means that strengthening the capacity, scope and expertise of organizations should be a priority, along with creating more space for interaction with local institutions to negotiate for greater rights. This will need to include support particularly in remote dryland locations, where women's groups face financial, management and technological constraints that are more exacerbated in dryland regions due to their remoteness (Aw-Hassan and Abdelali-Martini, 2014).

Box 19: ActionAid's Women's Land Rights Project in Andhra Pradesh, India

ActionAid's Women's Land Rights Project operating in India addressed the land inequity of Dalit women through support in advocacy and land rights claims taking place in the broader context social movements. This project targeted the most marginalized and excluded in society – Dalit women, who are the lowest caste in the Hindu caste system. They have been traditionally prevented from land ownership first as Dalits, and then again as women.

The project aimed to build and/or strengthen existing Dalit women's groups, which supported the women's movement and which could be interfaced with the government. It also included capacity strengthening for women's leadership in increasing awareness, organizing advocacy events, and lobbying local officials. In the cases where land was too small to split into significant sizes, the project supported women's groups to cultivate and manage land as a group. Women were found to pool resources to acquire necessary inputs to farm the land.

Learning from ActionAid project experience in India indicates that most women were able to participate in group activities such as advocacy events and training. This is mainly through the provision of travel funds, which were facilitated through Action Group membership fees, which indicates that activities can be sustained after project closure. Training costs were also provided for women leaders, including travel and accommodation, by ActionAid. However there were constraints of the very poor in some activities, as they couldn't take time away from wage labour, or men in their household would not allow them to participate in activities. In addition, some female leaders found it difficult to conduct awareness-raising sessions with other community members because of negative perceptions of the land struggle.

The project made substantial achievements in Andhra Pradesh, India (along with other non-dryland project countries, Guatemala and Sierra Leone) for improving women's land rights including individual and group title (from government redistribution policies).

Source: Forsythe and Wellard (2013)

5.9 Working with men

It is important that women's land rights initiatives in the drylands engage with men in strategic ways in order to challenge discriminatory practices and behaviour, along with promoting community reflection and debate. This is because work will take place within the constraints of land tenure systems, which are often dominated by men.

Lankhorst and Veldman's (2011) review of a project in Rwanda shows that the inclusion of men and their interests is necessary for achieving positive land outcomes for women. In the case of where a widow is often removed from her husband's land, this meant appealing to the sense of responsibility and obligation among male community leaders for family wellbeing to promote more favourable rulings for land rights for women.

However, male involvement needs to be examined critically as they can risk reinforcing men's authority or women's secondary status in relation to land rights, particularly for short-term projects. For example, the ActionAid project supporting Dalit women's land rights took place within the context of a broader Dalit land rights movement and therefore there were a number of interlinkages and points of tension between the two movements.

In addition, development projects working on women's rights need to strategically engage with a range of stakeholders to identify opportunities for how investment can be leveraged to support women's land rights. IFAD's experience in Burkina Faso and Ghana showed that a negotiated approach to public investments in soil fertility can improve land use rights for landless women and women's groups. See the Box 20 for more detail.

Box 20: IFAD's experience in facilitating stakeholder negotiations in support of land rights for landless women in Burkina Faso and Ghana

IFAD's experience in Burkina Faso and Ghana demonstrates the complexity of achieving women's land use rights through stakeholder negotiation, which primarily involves men, who are often land owners or local officials. The projects showed that a negotiated approach to public investments in soil fertility can improve land use rights for landless women and women's groups. Through negotiations with landowners, traditional authorities and local government and women's groups, agreements were made for landowners to provide land to landless women for farming.

An evaluation of the project found that men needed to benefit proportionally from investments offered by the project, that consensus is necessary in communities on activities and benefits from this, deals between the landowners, the women and the project must be struck in the presence of traditional authorities (who provide the oral guarantees) and local government representatives (who provide the written guarantees in the form of minutes).

One constraint was that women were found to need to 'obey community rules' and use land every season to prevent landowners from reclaiming the land. However, women are constrained in farming for consecutive seasons due to constraints to resource access. The mid-term evaluation recommended that the project better understand the mechanisms of social and economic exclusion and marginalization affecting the most vulnerable social groups in subproject design and implementation, and the development of participatory approaches to local planning and monitoring and evaluation that ensure full participation by vulnerable or marginalized groups in consensus building, and the inclusion of financial rules that assign a specific place to subprojects aimed at reducing vulnerability and exclusion, as well as a system of incentives to promote projects, such as competitions for the best subproject, minimum quota of subprojects favouring women, among others.

Source: IFAD (2006)

5.10 Increasing women's representation

There is an urgent need to tackle barriers to women's representation in land governance systems in dryland countries. According to Fraser's (2008) framework for Gender Justice, women's representation is crucial for addressing inequality. However, patriarchal norms in dryland areas tend to exclude women from decision making at household, community and national levels. Attempts to address women's underrepresentation through quotas can be problematic if not combined with capacity strengthening. In Morocco, for example, when a government quota called for two women to be represented on commune boards, women were found to rarely speak or contribute to discussions (Khattabi et al., 2014). However, while perceptions of pastoral communities are often that they are more exclusive to women's inclusion in decision making, evidence shows that women's leadership can be promoted effectively (see Thematic Paper 2: Governance, plus examples below).

A project identified by the IDLO (2013) provided support for women representatives to participate in court proceedings with traditional authorities in Uukwabi, Namibia. This was found to positively affect women's feelings about the performance of the traditional court system and had a positive impact on men and women's views on the capability of women as community leaders and in improving justice outcomes for women.

One approach is to work with existing women-led institutions to strengthen capacity in land rights. A project in Rwanda trained women in National Women's Groups in land rights and gender issues, who then participated in local decision-making panels on land issues to support women in local rulings. Prior to this, members of the National Women's Group were mainly working to instruct women on how to be good wives and resolve disputes with their husbands (Lankhorst and Veldman, 2011).

The ActionAid project on women's land rights in India also included training for women leaders to lead land right advocacy events in local areas and support women in communities on local issues. Learning from the project underlined the importance of addressing practical constraints for women to participate in these activities, such as keeping time commitments to a minimum or spread over time. This also helps with reinforcement, adequate pay or compensation, gaining support of spouse, along with childcare (Forsythe and Wellard, 2013).

5.11 Gender mainstreaming and land rights as part of dryland development projects

Evidence suggests that both research and development projects in the drylands involving land rights and/or natural resource management and environmental degradation often do not include a gender perspective. This omission must be remedied by mainstreaming gender in all dryland development projects going forward, as the importance of the gender perspective cannot be overstated. (See Box 13 on integrating gender into drylands research).

NGOs and civil society organizations have made considerable strides in improving women's land rights on the ground. As increasing attention is focused on dryland areas, this work will need to include specific outreach to women and strengthening land and natural resource rights in terms of individual and group rights in the drylands.

Lessons from the review of the MCC project in Namibia reveal a number of important lessons for integrating a gender perspective into land rights project. Firstly, the review found that the hiring of a Gender Specialist made positive differences to project outcomes. Secondly, the donor's commitment to promoting women's land rights in the project was important for providing momentum for addressing gender in project activities. Other important

lessons from the project, which, if addressed, would build more effective project management generally, are: for managers to demonstrate the importance of gender integration and establish clear guidelines on how equity objectives will be achieved and who will be responsible for them; that project staff be trained in gender issues in land tenure specifically; clear, established processes, milestones and goals for gender planning and review are set within an established timeframe, and having roles and responsibilities established with regard to gender (Giovarelli et al., 2013).

Development projects should create a participatory ethos in the project. Similar to ActionAid's approach in Andhra Pradesh, which involved women leaders and representatives in the project design and development of outreach communication material which helped to reach women (Forsythe and Wellard, 2013). Moreover, drawing on local knowledge and community practices can contribute to legitimacy and sustainability of reforms addressing women's access to justice and gender equality (IDLO, 2013:10).

5.12 Land rights alone are not enough

An important lesson from the literature is that land formalization for women is not enough to improve development outcomes in the drylands, such as food and nutrition security, and more holistic and ongoing support is required. Evidence suggests a link between women's land rights and development outcomes, such as the findings of Santos et al (2014) in India that the recording of women's names on land title brought about agricultural investment, and as a result, household food security. However, women's ability to invest in and benefit from land is constrained by gender inequalities in access to resources such as irrigation, fertilizers and pesticides, among others, along with the greater likelihood of receiving access to smaller and poorer quality land in the drylands. This also implies the need to tackle social norms and gender inequities beyond solely land titling to improve outcomes for women.

For example, a study by Bezabih and Holden (2010) on land certification in Ethiopia found differences in male and female headed households in productivity levels following land titling, and that unequal access to other agriculture inputs affected women's ability to improve productivity to the same extent as men were able to. Women's time constraints also affect their ability to use land. In traditional agrarian societies in West Africa, for example, the right to use a given plot of land is earned by investing time and other resources in the plot (Diarra and Monimart, 2006). Women acquiring land in Andhra Pradesh also reported difficulties in being able to afford inputs and labour (Forsythe and Wellard, 2013).

5.13 Lack of evidence base and need for appropriate data

Good quality data on women's land rights in developing regions is lacking. There are a number of sources which review statutory provisions for women's land rights, though less are available on the actual outcomes from this. The absence of appropriate data and methods results in a lack of understanding of the extent of gender inequality in land rights, differences between countries and the persistence of 'myths' and overgeneralizations that constrain effective policy design in areas where land rights vary considerably by context (Doss et al., 2013; Kilic and Moylan, 2015; UN, 2013). This is particularly problematic in dryland areas, where territorial space, agro-ecology and gender are not adequately analysed in research – as demonstrated by the small amount of available literature – and government surveys. Therefore, it is imperative that there is a commitment by governments and development organizations working in the drylands to commit to improving data collection. While the process is challenging, it is a goal that has global acceptance, including in the SDG discussions.

Household surveys are often the best source of data for understanding the reality of women's land rights in local communities, particularly if asking multiple household members. However, it is also hoped that over time, administrative data could be used in its place, as capacity is strengthened in the long term. Important considerations in the collection of data are to distinguish between the types and sources of rights, as women may experience different types of land rights compared with men (e.g. access and use as compared to legal ownership), which interact with different sources of rights (i.e. statutory rules and customary practice), and different types of land (e.g. private land, group land, commons or communal lands). It is also essential to ask women if they have the capacity to exercise these rights independently, or if they need to obtain consent or permission. Survey design also needs to take into account disaggregation by gender and other factors of difference, interviewing different members of the household, different types of households (female and male headed, extended and nuclear), having larger sample sizes, and interviewing women directly and privately. Data at the parcel level in rural areas is also important, as opposed to total land holding. This is because women and men in rural areas, particularly in sub-Saharan Africa, typically use different parcels, over which they have different rights. The UN Women/UNSD coordinated Evidence and Data for Gender Equality (EDGE) project is addressing some of these issues (see Box 21).

An example of an innovative tool to provide more nuanced data on land rights that involves community participation is the Social Tenure Domain Model (STDM). STDM is a land information system that allows for data integration from statutory and customary tenure and informal settlements. STDM is envisioned to be the starting point for dialogue between local communities and cities in negotiations for improving tenure security, inclusive planning and enhanced access to basic services and infrastructure. It involves participatory enumeration, were enumerators are involved in each stage, including the inception, design, management, implementation, analysis and use of the data. It involves capacity building for using land information systems based on free and open source software. Women position themselves as leaders and contributors and can partner with traditional leaders (see Appendix B for more information).

Box 21: The Evidence and Data for Gender Equality (EDGE)

UN Women/UNSD coordinated Evidence and Data for Gender Equality (EDGE) project, with involvement of the World Bank, aims to improve the capacity of countries to improve data collection to assess gender equality, including assets. While EDGE activities are not being developed explicitly for land monitoring, it is the most advanced method in using and testing gender sensitive methodologies and approaches to provide a comprehensive picture of women's land rights.

EDGE is currently working with the Living Standards Measurement Survey pilots and the FAO 2020 World Census of Agriculture (WCA) on incorporating innovative methodologies in measuring gender and assets, and producing guidelines on gender and asset measurement and methodologies. These initiatives can provide learning to inform household surveys in gender-sensitive data collection.

Approaches and questions in household surveys that EDGE are discussing and piloting with partners include intra-household data collection by interviewing multiple members of the household and collecting data at parcel level.

6 STRATEGIC ACTIONS

R. Lamboll

This section provides key recommendations for different actors (including rights holders and rights bearers) to improve policy, institutions and capacity for democratic, gender-just governance in the drylands and to empower women to act as active agents for change.

The actions below consist of recommendations pertaining to addressing gender justice and land rights generically, as they also apply to non-dryland countries, while others are more explicitly dryland focused. Therefore, when reviewing the recommendations, it is important to keep in mind the issues for geographical marginalization and environmental risk that are specific to the drylands.

6.1 Overview

To facilitate more secure land rights for women, a wide range of measures are required to change socio-cultural norms, behaviour, institutional structure, and the enabling environment. This will require aspects of recognition – of women as equal members of dryland communities and as citizens of the state with equal and independent rights to land and natural resources. It also requires recognizing and addressing gender issues that constrain women's land rights in drylands governance, in policy and practice, and in customary and state systems. Capacity strengthening and awareness raising for a range of dryland actors including women, men and community leaders, but also CSOs and national and regional governments is required for this to be facilitated.

It also requires addressing representation, i.e. strong representation of women in land governance institutions and broader governance institutions, including customary, state and religious institutions, along with CSOs, local associations etc. Representation may involve specific measures to increase women's participation in institutions but need to be accompanied by capacity strengthening opportunities for effective leadership and representation of women's land rights issues. Supporting and engaging with CSOs and women's movements around women's land rights are key to these processes. National- and local-level leaders should articulate the concerns and priorities of women and the poor of the drylands supported by robust local level evidence, provided through the support of research institutions.

With the recognition and representation of women's land rights, processes and outcomes regarding the distribution of land rights should improve. However, initiatives for land allocation, reallocation and land reform, should incorporate redistributive measures to address gender inequality in land access and control, which include institutional measures such as legislation and affirmative action policies.

6.2 Policy actions

Policy actions are aimed to support women to drive policy change and to achieve a supportive enabling environment for gender-just land rights.

1. National governments to recognize communal land rights in the drylands, and women's rights, both within groups and independent of them, in policy and practice. Governments, supported by donors and CSOs, to recognize existing land rights and customary land governance systems to operate under a coherent, national legal umbrella drawing on global human rights, standards and guidance.
2. National governments to promote democratic, decentralized governance of natural resources with full participation of dryland communities and marginalized groups, particularly women, as in line with international guidance. Working with customary systems is essential to this process.
3. National governments to institute a quota for women's representation in land governance bodies from local to national level, supported by capacity strengthening programme for women to take up these posts.
4. National governments to work with Ministries of Justice to adopt safeguards for women's land rights protection at community, sub-community and inter-familial levels while supporting legal empowerment approaches to advance women's land rights.
5. National governments to adopt policies to support dryland women in integrated crop-livestock and dryland cropping activities, access to agricultural extension services and inputs, and linking women to new agricultural markets.
6. National governments to institute a land redistribution policy that includes land grants for communities and women who are identified as experiencing substantial land inequalities.

6.3 Actions on institutions

Institutional actions can support women to drive institutional change (e.g. awareness, cultural norms, power relations, informal institutional arrangements at different scales) to achieve a supportive enabling environment for gender-just land rights.

7. National governments, supported by international donors, to develop an inter-ministerial working group, in parallel with high-level policy dialogues among national stakeholders, to undertake a review of policy and practice on women's land rights in the drylands and design effective, context-specific programs to promote gender equality and women's empowerment in land governance systems. Membership to include territorial and gender representation, research institutions and CSOs. The review should analyse how policy implementation is affected by other policies and issues, such as the justice systems, economic and poverty reduction, environment and agro-ecology, structural and social-cultural barriers that generate vulnerability and inequality, along with other sources of law (marital and family law) and tenure (customary and religious). Result sharing requires a platform for different ministries (at national level) and organizations (at local level) to work together to develop more tailored policies and activities that take into account the different aspect of dryland livelihoods for more transformative, sustainable people centred, and gender just change in the drylands.

8. Local authorities and CSOs, particularly women's organizations, to forge local-level partnerships in dryland communities. This can include support to new and existing women's groups, particularly women's empowerment, legal, income generation and food security groups. This should be combined with investment in women leaders to strengthen their awareness on land and environmental governance law and issues, conducting community equity assessments (e.g gender audits; citizen report cards), and how they can provide support and guidance to other women on land rights issues. This will also require work to reduce the logistical barriers to women's participation by convenient meeting locations, schedules and transport; overcoming language barriers; awareness and support of men in these activities.

9. International donors to develop funding support for governments and organizations to promote gender equality and women's empowerment in land governance systems targeted in dryland areas. Initiatives should focus at a local level, with the aim to include the support of women's movements and CSOs. This needs to be coupled with actions to link local actions to challenging discriminatory laws and practices that prevent gender equitable outcomes.

10. Research institutes and CSOs to conduct assessments of land customs and practices, including their gendered nature, along with local knowledge and practices of pastoral communities, gender division of labour, mobility and workloads. Such assessments to be encouraged in all dryland development projects and investments. Assessments should identify possible ways that equitable land rights can be improved in area, and linked to livelihood improvement, along with the risks that may arise with an intervention and how they can be mitigated.

11. CSOs, academic institutions and media to increase awareness of gender issues and land rights in the drylands and how policies are implemented in practice. This should target decision makers in order to address issues of gender justice in these areas.

12. National governments and national statistics offices to direct concerted effort to improve land administration systems to collect gender disaggregated data on the full bundle of land rights, among different tenure systems,

land use and land type (refer to Table 1) in the drylands in a systematic and comparative way. This will need to incorporate outcome measures to make sure it captures both access to the system and how well the system performs. As there is a strong preference for primary data, national household surveys are the best method for data collection, and interviewing women directly. Local governance officials should be capable of undertaking assessments of women's land rights in their local area.

6.4 Capacity strengthening actions

Capacity strengthening actions are aimed at allowing for diverse actors to achieve transformative drylands development (encompassing governance, but also transforming social relations to tackle inequality and empower women more broadly).

13. Donors and national governments to fund awareness campaigns on women's land rights in dryland areas with leading women's organizations, to participate in and deliver capacity strengthening in gender awareness in communities and with intra-community representatives on women's land rights and land legislation. This is designed to challenge discriminatory practices, and will include participatory dialogue. The 'case' for women's land rights will need to be developed according to the local context to garner support from men. This should target men and women at meetings (using separate meetings, using local language etc. where applicable – see the lessons learned section). This should be complemented by activities working with existing local leaders and supporting new female leaders to support women's land rights.

14. National governments, with the support of international donors, to direct investment, as a priority, to strengthening the capacity of local land governance structures, state and customary, in equitable and gender-justice land governance, and governance more generally. This is to include increasing the capacity of staff to address gender issues and supporting women's representation in their structure.

15. National governments to support the development of multi-stakeholder local review panels with female representatives to assess and approve of development investment projects in dryland regions, to enable greater accountability of governments to dryland people and prevent possible land usurpation and conflict.

16. The international community, national governments, research institutions and CSOs to identify and share good practice (internationally and locally) on pathways for greater gender justice in land rights and land governance systems dryland areas.

17. CSOs to support gender justice involving whole communities, particular men and local leaders, to challenge discriminatory social norms and harmful practices.

REFERENCES

APPENDIX A:
GENDER EVALUATION CRITERIA

APPENDIX B:
INNOVATIVE TOOLS IN LAND TENURE AND GENDER SENSITIVITY

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APPENDIX A: GENDER EVALUATION CRITERIA

Since 2007, the Global Land Tool Network (GLTN) partners have been working on the development, piloting, training of trainers and dissemination of the Gender Evaluation Criteria (GEC) among a wide range of stakeholders at global and country level. The criteria enables users to check whether land tools are gender responsive and can be adapted to integrate various dimensions of gender issues. The framework is comprised of 6 criteria (see below) and 22 evaluation questions with possible indicators that can be adapted to a wide range of different situations. This can be applied in rural and urban contexts and have been tested in a number of countries (e.g. Brazil, Ghana and Nepal, Uganda and International Land Coalition members). The tool does not include a focus on drylands or agro-ecology aspects.

Six criteria of GEC:

- Criteria 1 'Participation' refers to the extent to which women and men were involved in the identification of issues to be addressed by the land tool and in the development and implementation of the tool, as well as to the extent to which the needs and concerns of both women and men were considered in the designing of the tool.
- Criteria 2 'Capacity building' refers to the provision of mechanisms, including allocation of resources, to inform and educate both women and men on how to use, access and benefit from the land tool.
- Criteria 3 'Legal and institutional considerations' refers to the outcome or impact of the land tool on the protection and promotion of equal rights of women and men to land use, land access and land tenure security.
- Criteria 4 'Social and cultural impact' refers to the contributions of the land tool to the elimination of prejudices and discriminating practices against women in land use, land access and land tenure, and therefore to the enhancement or strengthening of the status of women in families, communities and society.
- Criteria 5 'Economic impact' refers to the contributions of the land tool to the increase in women's access to economic resources, such as income, credit, land market, land production technologies, and other support services.
- Criteria 6 'Scale and sustainability of impact' refers to a tool reaching a wider set of beneficiaries, and ways to sustain this impact

Sources: GLTN, 2015 and UN-Habitat, 2011

APPENDIX B: INNOVATIVE TOOLS IN LAND TENURE AND GENDER SENSITIVITY – SOCIAL DOMAIN TENURE MODEL

The Social Tenure Domain Model (STDM) is a land information system that is a specialization of the Land Administration Domain Model that allows for data integration on various types of land rights and claims along the continuum of land rights. This includes informal settlements and customary tenure, which can be challenging to record. It provides a standard for representing 'people – land' relationships independent of the level of formality, legality and technical accuracy. The STDM was developed with UN-Habitat, the International Federation of Surveyors and the Faculty of Geo-Information Science and Earth Observation of the University of Twente, The Netherands.

STDM also involves a particular methodology for data collection. Residents initiate and control the process. It involves participatory enumeration, were enumerators are involved in each stage, including the inception, design, management, implementation, analysis and use of the data. It involves capacity building for using land information systems based on free and open source software.

The theory of change for the STDM approach is:

- women position themselves as leaders and contributors in the process;
- women partner with traditional leaders – headpersons, indunas and chiefs;
- customary land rights are more legible, agreed upon and transparently practiced;
- communities collect information in the form of maps, household surveys, priorities, that they use to lobby and leverage resources, relationships – or power
- Empowerment is embedded in having more legitimate information/claims
- creating constituencies and creating new culture

STDM is envisioned to be the starting point for dialogue between local communities and cities in negotiations for improving tenure security, inclusive planning and enhanced access to basic services and infrastructure. The process aims to build transparency and trust among community members and land administrators.

Community members can enter data confidentially. The software also offers the potential to produce certificates of residency. While certificates are not instruments for tenure security they could allow more development opportunities with the documentation of rights, such as pursuing services including electricity, water and sanitation facilities. Regional learning workshops were held in Kampala and international training course was provided for STDM trainers.

Sources: Antonio et al., (2013) and STDM (2014)

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