INDICATOR 5.a.1: WOMEN’S AND MEN’S LAND RIGHTS

METHODOLOGY

10th October 2018
Indicator 5.a.1 has been **officially endorsed** by the 47th Session of the UN Statistical Commission in March 2016

**Custodianship**
- FAO
- UNSD and UN WOMEN as contributing agencies

**Methodological work**
- Led by the Evidence and Data for Gender Equality (EDGE) project, a joint initiative of UNSD and UN Women, in collaboration with the Asian Development Bank, FAO and WB.

**Classification**
- Initially classified as Tier III indicator. Thanks to the considerable methodological work undertaken and to the finalization of a data collection protocol, 5.a.1 has been **upgraded to the Tier II group at the 5th IAEG-SDG (March, 2017)**
1. INTRODUCTION (2/16)

GOAL 5
Achieve gender equality and empower all women and girls

TARGET 5.1
TARGET 5.2
TARGET 5.3
TARGET 5.4
TARGET 5.5
TARGET 5.6
TARGET 5.A
TARGET 5.B
TARGET 5.C

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.
In the context of target 5.A, indicator 5.a.1 is important because:

**AGRICULTURAL LAND**
is a *key input* in developing countries, where poverty reduction and development strategies are frequently based on the agricultural sector.

**GENDER EQUALITY**
Women could *increase their productivity* and empowerment if they had *more access to productive resources*, particularly *land*. *Robust empirical evidence is needed* to monitor the gap and track the progress.
2. INDICATOR 5.A.1: SUB-INDICATORS A AND B (1/7)

**SUB-INDICATOR 5.a.1 (a)**

Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex;

measures how prevalent ownership / tenure rights over ag land is in the reference population (ag households), by sex

**SUB-INDICATOR 5.a.1 (b)**

“Share of women among owners or rights-bearers of agricultural land, by type of tenure”

allows to monitor the share of women in ag households with ownership or tenure rights over agricultural land over the total individuals with ownership / tenure rights
2. INDICATOR 5.A.1: SUB-INDICATORS A AND B (3/7)

Sub-indicator a

- **Women**
  - # of *women* with ownership or secure rights over agricultural land
  - Total female agricultural population (in ag HHs)
  - Adult women without land tenure rights
  - Adult women with land tenure rights

- **Men**
  - # of *men* with ownership or secure rights over agricultural land
  - Total male agricultural population (in ag HHs)
  - Adult men without land tenure rights
  - Adult men with land tenure rights
2. Indicator 5.A.1 and Its Sub-Indicators (4/7)

Sub-indicator b

# women with ownership or secure rights over agricultural land, by type of tenure

Total people with ownership or secure rights over agricultural land, by type of tenure

Total adult agricultural population (in ag HHs) with land tenure rights

Adult women with land tenure rights

Adult men with land tenure rights
2. INDICATOR 5.A.1 AND ITS SUB-INDICATORS (7/7)

<table>
<thead>
<tr>
<th>Adult individuals in ag population (in ag HHs) with ownership / tenure rights over agricultural land</th>
<th>male</th>
<th>female</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult individuals in agricultural population (in ag HHs)</td>
<td>200</td>
<td>100</td>
<td>300</td>
</tr>
</tbody>
</table>

Part (a) prevalence

Part (b) share
2. INDICATOR 5.A.1: SUB-INDICATORS A AND B (5/7)

Thus, the logical order that should be followed in order to estimate indicator 5.a.1 is the following:

1. Identify the agricultural population.
   This is done based on the household’s engagement in agriculture. (It will be further discussed and explained in sections 4 and 5)

2. Estimate the prevalence of agricultural land owners/right holders in such population, by sex (Sub-indicator a)

3. Estimate the share of women agricultural land owners/ rights holders in the population of agricultural land owners/ rights holders, by type of tenure (Sub-indicator b)
Since Indicator 5.a.1 focuses on tenure rights over agricultural land (crop land, meadows and pastures) the reference population (denominator) of 5.a.1 has to be the *population whose livelihood is linked to agricultural land* – ie., agricultural households.

Indeed, the indicator helps monitoring the *deprivation status* of this population and the gender inequalities within this population.
3. KEY TERMS AND CONCEPTS (1/12)

In order to monitor indicator 5.a.1, it is essential that we develop a common understanding of the meaning of the terms used.
Defining the term agricultural land is crucial for indicator 5.a.1 because it is the focus of the indicator.

As mentioned earlier, agricultural land is a key economic input in low and low-middle income countries, where economic development and poverty reduction strategies are frequently linked to agriculture.

For this reason, agricultural land is the asset for which the gap between men and women is evaluated by Indicator 5.a.1.
3. KEY TERMS AND CONCEPTS (3/12)

The 2020 World Census of Agriculture proposed an **internationally agreed land use classification**, according to which there are **nine basic land use classes** (LU1-LU9) and agricultural land is a subset (LU1-LU5).

| LU1 | LAND UNDER TEMPORARY CROPS |
| LU2 | LAND UNDER TEMPORARY MEADOWS AND PASTURES |
| LU3 | LAND TEMPORARILY FALLOW |
| LU4 | LAND UNDER PERMANENT CROPS |
| LU5 | LAND UNDER PERMANENT MEADOWS AND PASTURES |
| LU6 | LAND UNDER FARM BUILDING AND FARMYARDS |
| LU7 | FOREST AND OTHER WOODED LAND |
| LU8 | AREA USED FOR AQUACULTURE |
| LU9 | OTHER AREA NOT ELSEWHERE CLASSIFIED |

The definition of agricultural land for **indicator 5.a.1** is taken from this framework, thus it focuses on the **first 5 classes**.

Note: LU1 and LU4 includes greenhouses and land in family gardens.
3. KEY TERMS AND CONCEPTS (5/12)

ADULT AGRICULTURAL POPULATION

Since Indicator 5.a.1 focuses on tenure rights over agricultural land (crop land, meadows and pastures) the reference population (denominator) of 5.a.1 is given by the population whose livelihood is linked to agricultural land – i.e.,

*adult individuals living in agricultural households*
3. KEY TERMS AND CONCEPTS (10/12)

A household is defined as agricultural household if:

1. it has operated land over the past 12 months for agricultural purposes either for own consumption or trade, or both (Q1 = yes, Q2 = ‘own consumption’ or ‘trade’)

And /or

2. it has raised livestock over the past 12 months either for own consumption or trade, or both (Q3 = yes, Q4 = ‘own consumption’ or ‘trade’)

A household is not an agricultural household if:

1. it did not operated land and it did not raise livestock

or

2. its members operated land or raised livestock only as wage laborers. In such a case they are laborers of an enterprise, therefore they should not be considered as deprived simply because they don’t own the assets of the enterprise.
A household is considered **agricultural** if:

- It has operated land for agricultural purposes or held/tended livestock over the past 12 months, regardless of the final purpose.

**Why such a long reference period?**

Agricultural work is irregular and seasonal. There is a risk of excluding households engaged in agriculture if we adopt a short reference period and data are collected off season.

**Why ‘regardless of the final purpose’?**

Agricultural work is sometimes practiced only or mainly for own consumption, therefore with little or no cash income, and so may not be perceived as an economic activity *strictu sensu*.

**Why not HHs involved in forestry, logging, fishing?**

Engagement in forestry and logging and fishing and aquaculture is not considered because the focus of the indicator is on agricultural land.
A household perspective is necessary because:

- the individual’s livelihood cannot be completely detached from the livelihood of the other household members
- from the gender perspective, women often do not consider themselves as involved in agriculture, whereas in fact they provide substantive support to the household’s agricultural activities
- for households operating land or raising livestock, land is an important assets for all the members and protect them in case the household dissolves

Once a household has been classified as ‘agricultural’, all the adult members are eligible of being asked about their tenure rights over agricultural land.
In view of this, in the context of indicator 5.a.1, an individual is part of the reference population if the following two conditions are met:

- The individual is an adult (≥18 years)
- The individual belongs to a household that has operated land for agricultural purposes or held/tended livestock over the past 12 months, regardless of the final purpose
Indicator 5.a.1 aims to monitor the gender balance in ownership and secure tenure rights over agricultural land.

It is challenging to define and operationalize ownership and land tenure rights in a way that provides reliable and comparable figures across countries that have different land tenure systems.

As suggested by the EDGE guidelines, the concept of land ownership should be extended and defined as bundle of rights.
In this context, it is more appropriate to look at the broader concept of:

**LAND TENURE RIGHTS**

For instance, in systems where land is owned by the State, the term land ownership is commonly used to indicate possession of the rights most akin to ownership in a private property system, such as long term leases, occupancy, tenancy or use rights granted by the State, often for several decades, and that are transferrable.

In the context of indicator. 5.a.1, and following the EDGE recommendations, whenever legal ownership is non existent or not relevant, land tenure rights are proxied by alienation rights, i.e. the right to sell and the right to bequeath the land.
EDGE project considered and screened proxy conditions which may indicate that an individual can claim ownership or tenure rights over agricultural land.

The seven country field tests informed the methodology to monitor Indicator 5.a.1. In particular, the tests demonstrated the following:

The need to consider as owners or holders of land tenure rights only the individuals who are linked to the agricultural land by an objective right over it, including both formal legal possession and alienation rights.

The need to combine different proxies, as no single proxy is universally valid.
4. PROXY CONDITIONS FOR INDICATOR 5.A.1 (2/7)

Based upon the conclusions of the EDGE project, and in order to generate a globally valid indicator, FAO recommends the use of three proxy conditions:

- **LEGAL DOCUMENT**
- **RIGHT TO SELL**
- **RIGHT TO BEQUEATH**

The three proxy conditions are **not mutually exclusive**, therefore it could be possible that one individual has one or more of the above mentioned rights at the same time.

The presence of **one of the three proxies is sufficient** to define a person as owner or holder of tenure rights over agricultural land.
4. PROXY CONDITIONS FOR INDICATOR 5.A.1 (3/7)

<table>
<thead>
<tr>
<th>Proxy</th>
<th>The proxy indicates:</th>
<th>Thus, an individual in an agricultural household is considered an owner or rights holder if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGALLY RECOGNIZED DOCUMENT</td>
<td>The availability of a legally recognized document</td>
<td>His/her name is on a document that testifies tenure rights over agricultural land</td>
</tr>
<tr>
<td>RIGHT TO SELL</td>
<td>The ability of an individual to permanently transfer the asset in question in return for cash or in-kind benefits.</td>
<td>S/he has the right to sell agricultural land</td>
</tr>
<tr>
<td>RIGHT TO BEQUEATH</td>
<td>The ability of an individual to pass on the asset in question to another person(s) after his or her death, by written will, oral will (if recognized by the country) or intestate succession</td>
<td>S/he has the right to bequeath agricultural land</td>
</tr>
</tbody>
</table>
4. Proxy Conditions for Indicator 5.A.1 (4/7)

For what concerns land tenure rights supported by legally recognized documents,

An individual is legally entitled if his or her name appears on the legally recognized document as owner or holder of use rights. Such document can be used by the individual to claim ownership, property or use rights before the law.

As these can vary across countries, each country will customize the list according to the local context.

Given the differences between legal systems across countries, it is not possible to clearly define an exhaustive list of legally recognized documents that allow claiming ownership, property or use rights before the law.

However, depending on the national legal framework, the documents listed in the next slide may be considered as legally recognized.
4. PROXY CONDITIONS FOR INDICATOR 5.A.1 (5/7)

**Title deed**
A written or printed instrument that effects a legal disposition

**Certificate of occupancy or land certificate**
A certified copy of an entry in a land title system that provides proof of the ownership and encumbrances on the land

**Legally recognized purchase agreement**
A contract between a seller and a buyer to dispose of land

**Legally recognized will/certificate of hereditary acquisition**
A certificate that provides proof of the land having been received through inheritance

**Certificate of customary tenure**
An official State document recognizing a particular person as a rightful owner or holder of the land on the basis of customary law. It can be used as proof of legal right over the land. These certificates include, among others, certificate of customary ownership and customary use

**Certificate of perpetual/long term lease or rental agreements**
A contractual agreement between a landlord and a tenant for the tenancy of land. A lease or tenancy agreement is the contractual document used to create a leasehold interest or tenancy

**Certificate issued for adverse possession or prescription**
A certificate indicating that the adverse possessor (a trespasser or squatter) acquires the land after a prescribed statutory period
Especially in low and middle income countries and from the gender perspective, focusing on legally recognized documents is not sufficient to analyze the complexity of rights related to land. Why?

In some countries, there is low penetration of legally recognized documents, nonetheless individuals still hold rights over land, for instance they can sell, give away or bequeath their land.

The penetration of legally recognized documents is diverse across regions and countries, therefore relying only on the availability of such documents does not provide a robust and universally valid measure of land tenure rights.

For these reasons, there is a need to consider additional characteristics which can indicate land ownership or secure tenure rights, i.e., right to sell and the right to bequeath.
Why is reported ownership not used?

As highlighted in the EDGE guidelines, reported ownership refers to the person(s) who considers him or herself to be an owner of the asset in question, irrespective of whether his or her name is listed as an owner on an ownership document for the asset. Thus, it measures people’s self-perceptions about their ownership status.

It is a key concept for understanding the empowerment effects of asset ownership from a gender perspective since we expect the benefits and behaviors related to asset ownership to be influenced by people’s perceptions of what they believe themselves to own.

However, it cannot be objectively verified and it is not necessarily linked to objective rights over land.

Indicator 5.a.1 is a global indicator, and thus for comparability issues, reported ownership cannot be used in this context.
While indicator 5.a.1 focuses on gender parity in ownership and tenure rights over agricultural land, other SDG indicators recognize the importance of strengthening secure tenure rights for all.

**GOAL 1**
**TARGET 1.4**

*aims to ensure that all men and women, in particular 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.*

**Indicator 1.4.2**

*“Proportion of total adult population with secure tenure rights to land, with (1) legally recognized documentation and (2) who perceive their rights to land as secure, by sex and by type of tenure”*
The two indicators present some similarities as well as differences. Both of them deal with land and individual rights and they promote sex-disaggregated data. However, the differences between the two are non-negligible:

The two indicators look at different types of land

**Indicator 1.4.2**
all types of land (i.e. residential, business, etc.)

**Indicator 5.a.1**
agricultural land

The two indicators look at different populations

**Indicator 1.4.2**
whole adult population in the country

**Indicator 5.a.1**
agricultural population

The two indicators differ in the span of land tenure rights definition

**Indicator 1.4.2**
looks at legally recognized documents and the perceptions on tenure security

**Indicator 5.a.1**
looks at the ‘de facto’ tenure rights by considering both legal documentation and alienation rights. A holder is an individual presenting at least one of the proxies
THANK YOU!