



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS

# A gender perspective on land rights

## Equal footing



### LAND: SOURCE OF FOOD AND WELL-BEING



Access to land is essential to food production and income generation. It is also a key social and economic asset, crucial for cultural identity, political power and participation in decision-making. Social and cultural beliefs often discriminate against people because of gender, social class or ethnic group. To reduce hunger and poverty and promote sustainable development,

efforts must be made to address these inequalities. Ensuring equal land rights for men and women increases economic opportunities, encourages investment in land and food production, improves family security during economic and social transitions and leads to better land stewardship.



### EQUAL ACCESS IS KEY TO FOOD SECURITY



The need to provide equal access to land is more urgent than ever. Land is a crucial means for food production and rural income. To meet the global goals for food security, rural populations should be able to count on adequate land to produce more and better-quality food, and at the same time improve their economic situation. Without secure land tenure, women and men farmers have little or no access to credit, rural organizations and other agricultural inputs and

services. Numerous case studies and surveys carried out by FAO and other development organizations show that women do not have equal rights to land. FAO supported studies in Brazil, Burkina Faso, Cuba, the Dominican Republic, Honduras, Lesotho, Nicaragua, Senegal clearly illustrate that women's access to land and other productive resources is limited. Despite efforts to protect women's rights, legal, economic and socio-cultural barriers persist.

A GENDER PERSPECTIVE



ON LAND RIGHTS





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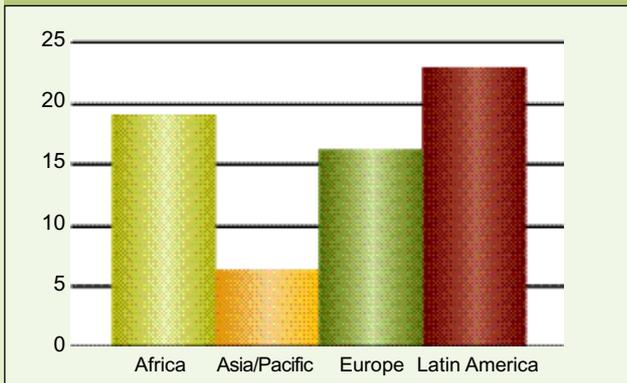
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### WHO IS FARMING THE LAND?

Significant changes have occurred in the rural labour force as a result of growing population, urban migration, illness and death caused by HIV/AIDS. Women are assuming much more important roles in food production and natural resource management. Women are heads of rural households, in at least a quarter and sometimes more than half of cases. Many of these women are single parents, widows, divorcees, wives of migrant workers, the aged and the infirm – the least socially powerful members of the community. Both, female labour force in agriculture and the increasing number of women as head of household (due to HIV/AIDS, war, migration) in rural areas show how important it is to guarantee women's equal access to land and other productive resources.

Table of percentage of agricultural holdings headed by women



The scarce data available reveals that approximately a fifth of holdings are headed by women

Source: FAOSTAT



### LAND IS POWER

In countries where agriculture plays a predominant role as export earning and source of employment, ownership of land is directly associated with power. When women are denied equal property rights, they experience reduced social, economic, and political status. By contrast, land rights increase rural women's power in the above areas. Access to land facilitates women's bargaining power within their household, as well as their representation and participation in decision-making processes at the community level.



### DETERMINING ACCESS TO LAND: CUSTOM, LAW, MARKETS

Land rights are determined by a number of socio-political systems that evolve over time and exist concurrently. Formulating effective land tenure policy and taking into account the prevailing customs and practices into modern land administration is a challenge.

In many communities, traditional customs dictate the access that community members have to land and resources. Land is not considered a good that can be bought or sold, but is managed according to family and lineage structures, marriage practices and religion. Generally men control land and women gain access mostly through their relationship with male relatives.

State institutions also influence land tenure. Legislation may establish that women and men have equal rights to own land or may introduce land reform giving equal opportunities to women and men to receive land parcels. But the enforcement of the law depends on institutional, political and social factors. Very often traditional customs that already have strong local acceptance and influence will prevail.

As globalization penetrates most regions, the marketisation of the economy has a growing importance in determining land access. In market economies land rights are generally based on private property rights and the marketability of these rights. Although this could provide access for both women and men to buy land, the global market economy exacerbates existing disparities. As land becomes a marketable asset and available land becomes scarcer, household and community members may undermine the access women previously enjoyed, particularly in the case of widowed and divorced women.

### Economically active population in agriculture

Estimation for the year 2000

	Total (1000)	Female	Male
World	2 948 122	40.7%	59.3%
Developing Countries	2 292 671	39.6%	60.4%
LIFDCs	1 893 609	40.2%	59.8%

Source: FAOSTAT

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### AGRARIAN REFORM IN BRAZIL

The lack of sex-disaggregated data makes it difficult to determine the level of women's participation in agrarian reform programmes. The most significant statistics with regard to gender was the 1996 Agrarian Reform Census that revealed that only 12.5% of land beneficiaries were women.



### PATRIARCHAL VALUES AND PRACTICES: TO EQUAL ACCESS

One of the most difficult obstacles to improving gender equality in land rights is patriarchal values and practices. In most cultures, inheritance practices are patrilineal. Women have land tenure rights only through their male children or male relatives from their husband's lineage. Often a woman must seek permission from her husband before undertaking or committing family resources. This hampers effective use of resources and also lowers the motivation of women to invest in the land they use, for example by adding irrigation in land rehabilitation projects. Even when local custom affords women certain land rights, they may be reluctant to demand them for fear of losing social benefits.

In most of Africa, where inheritance is patrilineal, a woman loses rights to land following the death of her spouse. Widows and divorced women have virtually no tenure or inheritance rights with which to ensure food security for themselves or their children.

For example, in Burkina Faso, Mossi land tenure and family structure are patrilineal. This patrilineal culture determines marriage practices and who has control over land.

In the Middle East, women rarely own land, and when they do, the land is often controlled or managed by male relatives until marriage, after which the titles are transferred directly to their sons. Socio-cultural norms also have an impact on fertility rates. In India, daughters usually waive their land rights in favour of their brothers, to avoid being denounced as selfish and being alienated from their families. This often results in women bearing as many sons as possible in an effort to secure access to land.



### WORKING TOGETHER TOWARD A COMMON GOAL

Land reform can increase both equality and output. But to be successful, the design and implementation of policy and related programmes must occur in a participatory manner at the national, institutional and local levels.

At the national level, policy makers design policies, pass legislation, mandate programmes to implement the policies and provide resources. The advice of international donor and development agencies plays an important role at this stage. Then it is the turn of state agencies to translate the laws into programmes. These programmes should include gender training for staff to ensure that gender equality is integrated into land programmes. At the local level, stakeholders should participate in the implementation of appropriate policies.

At each stage of the process, it is important that implementers and stakeholders share experiences. Otherwise, unexpected results can occur. For example in Burkina Faso, the introduction of irrigation development projects had the unintended effect of putting more land under the control of men. This was because under customary tenure systems, men obtain control rights to irrigated plots. Women lost some of their rights when the land they were working was affected by these projects.

### LAND TITLING AND TENURE SECURITY IN NICARAGUA

Formal titling of land has been advanced as an adequate mechanism for ensuring tenure security for landholders. Nicaragua has made significant progress in increasing the number of women as landowners.

This was achieved through legislation initiated in the 1980s establishing equal rights for women and men to benefit from land tenure programmes. A further boost came from a joint titling law in 1997 mandating that titles received by families through a land reform programme be issued in the names of both spouses. Vigorous dissemination, training and promotion of joint titling paid off. Whereas in the 1980s only 10 percent of land titles were issued to women, by 2000 that number had increased to 42 percent. Work remains to be done: although more women are receiving titles, their land parcels tend to be smaller than those granted to men.

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### LEARNING FROM EXPERIENCE: THE ROAD AHEAD TO GENDER EQUALITY

The past century has seen divergent models for agriculture land tenure and rural resource distribution. From cooperatives to collectives, from privatization to the expansion of multinational agribusiness, a basic lesson has been learned: countries that have made the political and financial commitment to ensuring property rights for both women and men have developed much faster with a higher level of food security, health and welfare.

Yet, to be effective, efforts must consider the complex forces at work in traditional cultures. Socio-cultural values and practices, as well as socio-economic changes that may limit women's access to and control of land, need to be acknowledged and understood. Efforts to achieve gender equality need to include the following:

- ③ Legal frameworks which explicitly state that both women and men have the right to own property. To be effective, they must include and enhance already existing customary or traditional land tenure systems. If conflicts between different systems are not resolved, a risk remains that the least favourable approach will be applied to women.
- ③ Full stakeholder participation. The participation of local stakeholders is essential for the success of a programme. Unless all parties respect the programme and feel it is their own, they will hesitate to give their full cooperation.
- ③ Programmes on the local level must take into account the particular obstacles that certain sectors of the population such as women experience in participating in land programmes, and how the information is communicated, is key.
- ③ Better information disaggregated by sex. Without this information, it is difficult to determine how many women benefit from agrarian and legislative reform programmes. Decision-makers need to consider successes and failures. Improvements must also be made in the collection, tabulation, dissemination and use of this data.
- ③ Equal access to alternative forms of ownership, such as cooperatives and marketing associations. They provide essential knowledge, access to credit and agricultural inputs.
  - Women are often excluded from decision-making processes. Giving women equal access to participating in these groups may have the benefit of recognizing women's management skills, which may translate into other entrepreneurial activities. This can open up opportunities for credit and financing, thus adding value to local and national development activities.
- ③ Consideration of gender differentiated information in land reform. When commissioning studies for economic, legal or social programmes, countries should ensure that the data collected and analysed is sex-disaggregated.
- ③ Gender sensitization programmes that inform women and men on the importance of equal rights. Legal literacy campaigns and training can help to explain the positive relationships between law and rural productivity. Programmes that raise awareness of women's rights can break down socio-cultural and institutional barriers.

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