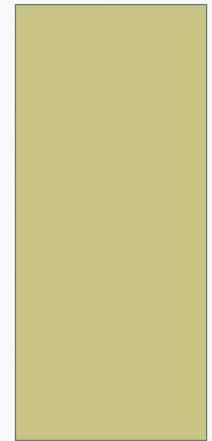


**CLOSING THE GENDER GAP IN LAND ACCESS,
CONTROL, AND OWNERSHIP IN EASTERN AFRICA**
MALAWI LAND SYMPOSIUM 2016

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PRESENTATION OUTLINE

- 1. What are land rights and how are they gendered?
- 2. What determines whether women have land rights?
- 3. What empirical evidence exists on the gender-land gap ?
- 4. Why does the gender land-gap matter?
- 5. How can we improve women's land rights and close the gender-land gap?
- 6. Global factors influencing women's land rights.

1. WHAT ARE LAND RIGHTS AND HOW ARE THEY GENDERED?

- Going beyond ownership/headship to thinking about “bundles of rights” and how these rights differ by gender (Di Gregorio et al. 2008).

Ownership
Management
Access
Control
Use
Decision-making

1. WHAT ARE LAND RIGHTS AND HOW ARE THEY GENDERED?

- Going beyond ownership/headship to thinking about “bundles of rights” and how these rights differ by gender (Di Gregorio et al. 2008).
 - Who can access the plot?
 - Who can extract resources from the plot?
 - Who can earn profit from the plot?
 - Who can make decisions about what is grown on the plot?
 - Who can make decisions to sell the plot?
 - Who can make decisions to exclude others from using the plot?

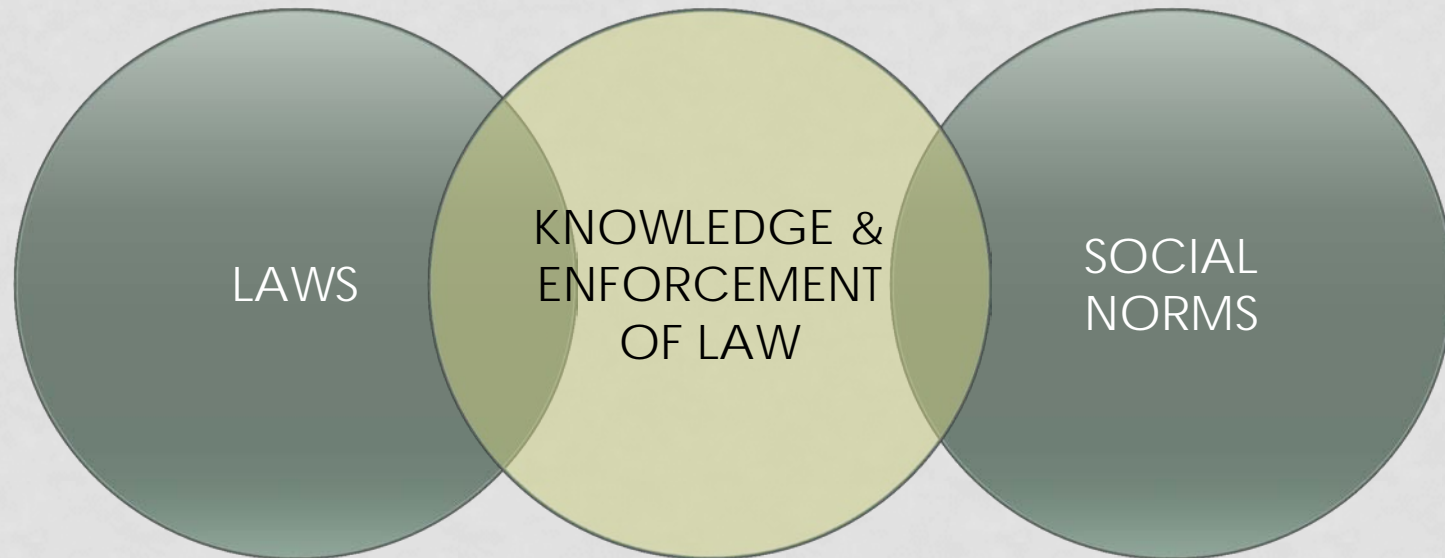
1. WHAT ARE LAND RIGHTS AND HOW ARE THEY GENDERED?

- Men and women acquire land rights in different ways (Lastarria-Cornhiel et al. 2014)
 - (1) family allocations (inheritance or marriage);
 - (2) customary or community allocations;
 - (3) state allocations (e.g. land reform and resettlement programs);
 - (4) civil society or NGO programs;
 - (5) through the market

1. WHAT ARE LAND RIGHTS AND HOW ARE THEY GENDERED?

- Men and women have different claims to land rights based on
 - Statutory law
 - Customary law
 - Religious law
 - Legal pluralism

2. WHAT DETERMINES WHETHER WOMEN HAVE LAND RIGHTS?



2. HOW DO POLICIES AND LEGAL STRUCTURES SHAPE GENDER DIFFERENCES IN LAND RIGHTS?

- 1. Laws that do not guarantee women equal rights as men and/or laws that are discriminatory against women
 - Inheritance laws
 - Divorce laws
 - Separation of property vs. joint property vs. full community property
- 2. Land reform that is gender blind
 - Titling programs that formalize land rights under the name of the household head:
 - (1) Undercut women's customary user rights (e.g. Lastarria-Cornhiel (1997) on privatization of land in Africa).
 - (2) Undermine matrilineal/matrilocal traditions (e.g. Peters 2010 on Southern Malawi).

2. HOW DOES KNOWLEDGE/ENFORCEMENT SHAPE GENDER DIFFERENCES IN LAND RIGHTS?

- 1. Lack of knowledge of existing law.
- 2. Lack of enforcement mechanisms of existing law, particularly in the context of legal pluralism.

2. HOW DO SOCIAL NORMS SHAPE GENDER DIFFERENCES IN LAND RIGHTS?

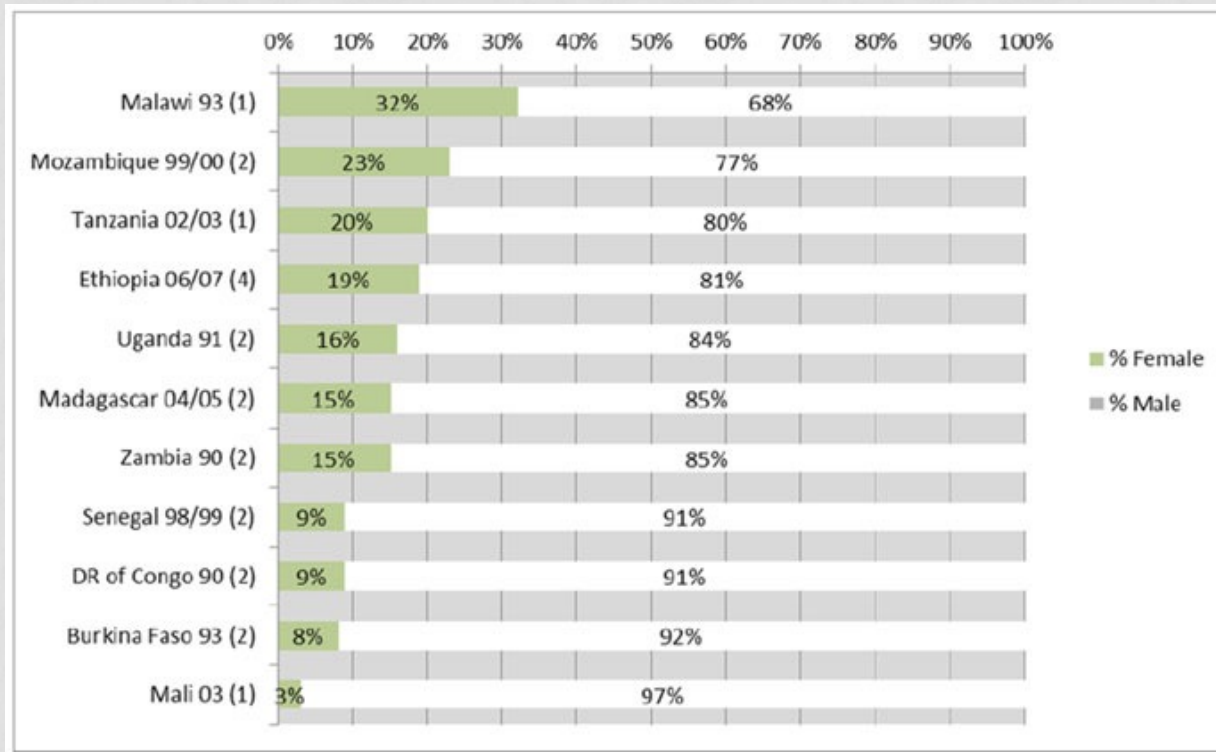
- 1. Norms about inheritance (patrilineal vs. matrilineal vs. bilineal); religious norms.
- 2. Norms about kinship (patrilocal vs. matrilocal).
- 3. Norms about women's rights to property upon marital dissolution.
- 4. Attitudes about women's rights to own property.

3. WHAT IS THE EMPIRICAL EVIDENCE ON THE GENDER LAND GAP IN MALAWI AND EAST AFRICA?

- Data difficulties
 - (1) Lack of gender-disaggregated data on land ownership.
 - (2) Available gender-disaggregated data on land ownership is not measured consistently across regions and countries.
 - (3) Available data focuses on landholding (e.g. decision-making) rather than other dimensions of land rights (“bundles of rights”).

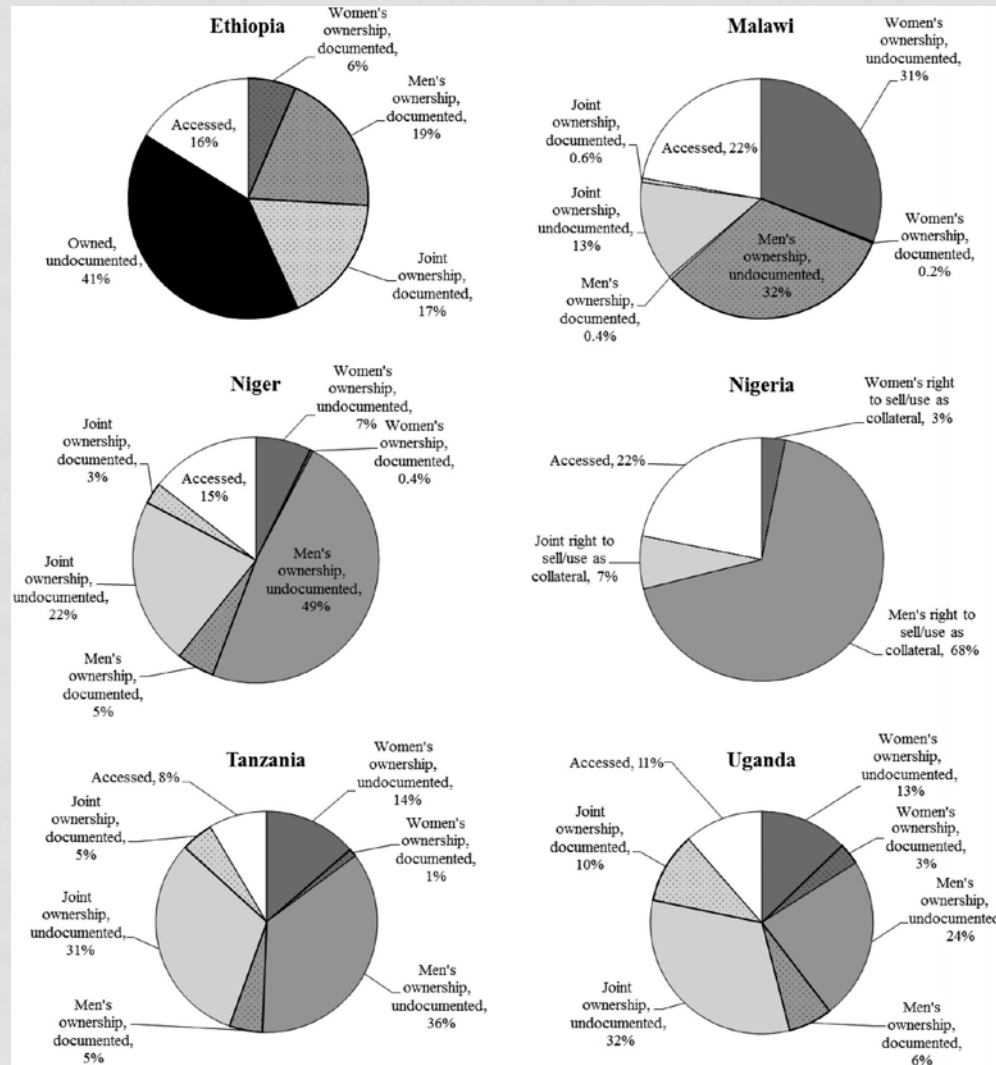
3. WHAT EMPIRICAL EVIDENCE DO WE HAVE ON THE GENDER-LAND GAP?

Individual holders of agricultural land by sex in Malawi and other African countries



Source: Lastarria-Cornhiel et al. (2014) using data from the FAO Gender & Land Rights database

3. WHAT EMPIRICAL EVIDENCE DO WE HAVE ON THE GENDER-LAND GAP?



Source: Doss et al. 2015
 Data from Living Standards Measurement Study-Integrated Surveys on Agriculture (LSMS-ISA) Ethiopia (2011–2012), Malawi (2010–2011), Niger (2011), Nigeria (2010), Tanzania (2010–2011), and Uganda (2009–2010).

3. WHAT EMPIRICAL EVIDENCE DO WE HAVE ON THE GENDER-LAND GAP?

	Sample	% HH owning land	Sample of women	Women own any land (sole or joint owner)	Women own land (sole owner)
Malawi (2010)	24,818	80	15,399	48	23
Ethiopia (2011)	16,693	73	16,503	50	12
Uganda (2011)	9,029	72	8,667	39	14
Tanzania (2011)	9,592	77	10,137	30	8

Source: Doss et al. 2015 Data from the Demographic Health Survey.

3. WHAT EMPIRICAL EVIDENCE DO WE HAVE ON THE GENDER-LAND GAP?

- How does the gender-land gap change over the life course?
 - Gender asset gap at marriage
 - Men bring significantly more assets (including land) to marriage than women in Ethiopia and South Africa (Quisumbing and Maluccio 2001; Quisumbing and Hallman).
 - Marital changes (divorce, separation, polygyny)
 - Widowhood
 - Cross national study of 15 countries in SAA finds 46.95% of widows reported inheriting assets following their spouse's death, and approximately 31.94% of widows reported inheriting the majority of assets (Peterman 2012).
 - External shocks
 - In Uganda, fuel price shocks reduced men's landholdings, and drought shocks reduced women's assets (Quisumbing et al. 2015).

4. WHY DOES THE GENDER-LAND GAP MATTER?

- Women play an important role in African agriculture.

	Female share of agricultural labor
Malawi	52%
Uganda	56%
Tanzania	53%
Ethiopia	29%
Niger	24%

Source: Palacios-Lopez et al. (2015) using data from LSMS.

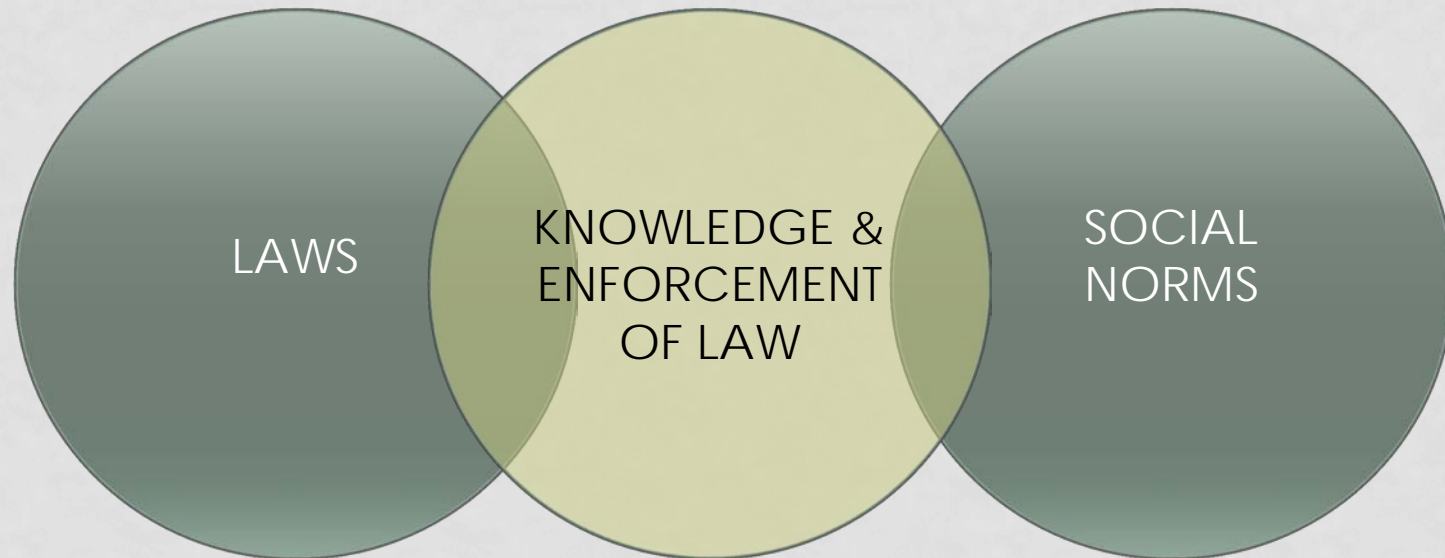
4. WHY DOES THE GENDER-LAND GAP MATTER? AGRICULTURAL PRODUCTIVITY

- There are differences in productivity between male and female plot owners. Productivity differences are due to women's insecure property rights (along with gender-differences in agricultural inputs and human capital).
 - In Ghana, women's tenure insecurity contributes to lower agricultural productivity because women are less likely to leave their land fallow because they risk losing land that they are not actively farming (Goldstein and Udry 2008).
 - In Ethiopia, women's tenure insecurity contributes to lower agricultural productivity because of the difficulty of evicting less productive tenants who are often family members (Holden and Bezabih 2007).
- Once you control for gender differences in property rights and agricultural inputs, productivity differences between male-female owned plots disappear (Quisumbing 1996; Quisumbing and Pandolfelli 2010).

4. WHY DOES THE GENDER-LAND GAP MATTER? INTRA-HOUSEHOLD POWER DYNAMICS

- Literature on intra-household bargaining shows that improving women's assets is positively associated with improvements in well-being of women and their children (Haddad et al. 1997).
 - In South Africa, increased women's asset ownership (including land) is associated with increased expenditures on children's education (Quisumbing and Maluccio 2003).
 - Women's property ownership is positively associated with women's participation in household decision-making in South Asia and it is possible that similar patterns occur in Africa, although there is a lack of research on the topic (Allendorf (2007); Garikipati (2009); Swaminathan et al. (2012))

5. HOW CAN WE IMPROVE WOMEN'S LAND RIGHTS AND CLOSE THE GENDER-LAND GAP?



- Government actors
- Civil society actors

5. HOW CAN THE GOVERNMENT IMPROVE WOMEN'S LAND RIGHTS AND CLOSE THE GENDER-LAND GAP?

- (1) Legal reform
 - Ensuring women are guaranteed equal rights to property ownership; reforming marriage laws to improve women's rights upon divorce; reforming inheritance laws so that women can inherit.
 - In Ethiopia, perceptions about the gender division of assets following a divorce became more equal after implementation of revised family code (Kumar and Quisumbing 2015).
 - In Rwanda, land tenure reform contributed to improvements in women's perceptions of their own land tenure security (Daley et al. 2010).
 - In Tanzania, improvements in women's property rights at the community level are positively associated with women's employment and earnings (Peterman 2011).

5. HOW CAN THE GOVERNMENT IMPROVE WOMEN'S LAND RIGHTS AND CLOSE THE GENDER-LAND GAP?

- (2) Promoting gender-inclusive land reform
 - Success of a joint titling program in Ethiopia that included both men and women's names on titles and in some cases photographs of men and women (Deininger et al. 2008).
 - Targeting of land to female-headed households in Malawi in the Community Based Rural Land Development Project.
- (3) Changing women's representation in land administration agencies to improve enforcement.
 - Land administration committees in Ethiopia were required to have at least one female member and registration of certificates were public to ensure transparency (Deininger et al. 2008).

5. HOW CAN CIVIL SOCIETY IMPROVE WOMEN'S LAND RIGHTS AND CLOSE THE GENDER LAND GAP

- Legal literacy programs.
 - Qualitative evidence suggests legal literacy programs in Uganda and Tanzania play an important role in improving community knowledge and attitudes about women's land rights (Behrman et al. 2012).
 - Emerging evidence from an impact evaluation of a legal literacy program in Tanzania finds positive impacts on local knowledge about land laws in small villages (Mueller et al. 2015).
- Asset transfer programs including support for micro-plot development.
 - A HKI program in Burkina Faso had positive effects on women's decision making power and control over home gardens and produce. Attitudes towards women owning land became more favorable in treatment areas (van den Bold et al. 2015).

6. GLOBAL FACTORS INFLUENCING WOMEN'S LAND RIGHTS

- Large scale-land deals (related to growth of agribusiness and commercialization).
 - 46.6 mil ha in 203 projects in 81 countries (WB 2010), majority in SSA.
 - Complex array of drivers including population growth; urbanization; rising oil and food prices; the financial crisis.
 - Driven by food and water security, biofuels, horticulture speculation

6. GLOBAL FACTORS INFLUENCING WOMEN'S LAND RIGHTS: LARGE SCALE LAND DEALS

- “Whether or not women and men will benefit from land deals depends in part on the rights and responsibilities women and men have prior to the land deal and in part on how the implementation of the land deal will build upon, improve or distort these roles and responsibilities.” (Behrman et al. 2012)
 - Are local men and women consulted about sale/ lease of land?
 - Are there investments in local labor for men and women?
 - Are there investments in public good that assist local men and women?
 - Are local men and women compensated for sale/lease?

CONCLUSIONS & POLICY RECOMMENDATIONS

- Closing the gender-land gap is important for improving agricultural productivity and improving the well-being of women and their families. Policy recommendations include:
 - 1. Adopting a “bundles of rights” perspective and considering how policy changes will affect men’s and women’s different rights.
 - 2. Ending discriminatory legal provisions related to divorce, inheritance, family law etc.
 - 3. Promoting gender-inclusive land reform including joint titling and targeting to female-headed households.
 - 4. Increasing women’s representation in land administration agencies.
 - 5. Promoting gender-inclusive large-scale land deals where local women and men are active participants in consultation and negotiation of land deals.