



Governing land for women and men

Technical issues

Text-only version

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In this lesson

LEARNING OBJECTIVES.....	2
INTRODUCTION.....	2
THE CHALLENGES	3
PROMOTING GENDER EQUITY IN LAND ADMINISTRATION AND MANAGEMENT PROJECTS.....	6
ENSURING GENDER EQUITY IN THE RECORDING OF TENURE RIGHTS	9
LAND SURVEYS, TITLING AND REGISTRATION	10
ALTERNATIVES TO LAND TITLING.....	14
DESIGNING AND SETTING UP LAND INFORMATION SYSTEMS AND DATABASES.....	17
ADDITIONAL TECHNICAL ACTIVITIES.....	18
ISSUES RELATED TO LAND REALLOCATION	22
Land redistribution.....	23
Land restitution.....	24
Land consolidation and readjustment	25
ISSUES RELATED TO COMPENSATION.....	27
CONCLUSIONS.....	28
SUMMARY	28

LEARNING OBJECTIVES

At the end of this lesson, you will be able to:

- ▶ understand the challenges to gender equity in technical areas of land tenure governance and identify actions to address them in land administration and management projects;
- ▶ explain how to ensure gender equity in the recording of land rights, through surveying, titling and registration activities, and within land information systems;
- ▶ explain how to improve gender equity in land taxation, valuation, land-use planning, land consolidation, land restitution, land redistribution and compensation.

INTRODUCTION

To achieve responsible governance of tenure, we must examine how to improve gender equity in land administration and management approaches, methods, activities, technologies and systems.



How can we design and implement land administration activities and systems so that **they address the needs**, interests and concerns of both women and men?

How can we ensure that women **participate equally in land administration and management activities**?

The most common elements of land administration and management:

Land registration - The recording of rights to land in some form of public register. It includes information on the rights, their location, and their holders. When it is parcel-oriented (sometimes referred to as title registration) ownership is transferred upon registration rather than on execution of the contract.

Tenure regularization - The process of bringing informal property rights into a formal, legal system of land administration. It usually includes the steps of adjudication, titling and land registration.

Land consolidation and readjustment - The planned readjustment and rearrangement of land parcels - whether of housing or agricultural land - and reallocation of rights within new boundaries. Land consolidation is usually undertaken to improve the layout of land parcels by regrouping them into more regular form, and it can help to improve the efficiency of farming by enabling a more rational distribution and use of land.

Land titling - The granting or issuing of land titles, which are the evidence of a person's right to land, or entitlement.

Surveying -The act of identifying, measuring and demarcating the boundaries of land parcels.

Land information systems -A system for acquiring, managing, processing, storing and distributing information about land. It is usually parcel-based.

Valuation -The valuation of land and the properties and immovable assets on it, usually for purposes of calculating land taxation or payment of compensation following land reallocation through restitution, redistribution, consolidation and readjustment or expropriation.

Taxation - The taxation of properties and land.

Land-use planning -The planning of land use and a key tool in ensuring sound and efficient land management.


Land restitution -The process of restoring land rights lost by individuals or communities, after a conflict, humanitarian or natural disaster, or after a major regime or governmental system change.


Land redistribution -The reallocation of land rights from some landowners and users to new beneficiaries. In many developing countries, redistributive reforms are an important part of policies for increasing access to land, and may target landless, poor and marginalized beneficiaries, including women.


Compensation -A payment for loss of land rights following land reallocation through restitution, redistribution, consolidation and readjustment or expropriation.


THE CHALLENGES

Unfortunately, and as a result of deeply entrenched social values, land administration often does not take into account the different needs and priorities of men and women. Here are four women from different regions telling us about the challenges they face:

 *"In my country, I can register land under my own name. But the land registry office is too far away, and I have no means to travel there.- Awusi*

"I have heard on the radio that the new registration system requires both husband and wife to sign their name on their land documents. But the local land officer doesn't know anything about this, and he also says that there is no space for me to sign on all the forms." – Akara 

"The Government is doing a land survey, and is sending technicians to interview each family in our community. Since these technicians are all men, I am not allowed to speak to them, so there is no way I can make sure they know about all the land that I rely on."—Amina 

 *"My husband and myself have been working on this land for many years. A year ago, the Government formally recognized that we owned this land, and my husband signed the contract, as "head of the household". Then, he left for the city, and now has a second family there. He sold the land without my knowing, and my children and I have nowhere to go."* -- Maria

Male bias is common throughout land administration and management projects and services worldwide. The majority of staff are men, and women often do not participate in land administration and management activities, nor are they often included in the design of projects and services - so issues that especially affect them, such as language, illiteracy, lack of information and knowledge, transportation, and accessibility are not considered.

On donor-funded projects, where they may be foreign staff, awareness of local social and cultural aspects of land rights may be limited. However, gender-equitable land administration and management does not require special benefits to be created for women on land projects. Instead, where project activities include benefits such as access to credit facilities and community services, it is important that both women and men are included as beneficiaries.

In fact, it is important to ensure that all land administration projects and activities mainstream gender equity by considering the whole range of relevant gender issues in the country context during project design, implementation, monitoring and evaluation.

The need to address gender equity in all technical areas of land administration is supported throughout the *Voluntary guidelines*



Refer to Voluntary Guidelines
Securing and allocating land rights

7.4 States should ensure that women and men enjoy the same rights in the newly recognized tenure rights, and that those rights are reflected in records...Locally appropriate approaches should be used to increase transparency when records of tenure rights are initially created, including in the mapping of tenure rights.

10.3 Whenever States provide legal recognition to informal tenure, this should be done through participatory, gender-sensitive processes, having particular regard to tenants.

11.6 States should establish safeguards to protect the legitimate tenure rights of spouses, family members and others who are not shown as holders of tenure rights in recording systems, such as land registries.

7.1 When States recognize or allocate tenure rights to land, fisheries and forests, they should establish, in accordance with national laws, safeguards to avoid infringing on or extinguishing tenure rights of others, including legitimate tenure rights that are not currently protected by law. In particular, safeguards should protect women and the vulnerable who hold subsidiary tenure rights, such as gathering rights.

Land rights registration

17.3 States should strive to ensure that everyone is able to record their rights and obtain information without discrimination on any basis.

Regulated spatial planning

20.2 States should develop through consultation and participation, and publicize, gender-sensitive policies and laws on regulated spatial planning.

20.3 States should ensure that regulated spatial planning is conducted in a manner that recognizes the interconnected relationships between land, fisheries and forests and their uses, including the gendered aspects of their uses.

Land restitution

14.4 States should develop gender-sensitive policies and laws that provide for clear, transparent processes for restitution. Information on restitution procedures should be widely disseminated in applicable languages. Claimants should be provided with adequate assistance, including through legal and paralegal aid, throughout the process.

Redistributive reforms

15.5 Where States choose to implement redistributive reforms, they should clearly define the objectives of reform programmes and indicate land exempted from such redistribution. The intended beneficiaries, such as families including those seeking home gardens, women, informal settlement residents, pastoralists, historically disadvantaged groups, marginalized groups, youth, indigenous peoples, gatherers and small-scale food producers, should be clearly defined.

PROMOTING GENDER EQUITY IN LAND ADMINISTRATION AND MANAGEMENT PROJECTS



Some actions to consider when addressing these challenges, and promoting gender equity in land administration and management projects - printable checklist

➞ Context analysis

- ▶ Conduct **social assessments** prior to project design and implementation, including: family structure; women's representation in local affairs; decision-making power and roles in families and society; inheritance, marital and divorce patterns.
- ▶ Develop an **understanding of the local tenure system** and the provisions it makes for women. (Be aware that most of this information might not be recorded in writing). Consider different uses of and interests in land, and existing boundaries and land rights (registered and unregistered), particularly women's rights.
- ▶ Check **limitations** in the respective **laws, policies and regulations** concerning gender equality.

➞ Project design and implementation

- ▶ Promote the use of **gender-sensitive participatory methodologies and tools** in regulating access to and use of land and natural resources.
- ▶ Hire a **gender adviser** or focal point to work with the implementation team.
- ▶ Target women as **project beneficiaries** and ask them what they need and what constraints they see to gender-equitable land administration.
- ▶ Develop **implementation guidelines** in the local language(s), with women's representation and active participation.
- ▶ **Link** land administration activities to other projects, such as those for securing women's access to credit and extension services.

➞ Monitoring and evaluation

- ▶ Install a **gender-sensitive monitoring system**, including gender indicators, from the outset. Examples of monitoring indicators for technical issues in land administration and management include:

- ✓ number of gender-sensitive technologies used in land administration activities.
- ✓ percentage of women and men attending training on use of new land-related technologies.
- ✓ number of land administration activities, technologies and systems that take into account women's and men's different needs and constraints.

- ▶ Install **gender-sensitive evaluation systems** and collect best practices and sex-disaggregated data to track long-term impacts on gender equality.

➞ Training and awareness rising

- ▶ Conduct **gender awareness training** for women and men, project staff and officials in land administration.
- ▶ Conduct comprehensive **public outreach campaigns** and education work targeting men and women equally.
- ▶ When planning training, communication campaigns and awareness raising, consider **context-specific factors** such as local customs that may hamper access to the activities for different groups of women and men.
- ▶ Consider **language restrictions, illiteracy, lack of information and transportation and accessibility challenges**, especially for women.
- ▶ Provide information brochures, videos, radio broadcasts, newspaper articles and Web sites that focus on women's situations. Use contexts that are familiar and relevant to them, and use female figures in illustrations.

Examples of **good practices** for gender equity in land administration projects:

India

In *India*, homestead land purchase programmes help landless rural families to acquire small plots for secure housing and small-scale home-based enterprises controlled by women. Beneficiaries Participate at all stages, from the identification of suitable land to the design of land development plans. Many of the programmes issue joint land titles to husbands and wives, others issue land titles to women only. Success is facilitated by awareness of gender equity issues among local communities and authorities.

Ethiopia

In *Ethiopia*, following issuance of the Land Use and Administration Proclamation in Amhara Region in

2000, the regional Natural Resource and Land Use Bureau developed an implementation strategy and guidelines establishing the responsibilities and accountabilities of different actors in land rights registration. Joint registrations of land titles have to include the names and photographs of both the wife and the husband, and both spouses have to sign.



Honduras

In *Honduras*, the Guayape Valley Agricultural Development Project worked with the Honduras Titling Agency to include wives' names on land titles, despite limitations in the relevant legislation and inheritance and marital property practices that excluded women. The project was successful because it reviewed titling procedures to make them more accessible to and inclusive of women, and because it held gender training for project, government titling, and public and local authority staff.



Jamaica

In *Jamaica*, the National Land Agency's (NLA's) work in public education supports gender-equitable governance of land tenure. For instance, NLA organizes road-shows around the country, usually on market days, when women from rural areas are likely to be in town. At these road-shows, NLA provides information and makes presentations to women, in groups and individually. Topics include the benefits of making a will, registering their own names on their partners' property, regularizing their existing tenure through registration, and titling any land they buy in their own right.



Mozambique

In *Mozambique*, FAO's Participatory and Negotiated Territorial Development (PNTD) approach has been used in the delimitation of community land. Community members, including separate groups of women and men, produce maps during a participatory consultation process. A final version of the map is then agreed on and recorded in the cadastre after discussion with neighbouring communities. FAO has recently integrated the PNTD approach and its Socio-Economic and Gender Analysis (SEAGA) approach into guidelines on improving gender equity in territorial issues.



Cambodia

In Cambodia's Supplemental Land Administration Project, 78 percent of new titles were issued jointly to husbands and wives. To promote long-term sustainability, the project was linked to other development projects, such as those for securing women's access to credit and extension services. A social assessment conducted prior to implementation applied a gender perspective to land rights, and gender

concerns were integrated into the project design.

Women's participation was emphasized in both the design and implementation phases. The project conducted a comprehensive public outreach campaign, with gender-awareness training sessions involving both women and men, including land administration and management officials at all levels. Women were specifically targeted because of their higher rates of illiteracy and general lack of education about land rights. The project also hired gender advisers to work with the implementation team.

Cambodia's Supplemental Land Administration Project carried out a gender-sensitive social assessment prior to implementation, conducted gender-awareness training and linked into other relevant development projects. It did not seek to achieve faster results at the expense of gender equity by issuing land titles to husbands only.


ENSURING GENDER EQUITY IN THE RECORDING OF TENURE RIGHTS

One of the core activities in land administration is the **recording of tenure rights**. Tenure security can be safeguarded under various forms that make clear the rights of land users and owners:

- ✓ **formal titles;**
- ✓ clear, **long-term rental contracts;**
- ✓ reliable **lease agreements;** or
- ✓ **formal recognition** of customary and legitimate informal rights, with accessible and effective **dispute resolution mechanisms.**


Story

As an example of the issues that people can come across when tenure rights are recorded, consider the story of Bertha:


 *"In our family, we rely on two pieces of land. I am married, but my husband's family does not have much land. I grow food to feed us on a small field that I have been borrowing from my own uncle for many years now. "- Bertha*

One day, a non-governmental organization (NGO) visits Bertha's village and holds a community meeting. The NGO workers tell people that according to a new law, all land has to be registered. The Government will soon send surveyors to record everyone's land boundaries and identify the owners

of all land.

 *“The NGO workers explained that according to the new law, the land of married couples must be jointly titled. This means that the field farmed by my husband will be recorded with both names, even though only my husband uses it. This won’t affect us day to day, but it will protect me in case my husband dies.”*

However, the small field that Bertha uses still belongs to Bertha’s uncle and would only be recorded in her uncle’s name. This means that she will not be recorded as a joint owner of this field.

 *“Luckily, the NGO workers explained that there is a space in the surveyors’ forms to write down the names of all the people who depend on the land. This means that my uncle would have to inform me if he was going to sell the field, and I could protest the sale with the local government if the sale would leave me and my children destitute and without food.”*

LAND SURVEYS, TITLING AND REGISTRATION

We just considered a few actions to make the recording of tenure rights more gender-equitable. This process can also be facilitated by **user-friendly modern technologies for surveying and registering land**. These technologies can help to enable quick and efficient **field training of both women and men** in the day-to-day technical processes of land administration and land tenure governance.

Modern technologies are often easy to apply. They save costs, and can support gender equity by making technical activities more affordable and accessible to a much wider group of people.

GPS technology and **parcel mapping based on aerial photographs** are examples of how technology can be used to support gender equity in land administration.

GPS technology

Sophisticated **global positioning system (GPS)** technology is simple to apply in the field through handheld GPS devices that enable appropriate levels of accuracy. For instance, in a land tenure regularization project in Ghana, field investigations in villages were largely carried out by locally trained women, who went house-to-house interviewing people and documenting their land rights and parcel boundaries using laptop computers and handheld GPS devices.

This process made registration more efficient because data were entered from the field directly into a land information system. As this project found, women can also find it easier to talk about their land to a woman practitioner than to a man. GPS technology is also an important tool in supporting participatory mapping for gender-equitable land-use planning.

Parcel mapping based on aerial photographs

Parcel mapping based on **aerial photographs** or satellite images is easy for the whole community to understand. People do not need special training to be able to identify the tree or crop stand that marks the edge of their own piece of land on an aerial photo or satellite image. This method of parcel mapping can, therefore, be an empowering, accessible and gender-equitable way of recording land rights. Parcel mapping is usually based on local evidence and knowledge about land boundaries, especially from neighbours and other community members, who should be present when an area is being demarcated.


Case study: participatory community mapping using GPS technology

The Philippines Association for Intercultural Development (PAFID) supports indigenous communities in creating participatory 3-D maps and filing claims to their ancestral lands and resources. This process involves the entire community - both women and men receive training in GPS technology and take part in resource mapping, and the resulting maps depend on their combined knowledge of the local area. Women participate from the initial construction of the model to the coding and interpretation of the data.

Women are on an equal footing with men in the community's decision-making about which data to include in the 3-D maps, and women have identified sources of safe drinking water and locations of clinics and schools. Both sexes have equal opportunities to use the maps.

PAFID has trained more than 148 indigenous people on the use of GPS technology for on-the-ground verification and identification of community reference points. Young people have been particularly receptive learners because they are more confident with the new equipment. As a result of PAFID's work, the Mangyan people of the island of Mindoro now refer to GPS in their local language as Gamit Pang-Sukat - "tool for measurement". In 2003, PAFID was asked to export its participatory 3-D mapping approach to other countries and to carry out training sessions in India and Myanmar.

User-friendly modern surveying technologies and gender-sensitive processes for recording tenure rights are only some of the elements needed for gender-equitable land registration. Another important element is how to ensure land administration systems are able to **reach all people effectively**. Let's go back to Awusi, a smallholder farmer living in a remote rural area of Africa, whom we met at the very beginning of this lesson:

 *"Our national land administration institution doesn't have enough staff, or any local offices. They are based in the capital city, far away, and they don't have any money and resources to come to the field. But we cannot reach their office, since public transport is too expensive, roads are bad, and traveling is hard - especially for us women."-- Awusi*

For a possible solution to address her problem read a real success story from Ghana about making land registration more accessible to women through decentralization



Example from Ghana

In Ghana, the number of documents registered by women in their own names in the deeds registration system increased substantially between 2005, when there were only two land registries in the whole country, and 2006, when land administration was decentralized and more registries were opened outside the capital, as shown in the graph. Importantly, this decentralization of Ghana's land administration institutions was also accompanied by a public awareness campaign, informing women and men about the opening of new deeds registry offices where they could register their documents.

Through the example from Ghana, we have seen that one way to make land registration more accessible to women is through the **decentralization of land administration institutions**.

Another important way to improve the accessibility of land registration services for women is to review **costs**. High charges and fees for registering property can be a major deterrent to women, even when the registration system and all its processes are gender-equitable.

It is important to **keep fees low** in order to facilitate access for women and other vulnerable groups.



Good practice from Nepal

In Nepal, the Government adopted a directive that waives part of the land registration fee when land is registered in a woman's name. The exemption started at 10 percent in 2006, increasing to 20 percent in

2007 and 25 percent in 2009. As a result, the amount of land registered in women's names more than tripled, although it is difficult to know whether this increase has led to more secure women's land rights in practice.



Improving gender equity in surveying and land registration - In addition to decentralization and affordable charges and fees for registration services, there are other actions that you can take to improve gender equity in land surveying, titling and registration:

Land administration systems design

- Design the land information system and databases to include steps that **ensure that the laws and regulations regarding gender equity are implemented.**
- **Decentralize land registries** to make them more accessible to rural communities.
- **Facilitate the appeal process for women** by establishing links with lawyers and paralegals who can offer specific assistance.

Awareness raising to support gender equity in land surveying, titling and registration

- Carry out **public awareness campaigns** that target women, informing them of the importance of land rights and registration, where rights can be registered and under what conditions, including such things as service fees or need of proof.

Provide information brochures, videos, radio broadcasts, newspaper and Web sites for women, which may need to be designed differently from those for men, for example using images with women.

Monitoring and evaluation of land registration

- Install **gender-sensitive monitoring and evaluation systems**, and collect best practices and sex-disaggregated data to track long-term impacts on gender equality.

Titling policy, process and procedures

- Promote **joint titling** and the registration of **women as the exclusive owners** of their land.
- Verify that **titles are correct** and that all property owners have been **legally titled**.
- Ensure that **titles are delivered simultaneously to the women and men** owners of property.

Land registration process and procedures

- Ask **women what they need** and where they see constraints to gender-equitable land titling.
- Support **parcel mapping based on local knowledge**, ensuring the participation of women (including from male-headed households), neighbours and community members in demarcation

and adjudication processes, and promote the **participation of women operators** throughout the registration process.

- Keep **fees low** to facilitate access to land registration services for women and other vulnerable groups.

ALTERNATIVES TO LAND TITLING

Tenure security is essential for the well-being of all women and men. As a result, international agencies and beneficiaries have often supported programmes to formalize informal land rights and customary tenure by granting individual freehold rights to land.

It is critical to make sure that this kind of land tenure formalization - or **regularization** - **does not result in women losing their secondary rights** - access, use, collection or cultivation rights -that they enjoyed under customary law and practice.

By undermining pre-existing rights, full formal land titling can even increase insecurity!

Case study - Ensuring gender equity in the formalization of traditional rights in South Africa

A 1997 White Paper on South African Land Policy emphasizes the danger that arises from formalizing de facto (traditional) rights, when a land title is usually acquired by one person only, even when more than one person possessed the de facto rights. When a land title is vested in one person it is generally a male household head. "Experience has shown that it is often women and old people who lose rights in this process" (South Africa Department of Land Affairs, 1997: 65).

To counter this tendency, the White Paper ensures that women have wide-ranging protection through the introduction of new forms of property and procedures for the "upgrading" (formalization) of de facto rights. "Tenure reform provides key opportunities to build protection for the rights of women into the new forms of ownership which are being developed, in particular, family-based rights and group ownership systems" (Ibid: 68).

No single form of tenure can meet the different (and changing) needs of all social groups for secure land rights over time. When a **range of land tenure options** is recognized and used in a gender-sensitive way, this can provide much more gender-equitable alternatives to full formal land titling, supporting both women and men. Legal recognition for different forms of tenure can also promote the development of dynamic land markets.

For example, a family who is starting a fruit processing business may lease land at first, only buying it once their income increases and the business has become a proven success.

Let's consider some issues in relation to alternatives to land titling, and what must be taken into account to protect the rights of both women and men. In most countries, the different land rights and tenure types available form a continuum, from informal at one end to the most formal tenure types at the other:

At one end of this continuum are **informal or illegal shared** forms of tenure, such as de facto recognition of an informal or illegal settlement, or political protection against forced eviction. In the middle, are occupancy rights, shared user rights, adverse possession, special concessions and customary communal tenure, which can be either **informal or formal**. At the other end of the continuum are co-ownership and registered leases, conventionally referred to as "**formal**" tenure types.

Whatever form of tenure is chosen to provide tenure security as an alternative to land titling, it is important to ensure that it is selected according to the context (e.g. rural, peri-urban, urban, informal settlement) and that it protects the rights of both women and men.



Example: Security and services in Colombia

How different sorts of alternatives to titling and formal land registration were used in Colombia to gain access to infrastructure and public services. Formal tenure systems are often considered essential in ensuring access to public services. In Colombia, however, legislation allows all citizens to obtain services such as water, sanitation, electricity, storm drainage, garbage collection, telephone and gas as long as they can prove that they live in their homes and can pay for the services provided. A range of intermediate tenure systems - such as declarations of possession, buying and selling of rights for future use, and communal tenancy - provide stepping-stones towards strengthened rights and protection from

eviction, enabling poor households to obtain relatively secure, affordable housing regardless of their tenure status.

Two of the most common alternatives to full land titling:

1. **Leases** - Compared with freeholds, leases - particularly tenancy contracts - are **cheaper**, can be **delivered faster**, are more **flexible**, can be made even when land ownership is under dispute, can be **upgraded** as needed, and require cheaper and simpler technological systems. Measures such as **joint registration of leases** or their recording in the **names of both spouses** may be necessary, to avoid the exclusion of women.
2. **De facto recognition** - Informal tenure types such as the **de facto recognition of occupation** - through political patronage, proof of payment of utility bills, oral evidence, informally recognized customary rights, perceived secure tenure, etc. - are the most common tenure types in slums and informal settlements. The security of tenure that they provide depends on local circumstances and on whether they are accompanied by other forms of protection against forced eviction. They can provide the **foundation for incremental approaches** to tenure improvement, in which **tenure rights are gradually formalized or upgraded** over time. An incremental approach can increase short- to medium-term tenure security while the authorities develop more comprehensive and locally sensitive long-term alternatives.



Good practice in using alternatives to titling

Temporary occupation licences in Kenya

Nairobi City Council introduced temporary occupation licenses (TOLs) to promote the efficient use of idle public land in strategic locations, such as street intersections, road reserves in high density neighbourhoods and open land on the urban fringes. Under a TOL, the local authority allocates land for productive use while retaining long-term control; the license is renewable annually and the licensee is allowed to build semi-permanent structures. Licensees pay annual land rents, which add to municipal revenues. Although intended for commercial land income-generating purposes, TOLs are also sometimes used for residential purposes and could be replicated elsewhere.

Temporary land rental in Thailand

Low-income communities in Bangkok have evolved a practical arrangement with landowners that enables them to live in areas with affordable access to livelihood opportunities. Poor people look out for

landowners who are waiting for their land to gain in value before developing it. They offer to rent the land on a short- to medium-term lease, paying what they can afford. Landowners favour such rentals as protection against third-party invasion of their land. In recent years, communities and authorities have been exploring ways of extending basic services to these temporary settlements. As urban growth brings livelihood opportunities to other locations, poor people can negotiate similar arrangements with landowners in these new areas.

DESIGNING AND SETTING UP LAND INFORMATION SYSTEMS AND DATABASES

When land rights are recorded, all relevant information needs to be collected and organized. Paper-based information systems can also be computerized into databases. Both occasions present excellent opportunities to incorporate gender issues into land information systems. How?

To start, you should ensure that the **design of the system fits the relevant policy and legal framework**, including that on gender.

Examples

- ➡ If joint titling for married couples is mandated by law, the land information system should be designed to **record the names of both spouses**.
- ➡ If new computerized systems are being designed, then **recording the gender of landowners** should be introduced, to allow sex disaggregation and analysis of data.
- ➡ If the law considers all who have an interest in the land, not just the formal owner, the system should include **enough fields to record the names of all** relevant people. Data collection forms, receipts used in the field, and registration documents should also allow enough space for this information.

You can easily set up computerized databases and systems to record:

- spousal consent rights;
- joint land ownership;
- family members' interests in land.

You can also design these systems to require the submission of legally mandated certificates, other documents or pieces of information (e.g. marriage certificates) before proceeding to the next step in the data entry process.



Example: Uganda

In Uganda, for example, land transfers require the submission of Land Form 41 - "Consent by spouse(s) to transaction in land" - so the land information system is designed to ensure that this form is scanned before the next step in the formal transfer of title can take place.

You should ensure that women practitioners participate in the design and use of tools and technologies. Also, when organizing training on the operation of land information systems and databases, make sure it is designed to meet the educational needs of both women and men.

Additional key actions to be taken:



Ensuring gender-equitable land information systems checklist

- ▶ Use low-cost technologies for land registration that are accessible to wider groups of people.
- ▶ Ensure that all forms, receipts and registration documents allow space for the names of all landowners and people with interests in the land, and for recording gender.
- ▶ Collect sex-disaggregated data, ensuring women participate in developing all surveys and questionnaires. Interview women separately from men, to get their side of the story.

Tools should always be evaluated from a gender perspective; consider using the Global Land Tool Network's (GLTN's) (www.gltn.net) gender evaluation criteria.

ADDITIONAL TECHNICAL ACTIVITIES

In addition to the various activities to record tenure rights, land administration includes a number of important **technical activities** that must be carried out in a gender-equitable and gender-sensitive way:

➤ Valuation

Since many women have fewer financial resources than men, it is particularly important that women's properties are valued fairly. Fair valuation takes into account the two opposing purposes of property valuations:

- i) for calculating property tax; and
- ii) for calculating compensation to owners in cases of expropriation.

Actions to be taken:



Supporting gender-equitable valuation checklist

- ▶ Ensure that valuation systems take into account non-market values, such as social, cultural, religious, spiritual and environmental values.
- ▶ Assess the influence of social factors – social relations, prestige, fraternity – on negotiations to establish the price/value of property, especially for vulnerable groups such as widows and women heads of household who have weak political bargaining power.
- ▶ Keep fees to a minimum.
- ▶ Explain to landowners how valuations are decided, especially to women who often have lower literacy levels and lack information.
- ▶ Prevent corruption by making valuation information and analyses available to the public.

↳ Taxation

Tax policies impact on poverty, income distribution and gender equity. Care must be taken to ensure that tax policies **do not exacerbate discrimination** against men or women, especially vulnerable groups such as female-headed households.

Heavy taxation of property (co)ownership can encourage people to avoid formal registration and remain under less secure forms of tenure. As a general rule, **annual land tax should not exceed one percent of the property value**, and **land acquisition tax should not exceed three percent**.

Actions to be taken: to support gender-equitable taxation



Supporting gender-equitable taxation checklist

- ▶ Ensure that women and men are treated equally in the tax code and regulations.
- ▶ Address the differential impacts that land tax could have on women and men – their shares in landownership, land use and livelihoods, and land transfer practices.

- ▶ Ensure that the political debate regarding tax policy is fully informed about the social impacts of tax policy options, especially on gender equality.
- ▶ Identify a tax base that is easy to administer and assess, but also fair and justifiable.
- ▶ Ensure that taxes are based on appropriate values.
- ▶ Consider granting tax exemptions and relief to vulnerable groups, such as poor women.
- ▶ Assess how acceptable the tax is to tax-payers, and explain to them the need for and use of the taxes raised. Tax-payers may be involved in setting tax rates and deciding how the tax revenue should be used.
- ▶ Assess and collect taxes in ways that do not discriminate against women or men – taking into account issues such as illiteracy and lack of information or transport – and that can be combined with other activities such as community meetings, markets or training sessions.
- ▶ Ensure that tax revenues are used in ways that benefit both women and men, by involving both genders in needs analysis, such as through participatory budget planning at the municipal level.
- ▶ Conduct training on filling in tax forms and the amounts to be paid in different situations – property transactions, real estate acquisitions, including through inheritance or gifts, etc.
- ▶ Ensure transparency by making assessments public.
- ▶ Provide procedures that give women and men the opportunity to appeal for review of their tax assessments.

Land-use planning

Land-use planning affects the way people can use the land to which they have rights. In many countries, women and men use land in different ways, so gender-equitable governance of land tenure requires gender-sensitive land-use planning. **Participatory land-use planning** at the grassroots is a good start to ensuring the land-use planning process is gender sensitive.

Actions to be taken:



Supporting gender-equitable land-use planning checklist

- ▶ Involve women in clarifying the need and/or demand for land-use planning (including the updating of existing plans) as they may see demands and needs that men do not see.
- ▶ Analyse the situation on the ground: existing land rights – registered and unregistered –

especially of women; different uses of and interests in land; etc.

- ▶ When identifying stakeholders to participate in land-use planning workshops ensure the inclusion of women experts, members of women's associations and women who represent different social groups.
- ▶ Address these women directly when sensitizing or informing stakeholders.
- ▶ Ensure that women are contacted when entering into dialogue with participants (land users).
- ▶ Ensure women's equal representation in data collection interviews, group discussions and workshops. Times and locations of meetings must be adapted to women's schedules and accessibility.
- ▶ Contact women separately from men to ensure that they address the issues that are important to them.
- ▶ Involve women in data collection — analyses of situations, needs, potentials, etc. — as they often hold important information that is not available to, or valued by, men.
- ▶ Create awareness on gender issues in land-use planning.
- ▶ Identify feasible measures for alleviating gender inequalities.
- ▶ When the plan is being formulated (often by experts), consider women's inputs as being as important as those of men.
- ▶ With gender-sensitized experts, discuss the possible impacts of measures on both women and men.
- ▶ Involve women in decision-making.
- ▶ Ensure that the plan responds to the needs and expectations of women as much as to those of men.
- ▶ Ensure that the priority activities implemented first benefit women and men equally.
- ▶ Base implementation monitoring of the land-use plan on gender-disaggregated data.



Good practice from Ethiopia

Gender-balanced participatory land-use planning: good practice from Ethiopia

In Ethiopia, the German Agency for International Cooperation's (GIZ's) project on Land-Use Planning and Natural Resource Management in Oromia Region incorporated gender mainstreaming into its design.

Recruitment procedures promoted a gender balance of women and men staff. When this was not possible, women consultants and interns were hired instead. Project and counterpart staff were trained on integrating gender issues into all activities. Participatory land-use planning and participatory rural appraisal activities involved women and men from the target populations. Their timing and location was planned to avoid disadvantages for either women or men. Gender analysis tools were used to collect information about the access to and control over resources, activities and workloads of all household members and the participation of women in decision-making at different levels. Project surveys established sex-disaggregated data, which were used to analyse existing land uses in project districts and communities. Women now participate fully in participatory land-use planning in Oromia and take part in public and family decision-making. Economic activities initiated by the project have continued through traditional women's groups, with increasing numbers of women taking part.

Story

"Lisa earns a living by selling secondhand clothes in a market on the peri-urban fringe of one of South Asia's biggest cities. Lisa and her husband came to the city from a remote rural area. They purchased a small kiosk in the market to carry out their business, with a storeroom at the back where the family could sleep." -- Kyung-mi, a social welfare officer

A social welfare officer trying to support Lisa would consider offering her training on how to fill in tax forms and would arrange for her taxes to be collected in a way that takes into account issues such as illiteracy and lack of information or transport. Women's participation in the development of questionnaires and surveys to support monitoring and evaluation across the land sector is important, but it is not something that would directly help Lisa in this case.

What happened in the end?

Kyung-mi told Lisa about a new scheme of the local government to support women like her in paying their taxes. If she agreed to join the scheme, a government case worker would come to visit her in her kiosk at the market once a month to collect her tax payment for that month, along with an affordable instalment towards the outstanding tax money and fine that Lisa owed.

ISSUES RELATED TO LAND REALLOCATION

So far, we have considered some important issues related to registration, land-use planning, valuation and taxation of land. But in many countries, a critical issue is **reallocation of land**, and all the

consequences that this entails. Land reallocation can take different forms:

Land redistribution

Land redistribution programmes involve the removal of land rights from some landowners and users and their reallocation to new beneficiaries, often countrywide. While land consolidations and readjustments are undertaken to improve the layout and structure of land parcels (especially at local level), **redistributive reform programmes** are much more **broad-ranging** and involve the reallocation of land rights from some landowners and users to new beneficiaries.

In many developing countries, redistributive reforms are an important part of policies for increasing access to land. They often target landless, poor and marginalized beneficiaries, including women and female-headed households.

Good communication is particularly important to ensure gender-equitable redistribution. Other key issues include:

➤ Gender-sensitive policy and programme design

- ▶ Facilitate women's participation in technical working groups and commissions engaged in developing a land redistribution policy.
- ▶ Establish mechanisms for preventing and resolving conflict that can emerge from the land redistribution, to facilitate the smooth integration of resettled women and men in the community.
- ▶ Have a sound gender-sensitive monitoring system.
- ▶ Limit the contributions that beneficiaries are required to make in cash, in kind or by loan, and allow beneficiaries to make group applications, to ensure inclusion of poor and vulnerable groups and to promote poverty alleviation.

➤ Gender-equitable allocation mechanisms and support

- ▶ Promote gender equality in laws and regulations for land allocation.
- ▶ Conduct a land needs assessment - farming, subsistence etc. - and allocate land parcels accordingly, based on their fertility, size and location being careful not to discriminate against women.
- ▶ Help vulnerable groups such as the landless and women to identify, appraise and negotiate land purchases and to participate in the planning of farm development.

- ▶ Facilitate access to input and output markets, credit and advisory services for both women and men.

Encourage cooperation from the line ministries implementing the land reform process in providing joint support to beneficiaries, especially female-headed households.

Land restitution

Land restitution is the process of restoring land rights lost by individuals or communities, often after a conflict, humanitarian or natural disaster.

In **land restitution processes** when land is returned to its original owners, it is critical to ensure equal treatment of women and men. Care must be taken that patriarchal norms and practices do not disadvantage women during implementation. Gender equity is particularly critical following conflict and humanitarian and natural disasters, when women often face enormous barriers in access to land. In these cases, gender equity may not seem an immediate priority.



Good practice: Colombia's Regulations for Women in Restitution Processes

In Colombia, the Victims and Land Restitution Law of 2011 aims to restore the losses suffered by victims of the protracted internal armed conflict. The new law adopts a gender-sensitive approach by prioritize women in land restitution procedures. Land deeds are issued and registered jointly to spouses or permanent partners, even if the spouse or partner is not present during the administrative procedure.

For guidance on land restitution activities in all post-disaster settings for **refugees and internally displaced persons**, you can refer to the **Pinheiro Principles** <http://2001-2009.state.gov/documents/organization/99774.pdf>. They uphold core values of non-discrimination and gender sensitivity. In particular, Principle 14 calls for adequate **consultation and participation** in decision-making, including **women's representation** and inclusion in restitution decision-making processes. This principle aims to ensure that women have the means and information necessary to **participate effectively**.



Supporting gender-equitable land restitution checklist

Policy and programme design

- ▶ Ensure that national policies relating to land, housing and property restitution guarantee the rights of both women and men, and support the inheritance rights of women and girls.
- ▶ Determine a policy for restitution, including which property rights will be restored to which claimants, and the form of restitution used.
- ▶ Mainstream gender sensitivity throughout programmes and procedures, so that women and men enjoy equal treatment in the restitution process.
- ▶ Design programmes to assist women and girls in making restitution claims, for example, by providing simple claim forms and offering gender-sensitive assistance in their completion. Ensure that legal assistance for women and men is available at local levels.
- ▶ Provide special resources to households headed by single women so they can avail themselves of their rights in emergency settings.

Training and communication

- ▶ Provide training in gender relevant issues for officials working on restitution issues.
- ▶ Provide timely information about how and when to make restitution claims, via newspapers, the radio, the Internet and public meetings.

Monitoring

Monitor women's housing and property restitution rights to ensure that women refugees exercise their rights voluntarily, and are neither coerced into returning to their homes nor prevented from doing so in safety and dignity.

Women and men may focus on different aspects of land restitution. Identify their different views and how these can be considered and facilitated during the process.

Land consolidation and readjustment

Land consolidation is a planned readjustment and rearrangement of land parcels - whether of housing or agricultural land - and reallocation of rights within new boundaries.

Consolidation of land parcels, whether of housing or agricultural land, and reallocation of rights within new boundaries can have **major impacts on the existing landownership and use rights** of women and men. It is, therefore, vital to **consider these existing rights** and the land-use needs of affected women

and men. To this end, you should adopt **participatory approaches** to designing land consolidation strategies and projects, and ensure policies and laws guarantee the rights of both women and men.

Actions to be taken:



Supporting gender-equitable land consolidation checklist

- ▶ Analyse existing land boundaries and parcel status, and identify what the community needs and wants, consulting women and youth separately from men and older adults.
- ▶ Share a draft concept plan first and then a detailed plan of the land consolidation with men and women of the affected community. Make sure everyone can access this information and that both women and men have opportunities to make objections and comments.
- ▶ Include community women and men in the land consolidation board. Facilitate women's participation in meetings, and organize meetings for women only.
- ▶ Include in planning and decision-making all the women and men whose parcels are affected, regardless of who the official owners are.
- ▶ Establish fair and transparent compensation schemes that do not discriminate against women and that involve payments to both spouses and all landowners.

Case study

Maria and John are siblings. As children they had abandoned their house and the land around it, which their father's family had farmed for three generations, and fled to a refugee camp in another country. After 16 years, the new Government called for all refugees to return and promised they would get their former homes and land back.

But Maria and John had heard that one of their neighbours, a widow with several children from another ethnic group, had stayed in the village and begun farming their family's land. Maria and John had learned in the refugee camp that if they followed the correct procedures, they could get their land back, even if someone else had started using it. The United Nations (UN) office in the refugee camp provided them with relevant information and they initiated the right procedures to get their land back and to avoid any disputes over its ownership in the future.

Then, they moved back to their childhood home, but they did not immediately try to start farming

the occupied land. They preferred, instead, to wait for the proceedings of the formal action they had undertaken for land restitution. Eventually, Maria and John were given back their land, but agreed to rent out a portion of it to the neighbour, in order not to deprive her of the means of feeding her children. The Government issued a document showing that the land now belonged jointly to Maria and John.

National policies to guarantee restitution and inheritance rights to both women and men would help Maria and John to reclaim their land. So, too, would legal assistance from people trained specifically to have knowledge of land restitution procedures. Because Maria is the older sibling, their household is headed by her. She would, therefore, be able to take advantage of special resources provided to households headed by single (unmarried) women to help them avail themselves of their land and housing rights in emergency settings. However, while it would be helpful to their livelihoods to receive training in good land use practices on their return home, this policy would not specifically help Maria and John to restore the rights to their land.

ISSUES RELATED TO COMPENSATION

Finally, let's consider the issues related to **compensation**. Who should receive compensation?

- ♦ all those whose land is expropriated in the public interest and/or compulsorily acquired; and
- ♦ all those who lose tenure rights during processes of land restitution, land consolidation and readjustment, and land redistribution.

Compensation can be particularly problematic in contexts of legal pluralism and in cases of jointly-owned land. The question of who should receive the compensation for jointly-owned land is critical to ensuring gender-equitable outcomes. However, where there are sibling or inter-generational disputes over who owns the land under customary law, the question can be much more challenging.

How to support gender-equitable compensation?

It is good practice for laws to require investigation and identification of all those who will suffer losses from any compulsory land acquisition or expropriation. Special attention should be paid to the land use rights of women and children who may not be formal landowners, and to the rights of tenants.



Supporting gender-equitable compensation checklist

- ▶ Check who owns the land or has rights to it, making sure that all owners are notified (regardless of whether or not they live on the land that is being expropriated).
- ▶ Check that all the title holders of jointly owned land receive equitable shares of compensation.
- ▶ Ensure that fair compensation is paid to the landowner(s). Where possible, consider land-for-land compensation for vulnerable groups without other income.
- ▶ Design compensation payment mechanisms so as to ensure joint family decision-making on the use of the funds.

Remember to always ensure that women benefit from compensation for the land to which they have rights. It is crucial that their tenure rights are recognized and recorded.

CONCLUSIONS

Together, we considered the importance of mainstreaming gender equity issues into the design, implementation and monitoring of all land administration projects and activities. This will ensure that land administration activities benefit women and men equally.

If we are able to promote gender-equitable participation effectively in all technical aspects of land tenure governance we will be more successful in addressing and accommodating the needs and interests of all people, both women and men, thereby increasing land tenure security and improving livelihoods for all.

SUMMARY

- ✓ Before starting any land administration project or activity, the situation on the ground should be analysed, including 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), particularly women's rights.

- ✓ Mechanisms should enable the registration of women's specific land rights, such as use, secondary or joint-ownership rights. Women should be able to exercise the right to exclusive ownership of property - individually or as groups.
- ✓ Participatory methodologies and tools that enable women to take part should be promoted in all land administration activities, projects, services and systems.
- ✓ Women representing different social groups should be identified as key stakeholders in land administration, and their active participation and involvement in decision-making processes facilitated.
- ✓ Illiteracy, lack of information and transport should be taken into account, and the location and timing of meetings adapted to women's schedules and mobility.
- ✓ Attention should be paid to gender equity issues in the design of all new land information systems and databases.
- ✓ Legal and procedural reforms may be needed to support the use of technologies and systems that facilitate improved gender equity in land administration.
- ✓ Land tools should be evaluated from a gender perspective.
- ✓ Staff, government officials and communities should be trained in gender sensitivity, and public outreach campaigns should be conducted to raise awareness for gender-equitable land administration activities.
- ✓ The procedures and results of land administration activities must be easy to understand, available to the public and low-cost, to avoid corruption and exclusion.
- ✓ The different impacts of different land administration activities, technologies and systems on women and men should be considered, so as to ensure that national land administration as a whole benefits women and men equally.