



## Governing land for women and men

# Gender-equitable participation in land policy-making

Text-only version

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## LEARNING OBJECTIVES

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

- ▶ appreciate the importance of a gender- equitable land policy-making process;
- ▶ describe four practical steps in the process;
- ▶ identify five main elements to ensure gender-equitable participation in land policy-making;
- ▶ describe the roles of four different sets of key actors, in addition to the wider public.

## INTRODUCTION

"States should consider the **particular obstacles faced by women and girls** with regard to tenure and associated tenure rights, and take measures to ensure that legal and **policy frameworks provide adequate protection for women...**

... States should develop **relevant policies** , laws and procedures **through participatory processes** involving all affected parties, ensuring that **both men and women are included from the outset .**"

(Voluntary guidelines, from paragraph 5.5)

In other words, states should carry out a **gender-equitable land policy-making process**.

In this lesson, we will **consider how to promote and facilitate a gender-equitable land policy-making process**, in which all stakeholders, women and men, are **equally included** in formulating and implementing land policies.

In order to develop land policies that address the different needs and priorities of women and men, it is important **to start with a gender-equitable policy-making process**. Follow this dialogue between two government officials working on a new land policy:

 "Our goal is to make land tenure more secure for women, men, boys and girls of all socio-economic groups. Where do we start?"

 "As a start, we should make sure to **include all stakeholders** - women and men - in the **formulation** and **implementation** of our land policy. Last time we formulated a policy, many women and vulnerable groups were not involved, and, as a result, the policy ended up reinforcing the existing inequalities."

**Gender-equitable participation** in land policy-making follows directly from one of the **ten core principles of implementation** of the *Voluntary guidelines* (consultation and participation).



### Refer to Voluntary Guidelines

#### A) Provisions on land policy-making with reference to gender issues

**3.B.6 Consultation and participation:** engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

**5.5** States should develop relevant policies, laws and procedures through participatory processes involving all affected parties, ensuring that both men and women are included from the outset. Policies, laws and procedures should take into account the capacity to implement. They should incorporate gender-sensitive approaches, be clearly expressed in applicable languages, and widely publicized.

**9.10** State and non-state actors should strive, where necessary, together with representative institutions of affected communities and in cooperation with affected communities, to provide technical and legal assistance to affected communities to participate in the development of tenure policies, laws and projects in non-discriminatory and gender-sensitive ways.

#### B) Provisions on the contents of land policies with reference to gender issues

**5.3** States should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. ... States should provide frameworks that are non-discriminatory and promote social equity and gender equality.

**10.1** Where informal tenure to land, fisheries and forests exists, States should acknowledge it in a manner that respects existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being. States should promote policies and laws to provide recognition to such informal tenure. The process of establishing these policies and laws should be participatory, gender sensitive and strive to make provision for technical and legal support to affected communities and individuals.

## WHY A GENDER-EQUITABLE LAND POLICY-MAKING PROCESS?

Why is there a need to ensure that **women and men from all social groups** participate in the land policy-making process? Because power differences between women and men, as well as factors such as class, caste, race, ethnicity, religion, age, marital status, literacy levels etc. influence and determine who participates in policy-making. As a result, members of the most marginalized and vulnerable groups are often left out of the process.

By including everyone, the different perspectives on all land issues can be discussed and considered, and will likely result in **more gender-equitable land policies**.

A process where women and men take part as **equal participants** and with **equal representation** is crucial, even though such a process **might not lead immediately to a fully gender-equitable land policy**:

 “If we involve all people in the policy-making process, will we be able to achieve gender-equitable land tenure, even in those countries where gender inequalities are deep-rooted in social norms and customs?”

 “No, not necessarily straight away. For example, it may happen that women participate equally in a policy-making process, but because of cultural reasons, they do not always support outcomes that are completely gender-equitable.”

 “I remember the case of a country where marriage is a very strong institution. There, the gender-equitable policy-making process resulted in a land policy that supports joint registration of household land, but not women’s right to own land as individuals, separately from their husbands. That idea had no social legitimacy in the local context!”

 “Should we still plan to carry out an inclusive process in such a case?”

 Yes. In those countries where women’s rights are severely neglected, focusing on **making sure that women and men participate equally** in the policy-making process is the most important thing, even if this initially only means ensuring that women are equally represented. That’s an important foundation to create the enabling conditions for longer-term change.

## A GENDER-EQUITABLE LAND POLICY-MAKING PROCESS

Land policies can encompass a **wide range of land-related issues**, all with potential implications for responsible governance of land tenure. The gender equity of land policies varies from country to country, according to how land rights are dealt with. As mentioned in the previous exercise, policy actions for achieving gender-equitable governance of land tenure include:

- ③ applying international conventions on women's rights;
- ③ recognizing women's customary rights to land;
- ③ making sure that women can register their land rights under the same conditions as men;
- ③ making sure that all stakeholders can participate equitably in land tenure governance, including in local land administration and management institutions;
- ③ introducing positive discrimination measures.

“A very important element of our land policy-making is being able to **measure how the process is achieving its intended goal** of ensuring gender-equitable participation.”

### *TIP: Suggested monitoring indicators for policy-making*



- ▶ percentage of women and men members of formal land policy-making institutions and structures;
- ▶ percentage of formal land policy-making meetings and fora that include participation from grassroots groups representing both women and men;
- ▶ percentage of government officials directly involved in the land policy-making process who have been trained and sensitized on gender issues;
- ▶ percentage of women and men among government officials participating in land policy-making structures and institutions;
- ▶ percentage of women and men among civil society representatives participating in land policy-making structures and institutions;
- ▶ percentage of women and men among private sector representatives participating in land policy-making structures and institutions;
- ▶ percentage of international organization funding for the land policy-making process allocated to the promotion of gender-equitable participation in policy-making.

### How do we build gender-equitable participation into the land policy-making process?

Building gender-equitable participation is a **long-term process**. It requires:

- ↳ careful planning;
- ↳ interventions at various levels;
- ↳ the involvement of different groups of stakeholders;
- ↳ political will on the part of government; and
- ↳ engagement and support by stakeholders in civil society, the private sector and international organizations.

### Elements of a gender-equitable policy-making process

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During this long-term process, based on the equitable participation of women and men, you will need to pursue **five main elements**. They are interrelated, and they usually need to be pursued at the same time.

#### 1. Context analysis



All stakeholders need to **understand the local context** in order to participate in the policy-making process as effectively as possible. In fact, each country **has its own unique set** of geographical, economic, social and cultural features, as well as its own political system and patterns of land use and landholding. For example, in many countries **legal pluralism** (the existence of multiple legal systems) is part of the context, and policy-makers should consider, for example: communal and customary tenure arrangements, the links between land tenure and the rules governing property rights within marriage and on inheritance, and the hierarchies of power relations that affect decision-making on land.

Sometimes there are **similarities** in context among the countries within a region, such as in Asia and Africa. Such similarities allow the **sharing of lessons learned**, directly between countries or through regional initiatives. Here are two examples:

**1. Asia** - A coalition of civil society organizations established **Land Watch Asia** to support, monitor and advocate for access to land, agrarian reform, and equitable and sustainable rural development across Asia.

**2. Africa** - The **LandNet West Africa** network comprises civil society organizations and activists engaged in land policy-making processes in their respective countries. It builds on **regional similarities** in:

- ↳ women's important role in food production;

- ↳ the colonial legacy of many land laws, but few guiding policies;
- ↳ a predominance of customary land tenure arrangements;
- ↳ the pressures of desertification, drought and population growth;
- ↳ the insecurity of land tenure faced by many women;
- ↳ differences in the rights of citizenship enjoyed by men and women - especially married women - that affect women's relationship to all types of property; for instance, women sometimes need the consent of their fathers or husbands to register land that they have acquired themselves.

**LandNet West Africa** also considers the **insecurity of land tenure** faced by many women:

- ↳ local governance institutions and structures are often dominated by men, and customary rules on land are often interpreted in ways that marginalize women;
- ↳ women are disadvantaged by their greater poverty, lower literacy levels and lack of knowledge about the legal system;
- ↳ land administration practices often disadvantage women in terms of registering household land and acquiring strong individual rights to it.

**TIP: Context analysis checklist**



Proper context analysis at the outset of a process will ensure adoption of the most effective approach and combination of strategies for that context. What works in one country may not work equally well in another, even though lessons can be learned and shared.

- ▶ How are different groups of women and men usually included in political debate and discussion within local communities and at the national level?
- ▶ Do cultural and social norms require that participatory processes be separate for women and men, and for other groups? For example, do women or youth feel constrained about speaking openly in meetings where adult men are present? Is it locally acceptable for women and men to mix openly in public meetings?
- ▶ Do women and men belong to separate social institutions and fora, which can be harnessed for consultations on land policies?
- ▶ Do cultural and social norms mean that women and men have different types and subjects of knowledge about land?



## 2. Advocacy

You can demonstrate the value of a gender-equitable land policy-making process through **advocacy activities based on evidence**. These will make it much more likely to result in consensus and support for the resulting policies.

You will need to identify **potential audiences for advocacy**: policy-makers, researchers and people at the grassroots. Then, you will have to contact them, and involve them in the development and dissemination of communication products, strategies and methods.

★ You can find more on advocacy in **Lesson 6**.

### STORY

Follow the story of Jane and Mike, who work in a national land rights non-governmental organization (NGO). Jane and Mike's NGO has been supporting the rights of pastoralists to graze their cattle in communally-managed pastures.

*"The Government has not been very sympathetic to the pastoralists in the past, so policies have supported zero-grazing, and made it difficult for pastoralists to use pasture land around their villages."* Jane

*"We helped the pastoralists in one community to set up a local natural resource management institution and develop rules for managing the pasture land in their village. We made sure that both women and men pastoralists were involved in this process. The proposed tenure governance rules took into account the local context and social norms, which clearly set out the different responsibilities of men and women."* Mike

*"We recorded notes and video footage of all the meetings in the community, and supported the pastoralists to write up their proposed pasture management rules in simple language that everyone could understand. Most of the pastoralists are illiterate, so we designed posters and a cartoon booklet."* Jane

This work was shared at a final community meeting, widely advertised by word of mouth in the village, and the proposed rules for managing access to and use of the village's pasture land were unanimously endorsed.

*"We then wrote up a short briefing note for the local government and presented it at a workshop hosted by our NGO. Local government officials and six representatives of the community - three men and three women - joined the workshop. We explained to the government officials the wider background around government policy on zero-grazing, and then handed over the floor to the*

*pastoralists' representatives. The workshop went well, and the local government agreed to try out the new system for a period of two years.”—Jane*

Their approach demonstrates an inclusive policy process where women are also included along with men, but which works within the constraints of established gender norms in the community. In fact, the proposed tenure governance rules took into account the local context and social norms, which clearly set out the different activities of men and women. This demonstrates context analysis. They also organized a workshop to establish a dialogue between government officials, the NGO and the local community. This demonstrates a multistakeholder dialogue. Finally, the system was tried out for two years. Such a trial period is useful to consider lessons learned and necessary improvements, and demonstrates a long-term approach.

**TIP: Advocacy checklist**



Actors undertaking advocacy work at the national level may have different agendas from those at the grassroots level. Alignment and harmonization of advocacy goals is essential to ensure that the advocacy work serves the interests of all. Civil society organizations often have an important role in advocacy.

- ▶ Gather as much evidence as possible to back up the arguments.
- ▶ Involve local actors, both women and men, taking into account differences in status and power that may affect the likelihood that they will participate.
- ▶ Present the evidence in ways that policy-makers will understand, without distorting the findings to fit the existing policy agendas of different stakeholders.
- ▶ Identify who is advocating on behalf of whom and who is mandated by whom, to avoid situations in which an organization advocates for people without adequately consulting them about their needs and demands.



### 3. Multistakeholder dialogue

Policy-making is one of the core functions of government, so land policies and the land policy-making process must ultimately be **owned by government**.

To facilitate constructive engagement and alliance-building, other stakeholders have to accept this ownership and to understand the competing demands on land and the overall government positions on land policy issues and on gender.

However, **cooperation and participation of all stakeholders** should start from the outset of the policy-making process, and **continue throughout** the development, adoption and implementation phases, including in the drafting of gender guidelines and programme design.



#### 4. Sensitization and training

Often, misconceptions of gender issues lead to the wrong idea that gender equality is only about rights for women. Therefore, it is important that those involved in policy-making (especially women and men politicians and government officials at central, regional and local levels) can access training to be able to **represent the issues of women and men equally** and become effective land policy-makers.

Also, women and men in the community **may need special training and support** to be able to participate meaningfully and effectively in land policy-making processes. Particular attention should be paid to facilitating women's participation.

For example, women-only meetings enable women to discuss sensitive land issues among themselves before addressing these issues within the broader land policy-making process. Civil society organizations - particularly women's groups - have a special role in facilitating the creation of inclusive women's networks, and local government and customary institutions at the grassroots can include women-only fora.



#### 5. Long-term approach

Most policy-making processes are long enough to allow lessons to be learned along the way. It is important to bear those lessons in mind when revising policy

##### *Example*

Uganda's constitution of 1995 provides for equality between women and men, including in the acquisition and holding of land, and affirmative action to remedy the historical discrimination faced by women and other marginalized groups. However, confusion during preparation of the 1998 Land Act resulted in the omission of an important clause on co-ownership of land between women and men. In 2004, the Act was amended to require the consent of both spouses for transactions involving

family land, but civil society activists still felt that the law's provisions for women's access, control and ownership of land were still inadequate.

Lessons have been learned, and Uganda's new Land Policy, approved in February 2013, included women's groups in the policy-making process under the umbrella of the Uganda Land Alliance. These groups participated in a review of 16 land-related laws to make sure that gender is mainstreamed in all aspects of land ownership, access, use, administration and management in Uganda.

## Practical steps

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Let's now consider the four practical steps for a **gender-equitable land policy-making process**. Each of these steps contains aspects relating to the five key elements we just looked at: context analysis, advocacy, sensitization and training, multistakeholder dialogue and a long-term approach. At each step, Martha, a lawyer **working in the Ministry of Land as a senior advisor to the Minister**, will tell you about her experience.

### STEP 1 ➔ Building an internal government mandate

Relevant government departments and ministries first need to develop and pursue **an internal government mandate** in support of gender-equitable, participatory policy-making. Key government officials (especially potential "national champions" - see step 4), should look for support from **civil society and international organizations**. These can provide information, awareness-raising and capacity development, and can help to translate the internal mandate into actions.

Government must be open to consulting **both women and men**. However, the country context is also important: where gender equality has further to progress, it may be possible only to ensure the participation of women who are involved in the government.

 *"The Minister wanted to develop a new land policy to make it easier for investors to acquire land for agricultural development. I knew how important it would be to include both women and men in the land policy-making process, to get their different needs and interests taken into account, so I tried to persuade the Minister to leave enough time in the policy development process to consult with all stakeholders, not just investors." – Martha, lawyer*

## STEP 2 ➡ Developing a multistakeholder alliance

Government, civil society, the private sector and international organizations must **establish a broad and consensual multistakeholder alliance** to promote gender-equitable participation in land policy-making. This alliance involves top-down and bottom-up engagements, activities and events throughout the policy process, incorporating both women and men. Civil society organizations and women's groups can form direct alliances with private sector stakeholders (such as land technicians and administrators), and can work with international organizations to influence governments.

 *“We organized a training event on gender equality at the Ministry for all professional and technical staff, and invited the Minister to be the guest of honour. We discussed how to make the land policy development process consultative, participatory and gender-equitable. The Minister took an active part in the discussion and instructed his staff to organize a public information campaign and series of events around the country to inform people about the policy process and encourage all stakeholders to be involved. He committed the Ministry to organizing this campaign at local level through its district offices, and he asked key stakeholders in civil society, international organizations and the private sector to fund the different events” -- Martha, lawyer*

## STEP 3 ➡ Establishing local level "pioneers"

The multistakeholder alliance should identify and train a group of "pioneers" (both women and men) to lead and conduct policy debate and discussion at **the local level**, taking into account the different contexts across the country. They will carry out local activities and events in a gender-equitable way, by taking into account such issues as language, the timing of meetings and the most appropriate forms of engagement.

A core group should visit the provinces, regions, districts and counties to build local alliances involving both women and men, and to empower them to develop their own capacities and alliances at the grassroots level.

Intra-country variations by province, district and even community can influence the effectiveness of stakeholders' participation in land policy-making processes, activities and events. Decentralization allows these local variations to be taken into account and facilitates the development of capacity at lower levels of governance for gender-equitable policy-making on many of the day-to-day aspects of land administration and management.

The pioneer group is vital in helping to establish and develop capacity at decentralized levels, particularly by concentrating on the involvement and participation of women. Issues to bear in mind are the lower education and literacy levels that often exist in rural areas, and the need to use local languages and simple explanations.

✦ See **Lesson 6** for more on communication and awareness-raising issues.

💬 *“Together with my contacts in civil society, international organizations and the private sector, we met informally to decide who among us should become local-level pioneers. We divided up according to the geographic areas where we each had existing networks and contacts who could help with organizing meetings and events, targeting different groups of stakeholders and ensuring that ordinary women and men were involved on an equal basis in the policy debate.*

*The public information campaign and local meetings were a success, and soon everybody in the country was talking about the new land policy-making process and feeling proud that their concerns, needs and interests around land were being heard and discussed...”-- Martha, lawyer*

#### STEP 4 ➡ Finding national champions

Government, civil society and private sector stakeholders identify and engage "national champions" to ensure that **gender-equitable participation continues throughout the land policy-making process** and through all government policy-making. The media also have an important role in providing information and raising awareness. National champions are especially needed to influence and steer policies to move in new directions. For example, affirmative action and quotas for policy-making institutions and structures may need to be considered, along with ways of making policy-making more consultative and participatory for all the public.

💬 *“The Minister was very pleased with how engaged the public has become in the land policy-making process. When the Ministry had a final draft of the policy to present to the national parliament for adoption, he decided to champion the land policy debate himself within the Government, and to propose wider reforms of public policy-making processes in the country, to make them as consultative, participatory and gender-equitable as the land policy-making process had become”. -- Martha, lawyer*

#### The actors involved

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**Who is involved** in gender-equitable land policy-making, and **how**? These **four groups of stakeholders** have an important role to ensure the gender-equitable formulation and implementation of land policies:



## GOVERNMENT

**Governments** play the lead role in gender-equitable land policy-making, although they need to work with other stakeholders to ensure that policies reflect people's needs, and to help generate consensus and support for the policy outcomes.

### Role

Governments should become active in two areas:

- ↳ They should **sensitize government officials on gender issues**, including gender-equitable participation in land policy-making, as part of the training for all new staff in relevant ministries and departments. Where politicians take part directly in government administration, they, too, should be sensitized.
- ↳ They should **encourage other stakeholders' participation** in the land policy-making process, and set the overall agenda and mandate for an inclusive, participatory and gender-equitable process.

### Activities

Here are **some of the activities** that the government should carry out:

- ▶ use affirmative action, such as quotas, to **ensure that women are equitably represented** in the institutions and structures involved in land policy-making, considering capacity development and flexible support too;
- ▶ establish a **group of stakeholders** or a specialist government agency to raise awareness about land policy-making and study good practices;
- ▶ establish and train a **pioneer group of government officials**, including women, to spearhead the land policy-making process at the local level;
- ▶ take the lead in **adapting policy activities**, events, processes and tools **to ensure gender equity**, for example, by conducting an internal audit of gender-equitable participation.

### Examples

In **Ghana**, the Government's Land Administration Project (LAP) developed a gender strategy for addressing gender-sensitive data gathering and participation in the design, implementation, and monitoring and evaluation of land administration processes. Activities included public education, capacity building, institutional processes, advocacy, and collaboration and networking.

In **India**, in 2008, the Government set up the Committee of State Agrarian Relations on the Unfinished Task of Land Reform to examine the status of various land reforms, including measures to ensure women's participation in land governance processes and greater access to land. Specific recommendations included women's representation in the agencies set up to monitor land reforms.



### CIVIL SOCIETY

**Civil society** has an important role in formulating and implementing gender-equitable land policies. Civil society stakeholders are well placed for carrying out advocacy, mobilizing communities and rallying the public's support for and participation in change, while engaging directly with governments. Moreover, they can provide training, legal and other support to other stakeholders.

#### Role

Civil society stakeholders are **close to the grassroots**, and can undertake **systematic field-level research** to help ensure that women's voices, knowledge and interests are included in land policy-making. They also help marginalized people and groups become more visible through:

- **advocating** for their issues and supporting their direct participation in the policy debate;
- **monitoring and reporting** on the policy-making process to make it more accountable on gender equity, such as by using radio to inform the public about how women and men are being engaged;
- **monitoring and ensuring the accountability of government** and private sector stakeholders;
- developing broad public consensus for gender-equitable participation in land policy-making; and
- working constructively in partnership with government.

Civil society is most effective when it works in **cooperation with all other stakeholders**, including the private sector and international organizations that may provide funding for civil society's policy-making work. *For example:* Between 2008 and 2010, the International Land Coalition (ILC) coordinated a research project on securing women's access to land in eastern and southern Africa, with the specific aim of influencing the formulation and implementation of land policies through advocacy based on the research results. The project involved multidisciplinary research teams and fostered partnerships among researchers, NGOs and grassroots organizations.

#### Activities

Civil society can be involved during the formulation as well as implementation of policies. For example,

**during formulation:-**

- ▶ engage directly with government;
- ▶ propose text options and prepare background and issues papers;
- ▶ use the media to change attitudes and build consensus, including by disseminating technical documents in ways that everyone can understand;
- ▶ provide legal back-up and support;
- ▶ organize side events on policy-making processes at meetings and events.

**during implementation:**

- ▶ organize and participate in debates on the development of legislative frameworks;
- ▶ train staff and members of land administration institutions on the gender aspects of new land policies;
- ▶ campaign for implementation of land policies, for example, by using scorecards to track the government's implementation progress, and by publicizing the findings;
- ▶ monitor the gendered impacts of land and property policies and legislation.

**Examples: importance of civil society's role in formulating and implementing gender-equitable land policies**

**Africa**

In Africa, civil society has engaged persistently and constructively in formal policy-making processes:

- ▶ During preparation of the **African Union's Framework and guidelines on land policy in Africa**, civil society stakeholders, including women's organizations, participated in regional consultation meetings, commented on draft papers and developed parts of the text. Civil society groups also organized side events at African Union meetings during the policy-making process and issued land policy communications.
- ▶ In **Kenya**, during formulation of the land policy, civil society groups under the Kenya Land Alliance mobilized communities to demand space in the policy-making arena. More than 1 000 women and men were directly engaged in an open process involving public fora and six thematic groups, including one addressing gender equity. The new land policy was adopted in December 2009. Civil society groups also contributed to constitutional debates, including by proposing the constitutional principles for land reform that underlie the new land policy.

**Asia**

In Asia, civil society stakeholders have invested in formal and customary governance structures that promote inclusivity, transparency and accountability, and have engaged in land policy reform:

- ▶ In **India**, in 2004, women's organizations launched a movement to remove gender discriminatory

provisions in the Hindu Succession Act of 1956. The amended act of 2005 gives daughters the same rights as sons. In 2008, the Committee of State Agrarian Relations on the Unfinished Task of Land Reform recommended mandatory joint entitlement and ownership rights to homestead lands, and community rights for women, including over common property land.

- ▶ In **Nepal**, in 2009 and 2011, landless women held sit-ins, rallies and meetings with high-ranking government officials. In response, the Government formed a seven-member task force, including a representative of the National Land Rights Forum (which includes women's organizations, and women and men farmers), to look into recommendations made by the High-Level Scientific Land Reform Commission and to ensure women's right to land.
- ▶ Also in **Nepal**, women's organizations and legal aid groups have provided elected women representatives with training and capacity development to participate effectively in land policy-making processes and voice their opinions on issues around women's land rights.

### **Latin America**

Bolivia's Agrarian Reform Law of 1953 contained a non-discrimination clause, but permitted only single women, including widows, to become beneficiaries of land distribution and titling. The law establishing the National Service for Agrarian Reform in 1996 brought equity for all women and men, regardless of marital status, and led to increased land titling for women. In 2006, a new constitution improved the legal framework for women's rights to land, and the Government committed itself to ensuring women's full participation in land reform decision-making.

Women's organizations have been protagonists throughout these processes. In 1990, NGOs such as the National Federation of Peasant Women were involved in marches for territory and dignity for indigenous women. In 2006, they participated in the constituent assembly, for the first time in Bolivian history. An alliance of women's organizations and NGOs set out a legislative agenda for women, including the incorporation of women's property rights into the new constitution. These successes involved an actively engaged civil society providing the research and evidence to support change, and have helped to create a positive environment for gender-equitable land tenure governance in the country.

### **Challenges**

The extent to which civil society stakeholders, including women's organizations, can engage in land policy-making processes depends on:

- ▶ the **political space available** for civil society in the country;
- ▶ the **relationship between civil society** and the **government**;
- ▶ the level of **community knowledge** and awareness about the land policy-making process;
- ▶ the **length of the policy-making process** (including technical delays), which may put pressure on civil society resources.

A challenge for civil society engagement in land policy-making is ensuring the participation and representation of women and men **from all social groups**. This challenge is exacerbated when issues other than gender equity in land policy-making are the priority.



### PRIVATE SECTOR

The private companies and practitioners carrying out much of the day-to-day technical work in the land sector have specialist knowledge that can be of value in developing a gender-equitable land policy. They often have access to government officials, and **influence the outcomes of land policy-making** processes through the **technologies and systems** they use and promote.

#### Role

While government stakeholders are accountable through the political system, and civil society stakeholders are accountable to their funders, private sector initiatives are often not quantified or even officially tracked. However, **accountability of private sector stakeholders is especially important**, because they are usually powerful actors with strong corporate interests. It is therefore necessary to **promote and monitor corporate social responsibility**.

**How?** All private sector stakeholders can sign up to and commit to international guidelines (such as the *Voluntary guidelines*) promoting social responsibility and gender equality, against which their engagement in the policy-making process can be measured and assessed.

#### Activities

Private sector initiatives have become an increasing part of land and agricultural reform across the globe and include innovative mechanisms for affordable land registration processes - for example, through partnerships with micro-finance institutions (as in Ghana) and initiatives for redistributive reforms (as in South Africa).



## INTERNATIONAL ORGANIZATIONS ROLE

International organizations are often **major sponsors and donors**, providing funds to support land policy-making efforts in many countries.

### Role

International organizations have a **responsibility to support gender equity**. This responsibility stems from their commitments to the *Voluntary guidelines* and to the range of international instruments that uphold principles of gender equity and equality. They also **mediate** between the government, civil society and private sector stakeholders, and **ensure the active cooperation** of all these stakeholders in the policy-making process. This role should be used to promote and advocate for gender equity.

Where international organizations, including international NGOs and bilateral donors, provide direct support and funding to civil society organizations engaging in gender-equitable land policy-making, it is important that the media and other stakeholders ensure accountability by informing citizens about the involvement of these international stakeholders in the country's policy-making process.

## CONCLUSIONS

As a summary of the main issues we have considered so far, here is a list of suggested actions to improve gender equity in land policy-making:

- Make sure that efforts to include women in land policy-making processes are clearly targeted and adequately resourced.
- Make sure that the structure and format of the policy-making process is flexible enough to accommodate women's resource and time constraints and family/cultural obligations. Where cultural constraints prevent women from talking openly, they should be consulted separately from men.
- Even where women's participation is legally or formally incorporated into land policy-making processes, pay attention to ensure their actual engagement.

In addition to quotas or similar mechanisms to ensure women's participation in policy-making (an important starting point), provide women with training and support for active and constructive engagement.

In this lesson, we have seen how **ensuring equitable participation of all stakeholders**, women and men, in all phases of the land policy-making process (formulation, implementation and monitoring) is a first, critical step in ensuring gender-equitable land tenure governance.

We have considered the **five main elements** of a gender-equitable land policy-making process and learned about the **four practical steps** within that process. We have also learned about the **four sets of key actors** that are involved, in addition to the wider public.

## SUMMARY

- ▶ Equitable participation of all stakeholders, women and men, is necessary.
- ▶ The land policy-making process is different from, but strongly influences, the content of the resulting policies.
- ▶ An understanding of the local context is vital for effective participation.
- ▶ Sensitization and training on gender equity - and on land issues for both women and men - are needed at all levels.
- ▶ Governments own the land policy-making process, but all stakeholders should cooperate and participate from the outset. Multistakeholder dialogue helps build support for the resulting policy outcomes.
- ▶ Land policy-making is a long and challenging process and lessons can be learned along the way.
- ▶ Important steps in a gender-equitable land policy-making process include building an internal mandate, developing multistakeholder alliances, establishing a pioneer group and finding national champions.
- ▶ Ongoing gender sensitization of the government officials involved in land policy-making is essential.
- ▶ Civil society's roles in advocating for gender-equitable participation involves monitoring land policy-making.
- ▶ The private sector should be more openly and transparently included in land policy-making and held accountable on gender equity issues as part of corporate social responsibility.
- ▶ International organizations have a responsibility to promote gender equity when supporting and engaging in land policy-making efforts.
- ▶ The construction of a gender-equitable land policy-making process should be a participatory, deliberate and concerted effort involving all stakeholders at all levels, and it must be adequately resourced.