



LEARNING ABOUT **5 a.2** INDICATOR

SDG Indicator 5.a.2 – Ensuring women’s legal rights to land ownership and/or control

Lesson: Assessing Proxy F

Text-only version

The interactive version of this lesson is available free of charge at: www.fao.org/elearning



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Assessing Proxy F

This lesson describes the assessment process for Proxy F, focusing on the key requirements to be considered in analysing the provisions of a national legal and policy framework.

Learning objectives

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

- explain why Proxy F is important in monitoring Indicator 5.a.2;
- understand the features that a provision must have to satisfy the threshold for Proxy F.

Rationale of Proxy E

Does the legal and policy framework mandate women's participation in land management and administration institutions?

Proxy F is one of the six proxies identified to assess progress under Indicator 5.a.2 – Percentage of countries where **the legal framework** (including customary law) **guarantees women's equal rights to land ownership and/or control**.



Why is establishing a quota for women's participation in land management and administration institutions important to "guarantee women's equal rights to land ownership and/or control"?

Let's answer this question, beginning with the case of Fatima.

Story of Fatima

As part of a series of measures aimed at increasing women's equal access to land, the government of Fatima's country has amended the Land Act to provide that no district or state land board should have more than two thirds of either gender represented.

"My name is Fatima. Recently I have started working in the land board of my district, thanks to a government initiative that establishes a quota for women's participation in this type of institutions. In my country, land governance institutions are completely male dominated. People believe that land is only a matter for men, and that women don't have any right to make decisions about it. Women do not have a voice in the decisions that affect them and often land reforms tend to favour men, for example, by not recognizing women's contribution to the development of household land."

As in Fatima's country, **women are often excluded from** participating in the day-to-day **processes of land governance** at all levels, and have limited capacity to influence decision-making. A lack of women's representation in land governance tends to lead to biased outcomes in land recording and registration processes, hinder women's land claims, and overlook women's rights to common lands. In this regard, it is important to foster women's participation in land management and administration institutions.

Experience has shown that **women's participation in land governance strengthens women's land rights** as well as improve land governance overall.

The assessment for Proxy F aims to identify provisions that establish a **quota for women's participation** in land **management and administration institutions**.

Quotas for women's participation refers to specific **provisions** in the legal and policy framework **establishing mandatory minimum percentage or number of women** to be represented in institutions managing and administering land.

Land management and administration institutions refers to **formal institutions responsible for land governance** (i.e. land management and land administration). Land governance institutions usually exist at the national level, at the provincial, county or district level, and at the local level. Land governance bodies may include Ministries or Agencies responsible for land, Lands and Deed Registries, Cadastral Offices, Titling Agencies, Land Commissions, Land Boards, District Councils, Land Use Administration Committees, Adjudication Committees, Community Land Boards, and other local boards and bodies. Such institutions may also include community-level bodies that have a statutory or constitutional responsibility to manage and administer customary land, including resolving land disputes or ascertaining land rights.

Assessment for Proxy F

We are back in Abena's office, the national legal expert in charge of performing the indicator 5.a.2 assessment. She is now conducting the assessment for Proxy F, checking if in her country's legal and policy framework there are provisions that establish a quota for women's participation in land management and administration institutions.

Key requirements for the provisions

To determine if Proxy F is present, Abena should check that the provisions have the following features:

Mandatory character

The quota must be expressed in mandatory terms and cannot be optional. It can be specified in the form of:

- a minimum number of women staff;
- a minimum percentage of women who must be elected or appointed.
- a statement on the need for a gender balance, "No more than x% of members must be of one gender".

Scope

The quota must concern an institution with a land management or administration function. The land institution can be explicitly mentioned (the Land Registry or Land Board) or can be implied - for instance by referring in the Constitution to mandatory quota for 'all government institutions', which implicitly includes land institutions.

The quota can address the gender composition of the whole body or refer specifically to:

- board members or managers of land institutions;
- staff of land institutions
- individuals occupying key positions in land institutions (i.e. chief registrar/deputy registrar).

Assessment for Proxy E

Abena is analysing the provisions...

Land Act 2001

Art. 3: [...] The functions of a board are:

to exercise control over the allocation and the cancellation of customary land rights by Chiefs or Traditional Authorities under this Act to consider and decide on applications for a right of leasehold under this Act.

Art 56: There shall be for each district a district land board.

Art 57: (1) Subject to a minimum membership of five, a board shall consist of the following persons-
[...] (2) **At least one-third of the members** referred to in subsection (1) **shall be women.**

Conclusion:

This provision reaches the threshold for Proxy F. The Land Act provides for women's compulsory participation in a land institution (the district land board) by establishing a quota for women: at least one third of the members must be women.

Example: provision

Can you establish if Proxy F is present in the following provisions?

Example 1: Village Land Act, Art 5: Section 53(1) Where a village assembly adjudication, which has approved a recommendation that a village adjudication process shall take place, the village council shall establish a village adjudication committee, the members of which shall be elected by the village assembly.

(2) A village adjudication committee shall consist of not more than nine persons of whom not less than four persons shall be women, who shall serve for a term of three years and shall be eligible to be re-elected for one further term of three years.

Section 60 (1) For the purposes of this Part, every village shall establish a Village Land Council to mediate between and assist parties to arrive at a mutually-acceptable solution on any matter concerning village land.

Proxy F is present in this provision. The provision explicitly establishes that women must be at a minimum four of the members of the Village Adjudication Committee.

Example 2: Promotion of Gender Equality (2009) The Women's Affairs Department is mandated to facilitate mainstreaming of Gender Issues in the development process. [...] Following the 1995 Fourth World Conference on Women, the need to empower women for their advancement in all spheres of development was identified. The need for sufficient financial and human resources for the advancement of women was said to be a major priority. As a way of empowering women's NGOs, CBOs and Groups, the Government allocates funds to the Women's Affairs Department annually in order to assist the organisations.

The Department offers assistance to women organisations and groups that are promoting gender issues particularly on the areas of concern which were adopted during the 1995 UN World Conference in Beijing. Thus;

-Women and Poverty, including Economic Empowerment

-Women in Power and Decision-Making

[...]

Funding will be more inclined towards income generating projects.

Projects geared towards addressing gender related issues including research and capacity building.

Projects that are geared towards addressing the six critical areas of concern.

Proxy F is not present in this provision. This is a general policy statement on women's participation in institutions and not a mandatory requirement of quota for women's participation.

Summary

Proxy F verifies the existence in a country's legal and policy framework of provisions that establish a quota for women's participation in land management and administration institutions.

To make the assessment for Proxy F, a national legal expert needs to analyse his/her country's legal and policy framework and verify the existence or not of provisions that establish a mandatory quota for women in an institution with a land management or land administration function.