



PEACE, PROSPERITY AND
REGIONAL INTEGRATION



THE IGAD REGIONAL
WOMEN'S LAND RIGHTS
AGENDA

2021 - 2030



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THE IGAD REGIONAL WOMEN'S LAND RIGHTS AGENDA

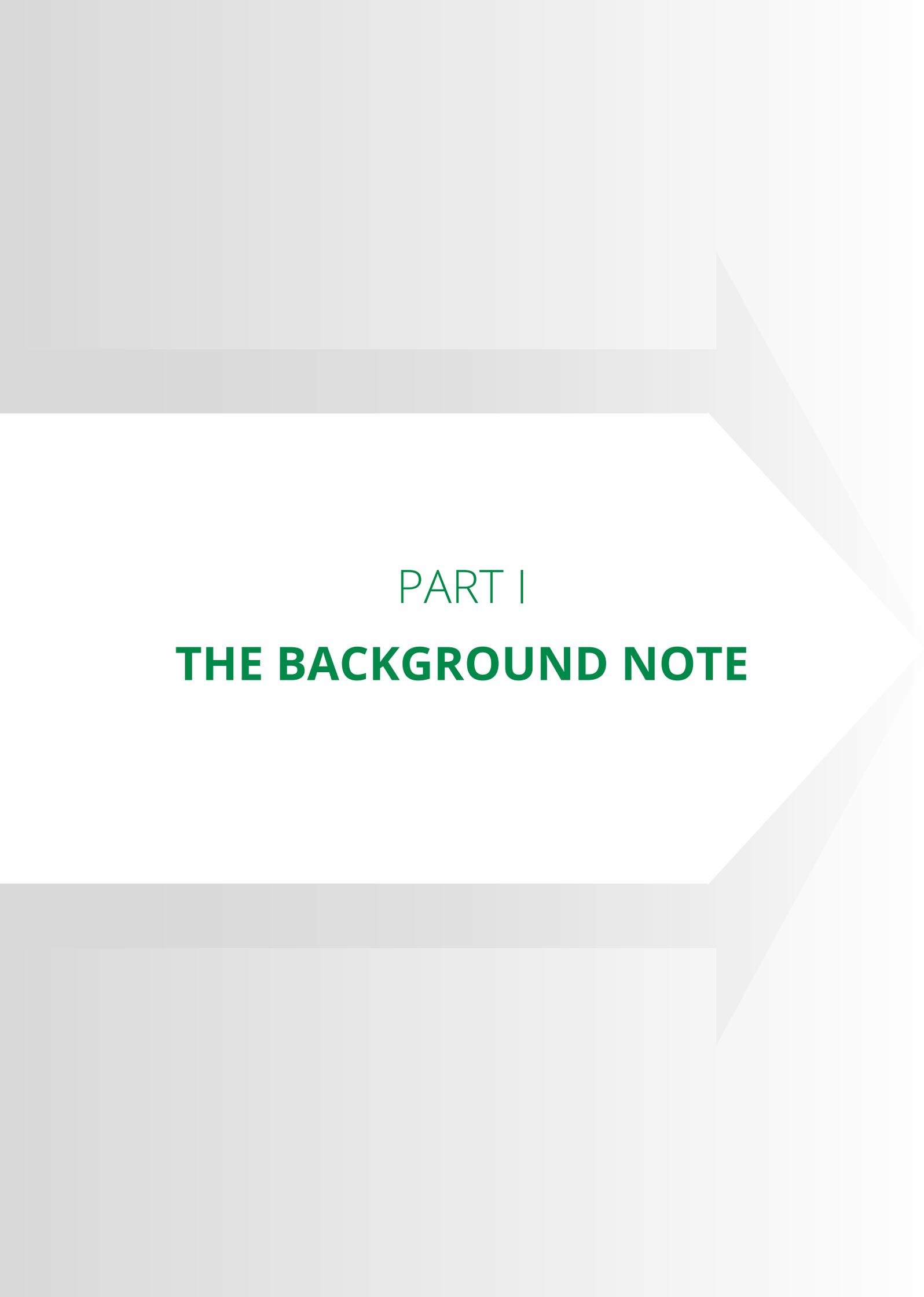
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List of Acronyms

AU	African Union
ADR	Alternative Dispute Resolution Mechanisms
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ESIA	Environmental and Social Impact Assessment
GBV	Gender-Based Violence
HLP	Housing, Land and Property
IGAD	Inter Governmental Authority on Development
LSLBI	Large Scale Land-Based Investments (LSLBI)
ILC-Africa	International Land Coalition-Africa
MS	Member State
PWD	Person with Disability
SDGs	Sustainable Development Goals
TDRM	Traditional Dispute Resolution Mechanisms
UN	United Nations
VGGTS	Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forests
WLR	Women's Land Rights



PART I

THE BACKGROUND NOTE

1.0 Introduction

Achieving gender equality in Land is a commitment both at global, regional and national levels.

The AU Agenda 2063 makes commitments to African women being, fully empowered in all spheres, with equal social, political and economic rights, including the rights to own and inherit property, sign contracts, register and manage businesses and; rural women to have access to productive assets: land, credit, inputs and financial services. The Agenda also promises to eliminate all forms of systemic inequalities, exploitation, marginalization and discrimination of young people and to mainstream youth issues in all development agendas.¹

Agenda 2063 is linked SDG 5 is explicit on achieving gender equality and empowering all women and girls in Africa.² The SDG indicator monitors proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control³ The indicator monitors legal reforms that give women equal rights to economic resources, as well as access to ownership and control over land. It proposes that progress towards the SDG target will be determined by the extent to which countries have incorporated into their legal framework the following 6 proxies based on internationally recognized standards, particularly from Voluntary Guidelines on Responsible Governance of Tenure (VGGT) and the International Convention on the Elimination of Discrimination against Women (CEDAW):

- Mandatory joint registration, or economic incentives for joint registration.
- Spouse or partner consent for land transactions.
- Equal rights for sons and daughters to inherit and for surviving spouse to receive an inheritance share.
- Budgetary commitments to strengthen equal rights for women regarding ownership and/or control of land.
- If customary land tenure is recognized in the legal and policy framework, women's land rights are protected.
- Quotas for women's participation in land administration and management institutions.

Various instruments guarantee women's equal rights related to access, use and control over land.

UN Committee on the Elimination of Discrimination against Women underscored that “the right to own, manage, enjoy and dispose of property is central to a woman's right to enjoy financial independence, and in many countries will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family”.

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (adopted by the UN General Assembly in 2018) have the right to land, individually and/or collectively, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures. It further recognizes that peasant women and other women working in rural areas enjoy without discrimination” the right to “equal access to, use of and management of land and natural resources, and to equal or priority treatment in land and agrarian reform and in land resettlement schemes.

1 AU Agenda 2063. The Africa We Want. https://au.int/sites/default/files/documents/36204-doc-agenda2063_popular_version_en.pdf

2 Linking Agenda 2063 and the SDGs

3 SDG Indicator (5.a.2) <https://landportal.org/node/52269>

The UN Declaration on the Rights of Indigenous Peoples (2007) provides that indigenous peoples have the right to the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired and that States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned. The Declaration also provides that indigenous women shall be protected from discrimination and that particular attention shall be paid to their rights and special needs.

The **New Urban Agenda**, endorsed by the United Nations General Assembly in 2016, envisions cities and human settlements that achieve gender equality and increased tenure security for all that is gender-responsive, paying particular attention to security of land tenure for women as key to their empowerment.

The **Guiding Principles on Large Scale Land Based Investments in Africa**, adopted at the High Level Forum on Foreign Direct Investments in Land in Africa in 2011 one of the six fundamental principles, is to: respect the land rights of women, recognize their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalization of women.

The AU Framework and Guidelines on Land Policy in Africa elaborates commitments to addressing gender inequality on land and requires each Member State to take appropriate action to address challenges and barriers to Women's Land Rights. The AU Framework and Guidelines on Land Policy in Africa also acknowledges that women are major contributors (approximately 80% of agricultural producers in Africa) to the social and economic survival and wellbeing of households and communities; they produce the food the continent feeds on; nevertheless patriarchal norms have relegated women's status in land, preventing them from enjoying their rights or participating in decisions that have led to land reform processes in the region.⁴

In this context, the AU Declaration on Land Issues and Challenges gives mandate to the Regional Economic Communities (i.e.IGAD) to provide technical guidance to the Member States, monitor land sector' progress, and promote regional land policy harmonization, and women's land rights. The same Declaration gives mandate to Member States to promote land sector interventions that tackle underlying causes of tenure insecurity including through securing and protecting all tenure rights, increasing transparency in land administration, and promoting equal access to land for all land users.

Constitutional and legal frameworks of IGAD countries have been progressive in regard to land and gender equality. The **Constitution of Djibouti** (2010) stipulates equality before the law without distinction between the sexes and guarantees women's rights to property, including land similar to that of men.

The **Constitution of Ethiopia** (1995) and legal frameworks recognize equality between women and men in all matters including women's equal rights to acquire, administer, control, use, transfer and sell property as well as equal treatment in the inheritance of property. The Revised Family Law, (2000) entitles spouses equal rights to the management of family assets and recognizes the equal rights of a married woman to ownership and administration of personal property. It provides for joint possession and administration of land and property in marriage and nullifies laws and customary practices that discriminate against women. This is further strengthened by the Ethiopian Rural Land and Administration Law providing tenure security over land owned by women aimed at improving land use management in rural areas.

Kenya has recently initiated far-reaching land reform. **The Constitution of Kenya** (2010) the *Land Act*, *Land Registration Act*, *National Land Commission Act* and *Community Land Act* all aim to strengthen the land rights of Kenyans and promote gender equity in accessing land; provide for equal treatment of all persons under the law and make provisions for equal treatment of women and men; equitable access to land and; elimination of gender discrimination in law, customs and practice related to land and property in land.

4 AU/AfDB/UNECA Framework and Guidelines on Land Policy in Africa. Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods

South Sudan Transitional Constitution (2011) recognises customary land tenure systems in which women's land rights are embedded and customary institutions are charged with particular responsibilities for administering community land rights.

The Sudan Interim Constitution (2019) guarantees the rights of women, non-discrimination and equal treatment of women in all spheres of life; promotes women's rights through affirmative action; guarantees every citizen with the right to acquire or own property as regulated in the law and; protect women from injustice and promote the role of women in family.

The **Provisional Constitution of Somalia** (2012) states that "every person has the right to own, use, enjoy, sell, and transfer property;"and manage land in an equitable, efficient, productive and sustainable manner.

The **Constitution of Uganda** (1995) recognize equality between women and men; provides gender balance and fair representation of marginalized groups; recognize the role of women in society; accords equal citizenship rights, freedom from discrimination; affirmative action in favour of women and; outlaws customs, traditions and practices that undermine the welfare, dignity and interest of women. Government of Uganda has initiated a number of plans and reforms for Women Land Rights at Macro level e.g. National Gender Policy, the National Urban Policy, the Gender Strategy for National Land Policy Implementation (2019), and NDP III among others.

Notwithstanding progressive legal frameworks (including the Constitutions) on gender equality, security of tenure for women continues to lag behind that of men, not only due to poor implementation and enforcement of the existing laws in some countries, but mainly due to policy and legislative gaps in many of the Member States. Cultural and religious norms and practices have also played a critical role in this gender gap in tenure security, hence the need to move beyond policies and accelerate actions towards achieving tenure security for women in the IGAD Region.

1.2 IGAD Land Governance Program

The Intergovernmental Authority on Development (IGAD) Member States (e.g. Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda) have diverse priorities for achieving national development, key and common among them is; efficient and sustainable use of land and natural resources. The IGAD Land Governance Program launched in 2015 is aimed at helping IGAD and its member states to address the various land policy and governance issues faced by countries in the region. The Land Governance program is currently implementing its 10- year business plan for period 2020-2030 with 4 strategic objectives:

- a) Land administration in IGAD region is more efficient, harmonized and gender-inclusive;
- b) Enable sustainable development through strategic gender-sensitive and conflict-sensitive approach to land use and management;
- c) Increased Member States capacity to leverage land (rural, peri-urban, and urban) for economic transformation and;
- d) Reduced barriers and enhanced protection of women's rights to land in the public and private sphere.

These strategies are being implemented in close partnership with Member States - particularly Ministries responsible for Lands, Agriculture, Gender and Justice. A multi-stakeholder approach to programming has been adopted bringing together civil society organizations, research institutions, academia, and the private sector into the work of the Land Governance Program. The mandate of the IGAD Land Governance Program is derived from the AU framework on Land Issues and Challenges in Africa, the IGAD Founding Agreement as well as IGAD's Strategic Framework. It is

responsible for ensuring that the IGAD Member States have the prerequisite capacity to close the gender gap on land and deliver on the global and regional commitments towards achieving gender equality.

1.3 The Need for the Regional Women's Land Rights Agenda

Land is a crucial resource for the population of the IGAD region. However, land governance continues to be characterized by many concerns which include among others: insecure land and land-based resource rights; unequal distribution of land; the duality of property regimes and legal pluralism – archaic colonial/statutory laws, customary and religious practices frequently applied simultaneously and inter-changeably with formal law, thus placing women's rights over land in a precarious situation under all systems.

While statutory laws maybe progressive, customary law tends to prevail in most cases because of the patriarchal systems that promote male dominance and discriminate against women. Statutory regulations and sometimes religious laws are often manipulated through customary interpretations ending up privileging the status of men in land under the law, i.e. inheritance and succession, decision-making, and representation in institutions that govern land. Patriarchy remains deeply rooted and highly intertwined with customary land tenure systems.

Women's property rights under communal land tenure systems (e.g., pastoral areas) are not adequately defined, and achieving equity is complex. Customary laws, which govern most community lands in the region tend to limit women's land and property rights. Due to discriminatory inheritance practices, women continue to access land through their kinsmen who own and have control over land. Thus, women's derived rights remain weak and lack security of tenure. In countries where good laws exist, women may not necessarily enjoy those rights as implementation of such laws remain a challenge and too often hindered by sociocultural norms that deny them the right to own land.

As such, women's land rights at family, community and institutional levels have not shifted in a manner that enables the translation of policies into practice. In countries where there are no clear policy and legal frameworks on gender equality on land, opportunity exists for mainstreaming gender in national land policy and law. Conversely, it is vital to look beyond legal and policy reforms and adopt a broad based social change approach towards women's land rights in the region in order to harness the full potential of women by securing their rights to land. This will ensure their continued investments in the land.

It is the commitment of the IGAD Land Governance Program to support the IGAD Member States in building the necessary and much needed capacity to close the gender gap on land and deliver on the global and regional commitments gender equality. It is in this context that the IGAD Land Governance Program together with the IGAD Member States embarked on a series of processes to prepare the National Women's Land Rights Agenda for each of the IGAD Member States based on their national realities and national priorities. These processes were led in country by the Ministries responsible for Lands supported by Ministries responsible for Gender/Women Affairs. The common threads from the National Women's Land Rights Agenda are synthesized into the IGAD Regional Women's Land Rights Agenda.

The IGAD Regional Women's Land Rights Agenda provides the overall framework of Action with context specific priorities and strategies aimed at addressing gender inequalities on land in the IGAD Region. The IGAD Regional Women's Land Rights Agenda is intended to deepen convergence in programming for women's land rights as well as enhance gender mainstreaming in the land sector across the IGAD Region. The Agenda is the basis upon which the IGAD Land Governance program will develop of a Regional Women's Land Rights Program.

1.4 Processes leading to the formulation of the IGAD Regional Women's Land Rights Agenda

IGAD Land Governance Business Plan 2020-2030, embraced gender transformative approaches to achieve gender equality on land and security of tenure for women in the IGAD region. Several gender and land related interventions and processes have been initiated including - the establishment of Women and land community of practice which is a platform for knowledge exchange and sharing by gender and land practitioners in the IGAD Region; gender and land learning events; development of gender and land practitioners' tools; gender and land related research and, knowledge management including documentation of best practices and documentary of the multi verse of women in Land in the IGAD Region. All these processes have greatly informed the development of the IGAD Regional Women's Land Rights Agenda.

1.4.1 The Gender Assessment of Land Sector in IGAD Member States

IGAD's work on gender equality on land commenced in 2020 with conducting gender assessment of the land sector in each of the IGAD Member States. The aim of this exercise was to identify gender issues and gaps in the land sector that require national attention; Emphasis was placed on the review of strategies, policy and legal frameworks addressing women's rights to land. At National level, each of the IGAD Member State through multi-stakeholder processes led by the Ministries responsible for lands and supported by Ministries responsible for gender/women's affairs validated the findings of the county gender assessments and using these findings, developed a country's roadmap for addressing the existing gaps. Because the Gender Assessment was based on secondary literature and had a number of gaps and limitations, it was deemed necessary to further support the IGAD Member states to undertake multi-stakeholder assessments through consultations right from the grassroots to supplement and the information obtained through the secondary Gender assessments.

1.4.2 Multi- Stakeholder Country Level Consultations

During the period, February – May 2021, multi-stakeholder meetings were held by each Member State to identify the root causes and barriers to women's land rights and to draw out concrete strategies for addressing them. The meetings were coordinated by Ministries responsible for Lands in conjunction with Ministries responsible for Gender/ Women Affairs. Key stakeholders that participated in these processes included Ministries responsible for Justice/constitutional affairs, UN Agencies, National and International Non-Government organizations working on Land issues, Development partners funding Land issues, Researchers and the Academia. The information generated from the Multi-Stakeholder Consultations together with information from the Gender Assessments of the Land Sector in each country are presented in the form of a '**National Women's Land Rights Agenda.**' In each country's agenda is the list of those who participated in the national consultations. The National Women's Land Rights Agenda highlights gender barriers and inequalities in the Land sector and identifies key priority issues of focus together with their corresponding strategies in the next 10 years. IGAD Land Governance Program continues to provide support to the IGAD Member States to develop phased National Women's Land Rights Agenda Implementation Action Plans and funding strategies.

1.4.3 Consultations with Grassroots Women

Beyond national level multi-stakeholder consultations, the IGAD Member States conducted validation exercises of their respective National Women's Land Rights Agenda with grassroots women and Land actors between April and June 2021. This was intended to capture the views and voices of particularly grassroots women and women's rights organizations in the National Women's Land Rights Agenda. In some countries, such as Uganda, Kenya and Sudan, the voices of grass roots women were recorded and aired at the IGAD Regional Women's Land Rights Conference held on 28-30 June 2021.

1.4.4 Regional Women's Land Rights Conference

IGAD Land Governance Program and International Land Coalition-Africa (ILC-Africa) organized an IGAD regional virtual Conference (from 28th – 30th June 2021) on Women's Land Rights, with the theme: ***Beyond Policy: Accelerating Actions towards Achieving Women's Land Tenure Security in the GAD Region***. Each Member State presented a summary of its National Women's Land Rights Agenda by giving an overview of country context and legal as well as policy provisions relating to women's land rights. Also presented were the country experiences in the implementation of legal provisions and the emerging best practices; existing gender gaps, strategies, and priorities for addressing barriers to women's land rights. Other presentations at the Conference included:

- Women's Land Tenure Security in a Customary Land Tenure Arrangement (Uganda)
- Women and Pastoralist Communities
- Youth, Gender and Land In the IGAD Region
- Women Land Rights as Determined by Culture, Religion and Statutory Law (Sudan)
- Securing Women's and Girls' Housing, Land and Property Right towards an Inclusive, Resilient and Sustainable Cities/Urban Areas
- Potential Implications of Gender (In) Equality Agricultural Productivity in Ethiopia
- Kilimanjaro Initiative: Kilimanjaro Charter of Demands
- Women's and Leadership in Land Governance
- Circumnavigating Women's Land Rights Access in the Kenyan Formal Justice System
- Gender and Land Statistics - Measuring Commitments on Women Land Rights

Issues and actions towards achieving women's land tenure security in the region have been summarized from all the above processes and prioritized into IGAD Regional Women's Land Rights Agenda.

The ***IGAD Regional Women's Land Rights Agenda*** presented hereafter is the culmination of two years of work with the IGAD Member States, bringing to bear regional priorities and strategies for closing the gender gap on land in the IGAD region in the next 10 years premised on country realities, regional context and anchored on global and continental commitments on gender equality on land.



PART II

**THE IGAD REGION WOMEN'S
LAND RIGHTS AGENDA**

2.1 Preamble

The IGAD Region stands at a defining moment in history. We are confronted with a perpetuation of disparities between men and women in access to and control over productive resources. This widening gender gap on land is evident in the worsening of poverty, hunger, ill health and illiteracy in the IGAD Member States as well as the continuing deterioration of the ecosystems on which we depend for our well-being. In the IGAD Region, women play a central role as conservationists as well as the producers of food for household food security. Failing to protect their rights to land has led to the region not fulfilling basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future for all its citizens. Equal rights for all remains critical for the IGAD Region if it is to turn around into a prosperous and secure region. No nation can achieve this on its own; but together we can – in a regional partnership working towards placing land at the center of the Region's development agenda and women as an important part of that.

This IGAD Regional Women's Land Rights Agenda is a plan of action for the people of the IGAD Region for the good of our land, our environment, our shared prosperity and our common future, a region in which both men and women, boys and girls, and all sectional ties and intergeneration live, thrive and prosper on land in equal stature.

All IGAD Member States and all stakeholders in the land sector within the IGAD Region acting collaboratively and embracing convergence and regional integration will implement this IGAD Regional Women's Land Rights Agenda. We are determined to take the bold and transformative step which is urgently needed to shift our region to a sustainable future by ensuring that no one is left behind in this region's development, using land as an enabler for prosperity and economic growth. We embark on this journey collectively, well aware of the challenges ahead of us, as we work toward a more resilient and gender equal region.

We collectively seek to achieve gender equity and equality on land, to realize the empowerment of both men and women, boys and girls in the use of land based resources for sustainable development taking into consideration the four dimensions of political, social, economic and environmental.

We are determined to mobilize the means necessary to implement this Agenda whether be it through improving national gender budgeting or through strengthening regional partnerships for gender equality financing focused in particular on the needs of the poorest and most vulnerable sections of our communities and countries, and with the participation and collaboration of all countries and stakeholders particularly grassroots women in the IGAD Region.

In the implementation of the relevant program areas identified in this Regional Women's Land Rights Agenda, special attention should be given to the particular circumstances facing the economies in transition, where land administration systems are underdeveloped and or land policies and legal frameworks are not developed. It must also be recognized that these countries are facing unprecedented challenges in transforming their economies, and hence the deepening poverty and the feminization of poverty

The priority areas that constitute the IGAD Regional Women's Land Rights Agenda are described in terms of the basis of issues identified and the strategies for implementation. The IGAD Region Women's Land Rights Agenda is a dynamic framework from which a Regional Women's Land Rights Program will be developed. It will be implemented by the various actors according to the different situations, realities, capacities and priorities of the IGAD Member States and the IGAD Land Governance Program in full respect of all the principles contained in the global and continental commitments on Women's Land Rights. It could evolve over time in the light of changing needs, realities and circumstances of the IGAD Member States. This process marks the beginning of a new dawn for the IGAD Region in strengthening gender equality on land for regional peace and prosperity and building more resilient communities, a region where men and women play an active part in their sustainable development using land as an engine for growth.

On behalf of the people we serve, we commit ourselves to work tirelessly for the full implementation of this IGAD Regional Women's Land Rights Agenda mindful of our own national contexts and realities. We commit to incrementally adopt gender transformative approaches in defining how we plan, budget and implement land related programs for the benefit of both men and women while leaving no one behind and toward the future we want. We recognize that achieving gender equality on land in the IGAD Region is most challenging in the context of culture and religion, yet we believe that closing the gender gap on land is indispensable for sustainable development of our region.

This IGAD Regional Women's Land Rights Agenda is of unprecedented scope and significance, drawing all peoples of the IGAD Region irrespective of tribe, religion or cultural backgrounds. It is applicable to all our peoples taking into account different national realities, capacities, and contexts, and respecting national sovereignty and priorities. We recognize that there are different approaches, visions, models and tools available to each of the IGAD Member States to achieve gender equity and equality on land in accordance with its national circumstances and priorities.

2.2 Program Areas

Land tenure regimes involve policies, processes, procedures, and institutions that govern ownership, access to and control over land and other productive resources. These rights are derived from statutory and customary laws, as well as from institutions that govern land. Issues impacting on women's land rights include: gender gaps in policy and legislative frameworks; equity issues with regard to common lands, and culture as an impediment to women gaining rights over land. The following priority issues are identified and itemized as issues impacting on women's land rights in the region:

2.2.1 Improving the Policy and Legal Environment for Gender Equality on Land in the IGAD Member States

The IGAD Member States are at different levels in policy and legislative development. Kenya and Uganda have comprehensive land policies and laws, while Ethiopian laws address urban and rural land separately. The draft Land Policy and Land Act of South Sudan have not been implemented while, Sudan's land laws are outdated and heavily based on colonial principles causing regular land conflicts between pastoralists and farming communities. In Somalia, there is no policy or law on land governance. However, the Constitutions of the IGAD Member States are progressive toward gender Equality on land and provide a broad scope for law review and policy development.

In addition, in many IGAD countries have situations of dual or multiple justice systems, with statutory, customary and/or religious laws in place. In some IGAD countries, such as Uganda, Kenya and South Sudan customary law is granted statutory recognition as a source of law, which often raises the challenge of legal pluralism and forum shopping in a quest for justice. Under international human rights law, States are required to establish national mechanisms to ensure the effective implementation of equality and non-discrimination between women and men by (a) bringing customary, religious or indigenous laws systems into line with international human rights law and/or (b) providing options to opt out from such systems and challenging customary, religious or indigenous law under the statutory law on the violation of the rights to equality and non-discrimination. This remains a challenge for all the IGAD Member States.

KEY ISSUES



Priority Issues to be addressed include:

- The need to develop comprehensive National Land Policies (Ethiopia, Somalia, Djibouti, Sudan, and South Sudan). These countries should draft comprehensive National Land Policies integrating and providing guidance on how women will attain security of tenure on both customary/informal and formal lands.
- Weak implementation and enforcement of policies and laws supporting women's land rights widens the gender gap on land.
- Gender neutral housing policies and urban planning leave women susceptible to living in slum like conditions,
- Multiple Legal Systems and legal pluralism remain a challenge to women's tenure security whether through statutory, religious, customary law.
- Inadequate awareness of the legal and policy frameworks on women's land rights across communities and among duty bearers has disproportionately weakened women's tenure security.
- Lack of codification of customary laws and norms to bring them at par with National Constitutional Provisions on gender equality have left women vulnerable to dispossession and landlessness.
- While culture still support male inheritance of family land, women only access use rights through their relationship to men who own and control land.
- Lack of standardized guiding framework for gender responsive policy formulation process has impacted gender mainstreaming in policy and law, as well as implementation strategies and plans.
- There are instances where National laws contradicts international and regional standards



STRATEGIES for addressing the key issues

- **Formulate Comprehensive National Land Policies mainstreamed by gender.** Affirmative action in policy in order to close the gender gap on land may be necessary in context where there is disparity in gender equality.
- **Review and enact land laws that outlaw any provisions that discriminate against women.** Provisions on marriage and divorce, succession and inheritance as well as land acquisition and compensation need to be brought *intern dem* with International and continental Conventions and Declarations that the IGAD Member States have committed to.
- **Implement and enforce land policies and laws on gender equality.** The translation of constitutional aspirations in the legal frameworks will go a long way in strengthening gender equality on land. Political will to strengthen and develop technical capacity to implement and enforce the law is necessary of the legal provisions in the are to be realized in practice.
- **Collaboration with civil society organizations at various levels for sensitization and public education is key for attitude change towards security of tenure for women.** Civil Society

organizations, Women's Rights Organizations, traditional authorities, religious leaders and community influencers are key champions in carrying key messages for societal change and are the true change agents. Strong collaboration between Government and these actors in community sensitization and education will promote security of tenure for women.

- **Member States to make budget allocations** to support the implementation of the Women's Land Rights Agenda
- **Put in place mechanisms for ensuring compliance with Regional and international standards**

2.2.2 Addressing Culture, Religion and Customary Practices that hinder Women's realization of their full potential on land

In all the IGAD countries, predominantly, men are culturally designated as de facto heads of households and have the biggest role in decision making over land and land-based resources at regional, national, subnational, community and household levels. Although Customary and/or religious justice and dispute resolution systems may be more accessible than formal justice systems, particularly in rural areas, they are still subject to local power structures from which women are typically excluded, and adjudicators may still rely on traditional gender norms and not have the knowledge, skills or desire to apply the law. Moreover, Women are insufficiently represented in institutions dealing with land (i.e. regional, national and local bodies such as traditional dispute resolution mechanisms). This is largely attributed to cultural norms, women's lower level of education compared to men, and their lack of confidence and 'voice' to engage on land matters.



KEY ISSUES to address include:

- Limited representation of women in Land governance structures from national levels to community institutions i.e. Elders Courts; Alternative Dispute Resolution Mechanisms (ADR).
- Limited access to justice by women within the formal and informal justice systems.
- Persistent patriarchal customary land tenure systems that discriminate on women and girls land inheritance and ownership rights.



STRATEGIES for addressing the Key Issues

- **Build capacity of duty bearers in land justice** (e.g. Alternative Dispute Resolution (ADR), advocates, traditional leaders, religious leaders, judicial officers, Local Courts, civil society organizations, land management structures at grassroots.
- **Recruit and train champions** (including male champions) to advance the Women's Land Rights Agenda from regional to grassroots levels.

- **Engage strategically with the custodians of culture and religion**, to help change mind-set leading to social transformation i.e. Legal awareness and literacy.
- **Foster male engagement and interrogate masculinities for social norm transformation** on discriminatory traditional norms, practices and values that discriminate against women.
- **Enhance engagement with political leadership for support** and commit in addressing gender equality concerns at regional, national and subnational levels.

2.2.3 Reshaping Urbanization towards Inclusive, Resilient and Sustainable Cities in the IGAD Region

Urbanization has a distinctive gendered dimension. Although women make a crucial contribution to the prosperity of cities through their paid and unpaid labour, they remain at a disadvantage in terms of equitable access to work and living conditions, health and education, assets and representation in formal institutions in urban governance. Women's disadvantage stems from a wider set of factors that include their unequal position in the labour market, their limited ability to secure assets independently from male relatives, and their greater exposure to violence. Hence, while a gendered lens is essential in understanding the non-income dimensions of urban poverty, it is also critical for the examination of broader issues of equality and social justice.



KEY ISSUES include:

- Women have weaker housing, land and property (HLP) rights compared to their male counterparts in urban areas, limiting their social and economic opportunities.
- Women are less represented in land administration and management structures i.e. land use planning, policy enforcement, conflict management
- Land valuation and taxations are often gender neutral.
- Increasingly women are becoming the heads of households, making day-to-day decisions affecting shelter, food access and household economics
- Homelessness mainly affecting women, youth and children including those from refugee communities.
- Upgrading of urban cities often led to increased cases of evictions, resettlement or regularization programmes that greatly impacts on the well-being of low-income urban dwellers mostly women, girls, PWD, youth and older persons.
- The proliferation of slums as a result of climate change and the increase in the number of women living in slums requires regional attention.



STRATEGIES for addressing the Key Issues

- **Prioritise housing, land and property rights for all** in policies, programs and strategies; especially for women and marginalized groups, including awareness of their HLP rights
- **Gender Responsive Physical Planning Standards** and guidelines, for preparation, submission and presentation of Physical Development Plans
- **Strengthen women's economic and entrepreneurial** capacities to enable them sustain themselves and their households, accompanied by awareness raising on tenure security issues, referral pathways, and legal aid services providers
- **Provide economic incentives including tax incentives/relief/credit arrangements for women's HLP rights in urban areas** (land purchasing through Savings and Credit Societies, mortgages, payment of discounted land rates etc.)
- **Address the challenge of homelessness** –to reduce gender-based violence (GBV) mainly affecting women and girls; dignity and rights.
- **Include women especially those living with disability in governance** of housing land, property rights in urban and peri-urban context to ensure programs and policy decisions are gender responsive.
- **Collect accurate, reliable and timely sex disaggregated data** on housing, land and property rights for policy decisions.
- **Collect Land ownership data at house hold level during census or other similar processes.**
- **Devise innovative gender transformative climate change adaptation** among the urban poor, particularly women and other vulnerable communities.

2.2.4 Strengthening Inclusion in Large Scale Land-Based Investments (LSLBI)

The brunt of Large-Scale Land- Based Investments (LSLBI) in the IGAD Region has been disproportionately borne by women particularly in the face of evictions and stringent compensation requirements. Social disadvantages and the presumed subordinated position of women and lack of formal land rights have differentially affected women's security of tenure in the face of large scale land acquisitions.



KEY ISSUES are:

- LSLBI leads to forced evictions and negatively impacts women's access, ownership and control over land.

- Women, who predominantly derive rights through male relatives are differentially affected by any major change in tenurial regimes, especially land transfers to investors.
- The lack of documentation has disproportionately affected women in the face of compensation and or resettlement as they do not possess conclusive evidence of ownership of land.
- Women are often excluded from opportunities to participate and voice their interests in the management and proposed allocation of community land to investors, corporate social responsibility plans as well as resettlement plans.



STRATEGIES for addressing the Key Issues

- **Develop Regional tools for national adaptation on gender transformative land based investments.** This will ensure that business models in the IGAD Region can have gender considerations embedded in their project design and implementation.
- **Revisit Compensation models and legal frameworks in the IGAD Member States and develop a gender responsive prototype on valuation and compensation model** that takes into consideration local realities of the IGAD Member States.
- **Build women's leadership** as a mechanism to enhance their participation in community development and engagement in the face of a large scale land investment.
- **Develop a Regional tool for national adaptation and application on Gender Impact Assessment** (i.e. Gender Analysis), compensations/benefits equivalent to Environmental and Social Impact Assessment (ESIA) before a large scale land based investment.

2.2.5: Enhancing Capacity and Coordination of Land institutions and actors on Gender Mainstreaming

The gender gap between the law and its implementation in the land sector is evident in all IGAD Member States for multiple reasons. Weak coordination between the Ministries responsible for Gender and the Ministries responsible for lands, limited capacity on gender analysis and gender mainstreaming among land institutions and limited understanding and experience in developing and implementing gender budgets for land programs are some of the key challenges. Implementing policies and legislation towards accelerating actions that address security of tenure for women will effectively begin by providing all round institutional capacity (e.g. human, technical and financial).



KEY ISSUES to address include:

- Key land sector actors have limited Institutional Capacity (Human/Technical & Financial Capacities for gender analysis, gender responsive budgeting and programming) on land issues.
- Weak coordination and collaboration between land governance structures and key stakeholders on women's land rights.



STRATEGIES for addressing the Key Issues

- **Establish a fully operational Gender Unit in Ministries of Lands** and Focal Points in Related Ministries/Land Structures with Technical and Financial Capacity to monitor progress on the National Women's Land Rights Agenda.
- **Support Capacity-building and training on gender analysis and gender mainstreaming** for land professionals charged with implementing land policies and programs.
- **Support Land institutions should adopt clear, transparent and participatory gender planning processes**, in line with women's rights to participation.
- **Establish mechanisms to hold land authorities accountable** for ensuring that gender is effectively mainstreamed into all programmes and policy processes.
- **Adopt gender-responsive land budgeting** for the implementation of existing land laws and policies and programmes on land as well as for the development of new laws, policies and programmes that are necessary for advancing gender equality in the land sector.
- **Strengthen coordination and develop multi-stakeholder approaches to closing the gender gap on land** i.e. Land Implementation Units, women's land rights committees/ working groups/ platforms are necessary to facilitate stakeholder engagements, peer learning, technical support and coordination of efforts.

2.2.6: Enhancing Public Awareness/Information and communication on Women's Land Rights

Implementation of positive laws in regard to gender equality on land is too often hindered and exacerbated by lack of public awareness; and women's knowledge of their entitlements. Legal standards, although beautifully crafted, remain inadequate and complex to implement in practice because of the limited understanding of them. The habitual use of statutory, religious, and customary laws concurrently and or interchangeably in the face of a land dispute complicates the whole situation often leaving the land lying in impasse, a situation that disproportionately affects women who are the users of this land and hence the feminization of poverty.



KEY ISSUES to be addressed are:

- The general public in the IGAD region lacks awareness of the provisions in the policy/legislative frameworks supporting women's land rights.
- The Laws and policies have not been translated into understandable language for the majority of the citizens in the IGAD Region. As such they remain abstract and away from the reach of the common person.
- Low literacy among women exacerbates their plight further as they are unable to read the letter of the law even if simplified.



STRATEGIES for addressing the key issues

- **Hold multi-stakeholder public awareness/ education on gender equality on land-** This will facilitate better understanding of existing land policies, laws and commitments made to implement them. (e.g. communities –women/men, land structures, judiciary, legislature and the executive).
- **Invest in women's empowerment through awareness creation.** Once empowered with knowledge on how to secure her rights to land, women will better engage with duty bearers and the referral pathways in the fight for tenure security.
- **Institutionalize legal aid at country level.** Legal aid has been a preserve of civil society organizations. Given the sensitivities around land, it is paramount that legal aid is institutionalized through law and provided by the state at the lowest level of government. Also, outreach legal aid services through community paralegal services, pro bono services and community courts.
- Promote adult learning education programmes at a wider scale

2.2.7: Building Women's Leadership and Participation in Land Governance

In all IGAD Member states, it is recognized that participation of women especially grassroots women in Land governance structures and processes is quite limited. This contradicts international, regional and national commitments to women's leadership and empowerment. Their limited participation inhibits their position in land administration structures, access to Land information and land justice. It's important that women's participation is promoted in both law and policy formulation/review processes, and in programing including analysis, designing, planning and budgeting, implementation, monitoring and evaluation. For this to happen, gender transformative approaches to land programing need to be adopted.



KEY ISSUES include:

- Limited participation and involvement of women in land governance taking into consideration both formal and informal Land institutions
- Limited access to land information by women
- Limited capacity of women to participate and influence land governance processes.
- Limited advocacy for the participation of women in Land Governance



STRATEGIES for addressing the Key Issues

- **Support participation and effective engagement of women and their organisations** in the formulation of land policies, laws and programmes.

- **Ensure women's rights organisations are effectively represented on equal terms with men in all decision-making structures** relevant to land, from community to regional levels.
- **Develop mechanisms to avail land information to women and women's rights groups** in a manner that enhances their participation and voice in land sector programs.
- **Enhance the capacity of women in leadership, negotiation and communication** to enable them participate in decision-making processes relevant to land, and are able to benefit from capacity-building.
- **Enhance affirmative action by creating quotas for women's participation** in land governance, and land related programming at all levels.
- **Establish local, national and regional forums that encourage and ensure meaningful participation of women** and other marginalised groups in land governance initiatives.
- **Promote advocacy to strengthen women's leadership and participation in Land Governance**

2.2.8 Enhancing Youth Participation in Land Governance

Obstacles to youth rights to land include unfavorable land tenure systems and customary practices that exclude youth from participating in and benefiting from land; over reliance on inheritance which limits choices in terms of timing, size, quality and location of land; lack of financial resources to buy or rent land for investment and personal development; inadequate access to information and lack of legal protection of land rights for the youth; and lack of provision for youth in state-sponsored land redistribution programs.



KEY ISSUES include:

- Policies and legislation have not articulated the right to land for youth.
- Customary land systems offer few options for youth to own and control land while their parents are still alive.
- Rights for younger women are traditionally weaker, and customary institutions are ill-equipped to deal with the fact that younger women have increasingly become heads of households.
- Lack of knowledge among the youth on their land rights



STRATEGIES to address the Key Issues

- **Integrate youth agenda in Land Policies** and Legislative frameworks in a manner that addresses the inter/intra-generational land rights.

- **Creating a stronger enabling environment for youth** is necessary through policies, laws, and interventions specifically designed to address the unique challenges youth face.
- **Formulate youth responsive country Land sector strategies;** this will include mainstreaming youth and especially young women's needs in land policies, strategies and initiatives.
- **Promote youth friendly capacity building initiatives** to enhance youth participation in land Governance

2.2.9 Strengthening Women's Rights in Communal and Community Land (i.e. Commons – Pastures, Forest, Fisheries and the Blue Economy)

"Community lands" (i.e. clan lands, communal grazing lands, community fish landing sites, or community forests) have their own governance structure and customary rules which govern access to and use of these lands. These customary rules and structures often exclude women from rights to land that are available to men. In the community where communal land or community land exists, the level decision making on land and property rights is often in the hands of men. At the same time, women's property rights under communal ownerships are not properly defined and attaining equity is complex. The emerging need to streamline the role of women's rights to blue economy in the face of climate change needs to be clearly understood and interrogated.



KEY ISSUES are:

- Customary laws on land are not codified to bring them at par with the Constitutional provisions on gender equality.
- The Lack of accurate quantification of land has impacted on generating land information for various purposes including the quantification of percentage of land accessed and/or owned by women.
- The extent and impact of rights on women's engagement in the Blue Economy needs to further be studied and understood, and innovative approaches for gender transformative implementation devised.
- The rights of minority groups living on marginal lands, protected lands and or conservation areas such as forest dwellers and hunter gatherer communities remain fragile and unprotected.
- Lack of legal frameworks to protect the rights of women in communal landholding across all IGAD Member States remains a glaring gap.
- Grabbing of common lands for large scale land-based investment in the absence of express laws protecting the occupants of these lands leaves women particularly vulnerable to evictions and landlessness.



STRATEGIES to address the Key Issues

- **Inventorize, map and document rights over communal/community lands, taking into account the rights of women within the collective.** Identify community lands and create security of tenure for all the commons in an inclusive and gender responsive manner.
- **Review the legal frameworks to ensure that non-discriminatory clauses are embedded** in the management and governance of communal and community lands.
- **Build capacity of women to lead and contribute to decision making processes** in the Commons. Cross country learning from within Africa or the global south will be encouraged to ensure the deepening of understanding and the transfer on knowledge based on global best practice.
- **In contexts where land vests in the State or the Presidency, give women additional rights to individual plots** to cushion them against shocks within the commons.
- **Undertake affirmative action by establish quotas for women participation** in land governance institutions on communal/community land.
- **Undertake research to better understand the role of women in the blue economy and devise gender transformative approaches to programming.**

2.2.10 Generating sex and Gender disaggregated data on land

Some of the IGAD Members states have begun to generate land data, however gender disaggregated data on land ownership remains scarce across the region. Data is a powerful resource for more informed decision-making and advancing the women's land rights agenda through design, implementation and monitoring of programs from a gender perspective. More so, the participation of women in collection of land data is critical as it enables them to track progress in realizing their rights.



KEY ISSUES include:

- Lack of sex disaggregated data and gender statistics on ownership, access to, and control over land and other productive resources has impacted gender transformative decision making on national and regional priorities.
- Limited involvement of women and other marginalized groups in collecting Gender and Land data perpetually excludes them from the full benefits of land governance programs and sustainable development initiatives at country and regional level.



STRATEGIES to address the Key Issues

- **Collect, collate & disseminate sex and Gender disaggregated data** for M&E and reporting progress and commitments on WLR at National/Regional/Global levels.
- **Encourage and support the participation of women** in the collection, validation and dissemination data of Gender and Land Data
- **Document best practices** in addressing women's land rights, for learning, replication and scale up.
- **Support the development of the National Spatial Data Infrastructure for IGAD Member States** to enable the availability of accurate, real time land information including the extent of access and ownership of land by women.



PART III

**MEANS OF IMPLEMENTATION
OF THE IGAD REGIONAL
WOMEN'S LAND RIGHTS
AGENDA**

We reaffirm our commitment to fully implement this IGAD Regional Women's Land Rights Agenda, leveraging on our collective energies and resources as the IGAD Member States. We take cognizance of the limitations of our Member States in fully financing the strategies embedded in this Agenda and hereby recommit to strategic partnerships and collaboration in a quest to achieve this ambitious Agenda.

Cohesive nationally crafted and owned Women's Land Rights Agenda supported by integrated national financing frameworks through the ordinary Member States Budgets will be at the heart of our efforts to strengthen women's land rights. Aware that each country has the primary responsibility for its own social economic development, and in respect of each country's policy space and leadership in implementing its laws and strategies, we collectively realize and seek the support of international development and financial systems in our quest to achieve gender equality on land.

We underscore that for all countries in the IGAD region, the implementation of national priorities must be embedded in public policy, the mobilization and effective use of domestic resources underscored by the principles of national ownership. We affirm that gender equality is such a priority central to our common pursuit.

We commit to engaging in systematic follow up and review of the implementation of this IGAD Women's Land Rights Agenda over the next 10 years. A robust monitoring and evaluation framework will be put in place, ensuring effective participation, transparent, inclusive and integrated review by all IGAD Member States including grassroots women.

We commit to consider procedures and mechanisms to promote and review our effective, full and prompt implementation of the Women's Land Rights Agenda. To that effect, the IGAD Member States could, establish efficient and practical reporting systems on the effective, full and prompt implementation of the National Women's Land Rights Agenda and hence their contribution to the Regional Women's Land Rights Agenda.

In all activities to be implemented under this IGAD Regional Women's Land Rights Agenda and others that may be pursued in the future, based on the above basis for action and objectives, the effective participation of all IGAD Member States, in particular the transient countries, should be ensured through appropriate provision of technical assistance and/or financial assistance. Support should further include assistance in building up expertise in gender analysis and mainstreaming, and in assuring access to the necessary reference information and technical expertise on gender and land.



PEACE, PROSPERITY AND
REGIONAL INTEGRATION