



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

Gender Handbook for Land Administrators



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PEACE, PROSPERITY AND
REGIONAL INTEGRATION

GENDER HANDBOOK

FOR LAND ADMINISTRATORS IN THE IGAD REGION

September 2021

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LIST OF ACRONYMS

AU	African Union
AUC	African Union Commission
FAO	Food and Agriculture organisation
FIG	International Federation of Surveyors
HIV& AIDS	Human Immuno Virus and Acquired Immune Deficiency Syndrome
IFPRI	international Food and policy Research Institute
IIED	International Institute for Environment and Development
IGAD	inter-Governmental Authority on Development
LGP	IGAD Land Governance Project
LIS	Land information system
ULC	Uganda Land Commission
UN	United Nations
UNECE	United Nations Economic Commission for Europe
VGGTs	Voluntary Guidelines on the Responsible Governance of Tenure

EXECUTIVE SUMMARY

This handbook is a compilation of key guidelines for mainstreaming gender in the land sector at the institutional level and in land administration processes and related programmes implemented at national and local levels in the IGAD Member States. It is mainly formulated for land administration departments responsible for land adjudication, surveying, registration and titling, valuation and taxation at the local level and top leadership of the land institutions at the national level.


The first section provides a quick overview of what the manual is about and what it aims to achieve. It also provides a short synopsis of who it is intended for and how to use it. It briefly explains the IGAD's mandate in promoting gender responsive land governance and administration in the IGAD region.

Section two of the handbook provides an overview of land tenure regimes in the IGAD region and highlights Member States commitment to promoting and protecting women's land rights through legislation. This section also highlights the benefits of an effective land administration system to provide a benchmark for IGAD land administrators.

Section three of this Handbook gives step-by-step guidance for mainstreaming gender in different land administration processes right from the project start to its evaluation and closure. It provides checklists and strategies for involving women and other marginalised groups as well as strategies for building partnerships with key actors for inclusive land administration. It also gives sample indicators that measure gender equality progress in the land administration process.

Section four of the handbook provides guidance as to what the national land institution is required to do to promote and cause gender transformation in land administration processes and land policymaking processes at national level and gives definitions of key gender concepts.

If well used, this handbook has the capacity to cause transformative change for women's land rights and resultant land tenure security in a safer and more sustainable manner.



SECTION 1:
INTRODUCTION
TO THE GENDER
HANDBOOK
FOR LAND
ADMINISTRATORS
IN THE IGAD
REGION

1.1 About this Handbook

This handbook provides step-by-step guidance to IGAD Member States land administration sectors on integrating gender and inclusion issues and promoting gender equality in the design and execution of land administration projects. The handbook is intended for qualified land administration professionals and therefore doesn't delve deeper into technical land administration issues but only provides guidance on how to weave gender perspective into their day-to-day work to achieve land tenure security for women and other marginalised groups.

This handbook also provides a framework for addressing gender disparities in the land institutions to pave a way for smooth integration of gender in land administration programmes.

Gender transformative land administration projects and programmes strategically contribute to the achievement of women's land tenure security. The handbook for gender transformative land administration projects and programmes intends to equip national and local level land administrators with specific, pragmatic guidance and examples for mainstreaming gender perspectives across the lifecycle of land administration to achieve greater effectiveness, better outcomes and stronger co-benefits. It contains strategic guidance and gender-specific checklists for different stages of land administration.

In addition, it provides guidance for streamlining and institutionalising gender in the land sector to create a strong foundation for gender mainstreaming in

land administration processes, which gender analysis needs to be made and provides indicators for measuring success. The handbook emphasises the fact that institutionalisation of gender is central and determines the success of gender mainstreaming in land administration process and programming.

The handbook is not prescriptive. Instead, it provides minimum standards and guidelines and allows room for learning and adapting to the local context. The central function of this handbook is to ensure that land administration processes do not perpetuate or deepen historical inequalities or marginalise women's rights, erode their land rights or overlook their rights within local communities.

1.1.1 Who Is It For?

The primary targets for this handbook are IGAD Member States officials working on land matters including:

1. Land administrators, including Land Use Planners, Land Adjudicators, Land Surveyors, Land Registrars, Land Officers, Land Valuers and taxation officers.
2. Land administration leadership structures including the budget and planning unit that bears responsibility of putting in place systems, mechanisms and resources for supporting institutionalisation of gender equality.

However, this handbook could be used by other actors in the land sectors, including NGOs, development partners, professional institutions to synchronise work relations with government land administration for enhanced achievement of common goals.

OBJECTIVES OF THIS HANDBOOK

- Increase understanding of gender concerns and needs in land administration processes
- Develop Member States staff capacity to address gender issues in land administration processes especially at the local level
- Encourage Member States to integrate gender perspectives into projects and programmes for sustainable land tenure security for women and other vulnerable groups
- Support institutionalisation of the culture of gender equality through formulation of gender responsive regulations and implementation of gender action plans and monitoring of gender mainstreaming progress.

The handbook is intended for qualified land administration professionals. Therefore, it does not delve into technical land administration, but only provides guidance on how to weave gender consciousness into the day-to-day work of land administrators to achieve land tenure security for women in the IGAD region.

1.1.2 How Will It Be Used?

For the land administrators, the handbook should be used as reference material to increase their consciousness of gender concerns. The handbook can be read, understood and utilised at the different stages of the processes as they execute their roles. There are different sections for different professionals, for example adjudicators should read and follow minimum standards provided as guidelines in this manual.

This handbook is useful at the time of policy development/review, planning, implementation and budgeting processes. It provides guidance about the gender considerations to be made at that stage to ensure that appropriate technical and financial resources are available to support integration of gender perspective in the day-to-day work of local land administrators.

1.2 The Role of the IGAD in Promoting Gender Responsive Land Administration

The **Intergovernmental Authority on Development** (IGAD) is a Regional Economic Community of the Africa Union. Its Member States are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. The IGAD's mission is "to assist and complement the efforts of the Member States through increased cooperation to achieve food security and environmental protection; promote and maintain peace and security and humanitarian affairs; and achieve economic cooperation and integration."¹ The IGAD's activities consist mainly of policy support, information and knowledge sharing, capacity development and research, and science and technology.²

Land in the IGAD region is abundant and provides in many ways for its citizens. Land is a synonym for identity, culture, power, development, food and human security. IGAD Member States have diverse priorities for achieving national development such as eradication of poverty, food security, agriculture transformation, natural resources exploitation, preventing climate change, and sustainable urban expansion. Secure access to land is a fundamental enabler for the IGAD national and regional development objectives and can only exist within healthy tenure governance systems.

The studies commissioned by the IGAD in 2016 reviewing the land governance systems in the IGAD Member States identified four transnational elements:

1. State sovereignty over land,
2. Legal pluralism (customary and statutory),
3. Gender biases in access to land,
4. Land tenure insecurity and land conflicts.

Several countries in the IGAD region already have, through inclusive processes, developed policies that identify which rights are legitimate and how they should be protected in ways that are context appropriate and reflect the unique tenure governance features in the IGAD region. Policy development processes are participatory and inclusive, but in the absence of viable mechanisms to allow for the same level of participation to continue, land administration systems are not gender responsive and therefore does not guarantee women's land rights security.

All societies in the IGAD regional bloc are primarily patriarchal and even in some areas of Member States where there are matrilineal societies, these are increasingly giving way to patrilineal systems. Gender biased norms and practices make it difficult to achieve meaningful positive impact on gender equity. In addition, insufficient understanding of the legal plurality governing women's land rights, inadequate safeguards of women's land and property rights, inappropriate mechanisms for implementing legislations,

1 The Inter-Governmental Authority on Drought and Desertification (IGADD) was established in 1986 to address recurrent droughts and other natural disasters in the Horn of Africa. It developed into IGAD in 1996 when its mandate was extended to other areas of cooperation.

2 All activities are guided by the Regional Strategy and Implementation Plan 2016-2020. Four areas are prioritised for regional cooperation: food security and environmental protection; economic cooperation, integration and social development; peace and security; and humanitarian affairs. Land governance cuts across the four areas and is addressed specifically in relation to land resources monitoring systems and land use planning for marginal lands and dry lands management.

institutional constraints and limited awareness of women's rights also impede implementation of women's statutory rights. Some administrative measures taken to improve women's land rights have not been entirely effective as women are often excluded or under-represented in land related institutions. Gender discrimination in access, control, and ownership of land remains a serious impediment to socio-economic development.

The IGAD Land Governance Programme (LGP), which has been in operation since 2015, is currently finalising a 10-year business plan; the business plan focuses on four key programme areas, one of the areas is

a stand-alone women's land rights component. In all other programme areas, gender is well mainstreamed in the design and will subsequently be monitored during implementation.

The IGAD, through the LGP, seeks to improve the performance of the land administration function in the IGAD region through Member States' capacity strengthening; by developing modules so that administrators obtain required knowledge to execute projects that are responsive to the needs of men and women and will ultimately contribute to achieving women's land tenure security in the IGAD region.

THE PROGRAMME AREAS OF THE LGP ARE INTENDED TO:

1. Promote and adapt region specific gender transformative land administration models to inform policy and increase capacity for inclusive land administration in the IGAD region,
2. Enable sustainable development through a strategic gender approach to land use and land management in the IGAD region,
3. To increase the IGAD capacity to plan and manage land economy with a gender and conflict sensitive lens,
4. To reduce barriers and enhance protection of women land rights in the public, private and communal spheres.

SECTION 2:

GENDER AND LAND TENURE SYSTEMS IN THE IGAD REGION



1. GENDER ISSUES AND LAND ACCESS IN THE IGAD REGION

2.1 Why Gender Matters in Land Access: Who Benefits and Who Loses?

Access to land is a central issue because it is a crucial asset for food production and a key factor for shelter and community development. How issues related to rights of access are addressed in development projects and programmes has a direct impact on the livelihood and security of people not only in rural areas, but in urban and peri-urban settings as well³.

Equal property rights of women and men are fundamental to social and economic gender equality. However, women often face discrimination in formal, informal and customary systems of land tenure. Around the world, women encounter⁴ larger barriers due to social customs or patriarchal tenure systems which prevent them from obtaining and holding rights to land⁵.

Although a large and varied number of rights may exist, it is sometimes useful to illustrate that rights of access to land can take the form of:

- **Use rights:** the right to use the land for grazing, growing subsistence crops, gathering minor forestry products, etc.
- **Control rights:** the right to make decisions on how the land should be used and to benefit financially from the sale of crops, etc.
- **Transfer rights:** the right to sell or mortgage the land, to convey the land to others through intra-community reallocations or to heirs, and to re-allocate use and control rights.

Across Africa, there are profound differences between men and women in ownership, use and control over assets and wealth. Gender gaps emerge prominently in ownership of land and housing property, which are important assets for the poor in Africa and the primary means to store wealth in rural communities.

Women's secondary status, lower socialisation, undervalued productive work, and illiteracy in many communities often make them reluctant to claim legal rights and participate in those institutions and activities seen as men's domains. In addition, women incur significant social costs for going against cultural norms; these costs include *social ridicule and the possible loss of social benefits*. In some cases, a backlash of domestic violence occurs against women who claim their land rights. The extended patriarchal family generally provides a structure for the lifelong basic welfare of all family members and for assistance in times of social or economic crisis. This is particularly significant for resource-poor rural women with young children⁶.

The adoption of *Transforming our World: the 2030 Agenda for Sustainable Development* in 2015 has globally unified and amplified the importance of rights to land and tenure security in poverty alleviation, the realisation of human rights and human progress. The Agenda places land rights at the centre of development, recognising the fundamental links to eradicating poverty (Goal 1), ending hunger and ensuring food and nutrition security (Goal 2), promoting gender equality and the empowerment of women and girls (Goal 5), sustainable cities (Goal 11) and life on land (Goal 15). Secure land rights also contribute to achieving other Sustainable Development Goals (SDGs), including the achievement of peace and security and the reduction of inequalities⁷.

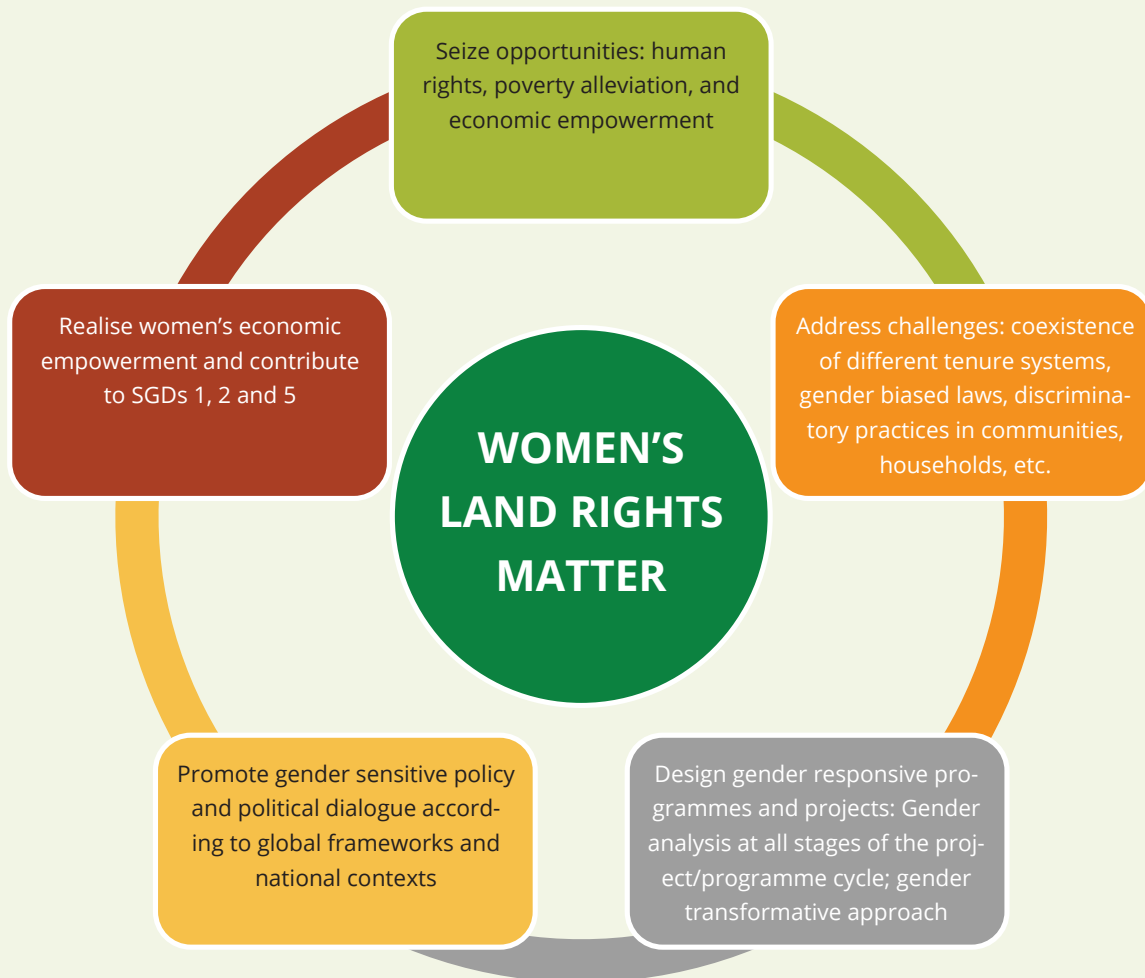
3 <http://www.fao.org/3/a-y4308e.pdf>

4 <https://www.scribd.com/document/230938511/Gendering-Land-Tools>

5 https://mirror.glt.n.net/jdownloads/GLTN%20Documents/gendering_land_toolseng2009.pdf

6 https://mirror.glt.n.net/jdownloads/GLTN%20Documents/gendering_land_toolseng2009.pdf

7 <https://www.peacewomen.org/node/102630>



At the continental level, there are various commitments and frameworks for securing women's land rights and measuring progress that align with the SDGs. The African Union (AU) Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa identifies securing women's land rights as a critical area for advocacy and action by African Member States to eradicate poverty and reduce the gender gap in control over resources. Within the framework of the AU Agenda, this engagement includes Member States' commitments to monitor progress towards securing women's land rights and increasingly the amount of land allocated individually or jointly women to a minimum of 30% by 2025. The AU's recent endorsement of the Pan African Women's Charter on Land Rights further demonstrates growing political will on women's land rights and tenure security in the region. The Charter includes 15 specific demands addressing women's access to use, control,

own, inherit and dispose of their land and natural resources, with the ultimate aim of empowering women across the continent.

Research shows that despite progress towards greater acceptance of women's equal rights to land in laws and policies, their effectiveness runs into significant obstacles, ranging from patriarchal attitudes and cultural practices to a general lack of political will and resources. Women suffer from discrimination and injustice under various disguises. Women in informal settlements and slum, indigenous women, the disabled, elderly, widows and refugees are among the various categories of women who are further marginalised. War in some countries and HIV&AIDS has disproportionately affected women's land rights. Very often, when land values increase as a result of external investments, women are marginalised in the process, and risk losing former benefits and accommodating situations⁸.

8 <http://www.fao.org/3/a-y4308e.pdf>

In the IGAD region, gender inequalities around land are prevalent across most countries. This is in part due to some customary norms and practices which vest male members with the power to deal with important assets such as land. This is particularly so in patriarchal societies, which favour men's rights over women's. Within associated customary systems, women often have weaker and more temporary customary rights, often mediated through the men in their family. As inheritance is the primary mode of transferring land and is primarily practiced according to custom, sons are much more likely than daughters to have rights to land in many African contexts, including in the IGAD region. Gender biased norms and practices make it difficult to achieve meaningful positive impact on gender equity through legal interventions undertaken in the majority of Member States to promote women's land rights. In addition, an insufficient understanding of the legal plurality governing women's land rights, inadequate safeguards of women's land and property rights, inappropriate mechanisms for implementing legislations, institutional constraints and limited awareness of women's rights also impede implementation of women's statutory rights. Some administrative measures taken to improve women's land rights have not been entirely effective as women are often excluded or under-represented in land related institutions. Similarly, a recent review focusing on women's land rights (IFPRI, 2017) found strong evidence supporting the causal pathway between women's land rights and bargaining power, decision-making on consumption, human capital investment and intergenerational transfers. Providing secure land rights for women makes economic sense and is critical in fighting poverty.

2.2 Global and Regional Standards and Normative Frameworks that Protect Women's Land Rights

2.2.1 International Legal and Policy Instruments

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

The Universal Declaration of Human Rights, in article 2, sets out the principle of non-discrimination, including based on sex, in the enjoyment of rights guaranteed in the Declaration. Among many other rights,

the Declaration recognises the rights to property, food, housing and education.

The International Covenant on Civil and Political Rights, in article 3, guarantees equality between women and men, and it prohibits discrimination based on sex, among other grounds, in article 2. The Covenant also recognises the rights to life, private and family life, liberty and security of person; to equality before the courts and tribunals and equal protection of the law; to information; to freedom of movement, association, assembly and expression; to freedom from torture and cruel, inhuman or degrading treatment; to self-determination; to participate in public affairs; and to remedies.

Article 3 of the **International Covenant on Economic, Social and Cultural Rights** calls on States parties to "undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant" and prohibits discrimination based on sex. The Covenant also recognises the rights to food, housing, education, health, culture, work and association (trade unions).

The Convention on the Elimination of All Forms of Discrimination Against Women calls on States parties to end discrimination against women in laws, policies and practices, including through the adoption of temporary special measures. Its article 2 obliges States to "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women". Article 5 provides for States' obligation to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices".

The United Nations Committee on the Elimination of Discrimination Against Women, the United Nations Committee on Economic, Social and Cultural Rights and the United Nations Human Rights Committee have explicitly recognised equality in marriage over the management of property, including lands. In its general recommendation No. 21 (1994) on equality in marriage and family relations, the United Nations 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

Key SDG indicators related to women's land rights and tenure security

Member States have agreed to track and report progress toward achieving women's land rights through three indicators:

1.4.2: Proportion of total adult population with secure tenure rights to land (a) with legally recognised documentation; and (b) who perceive their rights to land as secure, by sex and type of tenure.

5.a.1: (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure.

5.a.2: Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.

will be critical to her ability to earn a livelihood and to provide adequate housing and nutrition for herself and for her family".

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

(adopted by the United Nations General Assembly in 2018) recognises that "peasants and other people living in rural areas 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 recognises 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".

The United Nations 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.

Key international policy instruments that are relevant to women's rights and gender equality call for the protection and promotion of women's equal land rights, include among others:

The Beijing Declaration and Platform for Action

adopted at the Fourth World Conference on Women in 1995 – the most comprehensive set of policy commitments made by States on gender equality, the empowerment of women and women's rights – called on governments to enable women to obtain affordable housing and access to land and to undertake legislative and administrative reforms to give women equal access to economic resources, including the right to inheritance.

The **Sustainable Development Goals** (SDGs) seek to realise the human rights of all and are universally applicable to all people in all countries – leaving no one behind. The 2030 Agenda provides for realising women's land rights under SDG 5 to achieve gender equality and empower all women and girls, specifically through target 5a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws. Women's land rights are also covered in SDG 1 to end poverty in all its forms everywhere, and related target 1.4; SDG 2 to end hunger, achieve food security and improved nutrition and promote sustainable agriculture addresses women's land rights through target 2.3; SDG 10 to reduce inequality within and among countries and target 10.3; SDG 16 to promote the rule of law at the national and international levels and ensure equal access to justice for all and target 16.3; and SDG 17 on finance, technology, capacity-building, trade and systemic issues are also relevant to the realisation of women's land rights.

The **Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forests** (VGGTS) in the Context of National Food Security, under the auspices of the Committee on World Food Security in 2012, reiterate the principle of gender equality, calling on States to “ensure that women and girls have equal tenure rights and access to land”. On indigenous women specifically, they provide that indigenous peoples and other communities with customary tenure systems that exercise self-governance of land, fisheries and forests should promote and provide equitable, secure and sustainable rights to those resources, with special attention to the provision of equitable access for women. Effective participation of all members, men, women and youth, in decisions regarding their tenure systems should be promoted through their local or traditional institutions, including in the case of collective tenure system.

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.

2.2.2 Regional Policy and Legal Framework

Several provisions of the **Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003)** address women’s land and property rights. State parties are required to ensure that in case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage; grant to women, whatever their marital status, access to adequate housing; promote women’s access to and control over productive resources such as land; and guarantee their right to property (articles 7, 16 and 19). The Protocol also provides that a widow has the right to an equitable share in the inheritance of the property of her husband, and that women and men have the right to inherit, in equitable shares, their parents’ properties (art. 21). In addition, the Protocol requires that State parties “take appropriate measures to ... provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food” in the context of women’s right to food security (article. 15).

Through the **African Union’s Declaration on Land Issues and Challenges in Africa 2017**, African States have resolved to strengthen security of land tenure for women who require special attention.

The **Guiding Principles on Large Scale Land Based Investments in Africa** (2014) are based on a key recommendation of the Nairobi Action Plan on Large Scale Land-Based Investments in Africa, adopted at the High Level Forum on Foreign Direct Investments in Land in Africa in 2011. Among the six fundamental principles, the fourth is to: respect the land rights of women, recognise their voice, generate meaningful opportunities for women alongside men, and to not exacerbate the marginalisation of women.

The **Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights**, adopted by the African Commission on Human and Peoples’ Rights in 2010, recognise the principle of gender equality and women’s equal rights to property and land. Among other provisions, they specify that African States are obliged to ensure equitable and non-discriminatory access, acquisition, ownership, inheritance and control of land and housing, especially by women. This includes the obligation to take measures to modify or prohibit harmful social, cultural or other practices that prevent women and other members of vulnerable and disadvantaged groups from enjoying their right to property, particularly in relation to housing and land.

The **Framework and Guidelines on Land Policy in Africa**, adopted by the African Union in 2009, state that better and more productive use of land requires that the land rights of women be strengthened through a variety of mechanisms including the enactment of legislation that allows women to enforce documented claims to land within and outside marriage.

The IGAD Land Governance Programme

The Intergovernmental Authority on Development (IGAD) is a Regional Economic Community of the Africa Union. Member States include Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. The Member States 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 Programme

launched in 2015 is aimed at helping the IGAD and its member states to address the various land policy and governance issues faced by countries in the region. The Land Governance programme is currently implementing its 10-year business plan for the period 2020-2030 with 4 strategic objectives:

1. Land administration in the IGAD region is more efficient, harmonised and gender-inclusive,
2. Enable sustainable development through strategic gender-sensitive and conflict-sensitive approaches to land use and management,
3. Increased Member States capacity to leverage land (rural, peri-urban, and urban) for economic transformation, and
4. Reduced barriers and enhanced protection of women's rights to land in the public and private sphere.

These strategies are being implemented in close partnerships with Member States – particularly Ministries responsible for Lands, Agriculture, Gender and Justice, together with civil society organisations, research institutions, academia, and the private sector. The mandate of the IGAD Land Governance Programme is derived from the AU framework on Land Issues and Challenges in Africa. It is responsible for ensuring that the IGAD Member States have the prerequisite capacity to close the gender gap in the land sector and deliver on the following global and regional commitments made in achieving gender equality outlined above.

2.3 Land Tenure Regimes and Legal Framework for Women's Land Rights in the IGAD Member States

There are various land tenure systems in the IGAD member States. In the IGAD countries of Djibouti, Ethiopia, Somalia and Sudan, all land belongs to the state while in Kenya, South Sudan and Uganda there are public and private ownerships of land. In some countries, there are also recognised community or customary tenure systems. The legal and policy frameworks in

these countries also recognise that women don't enjoy equal land rights with men. The gender provisions in the legal framework provide a basis for equitable governance of land tenure systems for women and men in the IGAD region.

In **Djibouti**, under Law n°171/AN/91/2nd Law on Carrying definition and organisation of public domains (lands) all land belongs to the state, but urban land can be owned privately under leasehold. Private land is divided into two categories, namely urban land designated as such by the legislation in force and rural land. Nomadic pastoralists control their traditional pasture areas through customary rights. Indigenous tenure systems in Djibouti involve the rights to pastureland and water points. The Afar and the Issa maintain similar customary tenure practices, both investing regional tenure control in tribal groups. Among Issa in the south of the country, land belongs to the community while among the Afar in the north and southeast of the country, land belongs to the tribe.

Gender Provision: Article 1 of **Djibouti's** Constitution amendment (2010) states that the state assures to all equality before the law without distinction of language, of origin, of race, of sex or of religion. It respects all beliefs. Under Art. 12 the right to property is guaranteed by the Constitution. Article 35(7) states: "Women have the right to acquire, administer, control, use and transfer property⁹. They shall enjoy equal treatment in the inheritance of property." From the above provisions it is deduced that the constitution upholds the rights of women to property including land.¹⁰

In **Ethiopia** all land belongs to the state and thus there are no private property rights in land. There are two types of tenure, namely rural land tenure and urban tenure. Under the rural land tenure, land is managed under the Rural land administration Proclamation number 89/1997.

Under the Urban land tenure, land can be under lease and the period of the lease varies depending on the level of urban development¹¹ and sector of development activity or the type of service. The law in Ethiopia imposes tax on land through, among others, rental income tax at a flat rate of 30% on corporations while

9 <https://land.igad.int/index.php/countries/djibouti/djibouti-land-governance-profile-2?start=6>

10 <https://land.igad.int/index.php/countries/djibouti/djibouti-land-governance-profile-2?start=6>

11 http://www.investethiopia.gov.et/images/pdf/Factor_Cost_2014.pdf

CONSIDERATIONS IN DOCUMENTING LAND TENURE RIGHTS

Land tenure should be documented, recorded and held as a publicly accessible record containing the following information:

- unique parcel/condominium/lease identifier for each individual land parcel; where applicable, an official designation – this identifier has to be applied for each component
- type of land tenure (i.e., ownership, occupational right, interest, etc.)
- name(s) of owner(s) (individual, joint, communal, other)
- record of gender(s) of owner(s)
- name of occupier (individual, joint, communal, other)
- a narrative description of land (including recorded documentation and boundaries)
- length of tenure
- rights, restrictions and responsibilities in, over, on or under the land, whether these are recorded, visible or apparent and whether beneficial or deleterious
- other rights and restrictions (public and/or private) in relation to the land (e.g., easement, covenants, encumbrance, lien, license, statutory restrictions such as Public Law Restrictions)
- condominium rights
- the extent of any known legal claims that exist in relation to the land parcel and or parcels therein should be identified – the extent of any probable unverified claims that may exist but are not evidenced in writing should be identified where possible
- physical site inspection and/or verification
- any known differences that exist between documented boundaries, legal boundaries and physical boundaries should be identified where possible to do so
- cadastral or registered index map(s) of the topological relationship of all parcels visualised at adequate/appropriate scale for parcel size.

Source: International Land Measurement Standard: Due diligence for Land and Real Property Surveying International Land Measurement Standard Coalition, 2019

that of individuals varies progressively from 0% to 35% depending on the amount of income earned¹².

Gender Provision: The Constitution (Article 35 clause 7) accords women equal rights with men regarding the use, transfer, administration, and control over land. The Ethiopian Family Code recognises community property among spouses. These are reinforced through other national legislation such as the Rural Land Proclamation requiring all regions to conform to equal rights of women with respect to land transferring and bequeathing of holding rights.

In **Kenya**, The National Land Policy and Chapter 5 of the Constitution of Kenya classifies land in Kenya as public, community or private. **Public land** consists of unalienated government land, land lawfully held, used or occupied by any State organ, land transferred to the state, land not claimed by any individual or community. Public land is vested in and is held by a county government in trust for the people resident in the county and is administered on their behalf by the National Land Commission. All minerals and mineral oils, forests, roads, water bodies, continental shelf, all land

¹² <https://land.igad.int/index.php/documents-1/monitoring-land-governance/land-governance-country-profiles/1849-land-governance-in-igad-region-ethiopia-country-profile-1/file>

between high and low water marks vests in and is held by the national government in trust of the people of Kenya and is administered on their behalf by the National Land Commission. **Community land** refers to land vested in and held by communities identified on the basis of ethnicity, culture or similar community of interest. It is land lawfully held, managed or used by specific communities as *community forests, grazing areas or shrines; ancestral lands and lands traditionally occupied by hunter-gatherer communities; or any unregistered community land held in trust by county governments on behalf of the communities for which it is held.* **Private land** consists of registered land held by any person under any freehold or leasehold tenure and any other land declared private land under an Act of Parliament.

Gender provision: Article 2 (4) of the constitution provides that any law, including customary law, that is inconsistent with the Constitution is void to the extent of the inconsistency, and the fact that any act or omission in contravention of the Constitution is invalid.

The Kenya Constitution under Article 27(1) provides for equal treatment of all persons under the law. Under Article 27(3) provision is made for equal treatment of women and men in political, economic, cultural and social spheres. The Constitution prohibits discrimination on any ground including sex, marital status, race among others in Article 27(4). Article 27 (6) allows the State to take legislative and other measures including affirmative action to redress any disadvantage suffered by individuals or groups because of past discriminations.

Article 27(8) provides for affirmative action where the State is required to take legislative and other measures to ensure that no more than two-thirds of the members of elective or appointive bodies are of the same gender. Article 81(b), not more than two-thirds of the members of elective public bodies shall be of the same gender.

The Constitution under Article 60 provides that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable based on, among others, the principles of equitable access to land, security of land rights and elimination of gender discrimination in law, customs and practices related to land and property in land. The National Land Policy and the National Land Use Policy are guided by the principles of gender equity, inclusivity and

transparency in decision-making; effective public participation; elimination of discrimination and respect for human rights in land use. One of the main objectives of the National Land Use Policy is mainstreaming of gender and special interest groups in land use planning and management.

The Matrimonial Property Act 2013 provides for the equal status of spouses to acquire, administer, hold, control, use and dispose of property whether movable or immovable. An estate or interest in any matrimonial property shall not, during the subsistence of a monogamous marriage and without the consent of both spouses, be alienated in any form, whether by way of sale, gift, lease, mortgage or otherwise. The Act further provides for acquisition of interest in property by contribution made to improve the property.

The Land Act 2012 provides for spousal consent with regards to charges of a matrimonial home. Hence such charges cannot suffice without being assented by both parties. This is intended to protect the women.

The Land Registration Act 2012 provides that spousal rights over matrimonial property is an overriding interest in a registered land without their being noted on the register. Land Act 2012 section 5 (2) states that "there shall be equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of and access to land under all tenure systems". Section 30 of The Community Land Act 2016 provides that every member of the community has the right to equal benefit from community land. Equity includes full and equal enjoyment of rights of use and access. The Act further provides that women, men, youth, minorities, persons with disabilities and marginalised groups have the right to equal treatment in all dealings in community land. The Act prohibits discrimination on grounds of gender, age and race, among others. Section 5 on the principles and norms of Physical and Land Use Planning states that every person engaged in physical and land use planning and regulation shall among others ensure inclusivity and must take into consideration the culture and heritage of people concerned the interests of all parties.

In **Somalia**, the Agricultural Land Law of 1975 abolished private ownership and was embarking on major conversions to leasehold from the state. Currently there is statutory-based tenure and community-based

tenure. Within community-based tenure systems, access to, rights to, and/or control over land is most often dependent upon one's social identity. Community-based tenure varies with land quality; oftentimes land suitable only for grazing is overseen by the clan as a whole, while land which produces regularly is controlled by individuals to whom use-rights have been allocated.

Gender Provision: The 1979 constitution of the Somali democratic republic outlines social and cultural rights, including gender equality. In addition, the Sharia law and the Family Law guarantee women's rights in marriage, divorce and allow women to inherit land.

In **South Sudan**, the Land Act recognises three general types of land in South Sudan: public, private and community. Public land is land owned collectively by all people of South Sudan and held in trust by the appropriate level of government while community land includes all lands traditionally and historically held or used by local communities or their members; and private land includes registered land held by any person under leasehold tenure, investment land acquired under lease from the government, and any other land designated as private land in accordance with the law.

Gender provision: The Transitional Constitution of **South Sudan** (TCSS) was passed by the National Legislative Assembly in 2011 and provides for equality and the preservation of human, economic, social and cultural rights and include, among others, equality under the law (Article 14), rights to ethnic and cultural communities (Article 33) and rights to own property (Article 28). The Land Act (2009) Section 13(4) further articulates women's rights to own and inherit land. Section 110 of the Local Government Act (LGA) of 2009 specifically deals with the rights of women and provides the same protection as the Constitution and the Land Act by reaffirming that "women shall be accorded full and equal dignity of the person with men" and specifically stating that "women shall have the right to own property and share in the estate of their deceased husbands together with any surviving legal heirs of the deceased".

Land in **Sudan** is classified under two categories, namely government-owned and customary tenure. State Land includes unregistered land that was designated by the Unregistered Land Act of 1970 and the Civil Transaction Act of 1984. Customary land tenure

systems exist throughout Sudan and govern the practices of pastoralists in the north, the semi-feudal systems that developed on land close to the Nile, and the practices of southern and western tribes (IGAD, 2016).

Gender Provision: Article 32 of the Interim Constitution amendment (2017) of **Sudan** states that the State shall guarantee equal rights of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits. (2) The State shall promote women rights through positive discrimination actions.

According to the Constitution of **Uganda** (1995) and the Land Act, land shall be vested in the citizens in accordance with the four land tenure systems, namely freehold, leasehold, mailo and customary.

Freehold titles give rights "in perpetuity"; which means that the rights do not have a time limit and may be passed on to future generations. About five per cent of households in Uganda hold land under this tenure. The incidences of freehold tenure, which are standard, include the conferment of full power of disposition and the compulsory registration of title in perpetuity.

Mailo land tenure is peculiar to the Buganda Kingdom. It used miles as its measuring reference. Under Article 15 of the 1900 Buganda Agreement, the total land area of Buganda was estimated to be 19,600 square miles (approximately 20 per cent of the total area of Uganda) and was divided between the Kabaka (King) of Buganda and other notables in the Protectorate Government.

A *leasehold* estate is created in land as the result of a contractual agreement between a lessor (landowner) and a lessee, in which the lessee enjoys exclusive possession of the land of the lessor for a specified period for a cash payment, called rent, from the lessee to the lessor. There are two types of leasehold tenure arrangements, namely private leases given to individual landlords and official or statutory leases given to individuals and/or corporate groups under public act terms. Private leases granted by a landowner often require the payment of rent, while statutory leases issued by the Uganda Land Commission (ULC) on public land may be accompanied by conditions of land use.

Customary land tenure is the most dominant land tenure system and covers 68.6 per cent of the land in

Uganda. Customary tenure is found all over the country but predominates in the northern and eastern. Customary tenure is managed by families and clans. Clan structures for managing customary land tenure vary from family, extended family and clan committees or clan positions, such as that of “Rwot kweri” in Acholi, and “Adwong wang tic” in Lango.

Gender Provision: The Constitution of the **Republic of Uganda** of 1995, embodies far-reaching policy and legal reforms aimed at securing women’s land rights, advance gender equality and women’s empowerment. Article 21 provides that all persons are equal before the law in all spheres of political, economic, social and cultural life and in every other aspect and shall enjoy equal protection of the law. Article 31 (1) of the Constitution entitles women and men to equal rights during and after marriage including the acquisition of property which may be land during marriage. The land Act Cap 227 provides for mandatory representation of women on land tenure governance institutions. The Uganda National Land Policy 2013 has among its core principles: “Equity and justice in access to land irrespective of gender, age, disability or any other reason created by history, tradition or custom”.

Most of the countries in the IGAD region have juristic or diffuse plural legal systems governing land.¹³ Juristic legal pluralism is common in colonial and post-colonial Africa where state law is the ultimate authority and

dominates other plural legal orders. The region is characterised by the coexistence of multiple sets of rules and laws (often referred to as “legal pluralism”). One finds in a country different legal systems, institutions and enforcement mechanisms that control how different people access, own, control and transfer land for agricultural and other livelihood functions. For example, the constitutions of countries in the region provide for the operation of religious and customary laws thus availing juristic legal pluralism. Limited understanding of the legal plurality governing women’s land and property rights is also a considerable challenge to gender responsive land governance in the region (IGAD, 2018).

Land administrators therefore have an impact on land tenure systems and therefore have a special responsibility to society. As the land tenure issues grow increasingly complex and become more diverse, they also have a responsibility to know more about the issues and to do more to ensure that the systems for administering property rights serve all sectors and groups of people equally well. The list below is helpful in ensuring land administrations understand women’s tenure security in any given tenure system; this is because women often only have indirect tenure rights through male relatives, their legal situation is weaker, and they may be the first ones who lose access to their lands if land becomes scarce or in case of increased quality or value.

GENDER LAND TENURE (IMPACT) ASSESSMENT CHECKLIST:

- Who “owns” specific land and/or resources (land, trees, and non-timber forest products)? (access)
- Who controls these resources? (control)
- Who utilises these resources (land, trees, etc.)?
- Who benefits from these resources? And in what ways?
- Who makes decisions on access to and control over these resources?
- Who makes decisions on profit sharing from these resources?
- Since when has the access and control patterns over resources existed? (history)
- What are the impacts of these access and control patterns on men and women from various social groups?

Source: Working Group on Forest-Land Tenure (2014)

2.4 Role of Land Administration in Enforcing Gender in Land Rights Frameworks and Processes

Land administration covers a number of functional areas in relation to governing the possession and use of land. Land administration systems are concerned with the social, legal, economic and technical framework within which land managers and administrators must operate.

The Concept of Land Administration

The term Land Administration (LA) was coined in 1993 by the United Nations Economic Commission for Europe (UNECE) in its Land Administration Guidelines. These guidelines define land administration as: “the process of determining, recording and disseminating information about ownership, value and use of land and its associated resources. These processes include the determination (sometimes called adjudication) of land rights and other attributes, surveying and describing these, their detailed documentation, and the provision of relevant information for supporting land markets”. The fit for purpose approach requires that every stage of the land administration process starts by identifying and analysing the purpose(s) that the systems are intended to serve and then deciding on the adequate means to be applied for meeting the purpose(s). Therefore, systems should be designed to meet/fit the purpose(s) rather than just following some rigid set of regulations and demands for accuracy. The analysis should go beyond technical requirements to analysing gender and other intersectionalities that have direct relationships with land administration.

According to the UNECE, land administration systems should ideally: guarantee ownership and secure tenure; support the land and property tax system; constitute security for credit systems; develop and monitor land markets; protect State lands; reduce land disputes; facilitate land reform; improve urban planning and infrastructure development; support land management based on consideration for the environment; and produce statistical data. The guidelines within this handbook cover different aspects of land administration processes.

Land administration systems find mandate within national or state land laws and land policy frameworks (FAO, 2012). These should enable the creation of effective land administration and management systems; ones that are available, accessible, inclusive, participative, gender sensitive, transparent, and support the exchange, application and management of land administration information – to all members of society.

According to the UNECE, the following are key benefits of Good Land Administration¹⁴.

The benefits of a good land administration system

The modern cadastre is not primarily concerned with generalised data but rather with detailed information at the individual land parcel level. As such it should service the needs both of the individual and of the community at large. Benefits arise through its application to: asset management; conveyancing; credit security; demographic analysis; development control; emergency planning and management; environmental impact assessment; housing transactions and land market analysis; land and property ownership; land and property taxation; land reform; monitoring statistical data; physical planning; property portfolio management; public communication; site location; site management and protection.

1. Guarantee of ownership and security of tenure

The compilation of land records and the judicial processes that must be gone through in order to bring land information onto the registers should provide formal identification and, in some systems, legal proof of ownership. The public registers should contain all essential juridical information allowing anyone viewing the system to identify third party rights as well as the name of the landowner.

2. Support for land and property taxation

Good land records will improve efficiency and effectiveness in collecting land and property taxes by identifying landowners and providing better information on the performance of the land market, for example by identifying the current prices being paid for property and the volume of sales. Since the cadastre should

14 <http://www.unece.org/fileadmin/DAM/hlm/documents/Publications/land.administration.guidelines.e.pdf>

provide full cover of the land, all properties can be included, and none should be omitted.

3. Provide security for credit

Certainty of ownership and knowledge of all the rights that exist in the land should provide confidence for banks and financial organisations to provide funds so that landowners can invest in their land. Mortgaging land is one way to acquire capital for investing in improvements.

4. Develop and monitor land markets

The introduction of a cheap and secure way of transferring land rights means that those who wish to deal in land can do so with speed and certainty. Those who do not wish to sell their land can be protected – no persons need be dispossessed of land unless they so wish since their rights should be guaranteed.

The registers should be public so that at any time a landowner can confirm his or her rights. Those who wish to buy land can do so with confidence, knowing that the person who is trying to sell the land is the legally guaranteed owner. Those whose properties are subject to compulsory purchase – for instance where a new highway is to be built across their land – can be treated with fairness since the registers should provide information on current land prices, thus allowing better estimates of the market value of land to be made.

5. Reduce land disputes

In many countries disputes over land and its boundaries give rise to expensive litigation and all too often lead to a breakdown in law and order. Much time is taken up by the courts in resolving these matters, leading to delays in other parts of the judicial system. Land often cannot be put onto the market or put to better use without resolution of the disputes, since no potential investor is likely to wish to be committed to developing land where a lawsuit may be pending. The process of registering rights should prevent such disputes arising in the future, since at the time of first registration formal procedures should be followed that will resolve uncertainties.

6. Facilitate rural land reform

The distribution of land to the landless, and the consolidation and redistribution of land for more efficient use

all require detailed records of the present ownership and use of the land. Compensation may need to be paid to those who lose out in such a process, or money may be taken from those who make special gains. The design of new patterns of land ownership to provide greater productivity from the land can be effective only if the existing pattern is well documented.

7. Improve urban planning and infrastructure development

As with rural land reform so urban centres need re-development and effective land-use planning and control. A good land administration system should permit the integration of records of land ownership, land value and land use with sociological, economic and environmental data in support of physical planning. The availability of up-to-date large-scale cadastral plans of urban areas provides the basic framework within which development schemes can be planned and assessed and acceptable designs implemented.

8. Support environmental management

Multi-purpose cadastral records can be used to record conservation areas and give details of archaeological sites and other areas of scientific or cultural interest that may need to be protected. The cadastre can be used in the preparation of environmental impact assessments and in monitoring the consequences of development and construction projects. In the Netherlands, for example, there is a register of presently polluted sites and of formerly polluted sites that have been decontaminated.

9. Produce statistical data

By monitoring the ownership, value and use of the land, data can be assembled for those concerned on the one hand with resource allocation and on the other with measuring the performance of development programmes. Both long-term strategic planning and short-term operational management require data in support of decision-making.

Gender equality in land administration is a relatively new phenomenon. Capacity development of the staff at various levels becomes important if success is to be achieved. Mainstreaming gender equality issues in land administration involves challenging the status quo – it means making changes to how the staff think, relate, and work, changing some of

their long-held beliefs about the role and value of men and women in land ownership. Change is usually challenging for most people and can lead to resistance or low uptake of a reform.

For the uptake of gender equality in land administration to be successful, it must involve top management – a fact that has been proven repeatedly around the world and especially in relation to achieving gender equality. To achieve change, primary actors in the land administration chain must be willing to acknowledge and speak out about what needs changing and how to do it and must be firm in promoting change for gender equality in the registration process.

Gender as a factor in land reforms as in other development projects is supported by firm internationally endorsed principles of non-discrimination by gender, as, for example, set out in the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the AU Declaration on Land Issues and Challenges in Africa (2009) and the UN Sustainable Development Goals (SGDs, 2015).

Gender relations determine differences in the relative status and power of women and men. Gender and

gender roles shape the opportunities and constraints that women and men face in securing their livelihoods, including their access to land, decision-making about land, and the institutions that administer land and other productive resources. Therefore, gender-equitable governance of land ensures that women and men can participate equally in their relationships to land, through both formal institutions and informal arrangements for land administration and management. This is fundamental to social and economic gender equality. However, women often face discrimination in formal, informal and customary systems of land tenure. Available evidence shows that despite progress towards greater acceptance of women's equal rights to land in laws and policies, their effectiveness often runs into significant obstacles, ranging from patriarchal attitudes and cultural practices to a general lack of political will and resources¹⁵.

Land administration covers a number of functional areas in relation to governing the possession and use of land. Land administration systems are concerned with the social, legal, economic and technical framework within which land managers and administrators must operate¹⁶. Land administration, whether formal or informal, comprises an extensive range of systems and processes to administer:

ISSUES IN LAND ADMINISTRATION REFORMS THAT HAVE A GENDER DIMENSION INCLUDE:

1. a lack of understanding of the complexity and diversity of land tenure patterns, including women's rights, by most land administrators, by project managers, and by those providing technical assistance,
2. a belief that addressing gender issues only means issuing titles or co-titles to women, with little appreciation, for instance, for what happens (a) in subsequent transactions, (b) in enforcement and actualisation of those rights, (c) in realising the benefits that may stem from formalising women's rights (such as access to credit), and (d) in altering decision-making powers within households,
3. a belief that addressing gender issues within land administration is ensuring that women are hired (for example, as clerks, interpreters, social specialists), rather than mainstreaming equal opportunities for all employees in all types of activities.

Source: FAO, 2013

15 Gender Assessment of the Land Sector in the IGAD Region 2020 (unpublished)

16 https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_2012_Washington_Course_Module_4_Land_Administration_Best_Practice.pdf

- **Land rights:** the allocation of rights in land; the delimitation of boundaries of parcels for which the rights are allocated; the transfer from one party to another through sale, lease, loan, gift or inheritance; registration of land rights; and the adjudication of doubts and regarding rights and parcel boundaries.
- **Land-use regulation:** land-use planning and enforcement and the adjudication of land use conflicts.
- **Land valuation and taxation:** the gathering of revenues through forms of land valuation and taxation, and the adjudication of land and taxation disputes.

Failure to address the land tenure interests of all stakeholders in land development or land reform can cause problems and inequities. These problems can unintentionally fall on the most vulnerable and disadvantaged members of society. Land administration professionals therefore should be aware of gender issues relating to access to land.¹⁷ There is an increasing awareness that land reforms, land titling, and land administration are not gender-neutral interventions (FAO, 2012) so the gender dimension is just one of numerous aspects in land matters requiring awareness, attention and action.

The body of evidence stressing that outcomes of land reform and land administration programmes and projects have different implications for men and women has grown significantly in recent years. Traditionally, the involvement of men in such programmes was viewed as sufficient and it was assumed that women and children would equally enjoy the benefits of the projects as dependents. As poverty and landlessness continues to expand and the "feminisation" of poverty becomes more apparent, development organisations and practitioners have had to seek a new direction to tackle these problems. Women, the elderly, minorities and other sometimes marginalised groups can be at risk in land reform and land administration projects¹⁸. Granting women legal rights to land will give them greater power to prevent the alienation of family land needed to support the family (Action Aid 2012).

The subsequent section therefore provides clear guidelines on what and how land administration professionals need to address gender-related differences to ensure equal benefits of women and other marginalised groups.

Summary of the Roles of Land Administrators in Addressing Gender Inequalities on Land Matters

- Implement rights granted by written and other laws; customary, informal, secondary, temporary,
- Implementation and enforcement of rights intended to promote women's equality,
- Support women's access to the court system (e.g., in comparison to men),
- Support women's access to the local customary decision-making bodies and their theoretical and real roles in these bodies,
- Remove barriers women face while they seek information regarding their rights and responsibilities associated with land,
- Broadening practitioners' understanding and appreciation of the circumstances that limit women's participation in land related matters, and the importance of finding alternative means to include women in those decisions,
- Address the women's challenges separately,
- Increase access to information for women,
- Preparation of tailor-made messages for women,
- Land administration procedures should accommodate all segments of the population,
- Increasing awareness about the obstacles hindering women's participation,
- Work closely with power holders at family and community levels, including men, customary and religious institutions and increase their awareness of women's land rights.

17 <https://www.humanitarianlibrary.org/resource/gender-and-access-land-1>

18 <http://www.fao.org/3/a-y4308e.pdf>

SECTION 3:

GENDER CHECKLIST FOR LAND ADMINISTRATORS AT NATIONAL AND LOCAL LEVELS



3. MAINSTREAMING GENDER IN THE LAND ADMINISTRATION PROCESS

3.1 Guidance for Mainstreaming Gender in Land Administration Programme Cycles

The section below provides concrete guidance on which gender considerations need to be taken into account by different land administration professionals and provides further guidance on how to do it. The section also highlights best or good examples of gender responsive land administration processes in the IGAD region and beyond. This is intended to enable practitioners to borrow learning or explore the possibility of further learning from various communities of interests.

Land administrators should not underestimate their role, in conjunction with other professions, in allocating, adjudicating, protecting, and changing the way in which people hold rights to land. In the past the major impact of land administration was on the size and shape of land parcels and the granting and adjudicating of associated rights. Today, land administrators also have a role in broad tenure reforms and in improving security of tenure through law, land economics, and information management. They should be ensuring that the land administration systems, laws and procedures that are put in place during such reforms do not adversely affect the rights of groups and individuals.¹⁹

Therefore, learning more about how to approach the gender dimension in both dynamic, wide-sweeping projects and day-to-day operations is a first step in achieving desired objectives. Land administrators need a much deeper understanding of the complexity of land tenure arrangements than they had in the past if they are to address the gender and equity issues²⁰.

The following section discusses some of the measures that should be considered by professionals working in both rural and urban environments. It is recognised

In the context of this handbook, land administration involves different stages, including adjudication, surveying and registration, land valuation and taxation among others. At each step of the process, key gender considerations need to be taken into account.

that it may not be possible or practical to apply fully all of these measures during a project cycle.

Mainstreaming gender is the process of assessing the implications for men and women of any planned action, including legislation, policies (internal mainstreaming) or programmes/projects (external mainstreaming), at all levels. It is a process of making women's, as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies, programmes and projects in all political, economic and social spheres, so that women and men benefit equally, and inequality is not perpetuated²¹.

The ultimate goal of gender mainstreaming is to achieve **gender equality** and therefore involves a process of change or transformation, from relatively unequal social and institutional structures into equal and just structures for both men and women.

19 <http://www.fao.org/3/Y4308E/y4308e08.htm>

20 <http://www.fao.org/3/Y4308E/y4308e08.htm>

21 <http://www.fao.org/3/I8793EN/i8793en.pdf>

STEPS FOR MAINSTREAMING GENDER IN LAND PROGRAMME PLANNING AND EXECUTION



It's advisable that this same process is repeated for every land administration process, e.g., surveying, physical planning, valuation and taxation.

Gender analysis forms a core part in the entire gender mainstreaming process. Gender analysis should be conducted during all stages of the land administration specific projects/initiatives. This entails collection and analysis of socio-economic and cultural information from a gendered viewpoint. It also entails gendered review of statutory and customary property rights, land policies and legislation, land administration institutions and programmes and market transactions in given country/region.

This information can be accessed from land administration institutions and other government agencies, or research institutions that study gender and land issues, women and men of different social and economic backgrounds and status. **More importantly**, grassroots women and men, youth, the elderly and traditional land institutions should be consulted in the entire data collection and analysis of key findings as well as assessment of possible projects to be implemented including the advising on delivery mode.

AN ANALYSIS OF LAND-RELATED CHALLENGES FACED BY DIFFERENT CATEGORIES OF WOMEN IN ETHIOPIA**

Category of women	Land-related challenges
Married women	Lack of control over resources/informal rental market
	Husbands provide false information about their land (registered as single, registered others as his wife)
	Lack of decision-making power/Unable to decide on the land products
	Small plots of land cannot be divided at the time of divorce, and this creates a problem for the women
	At the time of expropriation, the husband may get compensation payment through forgery certification
	Men create artificial disagreement for the sake of their advantage, and afterwards, the husband registered the land in his own name
	In some regions, married women have taken their husband's name, and this creates a lengthy court process
Widows	Forced to marry brother-in-law
	Having less of a share in the inheritance proceeding
Older women	Land grab by their children or guardian (sometimes the problem is worse even for men) because they cannot work on their land

■ **Analysis done at the Validation of Gender Handbook for Land Administrators Workshop in March 2021, in Adama Ethiopia

1. **Project identification phase.** The first step for the land administrators in addressing these imbalances is to carry out a gender analysis, i.e., to analyse the root causes of the inequalities that limit women's land rights at the household and community levels. At the initial stage of project identification or identification of issues, the following are the gender considerations²² to be taken into account:

- Ensure that gender considerations are integrated into the terms of reference for fact-finding and data-seeking activities.
- Employ a gender specialist if the relevant skills are not available within the team.
- Consult both women and men and, if relevant, girls and boys as part of any fact finding or assessment activities.

During the gender analysis process, particular attention must be paid to the level of gender awareness in land administration and related institutions. It is strongly recommended that a gender specialist (or at least a consultant) who has knowledge and experience on land tenure and women's land rights is part of the team together with professional land administrators.

- Ensure that objectives and goals are relevant to both women and men.
- Prepare an assessment of gender issues, identifying institutional and human resource capacity.

■ 22 <https://unhabitat.org/sites/default/files/download-manager-files/Gender%20Responsive%20Urban%20Planning%20and%20Design.pdf>

- Prepare a road map on how gender issues will be addressed in the programme or project.

2. Planning and design stage.

- **Assessment of gendered data collected:** To avoid causing harm, the project team should verify data collected in a multi-stakeholder setting involving women and men and other marginalised groups.

- Once data had been verified and consensus obtained, the second step is to **jointly identify objectives** with women and men that contribute to tackling these barriers through transformative action, taking account of principles and guidelines of global regional and national gender and land frameworks²³.

- **Develop gender sensitive indicators** together with communities in light of the imbalances identified, e.g., gender division of roles and responsibilities; differences in opportunities and access to resources; barriers and constraints to participation in any stage of land administration process; decision-making opportunities and processes at family and community levels; and control and ownership of land resources by men and women.

- **Constitution community watch groups** to participate in project delivery and monitoring of the project. These groups should be gender balanced and represented by different marginalised groups, e.g., people with disabilities, the elderly and youth.

3. Project implementation/operational actions.

At every stage of land administration, e.g., adjudication, surveying, valuation, the actual process needs to take into account the following activities that generally aim at addressing gender imbalances and promote gender equality. Project interventions or activities include the following:

- Deliver specific actions focused on women

- Capacity building/institutional strengthening to promote equality

- Building partnerships with local organisations/institutions that improve service delivery to women and men

- A consultation process with the diversity of female and male stakeholders

- Promote equitable participation in decision-making (planning, implementing, and monitoring and evaluation)

- Ensure that information, services, and resources equally accessible by all women and men

- Ensure that there is equitable control of resources by women and men.

4. Monitoring and evaluation phase.

Land administrators are expected to derive indicators from the analysis undertaken at the first stage of the mainstreaming cycle. The gender indicators then inform the design of the project intervention at this stage, the land administrators are expected to monitor the extent to which the agreed indicators have been achieved. The monitoring and evaluation process is participatory in nature and should involve women, men, and other stakeholders in a particular community. For the monitoring and evaluation system to be gender compliant, the following considerations should be taken into account. Compliance, the monitoring and evaluation process should also consider the following²⁴:

- Are gender considerations integrated into the monitoring system?

- Do progress report formats include gender considerations?

- Are terms of reference for results assessments gender aware?

- Are there measurable gender and diversity indicators for each component?

23 Including VGGTS, SDGS, AU guidelines, and national Gender and Land policies.

24 <https://unhabitat.org/sites/default/files/download-manager-files/Gender%20Responsive%20Urban%20Planning%20and%20Design.pdf>

- Is sex-disaggregated data used to show changes in process, outputs, and outcomes?

IN SUMMARY, GENDER MAINSTREAMING IN LAND ADMINISTRATION PROGRAMMES RECOGNISES THE FOLLOWING KEY POINTS:

1. Roles of men and women are interdependent and complimentary; therefore, one cannot be changed without also affecting the other.
2. Gender issues are not confined to one sector but must be addressed as part of an integrated approach.
3. Gender issues are not confined to the population of programme “beneficiaries” but must also be addressed at macro (policy) and meso (institutional/delivery systems) levels.
4. Gender issues must be addressed at every stage in the programme cycle, beginning with identification and formulation, and continuing through implementation, monitoring and evaluation.
5. Partnerships with civil society organisations, especially women’s groups, disability organisations and youth groups, play a key role in informing development of an inclusive programme.

Useful Resources:

Africa Union Commission, 2009. Declaration on Land Issues and Challenges in Africa

AUC-ECA-AfDB, 2010a. Framework and Guidelines on Land Policy in Africa: Land Policy in Africa – A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods

Land Policy Initiative, 2014. Improving access to land and strengthening land rights of women in Africa.

FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2010)

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

Agri profocus 2015, Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects

3.2 Gender Checklist for Land Administration Professionals

3.2.1 Gender Considerations in the Land Adjudication Process

Critical to protecting the rights of men and women in land administration is the adjudication process. This consists of a number of steps, although each project may adjust the order and methodology to suit local needs or the aims of the project. These steps include information sharing, collection of information on the rights, rights holders, and location of the rights, provision of public notice (particularly in systematic registration) and registration of the interests, and dispute resolution.

For adjudicators to know whether women's access to land might be an issue, there is a need for an adequate pre-project assessment of the situation. The level of detail and complexity will depend on the local situation and the objectives of the project. However, if the situation does appear to have issues directly related to women's rights, then special measures may have to be taken to understand the potential implications of the project. This can be assisted by monitoring changes during the project and by obtaining feedback from women as well as male community leaders before and during the project. Post-project evaluation (the role of which is too often disregarded or minimised) is also important for understanding what worked and what did not and what were the lessons learned²⁵.

During design and implementation of adjudication processes and registration systems, project staff need to be aware of the complexity of tenure and the variety of local customs and practices that can exist within a country.

25 https://www.fig.net/resources/proceedings/fig_proceedings/korea/full-papers/session6/komjathy-nichols-ericsson.htm

On adjudication²⁶, these are some of the questions that need to be considered to protect the interests of women and men:

1. Have all of the stakeholders had access to information concerning their rights and the adjudication process?
2. Is the adjudication team familiar with the local customs, laws, and practices affecting the rights of both men and women?
3. Do the processes have to be modified from region to region (for example, urban/rural or other types of land tenure)?
4. Are secondary interests, including rights to resources, considered and protected in some way through the adjudication?
5. Do all stakeholders have equal access to the documentation required for adjudication, and, if not, what measures can be taken to level the playing field?
6. Are the timing and location of adjudication procedures and registration offices appropriate for all potential interest holders?
7. Are women's rights adequately represented and protected in dispute resolution and how can lengthy and costly litigation be avoided?

Although many potential disputes can be prevented by transparent and consistent procedures, there is a need to develop mechanisms to resolve disputes that arise either during or after the adjudication process. The trend in land administration is to avoid having disputes reach the courts because (a) courts do not always have the expertise in land law to apply accepted principles consistently;²⁷ (b) the court process is usually excessively long and costly and thus discourages all but the most economically valuable claims; and (c) disputants, particularly women, often have unequal powers to acquire legal advice and to sustain their claims. These factors may especially inhibit claims by rural women who do not have the support of family or community – for example, in cases of divorce or inheritance.

Rights in legislation or granted by the courts may not translate into actual enjoyment of those rights in a hostile environment. The solutions include special tribunals that can be established not only during initial adjudication but also to settle land matters over time. Most often, tribunals include land specialists and involve procedures that are less costly and time consuming than the courts. In areas where there are strong traditional laws (such as customary tenure or religious law), involvement of the recognised community elders or authorities can facilitate dispute resolution, but those authorities may not be inclined to recognise women's land rights.

It's also important for adjudicators to know that "the biggest impact on women is more often found in the **regulations** and not the broader policy statements of the law". Therefore, among the issues that should be considered are²⁸:

- Are men and women guaranteed equal participation in the adjudication process?
- Is the director of the land agency held responsible for non-discriminatory practices with regard to gender?
- What documents are required by the regulations for proof of ownership? Are these documents readily available to both men and women, and are they expensive to acquire?
- Do the regulations require proof of marriage or consensual union? What type of proof is required?
- Do the regulations require *written* consent for transfer of property held in common ownership? Are there guidelines for how to determine whether land is held in common ownership by operation of law, even if it is registered in only one name?
- Do the regulations deal with polygamy if necessary?
- Do the regulations deal with illiteracy?
- Where are disputes adjudicated?
- How do the issues of money, time and literacy influence the dispute resolution process?

26 <https://documents.worldbank.org/curated/en/895941468313535331/pdf/325710white0co1Gender1land01public1.pdf>

27 <https://documents.worldbank.org/curated/en/171561468316139195/text/448640WP0Gende1riculture1Sourcebook.txt>

28 <https://documents.worldbank.org/curated/en/895941468313535331/pdf/325710white0co1Gender1land01public1.pdf>

The analysis process should subsequently guide which course of action needs to be taken going forward.

Tool 1: Gender analysis in the context of land conflict assessment

Gender analysis in the context of land conflicts can provide data on all aspects of land conflicts from a gender perspective. Particular focus should be given to: Conflict issue(s) and the property rights of women under dispute; identifying conflict causes and consequences from the perspective of women; women's positions and interests and eventually also their underlying needs, fears and desires; relationships between all actors involved in the conflict from the perspective of the women involved; women's attitudes towards conflict resolution and their preferred dispute resolution process(es).

Concept/Approach/Methodology: Gender analysis is best done in the form of individual interviews with representatives from different groups of women as well as in the form of focus group discussions. The interviews should be done by a woman and at a time and place convenient for women to attend. Questions to be asked and discussed:

What is the conflict all about? (It is important to first let women tell their story.)

Follow-up questions could focus on the conflict issue (Land? Natural resources? Human rights? Inter-institutional conflict? Conflict between statutory and customary rights, etc.).

- How are you (as women) affected by the conflict? Does the conflict have influence on your access to any land? If yes:
- To whom does the land belong? Is this land private or common/collective or state land?
- Why do you need access to this land? For which purpose do you need the land/access to the land?
- Which rights do you think you lose? The right to control (manage) the land? The right to use the land? The right to generate income from the land? The right to transfer the land? The right to exclude others from the land? The right to compensation?
- Which rights have you had in the past? Which rights do you have now? (Some rights may have to be explained in a way for women to understand. Such questions could be: From whom did you receive the right to use the land? Who decides how you can use the land?) Who are the others involved in the conflict? (Follow-up questions should focus on the relations with these other actors.)
- What do you think are the causes of the conflict? How do you suggest solving the conflict?
- How do you see this conflict being solved? By court, traditional authorities, mayor or district chief, administration, mediation, court or some other way. With minor adjustment, the same questions can be discussed with men, female and male youth, minorities or any other special group.

■ Source: GIZ (2017) Understanding, preventing and solving land conflicts: A practical guide and toolbox

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Useful Resources:

Guidebook on Procedures and processes of land administration in Kenya

Governing land for women and men. A technical guide to support the achievement of responsible

gender equitable governance of Land Tenure (FAO 2011)

Gender and Land Administration: Issues and Responses (Authors) Victoria Stanley, Tony Lamb, and Samantha De Martino. The World Bank (2012)

3.2.2 Gender Considerations in Land Surveying and Land Registration Processes

Land survey and registration are core land administration activities for recording land rights in the IGAD countries. The surveying professionals should not underestimate its role in allocating, adjudicating, protecting, and changing the way in which people hold rights to land. Surveyors have a role in land reform and promoting security of tenure in ensuring that the cadastral systems, laws, and procedures put in place during such reform do not adversely affect the rights of groups and individuals that the reforms were meant to benefit (FIG, 2014).

Titling programs, in their design and implementation, have not been gender responsive for numerous reasons (FAO, 2012). Perhaps the main reason is that they are conceived as legal and technical programmes, ignoring the complex sociocultural relations involved in assigning land rights to particular persons. The issues of power, social status, and cultural norms that are embedded in land tenure systems and that determine; a) the different kinds of land rights and b) who has land rights are seldom taken into account. These sociocultural relations inevitably impact titling processes in determining (1) who will participate in the programme and (2) whose rights are recognised. More specific issues that can influence titling and registration include legislation and regulations, institutions and staff, procedures and processes, and training. Issues of gender bias and negative sociocultural norms in legislation, regulation, procedures and processes, and institutional staff,²⁹ as well as access to the system at the local level and bearable costs are critical.

Therefore, learning more on how to approach the gender dimension of such programmes and projects and acquiring the tools necessary to address them are vital for securing a more equitable outcome. In recognitions of land-related vulnerabilities women face in every community, the surveyors are required to do the following to promote participation of women to understand what is going to be surveyed. Participatory meetings should be organised where there is representation of all men and women in that particular community.

Beyond organising community meetings, surveyors need to give space to women to give their views. Understanding how to organise meetings and managing community meetings is crucial. Land titling and registration guidelines should take regional differences into consideration and require procedures that accommodate different contexts. Much of this contextual information, and the participatory methods for acquiring it, should be incorporated into the social assessment undertaken during the design phase. Detailed information regarding variations in, for example, multiple land use rights, inheritance, and marital property can then be a valuable input for strengthening women's land rights within the target area's sociocultural context.

Pre-survey gendered context analysis

The following section discusses some of the measures that should be considered by surveying practitioners working in development of human settlements in both rural and urban environments. The gender analysis of the context enables surveyors to become more aware about the barriers hindering women's participation.

A sample of gender considerations at the analysis stage are outlined below.

Be aware of the obstacles hindering women's participation.

1. Begin by collecting **Gender disaggregated data** in that particular community as well as general information on women and other minority groups.
2. **Be aware of women's daily schedules.** Plan meetings and information sessions during that part of the day when women are able to attend. Accommodate women's requests in terms of timing and location. Women are seldom able to visit geographically remote areas for the purpose of attending meetings.
3. **Analyse decision-making patterns within domestic units.** It is often the male head of the domestic unit who is viewed as the decision-maker, and it may be so. Research has shown that the male decision-maker does not necessarily represent the interest of the women and children in the domestic unit. Receiving independent input

29 <https://documents.worldbank.org/curated/en/171561468316139195/text/448640WP0Gende1riculture1Sourcebook.txt>

PARTICIPATORY CONSULTATIONS TYPICALLY REQUIRE:

- Meetings, gathering or workshops with, ideally, an equal number of men and women beneficiaries/ stakeholders separately and together in mixed groups.
- The assignment of male and/or female presenters/facilitators; meetings at convenient times and locations for both men and women.
- Accommodation and funding for transportation and childcare services.
- Organisers must ensure modes of communication that account for women's literacy levels and access to technology (such as the Internet, mobile phones) and develop written and/or non-written means (such as radio, group gatherings, image-based leaflets) to reach the most vulnerable and marginalised.
- Consider setting minimum quotas for participation, consultation, decision-making and voting.

from women is essential when a surveying project may affect their well-being.

4. **Recognise the different needs of different women.** All women are not equal. Women who are economically in a better position have different interests than poor women, and their participation and input do not replace poor women's participation and input. Instead, it represents another segment. Special attention needs to be given to the situations of divorcees, female heads of households and widows.

Key to note:

In most rural and urban communities, women's literacy levels are lower than those of men. This mostly hinders accessibility of information by women due to the fact that most technical information is written in the language most women don't understand. It's important therefore for professional surveyors to remove all barriers to access to information to allow equal participation of women and other marginalised groups.

Survey implementation process

Once the surveyor has obtained gendered context information, the next steps would be to start on the

survey implementation process. At this stage, the following gender sensitive measures need to be taken into account as well as the analysis findings.

1. **Explain the rights and obligations associated with holding title to land.**

Women should feel comfortable about being title holders. They should understand the rights, responsibilities and opportunities granting title to land carries and the potential changes and consequences this may bring in terms of their status (i.e., fees to be paid during transaction, possible tension with male relatives, etc.)

2. **Provide opportunities for all rights holders to be explicitly recognised.** If a land titling, land registration, or information system project is designed to document rights to land, then decisions need to be made as to:

- Which rights will be included?
- Whose names will be documented?
- What evidence will be used?
- How will these names be kept up to date?

In addition, there is a need for the decisions made on these issues to be accepted by the recipient community to ensure the sustainability of the systems introduced.

3. **Consider that many have limited financial resources.** Many members of the community may have limited access to financial resources outside immediate family members. Any procedures requiring financial compensation (e.g., fees for services under cost-recovery schemes or taxes for registration) should be carefully examined to ensure they do not present a burden for the disadvantaged and thus exclude them from the benefits of the project.
4. **Disseminate information in a way that is comprehensible to women.** It should be taken into consideration that the illiteracy rate is much higher among women than men. Adoption of training and advisory materials for the non-literate population is essential. Employ those forms of media that reach women in rural areas and in poorer districts of cities.
5. **Discuss the meanings of land administration terms with women.** For instance, women's understanding of the term security of tenure or ownership can be greatly different from what men think. This should be within a non-threatening environment where women are not afraid to ask questions.
6. **Directly consult those women who will be affected by the programme outcomes.** More and more accurate information can be gathered as to the priorities and interests of women when they are asked directly.
7. **Ensure women's ACTIVE participation in the processes.** This includes ensuring that women in the community affected and on staff are involved in the project or policy processes, not as an afterthought, but from planning, to implementation, and to evaluation of the results. This is not always an easy process and sensitive ways must be found in some communities to allow women to share their views and experiences openly, especially with strangers. Another way in which women in the community or organisation can be encouraged to participate is to provide role models, such as appointing women as key project members and supporting them.
8. **Ensure that there is a two-way communication mechanism in place between women and surveyors.** Women's experience and knowledge should be part of the initial community assessment. Facts pertinent to the project should be communicated to women by development professionals, and women must have the opportunity to voice their concerns without being intimidated. Religious and customary laws governing the interactions between women and "outsiders" must be understood before the project, be adhered to, and worked around (e.g., by employing women to conduct the interaction).

LESSONS FROM SINGLE OWNER TITLING

Lessons from single owner titling

A review of the "one title holder per household" practice has shown the following:

Titling guidelines do not call for the identification of more than one property-right holder in the household. Titling procedures do not allow for inquiry into the number of property-right holders in the household.

- Titling forms do not permit the listing of more than one property-right holder.
- Titling brigades are not trained to look for and identify more than one property-right holder.
- Titling activities with communities and households (informational meetings, workshops, and so forth) focus on men heads of household and do not encourage or facilitate the participation of other persons, including women.

Source: FIG: Gender issues in land surveying, FAO, 2011

9. **Include women among surveying professionals working with local communities.** Female professionals might be able to establish connections with women's groups in communities where religious or cultural customs prohibit social contact between the sexes or where women are not allowed to speak publicly in the presence of their husbands. It is, however, equally important that female professionals responsible for these tasks have a good understanding of the gender dimensions of the project, the local situation and are willing and able to undertake these assignments.
10. **Provide opportunities for women's rights to be explicitly recognised.** If a land titling, cadastral surveying, land registration, or information system project is going to document rights to land, then decisions need to be made as to: which rights will be included? Whose names will be documented and based on what evidence? And how will these names be kept up to date? In addition, there is a need for the decisions made on these issues to be acceptable to the recipient community to ensure the sustainability of the systems introduced.
11. **Include a spouse's or partner's name in all legal documents as appropriate.**

The identification of the spouse on documents concerning land rights, including any official register of land rights, helps to prevent fraud, adds security for both partners beyond family or legislative recognition (e.g., matrimonial laws), and helps to ensure that both partners understand what their rights are. Situations involving more than one spouse or where spouses are absent also need to be considered in conjunction with the community. In addition, provisions need to be in place to efficiently maintain any status changes. Legislative changes could be promoted to provide that if a person is married, the land or house is held in joint ownership unless proved otherwise.

Learning from Ethiopia:

Ethiopia has conducted Secondary Level Land registration since 2014 and have made explicit commitments to addressing barriers. Below are some of the gender considerations made during the Secondary Level Land Registration process.

BEST PRACTICES FROM ETHIOPIA

Pre-surveying gender considerations

- Pre-survey gender context
- Identifying the social norms related to gender
- Selecting influential women and elders from the community or incorporate one gender expert (few trainings from the community)
- Include women in dispute resolution (grievance team) task team with proper quotas
- Conduct house to house awareness creation
- Incorporate women and gender sensitive surveyors
- SMS or voice service centre to disseminate pre-surveying information for the interactive voice response
- Affirmative actions to get enough women professionals – from experience the women are supported in the competitions
- Closely working with the stakeholders, and barriers that hinder women participation should be listed and communicated to reduce the burden for women so that they participate actively in the surveying.

Surveying and registration implementation

- Mandatory for the women to come to their land during surveying (penalise the husband for not bringing his wife during surveying and registration) – In the Oromia case, both husband and wife should present during the photo programmes
- Benefits of land registration and certifications should be included
- Public display stage should be included as it is one of the key stages to protect women's rights
- Consultation should be arranged during PD so that it is easy for the women to understand the location of their land and related information.

3.2.2.1 Guidance on Recording Both Spouses' Names During Land Registration, as Emphasised in the FIG Guidelines

Recording only the de-jure head of household (most often the man) is in fact depriving the spouse (often the de-facto head of household) of an even share, and a major source of inequality. This is a matter of principle and not just a technical matter of including both names in registration forms and data bases.

- Add the spouse's or partner's name to all legal documents concerning land rights, including any official register of land rights. For transactions involving family holdings, consent should be given by the spouse or partner. This helps to prevent fraud, adds security for the woman beyond family or legislative recognition (e.g., matrimonial laws), and helps to ensure that both partners understand what their rights are.
- Propose alternative ownership models. There are instances where combining individual, common, public or group ownerships may provide a better solution for women or groups of women to secure or extend their existing rights. Under customary regimes women have use rights to their male relative's land. During privatisation programmes they can easily lose these rights if the land is titled under the name of the male relative without giving consideration to women's overlapping use rights. Identify joint ownership interests during registration where applicable.
- Simplify registration procedures. Women, especially poor women and female heads of households are often unable to comply with excessive documentation requirements. They are also unlikely to represent their interests effectively and in the timely manner required in procedures designed with a bias toward the more affluent segments of society.
- Share awareness of the issues and their complexity. Just being aware that there may be some potential issues is a long step forward. This will help project managers, task managers, and other participants in policy formation or project design

understand that they need to be sensitive to potential impacts. Awareness of the complications in what may have seemed to be a straightforward surveying project, may help professionals decide whether or not people with specialised expertise may be necessary. It is also important that surveyors share this awareness with their staff and others involved in the projects.

Source: Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects; Agri Profocus, 2015

3.2.2.2 Gender Considerations in Administration of Community/Collective Land Tenure

In most rural communities, land is a critical asset for women and men, and land held in collective tenure can be particularly important for women. The rights and obligations that women and men have to collectively held lands are different and are linked to gender norms and rules related to kinship, marriage, children, inheritance, and gendered roles in the private and public spheres³⁰. In practice, women and men have different roles in accessing, using, managing, and governing collectively held land and resources. Thus, men and women of the community will not necessarily benefit equally from efforts to secure collective tenure. This is because the process of recognition can have the effect of cementing or increasing the rights of those more powerful in the group to the exclusion of those who are less powerful, and more often than not, women have less influence than men in the community. District and local-level land administration and management institutions are more directly involved in day-to-day land use and management. These institutions interact with other types of land-related institutions, such as pastoral range management institutions, watershed and irrigation management committees, customary land administration institutions, and institutions responsible for regulation of economic activities such as commercial resource exploitation. Gender-equitable representation and participation in the institutions of land tenure governance includes having women as leaders in decision-making bodies and as active participants in planning processes, increase the likelihood of achieving gender-equitable outcomes from the processes of land tenure governance (FAO, 2013).

30 Silverman, A. 2015. Using International Law to Advance Women's Tenure Rights in REDD+. Washington, DC: Rights and Resources Initiative and Center for International Environmental Law. http://www.ciel.org/wp-content/uploads/2015/06/WomensTenureRights_REDD_June2015.pdf

Good practice: A stronger voice for women in local land governance

In Tanzania, decentralised governance systems have established local governance bodies with clear mandates on land. Such local institutions provide clear avenues for promoting women's participation. The fact that village by-laws are legally recognised provides an additional opportunity to root the approach in the national legal framework, thereby granting it greater legitimacy. Enabling a limited number of women to take part directly in land governance can provide a more favourable forum to voice land related concerns and claims to women within a given community. In addition, by opening up for discussion a conversation on gender-equitable land governance with all community members, it is deemed to transform gender relations.

Source: IIED (2019) A stronger voice for women in local land governance: effective approaches in Tanzania, Ghana and Senegal

4. What is required for women and men to have the same level of knowledge and training regarding collective tenure rights?
5. What does it take for women to meaningfully participate in governance of common property?
6. Because women are socially and culturally considered unequal to men, does the intervention recognise and address the need for social change?
7. What role should data collection and use play in collective tenure interventions to best ensure that women's rights are monitored and evaluated?

Women's active participation throughout the surveying project, from analysis to implementation and post project evaluation, is key if their interests are to be taken into account. This participation also has to be in a meaningful way. They have to be informed of their rights and a support system has to be in place to help them defend those rights.

What must land administrators do to advance the equal benefit of women and men in the formalisation of **collective land tenure rights**?

It's important that planners and surveyors pay attention to the men and women that make up the collective and recognise that gender differences will affect the success of the intervention for women and men. The following issues must be investigated **before** and during any process to strengthen women's rights in collective tenure.

1. What legal rights and customary rights do women have within the collective tenure context?
2. How does the intervention address the need to increase women's empowerment?
3. Which elements of the project design require specific attention to ensure women receive full benefit from the intervention?

3.2.2.3 Working with the Local Customary Community in Surveying and Registration Processes

In most IGAD countries, both statutory and customary land regulatory frameworks are recognised and provided for by the law; in most countries most of the land is customary owned. Land titling and registration programmes will encounter cultural norms and practices that influence who is recognised as a legitimate property holder. These may vary within project areas and may conflict with formal legal norms. Issues that most affect women's rights to land are related to marital property and inheritance.

For example, customary inheritance rights may not be in accord with legislation regarding intestate inheritance that mandates equal inheritance rights for daughters and sons and inheritance rights for surviving spouses. Titling and registration programmes should draw up guidelines and procedures for dealing with the distribution of family land to heirs in ways that conflict with the formal law.

Important questions leading to a better understanding of how best to identify and formalise women's land rights include:

- Who has communal and who has individual rights to land?
- What are the inheritance and marriage practices?
- How much of a role do consensual unions that are not formalised play within the social system?
- What are the variations between urban and rural areas?

Understanding how to work with customary institutions in a more gender responsive manner is a key tenet for land surveying professionals.

1. **Identify rural institutions in charge of the implementation of customary rules.** One of the important elements in the project or programme may be an interdisciplinary approach. Surveyors are not sociologists or anthropologist, nor micro finance experts. Part of any successful project is knowing when to bring in the experts.
2. **Oversee the legitimacy of women's land claims.** Women's access to resources can only be sustainable if it is viewed by the community – both men and women – as legitimate. Projects should strive to allocate resources equitably and strive to ensure acceptance by the members of the community.
3. **Investigate which rights – in which areas** (inheritance, divorce, property rights, family law, etc.) – are upheld in the event of controversy between written and customary laws. Once again experts (lawyers and others) can provide project managers with a better understanding of the issues, the status of the law, and any contradictions.
4. **Acknowledge when there is a problem regarding women's unequal access to land and associated resources.** Women's lack of access or insecure access to housing and productive resources are not always transparent, and customary tenure systems vary from place to place and even in time as the social and economic fabric of

rural communities are subject to transformation and modernisation. Bringing the issue to the attention of appropriate authorities may not always be popular but may be considered part of a surveyor's code of ethics.

3.2.2.4 Gender Considerations in Land Consolidation and Readjustment

Consolidation of land parcels, whether of housing or agricultural land, and reallocation of rights within new boundaries can have major impacts on the existing landownership and use rights of women and men. It is therefore vital to consider these existing rights and the land-use needs of affected women and men. Participatory approaches to designing land consolidation strategies and projects are particularly helpful.

- Analyse existing boundaries and the legal status of parcels, focusing on women's rights (registered and unregistered). Identify what the community needs and wants, consulting women and youth separately from men and older adults.
- Ensure that national policies relating to land consolidation guarantee the rights of both women and men and support the inheritance rights of women and girls.
- Provide gender-sensitivity training for officials working on consolidation issues.
- Share a draft concept plan – stating the aims, area, scope and schedule of the consolidation – with women and men of the affected community, and make sure that all the people involved have access to this information (through newspapers, radio, the Internet). Collect data on property, land use and management and other socio-economic indicators (literacy, level of education, sources of income, etc.) in the community, disaggregated by gender.
- Include community women and men in the land consolidation board.
- Facilitate women's participation in meetings and organise meetings for women only.
- Ensure transparency regarding the valuation of parcels. Include in planning and decision-making all the women and men whose parcels are affected, regardless of who the official owners are.

- Share a detailed plan of the land consolidation – showing the new parcel layout, location of new roads and other public facilities – with women and men and identify the roads and facilities that will be removed.
- Incorporate comments into the plan and give both women and men the opportunity to raise objections regarding boundaries, ownership, valuations, etc.
- Organise a participatory review of the consolidation options. Inform the community about the approval, survey of new boundaries on the ground, final update of cadastral maps, and issuing and registration of new titles.
- Establish fair and transparent compensation schemes that do not discriminate against women and that involve payments to both spouses and all landowners. Promote legal assistance for women advocating women's rights.

Useful Resources:

Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report (2005)

Land administration, gender equality and development cooperation: Lessons learned and challenges ahead (authors) Rachel Spichiger, Rikke Brandt Broegaard, Rasmus Hundsbæk Pedersen and Helle Munk Ravnborg. DIIS Report (2013).

Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects.

IIED, (2019). A stronger voice for women in local land governance: effective approaches in Tanzania, Ghana and Senegal; Philippine Sutz, Amaelle Seigneret, Mary Richard, Patricia Blankson Akapko, Fati Alhassan, Mamadou Fall

3.2.3 Gender Considerations in Urban Physical Planning Processes

Women not only perceive and experience cities in a way different than men, but also use public spaces in different ways. However, urban planning and design largely ignores gender-specific experiences, needs, and concerns, particularly with respect to poor women and girls (ActionAid, 2012). Women's work in the care,

formal, and informal economies determine how they live in cities, as well as what services and infrastructural systems they use and when. Women's multiple responsibilities – e.g., providing food and water, maintaining a household, and caring for children, elders, and sick family members – lead to diverse interactions with the city. Their work determines how often they navigate their neighbourhood or city, at what times of day or night, and by what modes of transportation.

Due to women's multiple responsibilities, their journeys are typically more varied and complex than men's. Poor women living in insecure neighbourhoods are more likely to need to commute in the late or early hours to and from work or to and from educational opportunities, and they are more likely to work as sellers in open markets. These routines may result in their being exposed to the risks of sexual assault, particularly if water collection is involved (UN Habitat, 2012).

Urban centres, with their diversity of people of different ages, ethnicities, geographical locations, and religious, cultural, political, and economic backgrounds, are made up of roughly 50 percent women and girls and 50 percent men and boys; however, historically and to this day, cities have been planned, designed, and governed without the equal engagement of women as decision-makers (UN Habitat, 2012). The exclusion of women from urban planning and land ownership and management has many negative consequences for women and girls in cities. Women who face dual discrimination due to their gender and an intersecting identity – e.g., refugee, migrant, or a low-income, disabled, or ethnic/religious minority status – experience heightened levels of marginalisation and exclusion. As women and girls make up half the urban population, cities ought to be designed and built with women's and girls' participation and interests in mind.

There is room for great improvement of municipal governance, spatial organisation, infrastructure, and services to better serve women and girls. Designing and managing cities with and for women will also improve cities for all, including marginalised groups and men. However, due to the absence of coordination and planning, population growth tends to result in large slum areas. The population spills into informal areas in nearby urban centres, without the accompanying services and amenities. As a result, pressure on land and natural resources, as well as mobility constraints, have

a negative effect on the economy and overall efficiency in the city-region.

There is a tendency to view urban planning as gender-neutral, not shaped by or in the interest of a particular sex. This assumes that both sexes are affected equally.

The exclusion of women from urban planning means women's daily lives and perspectives do not shape urban form and function. In other words, city planning overlooks the specific challenges and concerns that women and girls face, underlining the fact that the city is not inclusive and equitable in its design, infrastructure, facilities, and services.

To ensure high impact and sustainable gender equality and justice across projects, policies, and institutions, it is important to go through key planning, design, and implementation phases. The following gender mainstreaming steps offer a framework to complete the initial planning, followed by implementation and monitoring and evaluation.

Process for inclusion of gender and diversity issues in urban planning

1. Undertake **a gender analysis** of the proposed urban planning initiative. The analysis should aim to achieve the following objectives (note: it's also possible that the gender analysis can be part of the broader situation analysis as long as it takes into account gender objectives below):
 - To define the links between gender equality and diversity and the issue or sector being worked on. For example, identifying the gender implications of new urban planning initiatives, new urban policies, or the redevelopment of certain areas of the city.
 - To understand why the promotion of gender equality is important for securing human rights and social justice for both women and men, as well as for the achievement of urban development objectives.
 - To identify opportunities for introducing gender perspectives into the tasks being undertaken. These opportunities or entry points can be found in the following areas: research and analysis, policy development, use of statistics,

training events, workshops/conferences, and the planning and implementing of projects and programmes.

- To identify an approach or methodology for successfully incorporating gender perspectives into these tasks, doing so in a manner that facilitates the influencing of goals, strategies, resource allocation, and outcomes.

2. **Participatory consultations.** Following a gendered situation analysis, the responsible team comprised of gender and diversity experts should decide on the major goals and entry points of the project or programme by involving key stakeholders including women, youth and disability civil society stakeholders among others.

In order for the key stakeholders needed to reach the long-term goal, it's important to consider organising a gender awareness raising workshop on the intersecting issues of the programme, such as gender-sensitive urban planning, gender-based violence, or gender dimensions in access to housing rights. By doing that the key stakeholders from the community, government officials, urban planners, and gender experts can strategically plan for short-, medium-, and long-term impacts and the interventions required each year to meet the programme goals.

It's at this point that a **monitoring and evaluation (M&E) framework and plan is developed.** The M&E framework will complement the programme design by providing a logical frame that measures the major goals of the programme. The M&E framework must include gender-sensitive indicators that address the heart of the problem and measure progress on reaching the goals of the programme. For a functional M&E plan, it's important to select a strong research institution or M&E consultant to conduct a baseline, mid-line, and end line study to measure the impact of the programme. This institution should have a strong understanding of the programme as well as experience in gender and diversity, development, and the key subject matter. **It is best if the research institution or M&E consultant can be engaged throughout the duration of the project.**

- Indicators should be gender sensitive and account for a wide range of diversity. This includes disaggregation by sex, age, ethnicity, ability/disability, socio-economic group, or any other variable that is relevant to the project and communities.
- Together with the community, identify recommendations on the way forward towards women's inclusion, empowerment, and participation in social, economic, and political life.

3. **Building partnerships with key actors.** It is important to build holistic partnerships to hold various local authorities and actors accountable for making cities more gender sensitive, safe, and inclusive for women and girls. This includes technical and women's rights-based trainings for transit workers, police, urban planners, service providers, and infrastructure ministries. Innovative and empowering partnerships with the following actors are also key: the private sector, to integrate technology to improve reporting on violence against women; women's commissions, to support building safe spaces, call centres, and access to employment training and facilities; and media and news outlets, to raise awareness about the challenges and exclusion women face in the city.

An outline of a step-by-step approach that can be applied to make physical plan equally beneficial to both men and women

- Involve women in clarifying the need and/or demand for land-use planning (including the updating of existing plans) as they may see demands and needs that men do not see.
- Analyse the situation on the ground: existing land rights – registered and unregistered – especially of women; different uses of and interests in land; etc.
- When identifying stakeholders to participate in land-use planning workshops ensure the inclusion of women experts, members of women's associations and women who represent different social groups. Address these women directly when sensitising or informing stakeholders.

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

Useful Resources

- ActionAid (2012), Young Women: Life Choices and Livelihoods in Poor Urban Areas, Action Aid, UK,
- UN Habitat (2012), Gender Issue Guide: Urban Planning and Design.
- UN Habitat (2015). Guide Gender Responsive Urban Legislation, Land and Governance
- Manual Gender Mainstreaming in Urban Planning and Urban Development

3.2.4 Gender Considerations in Land Valuation and Taxation Processes

A land information system (LIS) is a key enabler of effective land administration. Ideally, a LIS should contain all the information necessary for verifying land parcels, validating legitimate rights, establishing land use and establishing tax obligations. A properly functioning LIS facilitates the capture and recording of information material to this verification and validation process – particularly at the point where land and real property rights and interests are being transferred.

Many countries regard land and property as a legitimate source of tax revenue, particularly for local government expenditure such as medical, police and fire services, and maintenance of infrastructure and amenities. Land and property value is widely used as a means of allocating tax liability fairly among owners and occupiers of rural and urban tenure rights. Regular revaluations can be undertaken to ensure fairness is maintained as values change overtime and public access to these tax valuations means that taxpayers can appeal against their payment liability if they wish to. Tax policies have impacts on poverty, income distribution and gender equity. Care must be taken to ensure that tax policies do not exacerbate discrimination against men or women, especially vulnerable groups such as female-headed households. As many women have fewer financial resources than men, it is particularly important that women's properties are valued fairly. Fair valuation takes into account the two opposing purposes of property valuations: i) for calculating property tax; and ii) for calculating compensation to owners in cases of expropriation.

Heavy taxation of property (co)ownership can encourage people to avoid formal registration and remain under less secure forms of tenure. Valuation – the process of estimating value – is supported by and forms an integral part of the evolution and growth of land and property markets, which can influence general economic development and the prosperity of a society. The degree to which valuations are needed depends on the size of trading markets in tenure rights, the volume of lending activity in those markets and the policy requirements for valuations to support government taxation, land restitution, land consolidation and expropriation activities.

Value arises from holding legitimate tenure rights to land, fisheries and forests. Value is widely adopted as a basis for making decisions about how these rights are allocated among individuals and communities.

Section 18 of the Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) focuses on valuation. It recommends the development of systems for valuing tenure rights that, in addition to economic value, take account of social, cultural, religious, spiritual and environmental values. Transparency should be a key principle of these systems, not only to assist with the valuation process itself but also to help prevent corruption. Valuation capacity should be developed in the form of standards and training.

Market value and non-market value. Valuations are required by the state and by the private sector for a wide variety of reasons. There are two concepts of value defined in the Guidelines, market value and non-market value. An economy is embedded within a wider societal and environmental context, and this frames the way in which markets and values are formed.

1. Market value is value-in-exchange and mainly influenced by the economic benefits that the tenure rights are capable of generating. Market values (or prices) are revealed when tenure rights are exchanged.
2. Non-market value reflects non-economic qualities including social, cultural and environmental benefits that the tenure rights confer. Non-market values are not revealed in markets, so they are difficult to quantify.

An example of non-market value might be value that is ascribed to a community's ancestral land. It is usually done during expropriation of tenure rights when non-market value needs to be estimated as a basis for compensation. Non-market value is also a consideration when it comes to the strategic management of state land and property such as national forests and coastal areas.

Policies and laws related to valuation should strive to ensure that valuation systems take into account non-market values, such as social, cultural, religious, spiritual and environmental values where applicable (The VGGTs: Section 18.2).

As far as possible from the evidence available, valuers should apportion value among holders who enjoy different “levels” of rights to the same property. Identifying the holders of these various tenure rights can be challenging, particularly if the property is vacant, or the occupiers are uncooperative. Additional resources may be required to collect and verify information in such circumstances. Tenure registration systems should record all levels of those holding tenure rights.

When considering ownership of tenure rights, two important considerations are gender and exclusivity.

- As many women have fewer financial resources than men, it is particularly important that women’s properties are valued fairly. Fair valuation takes into account the two opposing purposes of property valuations: i) for calculating property tax; and ii) for calculating compensation to owners in cases of expropriation.
- Ensure that valuation systems take into account non-market values, such as social, cultural, religious, spiritual and environmental values.
- Assess the influence of social factors – social relations, prestige, fraternity – on negotiations to establish the value of property, especially for vulnerable groups such as widows and women heads of households who have weak political bargaining power.
- Keep fees to a minimum.
- Explain to landowners how valuations are decided, especially to those women who have lower literacy levels and lack information.
- Prevent corruption by making valuation information and analyses available to the public. Section 18 of the VGGTs Guidelines recommends that states ensure appropriate systems are used for the fair and timely valuation of tenure rights and that these systems promote social, economic, environmental and sustainable development objectives.
- As well as economic value, valuation systems take into account social, cultural, religious, spiritual and environmental values where applicable.
- Valuation standards are developed that are consistent with international standards and that are

GENDER CONSIDERATIONS:

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

publicised, so valuers and other stakeholders are aware of them.

- Valuations of tenure rights and valuation information and methods are transparent, publicised and accessible.

3.3 Summary of Key Gender Considerations in the Entire Land Administration Process

Before starting any land administration activities, the situation on the ground should be analysed, including family structure, women's decision-making power, inheritance, marital and divorce patterns, representation of women in local affairs, different uses of and interests in land, and existing boundaries and land rights (registered and unregistered), particularly women's rights. Mechanisms should enable the registration of women's specific land rights, such as use, secondary or joint-ownership rights.

Women should be able to exercise the right to exclusive ownership of property – individually or as groups. Participatory methodologies and tools that enable women to take part should be promoted. Separate meetings for women should be organised to ensure that women address the issues that are important to them, which for cultural reasons they may not do in the presence of men.

Women representing different social groups should be identified as key stakeholders, and their active participation and involvement in decision-making processes facilitated. Illiteracy, lack of information and transport should be taken into account, and the location and timing of meetings adapted to women's schedules and mobility. Attention should be paid to gender equity issues in the design of all new land information systems and databases. Legal and procedural reforms may be needed to support the use of technologies and systems that facilitate improved gender equity in land administration. Land tools should be evaluated from a gender perspective. Gender equity issues should be mainstreamed into the design, implementation and monitoring of all land administration projects and activities.

There is a need for gender-equitable participation in technical aspects of land tenure governance – land administration activities, technologies and systems – to accommodate the interests of all people – women and men. Staff, government officials and communities should be trained in gender sensitivity and public outreach campaigns should be conducted, to raise awareness for gender equitable land administration activities. The procedures and results of land administration activities must be easy to understand, available to the public and low-cost, to avoid corruption and exclusion. The differential impacts of measures on women and men should be considered to ensure that land administration activities benefit women and men equally.

SECTION 4:

LAYING THE FOUNDATION FOR GENDER RESPONSIVE LAND ADMINISTRATION PROGRAMMES



4 GUIDANCE FOR MAINSTREAMING GENDER IN LAND INSTITUTIONS

4.1 What a Gender Responsive Land Institution Looks Like

For an effective gendered land administration programme to take root, there must be strong measures put in place at the institutional level in terms of policies, systems, resources and structures. Institutional gender mainstreaming therefore is the first step in creating a gender inclusive corporate culture, a gender responsive policies and programmes framework, gender focused partnerships and capacity building through which gender perspectives and tooling processes can work in tandem³¹. The gender at work framework³² has defined four key domains that must be addressed for an effective gender mainstreaming in any institution; government, civil society organisation or private sector and these are: political will, technical capacity, accountability and organisational culture.

a. Political will

Political will can be manifested in a number of ways. In the land sector, it is required that the policies and laws in place acknowledge gender inequalities and prescribe measures to address the existing or future inequalities. At the national level, formulation of non-gender-biased legislation and regulation and **establishment of effective implementation** institutions are important. **Political will** on the part of executive and legislative bodies is of prime importance in this sphere. It ensures that gender policy not only is included in legislation and regulations³³ but also translates into; a) objectives and guidelines for land surveying and titling programmes and related institutions; and b) resources for gender-equity programmes and activities at the local level. Political will is important as it facilitates that the land sector review its staffing structure to make it more gender balanced at all levels, from decision-making to implementer levels. In addition to

having gender balanced staff, the national institution is mandated to build gender capacity of all its staff to be able to deliver on the mandate effectively. This would also involve hiring external gender experts or utilising capacity of the responsible gender ministry to build staff capacity.

For the land sector to be able to address gender concerns at both institutional and programme levels there must be **adequate budget allocations**. Therefore, gender budgeting should be central in the land sector. This is mainly supported by the political will of the ministry top officials.

A gender-responsive budgeting approach “is not about whether an equal amount is spent on women and men, but whether project/programme measures and activities are adequately funded to address men’s and women’s differentiated needs” and that both women and men equally benefit from the planned project/programme. Gender-responsive budgets are meant to be a practical application of gender mainstreaming efforts because measures designed to contribute to gender equality need to be supported by the necessary allocation of resources. Gender-responsive budgets also serve as an accountability and transparency tool as they objectively show the real value of resources targeted to men and women respectively.

b. Technical capacity

Gender mainstreaming is not about adding a women’s component or even a gender equality component into an existing project or activity but goes beyond increasing women’s participation by bringing the experiences, knowledge and interests of women and men to bear in the development agenda³⁴. Land administrators need to be equipped with knowledge and capacity to undertake gender analysis in their fields of works; training

31 https://mirror.glt.n.net/jdownloads/GLTN%20Documents/gendering_land_toolseng2009.pdf

32 Commission on the advancement of Women (1999). Framework for assessing Gender responsiveness of the organisation. www.interaction.org

33 *ibid*

34 <http://www.fao.org/3/I8793EN/I8793en.pdf>

should be conducted for both government staff and land market professionals (registrars, surveyors, lawyers, etc). All professional groups (adjudicators, surveyors, planners, registrars among others) should be trained to identify all rights over the land, not just ownership, and how to identify the different rights holders and to utilise the results to inform the next course of action that ultimately drives toward achieving a gender transformative change.

Land administrators³⁵ need to appreciate that **a transformative approach to the promotion of women's land rights** tackles gender power imbalances and aims to change attitudes and beliefs about women's enjoyment of land rights. Such an approach seeks not only to improve women's short-term access to resources, including land, but also to guarantee their equal rights, increasing their voice in decision-making at all levels. Therefore, a transformative approach requires time because it implies dealing with the root causes of gender discrimination, addressing the legal, administrative and economic dimensions, and also the perceptions and practices around the recognition and promotion of women's land rights. This is in line with the fit for purpose approach to land administration. The ministry therefore has the responsibility to ensure that professional groups have this knowledge and are working with it to cause positive change.

c. Organisational culture

Worldwide, most land administration staff and project implementers are men; as a result, women often do not participate in, or are not even present at, project activities on the ground such as land demarcation or surveying. To improve the gender equity within national land administration and management institutions, there is usually need for affirmative action in employment policies and identification of the impediments facing women, especially at senior levels. Adequate mechanisms are also needed to ensure women's representation in decision-making, planning and implementation processes affecting their land rights. Research reveals that a more balanced participation by women and men increases the effectiveness of participatory models. However, even when women are better represented in decision-making positions, one should not assume that gender concerns will automatically be integrated into dominant decision-making structures;

therefore, it requires deeper analysis and understanding of social differences and how women may be perceived and act within a group dynamic to devise mechanisms to increase their voices in decision-making at the institutional level.

d. Accountability

This involves putting in place systems for tracking compliance with gender policy commitments and alignment with national, regional and global women's land rights regulatory framework. The land institution at the national level therefore should endeavour to put in place systems to remain accountable at all levels.

Gender Audit is Critical for Effective Institutionalisation of Gender in the Land Sector

This entails collection and analysis of data on each of the four areas mentioned above; identify strong points and gaps and devise appropriate mechanisms for addressing the gaps. This exercise requires an independent gender expert (external) to lead the process, however, regular internal checks should be undertaken with the help of the gender focal points and the ministry responsible for gender/women affairs. The

INTERNAL GENDER MAINSTREAMING CHECKLIST

1. Is the policy and law gender sensitive?
2. Is the land sector staffing gender balanced at all levels – decision-making, technical and administration levels?
3. Do we have adequate gender technical capacity to address gender issues in the land sectors, at national and decentralised levels?
4. Has the country undertaken gender analysis on the land sector and within different tenure systems?
5. Do we have the adequate budget to respond to the existing capacity gaps at the institutional level and in programmes?

35 adjudicators, surveyors, planners, registrars, etc.

external gender audit exercise should be conducted at least every 5 years.

As part of an internal regular audit, it is important for each ministry to check if the following are in place. These are institutional prerequisites that form a strong foundation for effective gender equality programmes and promote women's land tenure security. If well conducted, the gender audit can inform development of a more specific action plan and indicators.

4.2 Monitoring Gender Compliance at the Institutional Level

The section below provides sample indicators that ministries can use to assess progress and achievements in mainstreaming gender at an institutional level.

1. Presence of gender responsive legal and policy framework at national and decentralised levels in both formal and informal institutions

Equal rights of women and men to land, property and housing under international law have been recognised by an increasing number of countries through their constitutions and ratification of international treaties. Most countries, however, have failed to generate gender responsive laws and regulations, and lack supportive judicial enforcement. Even where specific legislation acknowledges women's rights to land, customary laws resist recognising women as equal claimants. Substitution of customary land rights with statutory rules has failed to improve women's security of tenure. Further exploration of these issues is needed to support women's groups to challenge negative practices and the stereotypes.

2. Percentage of female and male staff working in the technical professions of land administration (surveying, valuation, geodetics, GPS, etc.)

It's important to conduct a regular staffing audit to understand gender representation in all levels of the institution. More often, women are recruited in lower cadre positions and therefore don't influence decision-making processes. Measures should be put in place to create gender balance at all levels of the land institution.

It is important for all land related institutions to have a well-defined mandate translated into relevant

programmes and functions. Followed by the right structure needed to carry the functions derived from the respective mandates there should be the presence of a national gender architecture to coordinate and facilitate interagency goals of the land sector institutions (governmental, non-governmental, civil societies, researchers/academia).

3. Percentage of female and male staff receiving gender and legal literacy training focusing on land

Gender training is an important part of gender mainstreaming. Policymakers who are not experts in gender issues are often assigned the role of devising gender-integrated policies and practices. It's important that a gender capacity assessment is undertaken to understand capacity levels and customise training content for staff at all levels.

4. Number of gender-sensitive technologies used in land administration activities and percentage of female and male staff attending training on use of new land-related technologies

Analysis is needed to ascertain the extent to which the new technologies are gender sensitive and take appropriate action to adapt or introduce new tools. In addition, the institution should be put in place measures to ensure that the new technologies are well understood and utilised by all female and male staff. This requires capacity building customised to the needs and existing gaps for the different genders.

5. Presence of a gender action plan for improving land governance and administration

Action plans should entail activities for strengthening gender capacity within the institution at national and local levels. It should also include research related activities, policy review processes and multi-stakeholder learning processes. Action plans should be informed by a gender assessment of the land [sector.as](#) well as the internal gender audit.

6. Percentage of budget allocated for women's land rights programme

Budget allocations should be informed by what has been determined as priority projects for addressing gender imbalances at institutional and programme levels.

The process of agreeing on budget priorities should be participatory and inclusive in nature involving all key stakeholders, including female and male staff at local and national levels. Community consultations and multi-stakeholder consultations involve representatives of marginalised groups including women organisations, age care organisations, disability and youth organisations.

Useful Resources:

Achieving gender mainstreaming in all policies and measures. Council of Europe Gender Equality Strategy (2016)

Commission on the advancement of Women (1999). Framework for assessing Gender responsiveness of the organisation. www.interaction.org

GLOSSARY

Gender

Gender can be defined as the set of characteristics, roles and behaviour patterns that distinguish women from men which are constructed not biologically, but socially and culturally. The concept of gender refers not only to women and men but also to the relations of power between them. Gender relations are constantly being renegotiated in the context of changing political, economic, social, and cultural environments at the local, national and international level.

Sex

Sex refers to the biological and physiological differences between males and females as determined by nature. It is God-given, universal and non-changeable.

Gender relations

It refers to social relationships between men and women within a specified time and place. These social relationships explain the differences in power relations between the sexes. In most societies, power relations tend to be hierarchical in nature, with men being at the top of the hierarchy.

Gender stereotypes

Stereotypes are structured sets of beliefs about the personal attributes, behaviours, and roles of a specific social group or person. Gender stereotypes are biased and often exaggerated images of women and men which are used repeatedly in everyday life.

Gender issue

This is a point of gender inequality that is undesirable and therefore requires an intervention. It results from some form of gender discrimination or oppression. A gender issue arises when there is inequality, inequity or differentiated treatment of an individual or a group of people purely on the basis of social expectations and attributes of gender. Gender issues are sometimes called gender concerns.

Gender gaps refer to societal differences between men and women that are felt to be undesirable.

Gender blind means that it is not recognised that men and women are positioned differently, have different experiences, different needs, strengths and skills, and that these need to be considered while planning anything.

Gender neutral means that the existing inequalities, roles and definitions are not changed.

Gender aware means recognising or being aware of the existence of gender and gender differences in society; recognising that men and women are positioned differently, they have different experiences, different needs, different strengths and skills, and that these need to be considered while planning anything.

Gender sensitive means being aware and taking action against existing gender discrimination and inequalities.

Gender needs

Leading on from the fact that women and men have differing roles based on their gender, they will also have differing gender needs. These needs can be classified as either strategic or practical needs. Practical and strategic gender interests/needs should not be seen as separate, but rather as a continuum. By consulting women on their practical gender interests/needs an entry point to address gender inequalities in the longer term (strategic gender interests/needs) can be created.

Practical gender needs

These are gender needs that women and men can easily identify, as they relate to living conditions. Practical gender needs are identified by women within their socially constructed roles in society. Although they often arise from gendered divisions of labour and women's subordinate position in society, practical gender needs do not challenge these norms. Practical gender needs are a response to an immediate perceived necessity identified within a specific context, such as access to

clean water or access to land and forest resources. They are practical in nature and often concern inadequacies in living conditions, such as water provision.

Strategic gender needs

The needs women identify because of their subordinate position in society. They vary according to particular contexts, related to gender divisions of labour, power and control, and may include issues such as legal rights. Meeting SGNs helps women to achieve greater equality and change existing roles, thereby challenging women's subordinate position. They are more long term and less visible than practical gender needs. Strategic gender interests question women's socially constructed role, demanding greater equality and a change in existing roles.

Gender division of labour

It relates to the different types of work that men and women do as a result of their socialisation and accepted patterns of work within a given context.

Gender roles

Gender roles are reflected in activities ascribed to men and women on the basis of perceived differences which are reinforced through the gender division of labour. This arises from the socialisation of individuals from the earliest stages of life through identification with specific characteristics associated with being male or female. Gender roles are affected by age, class, race, ethnicity, religion and by the geographical, economic and political environment. Changes in gender roles often occur in response to changing economic, natural or political circumstances, including development efforts. Both men and women play multiple roles in society. The gender roles of women can be identified as reproductive, productive and community managing roles, while men's roles are categorised as either productive or community politics. Men are able to focus on a particular productive role and play their multiple roles sequentially. Women, in contrast to men, must play their roles simultaneously, and balance competing claims on time for each of them.

Productive roles

Refer to the activities carried out by men and women in order to produce goods and services either for

sale, exchange, or to meet the subsistence needs of the family.

Reproductive roles

Refer to the activities needed to ensure the reproduction of society's labour force. This includes childbearing, rearing, and care for family members such as children, elderly and workers. These tasks are done mostly by women.

Community managing role

Activities undertaken primarily by women at the community level, as an extension of their reproductive role, to ensure the provision and maintenance of scarce resources of collective consumption such as water, health care and education. This is voluntary unpaid work undertaken in their "free" time.

Community politics role

Activities undertaken primarily by men at the community level, organising at the formal political level, often within the framework of national politics. This work is usually undertaken by men and may be paid directly or result in increased power and status.

Triple role/multiple burden

These terms refer to the fact that women tend to work longer and more fragmented days than men as they are usually involved in three different gender roles – reproductive, productive and community work.

Gender equality

This concept focuses on the goal of achieving equality in rights, responsibilities, opportunities and benefits/outcomes for all women and men and providing potential for both women and men to shape their own lives and contribute to society in all areas. It implies that the knowledge, experience, contributions, priorities and constraints of women and men should be taken into consideration, recognising the diversity between different groups of women and men. Gender equality is both a human rights issue and a driver for sustainable development.

Empowerment of women and girls

The empowerment of women and girls concerns their gaining power and control over their own lives.

It involves raising awareness, building self-confidence, expanding choices and increasing access to and control over resources and actions to transform the structures and institutions that reinforce and perpetuate gender-based discrimination and inequality. This implies that to be empowered women must not only have equal capabilities (such as education and health) and equal access to resources and opportunities (such as land and employment), but they must also have the agency to use these rights, capabilities, resources and opportunities to make strategic choices and decisions (such as is provided through leadership opportunities and participation in political institutions).

Sex-disaggregated data

This refers to the collection and use of quantitative and qualitative data by sex (i.e., not gender) which is critical as a basis for gender-sensitive research, analysis, strategic planning, implementation, monitoring and evaluation of programmes and projects. The use of these data reveals and clarifies gender-related issues in areas such as access to and control over resources, division of labour, violence, mobility and decision-making.

Gender-disaggregated data is the collection of data on males and females separately in relation to all aspects of their functioning – ethnicity, class, caste, age, location, etc.

Gender responsive budget is a budget that works for everyone (women and men, girls and boys) by ensuring a gender-equitable distribution of resources and by contributing to equal opportunities for all. It also involves transforming these budgets to ensure that gender equality commitments are realised.

Gender-sensitive indicators

Gender-sensitive indicators can be quantitative and qualitative and used to monitor and assess progress in policies, institutions, programmes, or projects. They are also used to assess changes in social, political, economic, and environmental behaviours and in the actions of both individuals and diverse communities.

When developing gender-sensitive indicators, the following guidance is a useful starting point:

- Research gender indicators that exist for the same subject matter and/or region of the project.

- Select existing indicators that are relevant to the local context and develop new indicators required to measure specific project results.
- When possible, develop indicators through a participatory process, which will help ensure that they are relevant to the realities of women and men in each setting.

Gender equity refers to the process of being fair to men and women, boys and girls that leads to equality – the equal valuing in society of both similarities and differences between men and women, boys and girls and the varying roles they play.

Gender equality reflects the concern that women and men, boys and girls have equal opportunities, resources, rights, and access to goods and services that a society values – as well as the ability to make choices and work in partnerships. Women's empowerment is all about improving women's status to enhance their decision-making capacity at all levels.

Gender integration is a strategy applied in programme planning, assessment, design, implementation and M&E to consider gender norms and to compensate for gender-based inequalities.

Gender mainstreaming

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes. This should be done in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Gender sensitivity or having a gender perspective means that:

- A differentiation is made between the needs and priorities of men and women
- The views and ideas of both men and women are taken seriously

- The implications of decisions about women relative to men are considered: who will gain and who will lose?
- Action is taken to address inequalities or imbalance between men and women

Gender responsive

A term used to describe laws, policies, programmes and public services that are formulated and/or delivered to: i) take into account existing structures and relations of gender inequality and seek proactively to overcome and remove them; and ii) identify and bring attention to women's contributions and critical roles as agents and leaders, in order to facilitate gender equality, the empowerment of women and women's enjoyment of human rights.

Gender transformation

It describes a situation where women and men change their ways of thinking from a patriarchal perspective towards a gender equality perspective.

Gender audit

A gender audit evaluates how gender considerations are being integrated into programmes and policies by an organisation, department or office. Wide in scope, audits assess gender approaches and policies, staff capacity, tools and resources, gender mainstreaming in programmes and projects, organisational culture and workplace issues. Overall, an audit will monitor relative progress made in mainstreaming and identify successes as well as critical gaps. Additionally, gender audits can integrate components of gender assessments to measure the impact of interventions on beneficiaries.

Gender assessment

Gender assessment is a review – from a gender perspective – of a current or recently completed project or activity. It assesses how a project addresses and responds to gender dynamics and inequalities in technical programming, policies and practices. The assessment highlights successes and gaps in programming, identifying new opportunities to improve future programming. It often incorporates aspects of a gender analysis study because it requires an understanding

of gender inequality in each setting. Gender assessments sometimes incorporate some degree of gender auditing.

Gender analysis

A gender analysis is a critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect men, women, girls and boys in certain situation or contexts. A gender analysis examines the relationships between females and males and their access to and control of resources and the constraints they face relative to each other. A gender analysis should be integrated into all sector assessments or situational analyses to ensure that gender-based injustices and inequalities are not exacerbated by interventions, and that where possible, greater equality and justice in gender relations are promoted.

Gender discrimination is defined as: "Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."³⁶

Marginalisation

Marginalisation is the powerlessness and exclusion experienced by a group, resulting from an inequality of control of "resources and power structures" within society.

Social inclusion

The process of improving the terms on which individuals and groups take part in society – improving the ability, opportunity, and dignity of those disadvantaged on the basis of their identity.

Social exclusion

Process by which individuals or groups of people are systematically denied access to rights, opportunities, and/or services. Based on various axes, e.g., age, gender, sexual orientation, geography, disability, etc.

36 United Nations, 1979. "Convention on the Elimination of all forms of Discrimination Against Women". Article 1

Social norms

Social norms can be understood as either “what most people think and do” or, alternatively, “what individuals believe most people think and do”. As such, social norms are about what’s considered normal or ought to be normal in a given context and situation.

Masculinity

A gender perspective, or way of analysing the impact of gender on people’s opportunities, social roles and interactions, which allows us to see that there is pressure on men and boys to perform and conform to specific roles. Thus, the term masculinity refers to the social meaning of manhood, which is constructed and defined socially, historically and politically, rather than being biologically driven. There are many socially constructed definitions for being a man and these can change over time and from place to place. The term relates to perceived notions and ideals about how men should or are expected to behave in a given setting. Masculinities are not just about men; women perform and produce the meaning and practices of the masculine as well.³⁷

Patriarchy is the practice, conscious or otherwise, of placing male human beings or the masculine point of view at the centre of one's view of the world and its culture and history. In a patriarchal social system, the role of the father is central to social organisation, and fathers hold authority over women, children, and property. Historically, the principle of patriarchy has been central to the social, legal, political, and economic organisation of almost all world cultures and has had a deep influence on modern civilisation.

Participation

Effective participation implies that women and men have the potential to articulate their needs and interests and take responsibility for development actions. Development practice has generally viewed participation in stages – with people participating as passive recipients to active change agents. Gender and rights-based methodologies emphasise the latter.

Gender equity in access to land

The rules of land tenure reflect the structure of power and beliefs in society. People who are landless or who have weak rights to land are usually those without power. In some societies, women cannot hold rights to land independently of their husbands or male relatives. Their rights are also often different from those of men. “Gender equity in rights to land can increase women’s power in social and political relationships. Providing secure rights to land for women can increase their social and political status, confidence, security and dignity. Land rights often lead to other benefits in society including participation in community decision-making, elections and other socio-economic activities ... Having rights to land may help to empower women in their negotiations with other household members, and with the community and society at large”.

Access rights to land

The local and/or legally recognised right to enter and use a physically defined area. Access rights may be obtained through family or group membership or through legally sanctioned processes such as allocation, purchase and inheritance. Rights may be defined in terms of location, time, use and the individual’s relationship to the community.

37 UNICEF, UNFPA, UNDP, UN Women. “Gender Equality, UN Coherence and You”

REFERENCES

- Achieving gender mainstreaming in all policies and measures. Council of Europe. Gender Equality Strategy (2016). Available at: <https://edoc.coe.int/en/gender-equality/6932-achieving-gender-mainstreaming-in-all-policies-and-measures.html>
- ActionAid. 2008. "Securing women's right to land and livelihoods: A key to ending hunger and fighting AIDS." Available at: https://landportal.org/sites/landportal.info/files/actionaid_womens_right_to_land.pdf
- ActionAid (2012), Young Women: Life Choices and Livelihoods in Poor Urban Areas, Action Aid, UK, <http://www.actionaid.org/publications/young-women-life-choicesand-livelihoods-poor-urban-areas>
- Africa Union Commission, 2009. Declaration on Land Issues and Challenges in Africa
- AUC-ECA-AfDB, 2010a. Framework and Guidelines on Land Policy in Africa: Land Policy in Africa – A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods
- Commission on the advancement of Women (1999). Framework for assessing Gender responsiveness of the organisation. www.interaction.org
- Economic Commission for Europe (1996) Land Administration Guidelines
- FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2010)
- FIG Publication no. 41: capacity assessment in land administration: <https://www.fig.net/resources/publications/figpub/pub41/figpub41.asp>
- Framework for Effective Land Administration A reference for developing, reforming, renewing, strengthening or modernizing land administration and management systems, UN-GGIM (2019). Available at: <https://ggim.un.org/meetings/GGIM-committee/9th> Session/ documents/E_C.20_2020_10_Add_1_LAM_background.pdf
- Gender and Land Administration: Issues and Responses (Authors) Victoria Stanley, Tony Lamb, and Samantha De Martino. The World Bank (2012). Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/17103/714070BRI0Box-30IC00KB530Gender0Land.pdf;sequence=1>
- Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report (2005) https://www.researchgate.net/publication/303692725_Gender_Issues_and_Best_Practices_in_Land_Administration_Projects_A_Synthesis_Report?enrichId=rgreq-c463edc153a4e0749922014ccf-7ca974-XXX&enrichSource=Y292ZXJQYWdlOzM-wMzY5MjcyNTtBUzoz
- Gender and Land Administration: Issues and Responses (Authors) Victoria Stanley, Tony Lamb, and Samantha De Martino. The World Bank (2012). Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/17103/714070BRI0Box-30IC00KB530Gender0Land.pdf;sequence=1>
- Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report (2005) https://www.researchgate.net/publication/303692725_Gender_Issues_and_Best_Practices_in_Land_Administration_Projects_A_Synthesis_Report?enrichId=rgreq-c463edc153a4e0749922014ccf-7ca974-XXX&enrichSource=Y292ZXJQYWdlOzM-wMzY5MjcyNTtBUzoz
- Gender issue guide urban planning and design: https://unhabitat.org/sites/default/files/download-manager_files/Gender%20Responsive%20Urban%20Planning%20and%20Design.pdf
- GIZ (2017) Understanding, preventing and solving land conflicts: A practical guide and toolbox
- Governing land for women and men. A technical guide to support the achievement of responsible gender-equitable governance of land tenure (FAO 2013)

- Guidebook on Procedures and processes of land administration in Kenya. Available at: <https://www.coursehero.com/file/40903728/GUIDE-BOOK-ON-PROCEDURES-AND-PROCESSES-OF-pdf/>
- IIED, (2019). A stronger voice for women in local land governance: effective approaches in Tanzania, Ghana and Senegal; Philippine Sutz, Amaelle Seigneret, Mary Richard, Patricia Blankson Akapko, Fati Alhassan, Mamadou Fall
- Land administration, gender equality and development cooperation, Lessons learned and challenges ahead. DIIS Report (2013). Available at: <https://www.landportal.org/library/resources/mokoro6007/land-administration-gender-equality-and-development-cooperation-lessons>
- Land Policy Initiative, 2014. Improving access to land and strengthening land rights of women in Africa.
- Guidebook on procedures and processes of land administration in Kenya. Available at: <https://www.coursehero.com/file/40903728/GUIDE-BOOK-ON-PROCEDURES-AND-PROCESSES-OF-pdf/>
- Land administration – why. (2008) Lantmäteriverket (Swedish National Land Survey). Available at: https://www.sida.se/contentassets/574763677f-1348c6b9eb9343a4c9904d/land-administration---why_1036.pdf
- Land Administration Guidelines: With Special Reference to Countries in Transition. United Nations New York and Geneva, 1996. Accessed at: <https://digitallibrary.un.org/record/216105?ln=en>
- Land Tenure and Gender: Approaches and Challenges for Strengthening Rural Women's Land Rights. Women's Voice, Agency, & Participation Research Series 2014 No.6
- Manual Gender Mainstreaming in Urban Planning and Urban Development: <https://www.wien.gv.at/stadtentwicklung/studien/pdf/b008358.pdf>
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects. Available at: https://agriprofocus.com/upload/Toolkit_for_Integrating_Gender-Related_Issues_in_Land_Policy_and_Administration_Projects1428576752.pdf
- Pursuing Gender Equality in Land Administration Author(s): Helle Munk Ravnborg and Rachel Spichiger, Danish Institute for International Studies (2014). Stable URL: <https://www.diis.dk/en/research/pursuing-gender-equality-in-land-administration>

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