

## **CSD NGO Women's Caucus Position Paper on Land Management**

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### **The situation of women and land - problems identified**

Women's access to, control and management of land are crucial aspects of sustainable development. Land as a resource has dimensions of ecological diversity, productivity for human sustenance and wealth creation in the economy. Women's and men's relation to land have historically differed. Changes in the world economy have led to gender inequities in the way land is controlled and managed in a human rights context.

In pastoralist and peasant societies, men and women have used land in production systems that meet their subsistence needs for food. Peasant agricultural production is in transition to cash crop production in most parts of the world. This process has been ongoing for centuries but is gathering speed with globalization. Women more than men have been responsible for gathering water, fuel and other wild and forest materials from the land not under direct production of crops and livestock. Such land has often been converted to state or public control, while land in direct production of crops and livestock is increasingly converted to private control.

In most parts of the world, patrilineal inheritance customs have led to land in private control being in the hands of men and not women. It was established at the time of the Beijing Conference that less than one percent of the world's property is owned by women. Historically in subsistence production systems, land was not formally owned, but use rights were vested in men and women who produced food for their kin. With formal ownership and especially titling of land, the predominant pattern of men controlling the allocation of land and this right being passed from father to son led to the current ownership pattern.

In the current world economy, with globalization and the spread of the money economy to the remotest communities, women are disadvantaged because land becomes capital. Women's lack of equal property rights with men is a major cause of the feminization of poverty. Men inherit land free whereas women in general do not. In many places, women may be allowed to buy land but in some cases they cannot even do that without offending custom. In such cases, women may obtain land as collectives or women's groups.

UNCHS (Habitat)'s work on women's access and rights to land and housing shows that women are disadvantaged in societies where male inheritance customs are strong. This becomes especially severe in situations of conflict and reconstruction. In such situations, the position of widows and single women may be extremely serious. Without husbands, even a majority of women survivors may be unable to have their own place to live and be condemned to life in refugee camps. They cannot return to their parents' land, and they may not inherit their husbands' land. Such is the situation identified in Rwanda and Burundi in the mid-nineties for example.

Women, like men, need land as a home - a secure place to live. They also need land as a means of livelihood - whether for food production or other type of workplace. Finally, and especially in a globalizing money economy, they need land as a form of wealth or capital.

The Kigali Plan of Action of 1998 (see below) made a global recommendation as follows: "Women should have adequate and secure rights to property. These rights must be equal to those of men, and a woman should not be dependent upon a man in order to secure or enjoy those rights". Without such a right, women may be evicted from their homes as widows or single mothers, especially in cases of land shortage. This particular form of insecurity of tenure for women is separate and in addition to what they experience as members of families whose housing lacks secure tenure and who are therefore subject to eviction. In cases of forced mass evictions of communities from informal settlements, women and children are most affected as they spend more time in the home and neighbourhood.

Also because they more often carry out their income generating work in or near the home, women need land as a form of livelihood. This may be space in the house for productive work or small scale business, or similar space within the residential neighbourhood. Or, it may be land for food

production. This is the case in rural and resettlement areas in post conflict situations for example, but it is also true for women in urban areas. Urban agriculture is mostly carried out by women, especially those in households with incomes too low to provide adequate food.

Because of their relationship with the products of uncultivated land in traditional management systems, women have lost access to those resources as land is alienated for other uses in modern economies. Both the land and the women suffer. The land may be eroded and its productivity decline, while the women lose subsistence resources and status. The grassroots women's environmental movements linked to forest preservation are a symptom of this. These include the Chipko movement of India and the Greenbelt movement in Africa for example.

Since they own so little of the world's property, women lack the numerous benefits that come with ownership and control of immovable property. Land as a form of capital, especially when it is inherited free and without other types of investment of labour or resources, can bring wealth in various ways. Land may contain wealth in the form of rocks and minerals as well as soils and trees. It provides space for animal and other production systems as well as crops. Its productive capacity is not limitless but has enormous potential for wealth generation. Those who control this asset have status and influence apart from cash income they can generate.

Further, land title deeds are the main form of security used to secure loans and credit. Without such pieces of paper, women find it harder to get loans, which is why they have resorted to other means of obtaining credit, and why numerous initiatives have to be designed to enable them to do so. These include all forms of micro-finance, women's banking, revolving funds, merry-go-rounds, and so on. Women form organizations not only to obtain credit but also to obtain land as corporate bodies. Women need credit, but the amount and form in which they need it must be deconstructed and understood in the context of their lack of basic property rights as individuals.

Having presented the situation, this paper advocates women's and men's equal rights to secure tenure of land, based on ongoing initiatives in the women's movement and in UNCHS (Habitat).

### **Ongoing initiatives and partnerships**

The international pressure for women's equal rights to land originated with a number of grassroots meetings, particularly in Africa, supported particularly in the Women and Shelter Network of Habitat International Coalition. During the preparations for the Beijing Conference in 1995, four global women's networks formed a "Super-Coalition on Women, Homes and Community" to lobby on women's issues of homes and housing.

Two significant events occurred in Beijing. First, the "inheritance clause", introduced by the Super Coalition and publicized by effective campaigning, was hotly debated and became a major item in the Platform For Action. It was eventually passed in a watered-down form but nevertheless provides an effective base for local and national action. Paragraph 61 (b) of the Platform For Action states that Governments should: "Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies" Second, the Huairou Commission was formed, combining the grassroots women's networks in a single body with influential women decision-makers, researchers and other professionals.

UNCHS (Habitat) has undertaken a number of activities including research and action in the area of promoting women's access to and control of property. An international meeting was organized by Habitat in 1995 in Gavle, Sweden, on Women's Access, Control and Tenure of Land and Property, while women's land rights were highlighted in the New Delhi Declaration which followed in 1996.

During the Habitat II Conference in Istanbul in 1996, the same Super Coalition of women's networks held workshops and events which led to the adoption of women's rights to inheritance, ownership and control of property in the Habitat Agenda. Among the numerous references in the Habitat Agenda, paragraph 40 (b) asserts the commitment of participating states to: "Providing legal security of tenure and equal access to land to all people, including women and those living in poverty; and undertaking legal and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies."

Since then, members of the networks continue to use these clauses and other international instruments to lobby for their local programmes. The Women and Shelter Network has also worked with its parent NGO Coalition, Habitat International Coalition (HIC) and the United Nations Commissioner for Human Rights (UNHCHR) on issues of women's housing rights.

The UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities passed two resolutions, in 1997 and 1998, on Women and the Right to Adequate Housing and to Land and Property. However, these are not yet widely known or used at local level to bring about positive change.

A Women For Peace Network was set up at the Habitat II NGO Forum in Istanbul in 1996, and campaigned on women's rights to land as a priority issue. The network joined the Huairou Commission and also combined forces with UN agencies, especially UNCHS (Habitat). The joint meeting organized by four UN agencies, UNCHS (Habitat), UNIFEM, UNHCR and UNDP in 1998 on Women's Land and Property Rights in Situations of Conflict and Reconstruction, in Rwanda in 1998 focused more international attention on women's land rights.

In 1999, UNCHS (Habitat) began a process of internal reorganization and priority setting, with a focus on setting international norms and standards in two key areas: Secure Tenure and Urban Governance. International Campaigns are being planned on these topics, and women's security of tenure is being highlighted as part of the Secure Tenure Campaign. The campaign is planned to be implemented in collaboration with partners, specifically the Huairou Commission and its constituent network, Habitat International Coalition Women and Shelter Network.

### **Recommendations for Policy and Action:**

Women's movements and public agencies need to further coordinate their efforts in campaigning for women's equal rights to land. All of these ongoing activities need to be linked with CSD activities, and synergies built up between partners.

#### *CSD Women's Caucus and other International and UN Processes:*

1. The issue of women's equal right to land and property should be addressed in the outcome of the CSD.
2. Women's environmental and human settlements movements should combine their efforts. This is already initiated in that WEDO is a member of the Super Coalition and the Huairou Commission, along with human settlements coalitions like HIC, GROOTS and ICW. Continuous contact and combined lobbying needs to be sustained, with a broader base in debate and action in international women's activities.
3. UN agencies need to link with NGO and CBO partners. Issues that affect grassroots women in countries that are transforming economically with globalization need to be brought to international attention. The effect on women of this economic transformation, including urbanization, is a neglected aspect of CSD.
4. The Secure Tenure Campaign of UNCHS (Habitat) is one such model of partnership. It proposes to work through the grassroots women's movements and international networks. The Secure Tenure Campaign can also work with the CSD process through the CSD Women's Caucus.

#### *UN agencies, governments, NGOs and other stakeholders*

1. The activities of grassroots and community-based organizations (CBOs) aimed at improving women's land and property rights should be supported and promoted.
2. Governments and NGOs should collaborate in building support networks for grassroots women on equal land rights.
3. Both women and men should be involved in the grassroots campaigns on equal gender rights, to overcome historical inequities through a reflective social process.
4. Information activities on these rights should be organized and supported. These are needed at national level but also in cities, towns and villages where women do not experience the rights in practice.
5. Grassroots exchanges within and between regions on issues of women and secure tenure should be organized and supported financially.
6. Best practices of women's equal access to and control of land and property should be collected and disseminated.

7. The training of paralegal advisers on women's land rights should be supported and extended, based on current best practices.
8. National and regional workshops on women's equal access to and control of land and property should be supported as part of the Beijing +5 and Istanbul +5 processes.

**References:**

Agarwal, Bina, *A Field of One's Own: Gender and Land Rights in South Asia*, Cambridge University Press, 1994.

Egziabher, Axumite G, Diana Lee-Smith, Daniel G Maxwell, Pyar Ali Memon, Luc J A Mougeot and Camillus J Sawio, *Cities Feeding People: an Examination of Urban Agriculture in East Africa*, IDRC, Ottawa, 1994

Global Conference on Access to Land and Security of Tenure as a Condition for Sustainable Shelter and Urban Development, New Delhi, India, 17-19 January 1996, New Delhi Declaration, available from UNCHS (Habitat) Land Management Programme, Nairobi.

Lee-Smith, Diana and Catalina Hinchey Trujillo, "The Struggle to Legitimize Subsistence: Women and Sustainable Development", *Environment and Urbanization*, Vol 4 No 1, April 1992

Lee-Smith, Diana, "My House is My Husband": a Kenyan study of women's access to land and housing, Thesis 8, Lund University Department of Architecture and Development Studies, 1997.

Peace for Homes, Homes for Peace, Inter-Regional Consultation on Women's Land and Property Rights in Situations of Conflict and Reconstruction, Kigali, Rwanda, 16 - 19 February 1998, UNIFEM, UNCHS, UNHCR, UNDP. This includes the Kigali Plan of Action of 1998.

Shiva, Vandana and Maria Mies, *Ecofeminism*, 1993.

Tinker, Irene and Gale Summerfield, eds. *Women's Rights to House and Land: China, Laos Vietnam*, Lynne Rienner Publishers, Boulder and London, 1999.

United Nations Centre for Human Settlements, UNCHS (Habitat), *The Istanbul Declaration and the Habitat Agenda*, Nairobi 1998.

United Nations Economic and Social Council (ECOSOC), Sub-Commission on Prevention of Discrimination and Protection of Minorities, Resolution 1998/1.29, File No. E/CN.4/Sub.2/1998/L.29. *The Implementation of the Human Rights of Women: Women and the Right to Land, Property and Adequate Housing*.