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IGAD REGIONAL WOMEN'S LAND RIGHTS CONFERENCE



THEME: Beyond Policy: Accelerating Actions towards Achieving Women's Land Tenure Security in the IGAD Region

28th – 30th June 2021

VIRTUAL CONFERENCE

REPORT





THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD) REGIONAL WOMEN'S LAND RIGHTS CONFERENCE

THEME:

*Beyond Policy: Accelerating Actions towards
Achieving Women's Land Tenure Security in the
IGAD Region*

28th - 30th June 2021

Co-organized by: The Intergovernmental Authority on Development (IGAD) Land Governance Unit in partnership with International Land Coalition (ILC-Africa), the IGAD Member States, the academia, Development partners and Civil Society Organizations working on women's rights in the IGAD region




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List of Acronyms

AU	African Union
AUC	African Union Commission
ASALs	Arid and Semi-Arid Lands
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CCOs	Certificates of Customary Ownership
COs	Certificates of Occupancy
CSOs	Civil Society Organisations
DLP	Directors Land Platform
DRMs	Dispute Resolution Mechanisms
ESIA	Environmental and Social Impact Assessment
FHHs	Female Headed Households
GPFS	Global Program Food Security
GLTN	Global Land Tool Network
GROOTS	Grassroots Women's Movement
HLP	Housing Land and Property
IGAD	Intergovernmental Authority on Development
ILC-Africa	International Land Coalition-Africa
IEC	Information, Education and Communication
LSLBI	Large Scale Land-Based Investments
IRWLRC	IGAD Regional Women's Land Rights Conference
LSLBI	Large-Scale Land- Based Investments
LPISU	Land Programme Implementation Support Unit
NUSAF-YOP	Northern Uganda Social Action Fund Youth Opportunities Programme
MS	Member States
MPA	Matrimonial Property Act
MoA	Ministry of Agriculture
MoLUD	Ministry of Land and Urban Development
RECs	Regional Economic Community
MoGCSW	Ministry of Gender, Child and Social Welfare
OOCI	Convention of Islamic Conference
PRM	Participatory Rangeland Management
SSA	Sub-Saharan Africa
SDC	Swiss Agency for Development Corporation
SDGs	Sustainable Development Goals
SSIPWP	Somalia Strengthening Institutions for Public Works
TAWLA	Tanzania Association of Women Lawyers
TDRs	Traditional dispute resolution mechanisms
TCSS	Transitional Constitution of South Sudan
VGGT	Voluntary Guidelines on Responsible Governance of Tenure
YVCF	Youth Venture Capital Fund
YLP	Youth Livelihood Programme
WLR	Women's Land Rights



IGAD LAND GOVERNANCE UNIT AND CONFERENCE BACKGROUND





1.0 | Land Governance Unit (IGAD)

The Intergovernmental Authority on Development (IGAD) is a Regional Economic Community (REC) of the African Union. Member countries include Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. IGAD's mission is "to assist and complement the efforts of the Member States through increased cooperation to achieve food security and environmental protection; promotion and maintenance of peace and security and humanitarian affairs; and economic cooperation and integration".

The AU Declaration on Land Issues and Challenges gives mandate to IGAD to provide technical guidance to the member countries, monitor land sectors' progress, and promote regional land policy harmonization and women's land rights. The same Declaration gives mandate to member states to promote land sector interventions that tackle underlying causes of tenure insecurity including through securing and protecting all tenure rights, increasing transparency in land administration, and promoting equal access to land for all land users.

Improved performance on land policies, in terms of formulation and implementation, is required for IGAD to deliver on its three priorities for cooperation among Member States. Hence, IGAD must promote the development of harmonized land policies to meet its mandate. IGAD through the Land Governance Unit has developed Land Governance Business Plan 2020-2030, as an implementation framework for land governance.

This conference is part of the work envisaged under equal land rights from women and youths. The IGAD Land Governance Unit focuses on strengthening the implementation of land governance in-country, translating regionally developed tools and frameworks into implementable tools by Member States for improved tenure security, reduced conflict, improved food security, and increased economic wellbeing of the citizens. This is hinged on improving land administration systems to enable the documentation of land rights and resolve land conflicts, improve land use and management as a way of securing land rights, address land economy and promote land rights for all.

1.1 | Directors Land Platform (DLP) and Steering Committee

The DLP has been institutionalized as a mechanism to strengthen country implementation and regional collaboration on land governance. The Directors responsible for lands meet once every month to discuss matters of mutual interest and provide guidance to the Land Governance Unit on strategic matters requiring their attention. This has proved very central to the success of the IGAD Land Governance Program implementation.

1.2 | Conference Background

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 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 period 2020-2030 with 4 strategic objectives:

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

These strategies are being implemented in close partnerships with Member States- particularly Ministries responsible for Lands, Agriculture, Gender and Justice, together with civil society organizations, 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 in land at both regional and global levels:



- The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries (VGGT).
- AU Agenda 2063.
- The Sustainable Development Goals (Agenda 2030).
- The Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods 2014.
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). AU Policy Framework for Pastoralism in Africa (2010).
- Niamey convention - AU Convention on Cross-Border Cooperation, Women's Land (2014)

This IGAD Regional Women Land Rights Conference (IRWLRC) was co-organized by the IGAD Land Governance Unit, the IGAD Member States, International Land Coalition-Africa (ILC-Africa), the academia, development partners and civil society organizations working on women's rights in the IGAD region

1.3 | Conference Goal

The goal is therefore, to deepen multi-stakeholder collaboration and agency for the protection and promotion of women's rights to land through learning, experience sharing, and collective action across the IGAD Region. Specifically;

1. Establish and strengthen a multi-stakeholder platform on gender and land for knowledge sharing and peer learning that is grounded in the experiences and realities of each country of the IGAD Region.
2. Establish accountability mechanisms for monitoring implementation of IGAD Member States Women's land Rights Agenda.
3. Harness women's collective voice and participation in defining the regional Women's Land Rights Agenda discourse.

1.4 | Expectations

The Conference will create a safe space for women and youth of different social, economic, and religious beliefs and backgrounds to dialogue with state and non-state land actors and find amicable solutions to local and national challenges. The Conference will also create space for member states to renew their commitments to deliver on regional women's Land Rights targets.

It was carried out virtually and attracted all Land stakeholders across the globe and targeting a minimum of 400 participants. In the IGAD region, the Conference will be attended by a wide range of actors mainly:

1. Land actors at the national level; Parliamentarians, Ministers, the justice sector, and the land sector;
2. A selection of local government officials in the IGAD Member States including Local Government Associations;
3. Customary/traditional institutions with responsibilities over land;
4. Development partners financing land-related sectors (such as land, agriculture, environment, natural resources, livestock development, infrastructure development) and women's rights programs;
5. Grassroots women, youth, indigenous peoples, and their organizations.



CONFERENCE SCHEDULE



2.0 | Opening Remarks

Shadrack Omondi, Land Tenure Expert at the IGAD Land Governance Unit, called the meeting to order. He welcomed participants, acknowledged the development partners, Civil society organizations and the gender focal points for their contributions to the conference. He then introduced the theme of the conference; **'Accelerating actions towards achieving women's land tenure security'** as critical for unlocking the potential for the IGAD region. The opening session was moderated by Mr. Fred Mwango, IGAD Water Expert Agriculture and Environment Division.

2.1 | Welcome Message from IGAD



The opening remarks were delivered by Mr. **Muhammed Moussa**, the Director of Agriculture and Environment Division, which oversees the Land Governance Programme of the Intergovernmental Authority on Development (IGAD) on behalf of Dr. **Gebeyehu Workneh**, the Executive Secretary of IGAD. He acknowledged and thanked all the participants and those that had contributed to the conference.

Dr. Gebeyehu Workneh's opening speech read:

The IGAD Conference **"Beyond Policy: Accelerating actions towards achieving Women's Land tenure security in the Region"**, held on 28th – 30th June 2021 was applauded as the first of its kind on the African Continent, where the IGAD Secretariat has worked in close collaboration with its Member States to build momentum from the ground up.



This is indeed in line with my vision of taking IGAD to the people of the region, ensuring that what we do at regional level benefits the citizens of the IGAD Region. This conference is timely and will energize our Member States, and partners to prioritize women land rights in policy as we drive towards meeting the Agenda 2030 and Agenda 2063 targets. The conference is indeed a milestone in building the Africa We Want.

IGAD is committed to gender equality and this commitment is driven by the IGAD Gender Strategy that underscores the centrality of gender equality as a fundamental pre-requisite for the regions and indeed Africa's socio-economic and political transformation. IGAD's, vision of being the premier Regional Economic Community (REC) for achieving peace and sustainable development in the region encompasses creating opportunities for women, men, girls, and boys, disadvantaged and marginalized people and communities especially those in arid and semi-arid lands (ASALs) so that everyone can participate effectively in and benefit from the development in our countries. It is this inclusive growth and social cohesion that will lead to peaceful, stable, and vibrant societies.

The Land Governance Unit has therefore taken this forward and is indeed actualizing the aspirations in the IGAD Strategy and vision of Igniting IGAD by addressing the issues around secure land tenure for women, youths and other vulnerable groups as vital for the sustainable development of the IGAD region. Women are critical stakeholders in the use of land for production purposes. But to harness their full potentials and secure their continued investments in land, it is important to secure their rights. IGAD Member States

have done a great job in improving policy, legal and institutional frameworks regarding recognizing, promoting, and protecting women land rights. It is now time for we all as key stakeholders to join hands with the Member States to make the implementation of the existing frameworks and the priority interventions they identified to move our region forward.

It is my hope that this conference will be true to its theme. That it will focus on ways of building on the current progress and not be derailed by focus on the past. We have learnt from the past; we are committed to a better future, and we have set our eyes on the Africa We Want. Let us connect, mobilize, and influence each other to move with speed and hit the targets set before us in SDGs, Agenda 2063, and other regional and global frameworks

I hope that the participants will enjoy the three days of the Conference for a robust and transformative women land rights agenda for the Region.

Mr. Moussa stated that gender equality would be realised if it were systematically incorporated through advocacy and awareness raising, brokerage and capacity building. He urged partners to support the work in different member states. He thanked the gender focal persons for their concerted efforts and the International Land Coalition for the spaces it had continually created such as hosting the event on their platform; the African Union Commission for pushing the land agenda and participants for their interest in the subject. He finally endorsed the Women Land Rights Agenda and declared the conference open.

2.2 | Welcome Message from ILC-Africa

The opening remarks were delivered by **Audace Kubwimana**, the Africa Regional Coordinator. He welcomed all participants to the conference and acknowledged the challenge of women land rights within the IGAD region and across the African continent, despite efforts at Land reforms. He stated that:



Africa, the IGAD region included, faces an important challenge of land ownership by women. Despite the progress realized by several member states in land reforms. In fact, women own less land, yet mostly as small agricultural producers, they play a leading role in feeding the world. It is thus totally unjust that those who feed the world are landless. The ILC members' and partners' work to challenge this status quo through national and regional multi stakeholder platforms that influence pro-women and people centred land governance.

Mr. Audace noted that the conference offers a perfect multi stakeholder space for all land governance actors and land rights advocates to sincerely exchange and learn from each other on the status of women land rights and how to best address women land tenure security in the region.

2.3 | Welcome Message from Swiss Agency for Development Corporation (SDC)



The opening remarks were delivered by Mr. **Daniel Valenghi**, a Programme Officer Global Programme Food Security, Swiss Cooperation Office at the Embassy of Switzerland in Djibouti. He expounded SDC priority support to the Global Program Food Security (GPFS) and the transformation towards sustainable and resilient food systems in line with agro-ecological principles to achieve food security and nutrition, realizing the right to adequate food for all, for women and young smallholder farmers. He stated that the corporation believes that equal access to land rights is key to achieving sustainable development. He further stated that his office was actively involved in Voluntary Guidelines on the Responsible Governance of Tenure (VGGTs) rights.

2.4 | Statement from Swedish Embassy

The opening remarks were delivered by Ms. **Senait Regassa** on behalf of Ms. Ulla Andrén, Head of the Regional Development Cooperation for Sub-Saharan Africa at the Swedish Embassy in Addis Ababa. She stated that getting policies right would not be enough as gender equality is rooted in norms and culture. She further noted that the conference provides a solid opportunity for understanding of women's land rights.

Ms. **Ulla Andrén**, statement read:



Sweden has a strong commitment to global gender equality and women's and girls' full enjoyment of human rights. 25 years after the agreement on the Beijing Declaration and Platform for Action at the World Conference on Women in 1995, the gender gap remains. This calls for intensified and concerted action. We believe gender equality is not only a goal, but also a means of achieving all the goals of the 2030 Agenda. Women's land rights is both a challenge we must overcome as well as a key to unlocking the potential of women in realizing the Leave No One Behind agenda of the United Nations. Therefore, Sweden is partnering with IGAD and all other stakeholders in driving the Women's Land Rights agenda in the IGAD region. Getting policies and administrative systems right is necessary for ensuring gender equality but it is not sufficient as the challenge goes much deeper than that and is rooted in norms, societal beliefs, and attitudes. A transformative change requires commitment from all of us as individuals; and in the positions we hold in societies and the organizations we represent.

I hope this conference IGAD Regional Women's Land Rights Conference will be an opportunity for all of us to have a solid understanding of the status of Women's Land Rights issues in the region, to share experiences and lessons learnt and serve as a springboard for our future endeavors on the matter



3

WOMEN LAND RIGHTS CONFERENCE AGENDA



3.1 | Why the Regional Women's Land Rights Conference?



Ms. **Esther Obaikol**, the IGAD Land Governance Unit Coordinator put forth a call to action on gender equality to conference participants. She argued that not much has been done in economic and social equality and that practice has been hugely different from the commitments that are written in countries' laws and policies. She stated that IGAD had spearheaded research into why the region is not going beyond policy through a gender assessment.

She noted that: although most legal frameworks (including the Constitutions) for the IGAD Member States are progressive towards gender equality, challenges remain, ineffective implementation and enforcement of the laws and policies by the agencies provided with such responsibility. Implementation is too often hindered by sociocultural norms and attitudes. It is now more crucial to look beyond legal and policy reforms and adopt broad based social change towards women's land rights. Gender inequality is a major factor in the determination of women's meaningful contribution to land governance. Poor representation of women in land-related institutions, inadequate access to justice for women due to inefficient land dispute resolution mechanisms are also significant obstacles in the implementation of women's rights over land. There is an urgent need for positive engagement, proactive approaches to securing women's land rights and deliberate efforts to promote gender-sensitive legislation, enforce existing legislation, make judicial systems more accessible and responsive to women, and provide legal aid to women seeking to claim their rights.

She further stated that the Conference was one of the platforms that IGAD aimed to continuously promote and enhance women's leadership in land governance as well as build consensus at the local level on requisite national level actions for better protection and advancement of women's rights to land for equitable and transformative change in the land sector. The Conference would attempt to respond to some of the identified challenges; create a safe space for the targeted audience of different social, economic, and religious beliefs and background to dialogue with State and non-state land actors and to find amicable solutions in addressing women's land rights in the region.

Considering that women are not a homogenous group, concerns of intersections of women (including; married women, female household heads, widows, rural & urban women, illiterate, educated, the elderly, women with disabilities among others) would be at the center of the land debate. It would also allow land actors (State and Non-state actors) to scrutinize their policy and programme interventions and identify pitfalls that hinder promotion and protection of women's land rights, while peer learning from best practices in the region. Additionally, the Conference would be a knowledge building forum that will create a need for further research on critical emerging issues for subsequent conferences or platform to further dissect and find amicable solutions to the root causes of gender injustices in the land sector.

She further stipulated that the Regional Community of Practice on women and land, documentation of gender sensitive best practices, ongoing documentary of women's land rights lived experiences, and Gender Assessment of the Land Sector in each of the countries, will all feed into the IGAD Region Women's Land Rights Conference. She further cited what was expected from the member states and why the regional women land rights conference was organized. The overall goal was to deepen multi-stakeholder

collaboration and agency for the protection and promotion of women's rights to land through learning, experience sharing, and collective action across the IGAD Region. Specifically:

1. Establish and strengthen a multi-stakeholder platform on gender and land for knowledge sharing and peer learning that is grounded in the experiences and realities of each country of the IGAD Region.
2. Establish accountability mechanisms for monitoring implementation of IGAD Member States Women's land Rights Agenda.
3. Harness women's collective voice and participation in defining the regional Women's Land Rights Agenda discourse.

Ms. Obaikol further added that the Conference would create a safe space for women and youth of different social, economic, and religious beliefs and backgrounds to dialogue with state and non-state land actors and find amicable solutions to local and national challenges; and for member states to renew their commitments to deliver on regional women's Land Rights targets.

3.2 | Agenda Setting: The State of Women's Land Rights in IGAD Region

Dr. **Akinyi Nzioki** set the agenda for the conference based on this reflection:



Land is a key social and economic asset, crucial for cultural identity, political power and participation in decision-making, providing a secure place to live, a site for economic and social activity, and collateral for credit and other resources and services. Women's rights to land are therefore critical for their social status, economic well-being and empowerment. Exclusion of women from owning or controlling land means that they are often barred from effectively engaging in economic activities in their own rights; and having a secure and sustainable livelihood.

Land is a very crucial resource to secure livelihoods for farmers and pastoralists in the IGAD region. Land does indeed matter, and women gaining land rights is not only important today. It is likely to become increasingly so over time because of the agrarian nature of the region's economies and feminization of agriculture. Highlighting the key findings of the gender assessment of the land sector research conducted in each of the member states, key challenges amongst the findings include:

- Characteristics of Common Land Issues in the Region: Insecure land rights and tenure; Unequal distribution of land; Duality of the property system; Colonial legacy and legal assortments e.g. statutory, customary and religious –used concurrently and interchangeably – hence placing women's rights over land in a very precarious situation under all systems.
- The laws and policies are progressive but are poorly implemented

- Patriarchy remains deep rooted and highly intertwined with customary land tenure systems.
- Often customary law tend to prevail over statutory laws
- Sometimes statutory/religious laws are manipulated through customary interpretations ending up privileging the status of men in land (i.e. inheritance, succession, representation in institutions that manage and govern land).
- Moreover, women's property rights under communal ownerships (e.g. pastoral areas) are not properly defined – attaining equity is complex
- Women's derived rights to land through their relationship to men (e.g. husbands, fathers, brothers or sons) remain weak and lack security of tenure.
- Customary land tenure system offers few options for youth and the existing laws have not addressed issues of the youth.
- In all the IGAD countries, predominantly, men are culturally designated as de facto heads of households -with largest role in decision making over land at HH/ Communities levels
- Women are insufficiently represented in institutions dealing with land (i.e. national and local bodies)
- Women lack the confidence and 'voice' to engage on land matters.
- Traditional dispute resolution mechanisms (TDRs) are conducted by traditional male leaders/local chiefs positions overwhelmingly held by men. Women also suffer harassment/violence for complaining about the violation at all, in addition to losing their family support network. In some communities, cultural practices do not allow women to appear before the elders resulting in a woman's case being discussed in her absence. For example, in South Sudan customary courts are established to protect, promote the customs of the communities. They are presided over by male chiefs and traditional leaders.
- All IGAD countries except Uganda - do not have adequate budgetary allocations to finance the development/implementation of land policies. Many of the countries tend to place too much reliance on other development agencies to support piecemeal programmes in the land sector.
- Large-Scale Land- Based Investments (**LSLBI**) in Africa are disproportionately borne by women. Social disadvantages and the presumed subordinated position of women and lack of formal land rights leads to greater impacts for LSLBI. Women are often excluded from opportunities to participate and voice their interests in the management and proposed allocation of community land to investors. A gender perspective is critical to truly understand the impact of large-scale land deals, because: Women and men have different social roles, rights, Women will be differentially affected by any major change in tenurial regimes, especially land transfers to extra local investors.

Snapshot of Barriers towards Land Ownership in the Region:



Djibouti - Male headship conferred on men by religion & reflected in the Family Code (2002) deny women inheritance rights to land.



Ethiopia legislation affirms women's basic rights to land: Various social norms related to lineage, marriage practice, and inheritance considerably affect women's rights with regards to access to and control of land. Property inherited by a spouse or acquired prior to marriage is considered personal property unless marriage contract states otherwise. Prevailing patrilineal inheritance and patrilocal residence systems (in which a wife takes up residence in her husband's community) compromise wives' right to land i.e. women not likely to inherit land from their natal families or named on the land certificate. Discrimination against women includes the allocation of smaller and less fertile plots to female-headed households. Overall the Land Certification in Ethiopia has raised public expectations in rural Ethiopia; improved tenure security for both men and women and among polygamous households.



Kenyan women's rights over land continue to lag behind those of men partly due to poor implementation and enforcement of the laws and mainly due to legislative gaps. Customary law, governs about 65% of land in Kenya, and patriarchal nature of Kenyan society continues to discriminate against women and limits their land and property rights. Culture still supports male inheritance of family land. Under customary land tenure systems, women do not own land, but are custodians for their minor sons until they become adults. A widow usually loses rights if she remarries outside the husband's clan or leaves his village on his death. Kenyan Matrimonial Property Act (MPA) (Art 62) excludes inherited customary or ancestral land from matrimonial property undermining various protections contained in the MP for married women in rural areas. Customary land systems offer few options for youth to control land while their parents are still alive.



South Sudan Transitional Constitution states that, 'women shall have the right to own property and share in the estates of their deceased husbands but: Existence of Customary laws in parallel to statutory systems has created a challenge. Rules for access/use of land under customary law are established, administered, interpreted, and enforced by male traditional leaders or chiefs. Challenge exists - bridging the gap between traditional authorities, who prefer to govern women's access to land within a customary framework restricts these rights, and proponents of the new legal frameworks putting women on equal footing with men; Existing legal frameworks have not addressed land rights of the youth and other Vulnerable Groups. Rights for younger women are traditionally weaker, and customary institutions are ill-equipped to deal with the fact that younger women have increasingly become heads of households.



Sudan - discrepancies exist between statutory and customary laws. Personal law, religious codes & customary laws apply and these are discriminative. Sudanese communities are predominantly patrilineal – Women access land through males. Lack of secure tenure for women have led to their exclusion from certain development schemes i.e. rice farms



Somalia - women have statutory rights to own and acquire land, traditionally women tend to register land in the names of their husbands. Customary norms, religious beliefs and social practices influence gender-differentiated land rights (e.g. Xeer -the customary law). Somali women live in a patriarchal society, where the relations among individuals are based on kinship or the clan. Clan members are only men. Decision making rests with the male heads, who serve as the arbiter in disputes and the custodian of family properties.



Uganda - Over 80% of land is under undocumented customary tenure, often (although not always) less protective of women's land rights. Land tenure is often regulated according to the marriage regimes. Most marriages are customary and therefore not legally registered. A woman's secondary right to use her husband's land may be revoked for several reasons including: Abandonment by the husband; Being chased away by the husband or marries another wife who takes over his land OR when a widow remarries, she loses the rights to her first husband's land.

Key opportunities include:

- Many of the patriarchal structures are already changing. New standards are developing creating more equitable and just societies – because culture is not static and change is inevitable.
- Strengthening the capacities for land institutions for gender diversity & inclusion
- Best Practice and Learning- exist in the region i.e. Uganda Ministry of lands increased its capacity to track, monitor and generate gender disaggregated land sector data to support gender responsive policy decisions and programs with designated budgets.
- All regional constitutions recognize equality and equal access, use and transfer of property.
- Women are gaining their voices in fighting for their land rights. Grassroots women's movement i.e. GROOTS. Women gaining Voices to claim their rights. Increasing evidence shows that women gaining rights over land have positive effects on women's welfare, in agricultural productivity, in poverty reduction and women's empowerment.
- Growing number of women professionals relevant fields i.e. physical planning, surveying, economists, statisticians etc.
- IGAD member states have drawn action plans reflecting country priorities for addressing the WLR agenda to be presented at this Conference.



4

REMARKS BY IGAD MEMBER STATES



DJIBOUTI: Approximately 23% of Djiboutian women can access land. She stated that the laws and policies allow women to hold land titles and to have decent living conditions. However, there is a need to change the attitudes of the community towards women owning land.

ETHIOPIA: It is the country with the highest number (48%) of women in land ownership. However, they have been unable to exercise their rights due to cultural deprivations. Share cropping has been used to get around the taboo of women land ownership, but it causes them to lose income as they often lose the land to male members of society.



KENYA: The remarks were made by Hon. **Farida Karoney**, the Cabinet Secretary for lands. She stated that approximately 5% of women own land. Additionally, the country has had only two female cabinet ministers of land since about 58 years of independence; both elected under the current regime. The country has engendered most land-related legal and policy frameworks; however, enactment of laws, repealing of others should be coupled with measures to enhance public engagement within an enforcement framework that includes advocacy and to embark on a digitization program that support women's rights to land. She called for Action in the following areas:

- Public education and awareness (including training of champions, functional literacy on land matters, development of simplified Information, Education and Communication (IEC) materials, media engagement, engagement with political leaders, non-state agencies, academia, development partners) on land policy and legislation;
- Review of policy and legal framework to women are empowered/ ensure men and women are accorded equal land rights. This should include development of enforcement framework, monitoring mechanism, accountability guidelines; and
- Advocacy of the women land rights agenda

Effective execution of these action points calls for close collaboration and partnership. I call upon all stakeholders to take active roles in addressing women's rights over land.



SOMALIA: The remarks were made by Eng. **Mohamud Abdullahi**, a civil engineer, affiliated with the Ministry of Works to draft the road map to the development of the land policy for the country. He noted that as it stands Somalia is governed by a mix of statutory, sharia and customary/xeer laws. Women are excluded in pastoral communities' discussions of land; they are also excluded from land management structures. The draft Constitution of Somalia gives the right to every person to own, use and enjoy land but there exists no further legislation.



SOUTH SUDAN: The remarks were made by Hon. Eng. **Louis Kwot Akolith**, the Undersecretary in the Ministry of Lands, Housing and Urban Development. He stated that Land-related Laws comply with the Regional and International Laws protecting women's rights, however, implementation of the law is weak. He added that customary laws often prevent women from having access to land.



SUDAN: The remarks were made by Ms. **Asma Mudather Elfakibashir** from the Ministry of Agriculture; she asserted the commitment of the country to promote women's land rights.



UGANDA: The remarks were made by Mrs. **Dorcas Okalany**, the Permanent Secretary, who informed the conference that the Government of Uganda has implemented many laws, policies and initiatives geared towards gender equality. She stated that the Government of Uganda is committed to policy implementation with a focus on the customary land tenure system, under which 80% of the land falls, with the majority users being women and youth. She underscored the need to develop guidelines, undertake research on women's land rights to address gaps, and address gender issues within the Land Information System. She affirmed – 'Government of Uganda commitment to closely work with IGAD and other partners to address the gender gaps, discrimination and oppression across land sector; settings, reporting progress and obstacles through sharing experiences in various International and Regional Conventions.



5

IGAD MEMBER STATES: PRESENTATIONS



5.1 | MS: Ethiopia



Women vs Legal Frameworks in Rural Land Governance

Presented by Mr. **TIGISTU GEBREMESKEL**

Land is the most important asset, and a source of livelihood for rural households. The Constitution lays out how land is governed and emphasizes equal enjoyment of land rights by both men and women. Land ownership is exclusively vested in the state and the peoples of Ethiopia; peasants and pastoralists' have the right to get land for free and the right not to be displaced except for public purposes. The Land Proclamation has different transfer rights that allow people to rent, donate, sell among others, the constitution further prohibits any discriminatory law to discriminate against women; however, there are still cases of women not being able to own land.

Land Certification programme, has raised public expectations in rural Ethiopia; improved tenure security for both men and women and among polygamous households and; the inclusion of wives' names on land certificates enhances public expectation of an equitable division of land upon divorce or the death of a spouse. As a result of land certification, Ethiopia has made some headway - women landowners account for 48% of registered land. Ethiopian women now have a right to get a land certificate in their name or jointly with their husband. Women have rights and motivation to manage their own resources; and the right to formal land transactions with direct benefits if land is used as a collateral. Joint title provision protects women's land rights thus giving equal rights for men and women; and for women to increase their social and economic capacity. Additionally, husbands cannot carry out transactions on the land without the consent of a wife. The certification of land has minimized land related disputes and stabilised marriages since questions do not arise over property division during divorce.

Nevertheless, challenges still remain in complete realization of women land rights due to: Inefficient law enforcement and legal gaps; patriarchal customary systems that continue to down-play women's decision-making over land; weak land institutional arrangement; polygamy; and corruption. The country has prioritized the need to: Review legal and policy gaps; effects of large scale investment over women's land rights; and representation and participation of women in the land structures.

5.2 | MS: South Sudan



Women Land Rights Agenda for South Sudan

Presented by **SAVIA AYA SYLVESTER**

The Gender Analysis of the land sector of South Sudan encompassed thorough examination of barriers that are characterized by: Insufficient understanding of the legal plurality governing women's land rights; Inappropriate mechanisms for the implementation of legislation; Limited awareness of women's rights which impedes implementation of women's accorded statutory rights; Exclusion or underrepresentation of women in land related institutions and; Inadequate access to justice for women due to inefficient land dispute resolution mechanisms.

Elements identified in differential outcomes of policy on women gaining rights to land under South Sudan's plural legal systems and socio cultural and ethnic diversities and recommends consideration for: Provision of rights and protection for civil and customary marriages; Protection of the land rights of women living in de-facto unions and presumptive marriages; Requirements for joint consent for land transactions in urban and rural areas regardless of the type of marriages; Consideration for joint registration by both spouses; Recognition for disproportionality of the impact that natural resources concessions and state- led expropriation have on women lands and property; and Assurance that compensation for land rights are not exclusively channeled through men and male relatives.

Women's land rights issues: Structural exclusion of women in policy formulation and implementation processes in the land sector; Gender gaps to land under South Sudan's plural legal systems and socio-cultural diversities; Limited platforms for Women's popular demand on equitable land rights; Weak coordination and collaboration between land governance structures and key stakeholders on women's land rights; Limited access to justice for women in the formal and informal dispute resolution mechanisms; Limited access to information, awareness and resources on women's land Rights; Inadequate implementation of policies and laws promoting women's land rights and; Land sector actors have limited Institutional Capacity (Human Resource, Technical knowledge on gender analysis, gender responsive budgeting and programming) on land issues.

Priority areas for Action: Provide trainings on land legislations to relevant government officials (executive, judiciary, and legislature) and traditional authorities; Mobilise and Create a "Gender Just" community by engaging women and men to promote social transformations as mutual partners in addressing the root causes of inequalities; Advocate for fast-tracking of approval of Maputo protocol by the Presidency; Advocate for safeguarding and institutionalizing gender balanced representation in all administrative and decision-making bodies involved in land matters to meet provisions of 35% threshold as provided for in the Transitional Constitution of South Sudan (TCSS- as amended); Capacity strengthening the Directorate of Gender in the Ministry of Gender, Child and Social Welfare (MoGCSW); Ministry of Land and Urban Development (MoLUD) take establish Land Programme Implementation Support Unit (LPISU) to coordinate/expedite development and implementation of land programmes and projects; Abolish harmful customary practices that deny women access to land; Harmonize Formal and Informal dispute resolution systems and ensure gender parity through the rule of law and access to justice; and Complete the review of the Land Policy and expedite its passing.

The conference noted that there is lack of awareness of the legal plurality governing women's land rights; the 35% affirmative action for equal representation of women at all levels of government ends at national levels and does not reach rural areas; weak coordination and collaboration between land governance structures and key stakeholders on women's land rights.

5.3 | MS: Kenya

Women Land Rights in the Perspective of the Land Reform and Transformation Process: Achievements, Challenges and Agenda for Action



Presented by Hon. **ESTHER M. MATHENGE**

Kenya has developed several legal and policy frameworks whose aim is to promote and protect women's land rights. These include: Sessional Paper No. 3 of 2009 on National Land Policy; the Constitution of 2010; Sessional Paper No 1 of 2017 on National Land Use Policy; Land Act, 2012; Community Land Act No. 27 of 2016; Matrimonial Property Act, 2013; Law of Succession Act, Cap 160 among others. Institutional Reforms and Initiatives include: Kenya National Human Rights and Equality Commission; National Land Commission; Gender Units in Ministries Departments and Agencies; Kilimanjaro Initiative; Digitization Process and; Partnership with IGAD.

Women's Land Rights Issues: Ignorance of Legal provisions already provided; Culture still supports male inheritance of family land, women only access use rights; Weak enforcement and implementation of Women Land Rights; Alternative dispute resolution mechanism remains problematic for many women; Lack of data and documentation on the impact of provisions in the Constitution, Policies and Legislations on Women's Land Inheritance Rights; Minimal gender capacity of Government and Community institutions; Customary Law, which governs about 65% - Women face severe restrictions on inheritance as daughters; Negative attitudes towards women taking on leadership roles - leading to women facing strong barriers to entry; Traditional Dispute Resolution Mechanisms (TDRM) operated at Community Levels are conducted by traditional male elders and; Countless Customary Laws and Traditions - Kenya has 43 Communities. Generally, land structures still fall short of the Constitutional threshold of gender rule requirement, which states that; 'not more than two-third of the same gender. Inaccessibility to information by women - written in a language they cannot understand/incomprehensible to them.

Agenda for Action: Public Education on Land Policy and Legislation; Gender Impact Assessment of Land Policies and Legislation on Women; Collection of Gender Segregated Data; Establishment of Accountability Guidelines; Public Participation in Land Policy/ Legislative Reviews; Identify, review and amend any other laws that further disfranchise women; Document and map Customary land tenure systems across communities as recommended in the National Land policy; Establish women representation across all land structures in line with the two-thirds gender rule; Conduct functional literacy on land matters to Link up the with adult education systems to increase knowledge and educate communities on their land rights; Recruitment and Training of Champions; Establish women led initiatives in the Land Sector, which would monitor progress and hold Government accountable for commitments made at Global, Regional & Country level; Undertake robust media campaigns; and Continuous engagement, lobbying and involvement with leadership.

5.4 | MS: Djibouti

Women's Land Rights Agenda, policy, and programme initiatives

Presented by **ANISSA HASSAN BAHDON**



Djibouti has 5 different regions with a population of 1 million of which 70.9% reside in urban and peri-urban areas; the rest 16.3% rural areas. The Ministry of urbanism is responsible for land issues; it carried out a national consultation for land management. It assessed gender and land governance and gender sensitive human rights in action plans. The conference noted that the country has five laws that govern land and have been amended and modified. For instance Proclamations 171, 172, 173, 174, 175, 176, 177 and 178 which are applicable in Djibouti Ville have been revised several times to replace the colonial law. However, other parts of the country continue to apply colonial law. Additionally, cultural laws and the Sultan's law are also widely used to govern land.

The current legal framework provides for gender equality at different levels. The Djiboutian Constitution was amended in 2010 and 2018; the 1st article- states need to guarantee land tenure despite race while Article 12 provides that land ownership guaranteed to all and if one is displaced by state they have a right to compensation. It also guarantees user rights for women and children. The country has adopted and ratified international instruments such as Convention against the Discrimination of Women (CEDAW) which protects women against all forms of discrimination; Maputo protocol, African charter of people rights and the Africa court which guarantee equality of all, rights to marriage and divorce, rights to participate in decision making, right to own and the same rights to land tenure for men and women; and the Convention of Islamic Conference (OOCI), which seeks to Promote role of women in development.

Women Land Rights Issues: The conference noted that there are gaps in the constitution; the country does not have a ministry of Lands to manage land issues; different ministries have different roles with regards to land management. Secondly, land is owned by families which are often headed by male members of society; it belongs to the community and women have no access. Additionally, the cost of land is high; women do not have access to finances to help them purchase or rent land. Thirdly, there lacks formal laws for agricultural producers; public and private land institutions are weak. Fourthly, the link between Family code and land is highly misunderstood amongst key stakeholders and the general public; there is also poor implementation in case of litigation. Additionally, there lacks clarity for laws of land tenure even where land titles belong to women.

Fifth, women continue to suffer from the negative aspects of culture that deny them access to land; women do not have confidence, they are defined by gender roles and activities. In family matters, the laws are mainly derived from Islamic law (Shari'a). The Family Code regulates matters such as marriage, divorce, and inheritance including land ownership. Islamic law is applied to inheritance matters. The status of the head of the family conferred on men by religion as heads of household deny women inheritance rights to land and property.

Agenda for Action: There is need for the government to ensure that women can access credit facilities for land acquisition; formalize process of agricultural production for households that have access to parcels of land; harmonise sharia and all laws to

compliment codes; sensitization campaign to help understand the family code; there is need to continue civic education in the justice system to key stakeholders on rights of women to land to change attitudes; there is need to sensitize traditional elders on the rights of women to land; include women in dispute resolution institutions; and codify the rights of women in grazing lands and make sure they can access adequate land.

5.5 | MS: Somalia

Somalia Women's Land Rights Agenda

Presented by Eng. MOHAMUD ABDULLAHI



The draft Federal constitution of Somalia states that “every person has the right to own, use, enjoy, sell, and transfer property” and that property will not be expropriated unreasonably. With the exception of this clause, there is little formal legislation regarding land in the country (e.g. No National Land Policy). The legal framework for Somalia’s land tenure system is pluralist in nature and it is a mix of **statutory, sharia, and customary/xeer laws**. The position of women with regards to land reforms has been weakened by both conflict and the complexity of family structure; Women’s participation in the land sector is very limited and has no representation in decision making in all the land management and administration institutions both formal and informal. The Sharia/ Islamic Law allows women to hold or own land and property and protects women’s land and property rights. At community level, existing barriers of women’s tenure rights include discriminatory family practices, unequal access to justice, institutions and land administration processes, traditional norms and unequal local tenure relationships and; Limited protection of displaced women’s land and housing rights

Women Land Rights Issues: Lack National Gender Responsive Land Policy; Limited participation and representation of women in land administration decision making structure from federal, state level, to local government level; Limited Gender mainstreaming capacities and knowledge among land actors; Lack of inter-ministerial Gender coordination and information sharing among line ministries on women’s Land rights and; Lack of women’s access to formal and informal land justice mechanism.

Strategies to address women’s land rights: RRepeal laws and outlaw regulations, customs and practices that discriminate against women in relation to land rights and Enforce laws or establish a clear legislative framework to protect women’s land rights; Develop appropriate tools to generate sex disaggregated data in collaboration with other line ministries; Provide gender trainings to land sector and mentorship to staff under land institutions; Ensure proportionate representation and participation of women in institutions dealing with land at all levels, encouraging to achieve at least minimum 30% commitment; Establish land sector working groups structure to improve coordination and learning; Advocate to eliminate the harmful traditional practices that denies women access to land, property and inheritance; and Address obstacles that hinders women to contribute peace, stability and development in the country. On commitment: UN-JPLG and Somalia Strengthening Institutions for Public Works (SSIPWP) is supporting the draft Land Policy roadmap and Gender policy.

5.6 | MS: Uganda



Women's Land Rights Agenda: Policy and Programme Initiatives for Uganda

Presented by Ms. **NAOME KABANDA**

Agriculture is the main economic activity, which contributes about 26% of the country's GDP and employs approximately 69% of the population, of which 50% are women. Women play a significant role and largely contribute immensely to the agricultural sector yet their ownership of land is low. Achievements by MoLUD: 22 Ministry Zonal Offices (MZOs) established (services closer to the people); All Freeholds, Leaseholds and Mailo titles digitized; Held Public Awareness Open days and Barazas on land matters; Developed and disseminated land related information materials; and Issued Certificates of Customary Ownership (CCOs) and Certificates of Occupancy (COs) for bibanja owners on Mailo land.

Women's Land Rights Issues: Obsolete laws (Land Acquisition Act, Survey Act, Registration of Titles Act); Lengthy and complex procedures of review & enactment of legislations; Women's inability to afford land on the market; Patriarchy/ male dominance practices; Delays in adjudication of land cases, lengthy and complex procedures of accessing justice and; Lack of proper legal documentation on land ownership and user right; Discriminatory customary norms and practices which override statutory law; Limited gender disaggregated data; Lack of legal documentation of land ownership; Lengthy procedures involved in land registration; Dual ownership of land (Landlord – Tenant relationship) and Inadequacies in the legal guiding framework on land acquisition, resettlement and compensation.

Proposed Strategies: Enact, review and fast track legislations that protect women's rights, especially the Marriage and Divorce Bill, Succession (Amendment) Bill 2018, Land Valuation Bill, the Land Acquisition Bill, Marriage and Divorce Bill, and the Land Amendment Act and other legislations that govern land. Fast track the completion and implementation of Guidelines for Informal Justice Institutions which address harmonization of formal and informal justice institutions and; the National Legal Aid Bill, 2020. Strengthen formal and informal justice structures to expeditiously address land disputes. Document land rights including customary land and issuance of CCOs and Certificates of Occupancy. Establishment of a Customary Land Register for the Customary Land and integration of land records from CCOs and COs in the NLIS. Male engagement for social norm transformation on discriminatory traditional norms, practices and values. Registration of women's land rights through issuance of freehold, Mailo and leasehold titles, CCOs, COs and; Undertake research/data generation on the linkage between gender based violence to land. Support women investment groups and housing cooperatives with subsidies to purchase, own and construct affordable housing. Uganda is committed to implementing strategies outlined in the WLRA with support and partnership from other Ministries, Departments and Agencies, Development Partners, Civil Society Organizations (CSOs) and other Land Sector partners.

5.7 | MS: Sudan



Sudan Women Land Rights Agenda

Presented by Ms. **ASMA MUDATHIR ELFAKI**

Sudanese women use land as farmers, paid and unpaid laborers. They are involved in the 3 farming systems: irrigated, mechanized and rain fed traditional in which their contribution in farming reaches more than 80%. Although women have access to land use, very few have owned land; this resulted in: lack of collateral needed for credit, membership in cooperatives, and access to extension and production technology. The majority of subsistence farmers operate under the system of customary land tenure in which the land is usually controlled by the local leaders of the community. The land is registered on the name of head of household of the family which normally is considered male. Inheritance laws give women the right to own land but usually it is transferred to the title of male members of the household, due to custom and tradition.

Sudan has no uniform land policy and no specific ministry responsible for development of land policy. However many institutions are responsible for the land issues in Sudan, the major one is the National land Commission but not yet functioning, only the Darfur Land commission is active. Gender discrimination in access, control, and ownership of land is affected by lack of gender responsive institutions for land administration. Previous land policies and legislation were characterized by gender-neutral language.

Women's Land Rights Issues: Constitutional does not provide for women's independent rights; Limited awareness of women's rights limits their participation in Land administration and governance processes; Absence of data disaggregated by gender in all land administration institutions and projects, including employment; Patriarchal culture that does not recognize women's rights and their economic, social and political roles; Limited gender capacity of land actors to mainstream gender in Land programmers and policy intervention; Lack of fair representation of women in Land administration and governance institutions from local to national levels and; The lack of legal and clear policy framework to address equitable rights of women to land.

Proposed Strategies: Review and reforming of existing laws and policies to accommodate women rights; develop clear policy and strategic framework to ensure equitable access of women to land; Enhancing the advocacy capacities of women organizations and CSOs in advocacy for women rights; Advocacy for the ratification of the relevant international agreements; Media campaigns in awareness rising focusing on women rights, and gender sensitive planning including the development of a national long-term vision for Sudanese women aligned to SDG 5. Investment in the capacities of the related commissions (e.g. Land Commission; Civil Service Reform Commission; Human Rights Commission and Women and Gender Equality Commission) to promote and assure the presence of women in land administration and governance. Advocacy for reforming the tribal customary institution to include women and; Training of customary authorities in legitimate land rights for women and men. Development and full implementation of gender policy. Development and full implementation of gender policy. Facilitating access to justice - Providing mechanisms and judicial services at the local level to help women access justice. Civil society organizations should play their role in raising awareness, advocacy, and legal aid.



6

BREAK-UP SESSIONS AND PRESENTATIONS



6.1 | Women's Land Tenure Security in a Customary Land Tenure Arrangement in Uganda



Presented by Ms. **FRANCES BIRUNGI-ODONG**

Regulated or governed by customary rules and administered in accordance with customs of particular society; they are vaguely structured with no clearly established and legally defined functions and largely unregistered/documented. The customary land tenure arrangements are patriarchal and land is passed through the male lineage. Men hold primary, stronger and permanent land rights and directly inherit and own land. Women hold secondary, weaker and temporary land rights and do not inherit land or own land. They have limited access and user rights and do not enjoy a whole spectrum of rights under ownership and control. Women's land rights are dependent on relationships with male e.g. father, husband, grandfather or son.

The importance of women having rights over land – Because they are the primary users of land and; Depend on land for livelihood food security and livelihood needs for the general wellbeing of children/household (education, health, housing, nutrition, sanitation). Challenges faced by women's under customary land tenure include: Limited implementation and enforcement; Customary law override statutory law in recognition and enforcement of women's land rights; Discriminatory social norms and practices - Women are unable to own and inherit; Limited awareness and knowledge among women of rights granted under the law for them to claim and assert these rights; unregistered /undocumented land rights; Land related Gender Based Violence and disputes (i.e. disinheritance, evictions, boundary conflicts, land grabbing) and Limited access to justice – (weakened informal/traditional & local justice systems Vs inaccessible formal/ higher justice institutions).

Strengthening women's land rights over customary arrangements include: conducting legal literacy, awareness raising on the legal provisions; Gender transformative programming targeting social norm and engaging/involving communities; Documenting and registration of land (e.g. joint ownership; family or clan land) demand driven and recognition of bundle of rights on customary land tenure; Capacity building for land administrators and traditional leaders for gender responsive land administration; Strengthen role of traditional leaders in land mediation; Promote alternative dispute resolution mechanisms for land dispute resolution and; Legal review to outlaw all discriminatory laws, norms and practices against WLR on customary land.



6.2 | Pastoralism, Land and Gender

Presented by **FIONA FLINTAN**

Land tenure and governance characteristics of pastoralist areas optimizes the use of large areas of land including low productivity areas higher productivity areas i.e. those with permanent water used in dry season. It is not possible for one person to own such a large territory or rangeland, or for the land to be divided up between individuals. Therefore, the land is normally accessed, used, managed and governed communally. In pastoral areas, the group, the collective is very important - for managing the land and resources. But this could be either private communal such as a group ranch (with a landholding certificate) or non-private where land is held by the state in custody for land users – pastoralists have a

use-right rather than ownership. Complexity of nested governance system have multiple land users i.e. A tree can be used by many people and for different uses e.g. as fodder for camels, for food (leaves/fruit), for medicine, fuelwood, shade for livestock and people, beehives, gums & resins. Men and women have different roles.

Generally, pastoralists have weak tenure security but women have weaker tenure as women. Pastoral land tenure and governance is complex – gender adds further complexity. How best to protect and improve women's rights? As individuals or part of the group? How do we make the group strong whilst also assisting individuals? Giving women individual tenure 'outside' the group can weaken the group/collective itself, which may not benefit women in the long-term.

Proposed strategies Include: Building capacity of women to lead and contribute to decision making processes (i.e. Experience from Tanzania). Economic empowerment: working with women on aloe vera enterprises (i.e. Experience from Ethiopia). Securing men and women's rights through participatory rangeland management (PRM) (Experience from Kenya). Understand and work with community institutions and leaders (including women). Apportioning women additional rights to individual plots as part of the communal system. Establishing quotas for number or %age of women in committees; Supporting and enabling policy and legislation and; Certification and registration to protect women's land rights as well as men. So, what can we do? We can understand the situation by listening without assumptions. Understand and work with community institutions and leaders (including women). Define- interventions with the communities e.g. working with community leaders and others, women can be given additional rights to individual plots as part of the communal system – but decisions should come from the community not from outside. Ensuring women are part of decision making processes – organizing meetings at times suitable for them – may need separate meetings, strategies. Strengthening enabling environment and building capacity from outside is also important.



6.3 | Youth, Gender & Land - Ugandan Perspective

Presented by Ms. **DORCAS WAGIMA OKALANY**

Uganda's population is approximately 42 Million; 34.8% of Uganda's population are adolescents and 80% of Uganda's youth live in rural areas. Youth are defined as persons between the ages of 15 to 35 by the African Union. What Land Means to a Ugandan Youth? **"Land Is Not Only For Elders Alone!"** - said a Male Youth from Nasenyi, Budaka District. Due to limited ownership and control of land by Youth, they have little say in regards to land development or usage.

In Uganda only 20% of land is registered. Much of the remaining 80% is held under customary land tenure systems, where rural youth access land primarily through inheritance and customary land allocation. Customary land systems are frequently dominated by conservative traditional leaders who favor adult men, making it challenging for young men & women to gain secure land access, use and ownership. For youth (mostly young men) who can inherit land there is delay in intergenerational land transfers. Inherited land parcels are often of poor quality and too fragmented to support a sustainable income. Many youth lack resources to buy land. Land redistribution programs under the Land Fund have failed to provide for the needs of youth. Land scarcity compounds challenges for low income youth, especially in densely populated regions. The rise in the number of large-scale farms controlled by elites and investors, have increased land prices, further

exacerbating challenges for youth to own land. Participation of youth especially women and girls in land governance processes is often limited due to lack of the requisite technical skills and competencies, limited access to and control over productive resources, lack of access to financial services, low levels of education (as compared to men), limited access to technology, cultural impediments, fears of harassment and sexual violence, limited access to information among others. Youth do not own land or have a voice in decisions regarding communal lands. The rise in the number of large-scale farms controlled by elites and investors, have increased land prices, further exacerbating challenges for youth to own land.

Government efforts to involve youth in the land governance: Recruitment of youth and women are well entrenched in various technical and skills organizations within the different departments in the Ministry of Lands, Housing and Urban Development. Mentorship Programs for Youth: Internship and Graduate Trainees. Sustainable Land Use for the Youth; the 4 Acre Model. Others include Northern Uganda Social Action Fund Youth Opportunities Programme (NUSAF YOP); Youth Venture Capital Fund (YVCF); Youth Livelihood Programme (YLP) geared towards addressing priorities of the youths at the inception phase. Government of Uganda commits to: Creating space for youth especially women and girls in the Land sector based on policies, training programmes and national strategies for engaging young people as ways of fostering improvements in their lives.

6.4 | Youth, Gender and Land in the IGAD Region: Opportunities, Challenges, and Recommendations



Presented by Ms. **WINNY CHEPKEMOI** (International Land Coalition Africa-Youth Representative)

In Sub-Saharan Africa, 1 in 3 adults is the sole owner of a plot of land compared to 1 in 10 young people. Women also own less than 15% of the world's land while young women are likely to own less. Nearly an estimated 40 Million are under the age of 35, hence the youth are the majority in each IGAD member state. Land continues to be essential to start a business, produce food and/or generate an income. Many youth face obstacles in getting access to land as land laws and policies legislate them out of existence. Both the African of Land and Malabo Declarations call for promotion of equitable access to land for youth and other landless groups and; appropriate policies to create job opportunities for at least 30 percent of the youth in agricultural value chains by 2025. But, policy and practice do not move in the same direction, implementation remains to be a challenge. African governments continue to develop inclusive land and agricultural development policies, but concerted efforts are needed to enhance youth access to land and land tenure security to promote effective youth engagement in all sectors. But, what are the key considerations for land tenure programming targeting youth?

Recommendations: Creating a stronger enabling environment for youth must weigh policies, laws, and interventions specifically designed to address the unique challenges youth face. IGAD member states have an opportunity to mainstream youth and especially young women needs in and land-sector priorities. Make Country Land Sector strategies, youth responsive. Create an opportunity for the youth at every decision-making level. Non-state actors and development partners have an opportunity to accelerate the discussion.



6.5 | Women Land Rights as Determined by Culture, Religion and Statutory Law: A Study from Sudan

Presented by Dr. OMER EGEM

The paper explores the multiplicity of structural factors that curtail and impede women access to land rights. More specifically, the paper seeks to explore the dialectical relationship between culture, religion and statutory land regulatory frameworks in affecting women rights and access to land.

In Sudan, as elsewhere in Sub-Saharan Africa, land is a central issue to all rural communities. It is the means for basic survival and social reproduction, a source of individual and tribal pride, a general relationship between social groups and also a constant source of potential exploitation and conflict. Such symbolic dimensions usually tend to lend themselves to ideological, social, and political struggles or even manipulation. In 1970 the Unregistered Land Act declared that all waste, forest, and unregistered lands were government land. Before the act's passage, the government had avoided interfering with individual customary rights to unregistered land on the rain lands of the country. The Act legalizes elements of Sharia Law by recognizing the unregistered land rights (urf) while confirming the role of the state as land owner and manager. Although women, in most instances, recognize their rights under the sharia law, the land is usually under the custodianship and control of their kinship close relatives (father, brothers, and husband).

The statutory land tenure system, while strongly contested, by communities remains the legitimate form of land tenure arrangements in the country. The customary law, on the other hand, recognizes the rights of women to cultivable land although in most instances under the custody of their relatives (fathers and brothers). One of the main challenges to security of land rights for women relates to the discriminative nature of customary institutions. Cultural nurture and initiation founded on the superiority of males over females and the portraying and stereotyping of women as powerless and helpless subjects without the continuous protection of their males have been significantly internalized by women who perceive their subordinate role as an act of God and therefore, a heavenly and religiously order to comply with. This has been reinforced by the high rates of illiteracy among women, lack of decision-making in the household, limited economic earning capacities and skills, and the restricted social space in leadership, participation and representation in public life.

Recommendation: Explicit provisions securing rights of women to land and natural resources enshrined in the Sudan coming constitution. Effective implementation of Security Council Resolution 1325 which affirms and informs the role of women in reconstruction and peace building provides the opportunity for advocating the rights of women to secure access to land and economic resources. Affirmative action for representation of women and their respective organizations in institutional structures intended to deal with the issue of land and natural resources (i.e. Land Commissions). Awareness creation on women's land rights. The Women Commission stipulated in the Sudan Constitutional Declaration provides the opportunity for the development of programmes for empowering women to gain their rights.

6.6 | Securing Women's and Girl's Housing, Land and Property Right: Towards an Inclusive, Resilient and Sustainable Cities/Urban Areas



Presented by **EVELYNE NAIREIAE** - GLTN, UN-Habitat

By 2050, urban population will account for more than two-thirds of the world's population, IGAD region – urbanization rate is: Djibouti 77.92%; Somalia 45.55%; Eritrea 35.77%; Sudan 34.94%; Uganda 34.36% Kenya 27.51%; Ethiopia 21.23%; South Sudan 19.9 percent. Housing Land and Property (HLP) Rights are a central yet often neglected area for economic development, fighting gender and income inequalities, and poverty reduction in the urbanizing world. Prevalence of slums and informal settlements (47% Total Urban population; 52% in SSA; 48% in NA). Women aged 15 to 49 are overrepresented in urban slums -80% of the 59 developing countries and increased Violence Against Women. Equitable access to land is a human rights issue and, as the UN Economic and Social Council Commission on the Status of Women states, “land rights discrimination is a violation of human rights.”

Why Land and Urbanization is Important to IGAD Member States: Land is a valuable and central resource for any urban planning and development. Reform in Land, Housing and Property (HLP) administration supports gender outcomes - fighting poverty, reducing gender and income inequalities, improving access to adequate housing, and safe public spaces. Often women have weaker HLP rights compared to their male counterparts in urban areas, limiting their social and economic opportunities (inheritance rights, dispossession of HLP rights upon demise of male relatives). Women excluded in land administration and management structures and; Decisions on HLP (including allocation, delineation of boundaries of parcels, transfer through sale or inheritance) or land use regulation (land use planning, and enforcement, conflict management); or in land valuation and taxations are often gender –neutral.

Increasingly women are becoming the heads of households, making day-to-day decisions affecting shelter, food access and household economics. Increasing urbanization results in encroachment of peri-urban and rural areas; while the poor face the challenge of homelessness affecting women, youth and children including those from refugee communities. Most women lack correct information on their rights, opportunities linked to HLP in urban areas. Women often lack the economic muscles to purchase and or secure their HLP in case of disputes/conflicts while women refugees, returnees often find it even more complex to claim their HLP rights. Upgrading of urban cities has often led to increased cases of evictions, resettlement or regularization programmes that greatly impacts on the well-being of low-income urban dwellers mostly women, girls, PWD, youth and older persons. Limited to no sex disaggregated HLP data and statistics is a major setback to understanding the gender nuances in HLP rights for policy decisions.

Recommendations: Prioritise HLP rights for all in policies, programs and strategies; especially for women and marginalized groups, including awareness of their HLP rights. Strengthen gender responsiveness in land dispute resolutions (through training of responsible structures). Provide economic incentives including tax incentives/relief/credit arrangements for women's HLP rights in urban areas (land purchasing through Savings and Credit Societies, mortgages, payment of discounted land rates etc). Address the challenge of homelessness –to reduce GBV mainly affecting women and girls; dignity and rights • Include women including those living with disability in governance of HLP rights in urban and peri-urban context to ensure programs and policy decisions are gender responsive. Collect accurate, reliable and timely sex disaggregated HLP data for policy decisions. Enhance knowledge and understanding of the complexity of HLP rights and regimes as they relate to men and women in urban context, share best practices and models towards achieving gender inclusive urban areas and cities (government, CSOs, private sector/investors and development agencies).

6.7 | Potential Implications of Gender (In) Equality Agricultural Productivity in Ethiopia



Presented by **HIRUT BEKELE HAILE** (PhD) Gender Expert, UN Women /MoA

Bottleneck to agricultural productivity: Limited Access to Productive Inputs, Including Land, Modern Technologies, Education, Financial Services; Weak Market Linkage; Soil Erosion and Infertility, Dependency On Rain-fed Agriculture; Frequent drought, and climate change are among factors affecting productivity). Women contribute 45 percent of the agricultural labor force. Women are responsible for several agricultural activities such as weeding, transplanting, and harvesting; 70% of women working in the agriculture sector are unpaid and; Male-headed households use 52 percent more family labor in agriculture than female-headed households.

Women's important role in the agriculture sector has not been fully recognized and addressed in agricultural policies, training, and service provisions, despite commendable progress made over the past years. Female farmers have limited access to and control over productive resources, such as land, technological inputs and packages, credit, and extension services. More than half (51.9%) of rural women do not have land holding rights, 29 percent have joint land holding rights, and 18.1 percent have land holding rights alone. There is a significant gender gap in agricultural landholding between female-headed (19.5%) and male-headed households (80.5%). Intra-household decisions on the types of crops to grow and decisions on the produced crops are mostly made by male heads of households.

Boosting agricultural productivity requires the expansion of agricultural technologies and information to both male and female farmers. Besides the structural constraints in the supply of these technologies and information, gender barriers put female heads in a more disadvantaged position. A relatively smaller proportion of (19%) female household heads uses extension packages compared to male household heads (28%). The percentage of

female household heads with access to credit is 15 percent, which is lower than male household heads by seven percent. Financial constraint is the main reason for the lower usage of fertilizer, particularly by FHHs. Gender-specific constraints reduce women's productivity potential & limit their contributions to the national economy & wellbeing of their families

Landholding certificate is found to be positively and significantly associated with plot-level productivity, with a relative gain linked with plots owned by female heads of households, associated partly with the likelihood that female holders' rent out their lands. This illustrates that securing the property rights of women could significantly benefit society beyond individual women. Secured land rights by women imply more gain in productivity to female certificate holders. Addressing constraints faced by female farmers (including married women) would have enormous economic benefits to society, and lift millions of rural people out of poverty while; promoting gender equality in agriculture would contribute to both equity and equality outcomes.

6.8 | WOMEN'S AND LEADERSHIP IN LAND GOVERNANCE

6.8.1 | Local Solutions to Strengthens Women's Voices in Land Governance – Lessons from Tanzania and Senegal



Presented by **PHILIPPINE SUTZ**, IIED

In sub-Saharan Africa (SSA), despite adoption of progressive laws and policies promoting gender equality and women's land rights, not only rural women have fragile access and control but they also do not participate in land governance. Local land governance and land allocation processes remain dominated by men. This is aggravated by commercial pressures on land, urbanisation, population growth, and climate change. In Tanzania, IIED and Tanzania Association of Women Lawyers (TAWLA) supported the adoption of village sensitive by-laws across the whole Kisarawe District. In Senegal, we collaborated with IED Afrique to promote women's participation in the works of the Land Commission in Darou Khoudoss. All approaches built on existing governance arrangements; building strong foundations for upscaling.

In all countries, the initiatives led to positive outcomes for women in the focus communities while also benefiting those communities more widely. Several key elements were identified as enabling factors contributing to the success of the approaches developed in the previous phase, including local buy-in and participatory dialogue strategies. Tanzania has adopted a very progressive legal framework and women are legally entitled to access land directly however in practice women continue to primarily gain access to land through a male relative. The 1995 National Land Policy, 1999 Land Act and 1999 Village Land Act all have specific provisions on women's land access and ownership. Hence TAWLA with the support from IIED supported the adoption of the bylaws in the whole of Kisarawe (64 villages).

To ensure that the by-laws considered gender, TAWLA developed model provisions that promoted women's participation in land governance, which community members

debated during the adoption process. Provisions incorporated community-wide involvement and participation in decision-making processes, with an emphasis on the inclusion of women at the village level. Women are more present, vocal and actively engaging during community meetings and both women and men have demonstrated increased knowledge and understanding of land governance. Village Assembly meets more regularly to discuss land issues and community members recognise the added value of women's participation in land and village governance. What made the approach successful? Constant/regular engagement and consultation with the local communities in the process of enacting the bylaws create a sense of ownership of the by-laws, this ensures sustainability as well and a good working relation and collaboration with district council and local leaders.



6.8.2 | Women's Leadership in Land Governance – Experience of a Grassroot Women Leader

Presented by Ms. **KEVIN NAKALEMA** Grassroot Woman Leader Mityana District - Uganda

Kevin Nakalema, is a farmer from Uganda – living in Mityana District, Namungo sub-county. She is also a grassroots woman leader who serves in the local government in her community as an area councillor. Nakalema is passionate about advancing women's land and property rights and has for the past 10 years volunteered as a community paralegal and human rights worker working to promote community awareness on women's land rights, providing land mediation services to conflicting parties, supporting women to access land justice and undertaking advocacy to influence policy review and implementation in ways that advance women's land rights at local/community level. Due to her dedication in advancing women's land rights in her community, the community calls her – “Maama Taka” – meaning “Mama Land”

Paper discussed: What Land Means to Grassroot Women: Status, identity, dignity; livelihood and survival; food; Income and wealth; health; home and safety; education and development. Challenges grassroot women face to access land: Discriminatory social norms/Patriarchy; Limited awareness on women's land rights; Limited implementation of laws to protect women; Lack of access to justice; No documentation of women's land rights and; Male dominance in land governance. Grassroots women's actions to promote their land rights include: Organising community paralegals; Social Norm Transformation dialogues with men, women, local & traditional leaders; Land conflict mediation; Awareness raising through community land forums; Advocacy for women's land rights using Kilimanjaro Charter of demands and; conducting research on women's land rights. Benefits of women's leadership in land governance have led to: Women's empowerment and agency; Change in attitude, norms and practices on land; Increased food production – Food security and incomes; Development in Homes and community and; reduced gender based violence, eviction and disinheritance.

Recommendations: Support grassroots women's organizing, participation and leadership in land governance; Recognize/support African women's Charter of demands (Kilimanjaro charter; Support programs on legal literacy/ awareness raising on women's land rights; Support implementation of existing laws and; Close digital divide for rural women –to access and have capacity to use digital technology.

6.9 | Circumnavigating Women's Land Rights Access in the Kenyan Formal Justice System

Presented by Lady Justice (Dr.) **MILLICENT ODENY**



"What matters is to ensure that women do get justice, no matter where they seek it." By Irene Khan Former Director General IDLO.

Women's access to land and property rights is an integral part in ensuring an adequate standard of living. Women face many barriers in their quest to access and control land therefore necessitates the use of formal and informal courts to access justice. What Access to Justice means for Women. It refers to the ability of women to use the systems of justice established in the constitutions of each country, as well as the customary and religious systems. It requires an understanding of an individuals' rights and the knowledge of the mechanisms available to fulfil justice needs, the confidence in the capacity of justice institutions and mechanisms to provide a fair, transparent and affordable process and adequate access to legal aid.

Access to justice is an indispensable factor in promoting empowerment, in securing access to equal human dignity and achieving social and economic development. The effectiveness of laws depends on awareness about them, the abilities to invoke them, the general governance environment, and to what extent cultural norms and traditions are practiced and followed. Despite legal protections, women are largely disadvantaged in terms of accessing or acquiring land in most African countries. These laws and policies are not self-enforcing therefore all stakeholders must be vigilant and play their part. Concerted effort must be made to effectively address women's access to and control over land and access to justice whenever required.

Enabling Provisions for women's land rights and Access to Justice. Article 27 in the Constitution of Kenya promotes gender equality and describes the equal rights for men and women to equal treatment and opportunities in political, economic, cultural and social spheres. Article 48 of the constitution obligates the State to ensure access to justice for all persons and if any fee is required to ensure that it is reasonable and it does not impede access to justice. Access to justice in Kenya has been bedeviled by myriad of challenges including high court fees, geographical location, complexity of rules and procedure, use of legalese, understaffing, lack of financial independence, lack of effective remedies, a backlog of cases that delays justice, lack of awareness on ADR and traditional dispute resolution mechanisms.

The challenges include, socio- economic, political and administrative factors, de jure discrimination of women or gaps in the antidiscrimination legislative frameworks, lack of accessibility to information and digital technology; hesitation to engage in legal processes; lack of knowledge around rights, illiteracy and ignorance of the law. Even where women have rights, they might not be aware that they have them. Societal barriers include - illiteracy, poverty, discrimination, ethnicity, patriarchy. Institutional barriers

include- insufficient government resources to guarantee or facilitate access to justice, organizational structures, lack of enforcement of decisions. Intersectional barriers – societal and institutional overlap, lack of trust in the institutions, corruption. With the Covid 19 pandemic the situation has been compounded by adaptation responses to emerging access to justice needs, especially for the most marginalized groups women included.

The introduction of digital technology where the courts have been using e-filings and virtual hearings to stem the spread of coronavirus, has had an impact on litigants who are not able to access the internet to follow proceedings in their cases. What can be done to improve gender responsiveness in the justice sector? Give attention to the barriers that bedevil women's access to justice. Special attention to disadvantaged groups, such as women in rural areas, disabled women, elderly women, women from ethnic minorities and women victims of violence. Legal and economic empowerment/ participation in the legal reform process. Education in women's rights/capacity building/training for judicial officers/staff. Ensure that the systems and institutions are effective, accountable and gender responsive by being, available, accessible, provide appropriate remedies, good quality, and participation in the justice institutions. Look beyond legal and policy reforms and adopt broad based social change towards women's land rights and access to justice. Provide budgetary and resource allocation to ensure access to justice for all.

Use of new technologies, mobile apps, internet for e-filing and virtual hearings. Procedural technicalities and other procedural barriers including some evidential rules applied in court should be reviewed to ease access to the unrepresented. Consider mobile courts, taking justice to the people. Notable Best practices: Use of court annexed mediation; Alternative justice systems; Ease of procedural technicalities/ service via WhatsApp; Ease of access to court for the elderly and physically challenged; Sharing of information in media platforms, social media; Screens in court precincts with internet for virtual hearings and; Landmark cases that recognize women as beneficiaries of the estate of deceased fathers.



PLENARY SESSIONS AND PRESENTATIONS



The Kilimanjaro Initiative was conceived during a meeting of rural women and civil society organizations in 2012 to claim equal access and control over land and natural resources for African women. On October 15th and 16th, 2016 during the international day for the rural women and world food day respectively, women were mobilized (22 countries) from across Africa to raise their voices on women's land rights at an iconic moment at the foot of Mt. Kilimanjaro in Arusha, Tanzania. The climax of the assembly was the official handover of the consolidated charter of demands to the representative of the African Union Commission (AUC), witnessed by government representatives, Civil Society Organization (CSO) leaders, and the 500 rural women attending the assembly. This was followed by the endorsement of the Kilimanjaro Charter of Demands in January 2017 by AU heads of States



Penalist 1: Ann Gachambi Njuki GROOTS Kenya (member of ILC)

Gachambi Njuki is a grassroots women leader in her community of Kagwe village, Kiambu County-Kenya. As a member of GROOTS Kenya, she is one of the hundreds of women who continue to empower women at the local level to advocate for gender equality and to challenge gender stereotyping and patriarchal attitudes at the local community and family spaces. She actively participated at the Kilimanjaro Initiative Gachambi will be sharing with the participants the implications and changes grassroots women had to adopt to continue holding onto the spirit of Kilimanjaro Initiative amidst a season of restricted movements and lock down due COVID19 Pandemic.

She actively participated at the Kilimanjaro Initiative. Gachambi shared with the participants the implications and changes grassroots women had to adopt to continue holding onto the spirit of Kilimanjaro Initiative amidst a season of restricted movements and lock down due COVID19 Pandemic.

Achievements registered: She further noted some of the achievements that they have been able to realise as a result of this initiative for example, Women have been put in community land management boards to challenge illegal sale of land, women are able to get legal redress in case of violations, They have also been able to participate in dialogues with African Union and their demands accepted and put in the depository and recognised as a legal document for countries that sign and be bound by them, Helped to build solidarity movements with other stakeholders geared towards the meeting of the demands, they have also been able to engage with traditional and cultural leaders who were believed as stumbling blocks but they have been sensitized and have bought the charter of demand for its implementation- we now come up on a round table to discuss way forward, Most of the demands in the charter are now in the policies because of our continued engagement with the government of Kenya, capacity building of the women, men and the local leaders have been organised on how to embrace digital technology-

Ms. Ann recommended that the request to the government therefore is on the improvement of the digital infrastructure during this covid period, Women land rights can also be brought out during the international platforms i.e. the Beijing platform for action, generation equality, and Work together for the achievement of women's land rights by all means by all stakeholders in solidarity.



Penalist 2: Julie Cisse

Ms Cisse spoke on how rural women with support of CSOS (ILC, WILDAF, OXFAM, Action Aid) in West Africa Region lobbied the support of ECOWAS and traditional local authorities to appreciate and use of Kilimanjaro Charter of Demand as a tool to advance WLRS. Julie is the Director of the GIPS / WAR / WLP, a Network of Agricultural Women in Rural and Peri-Urban Zones based in Senegal. The Network is active in popularizing the Kilimanjaro initiative. Julie is a female farmer, activist of Economic, Socio-Cultural Women's Rights and a member of African team of the Kilimanjaro Initiative and GDSP / CNC Senegal, Vice President of AKIWOF / ECOWAS. Her commitment to women's rights earned her the 2018 International Prize of the Association Femme Avenir in Madrid (Spain).



Penalist 3: Nasieku Kisambu

Program Manager at We Effect – spoke on why gender and development CSOs in Africa have prioritised the support of rural women organising and Kilimanjaro Charter of Demand as a tool to push for WLRS, the lessons learnt and proposals for way forward. Nasieku Kisambu is an advocate of the high court of Tanzania. She has extensive experience on gender justice and women rights advocating for women rights, equitable land rights and sustainable use of natural resources. Nasieku's interest and aspiration, is to ensure forms of land related discrimination and exclusion are strategically addressed through tackling the social norms and systemic structures. She further highlighted some of the reasons why development partners and CSOs are committed to this kind of initiatives;

Why the priority - land is very fundamental to development, It's a valid demand and legitimate cause that needs the support of many development partners and CSOs, It's in line with the achievement of the SDGs of leaving no one behind, Sustainable development will not be possible without the bold steps and deliberate commitments for gender equality, Executing agreed principles and frameworks in the region; support application of a human rights based approach, Rural women are taking charge because they have been sensitized and empowered to demand and advocate for themselves, There is also need to protect the women human rights defenders who are most times in danger as they advocate. So they need a stronger voice together, Inclusivity and representation of women at all levels and empower their decision making voices, There is a need to support the research that responds to women's demands and priorities but also seeks to benefit the rural women themselves, Need to strengthen the funding support for the women's initiatives, The data gaps need support from the development partners, Continuity and sustainability of interventions- giving it ownership to the rural women but need linkage to the country frameworks as policy documents and hold governments accountable, Issues of social norms- how do we mitigate the gender biases- needs political will, legal awareness etc.

She recommended that it was very critical to address the intersectional and multiple discrimination related to marital status, economic status, widowhood etc., There is also a need to develop a conceptual model defining contextualised frameworks for the region- there are similarities but not the same for all countries, she implored for advocacy towards the increased financial support for women's land rights innovations. i.e. 50% of the budget to benefit women led initiatives, Support monitoring mechanisms, there is also need to support capacity building on women's land rights, Support action and evidence based research that benefits women.

7.2 | Gender and Land Statistics - Measuring Commitments on Women Land Rights



Panelist 1: Ward Anseeuw and Eva Hershaw, Landex, The International Land coalition (ILC)



Landex is the Global land governance index that puts people at the center of land data, democratizing land monitoring and building a data ecosystem where all voices can be heard. It seeks to promote common land governance indicators; to support data gathering efforts; to build a land data ecosystem; to highlight people-centred data; and to monitor land in development frameworks. The conference noted that Landex has developed specific indicators dedicated to women's land rights; these include: Data disaggregation: where data for men and women is available, what does it tell us? and Respondent disaggregation: how do women see issues of land governance?

It was also noted that the common indicators are in line with the 10 thematic commitments of ILC which include; Secure Tenure rights, Strong small scale farming, Diverse tenure systems, Equal land rights for women, Secure Territorial rights for indigenous peoples, locally managed ecosystems, Inclusive decision making, Transparent and accessible information, Effective actions against land grabbing and Protected land rights defenders. The indicator levels include A = Structural or Legal B = Process or Implementation C = Outcome, Results, Impact.

Further, Ms Eva noted that the indicators also run across all the SDGs and its aimed at making women's land rights visible for example in Senegal, the women's land rights are on 3levels i.e. 60% of the legal framework is gender sensitive but also 10/100 of the proportion of agricultural owners or rights holders are women and lastly there is a bigger percentage of people with perceptions that bare women's tenure security.



Panelist 2: Fridah Githuku, Groots Kenya

The conference noted the importance of data in the management of public land; Fridah Githuku from Groots Kenya explained its link with women's livelihoods. She highlighted gaps in existing sources of data; these include: First, data on agriculture is based on households, but not large-scale farms. Kenya has not conducted an agricultural survey or census since 1963, even though most of the population in Kenya still depends on agriculture, which employs a significant labour force. Secondly, there is a lack of sex-disaggregated data on the environment because it is usually not collected in sectors such as forestry, agriculture, water, energy, marine life, disasters and infrastructure. Where there is data, information pertains to the household but not the individual. Thirdly, Kenya allows widespread property ownership and often does not legally differentiate between women and men as property owners. Information on status and trends on land ownership is critical because access to formal credit relies heavily on asset-based lending where land-poor borrowers are at a disadvantage.

Fourth, data on economic assets and wealth in general exist; however, it is collected at the household level rather than at the individual level. This means that it is difficult

to assign individual ownership to assets captured in households. Fifth, gender data on migration in Kenya is scarce; the only source has been the census, yet census data are often inadequate for studying circular migration or temporary migration. Lastly, forced migration results mainly from coercion, violence, compelling political or environmental reasons, and or other forms of duress. Forced migration is made up of some of the most vulnerable and marginalized groups.

Ms Githuku therefore recommended that in a bid to bridge the gap, the Kenya National Bureau of Statistics should partner up with non-state actors when: conducting the national assessment of gender statistics; developing and validating the gender statistic sector strategic plan; reviewing data collection survey tools including the census Tool; training of data users on gender statistics; disseminating gender data products; and lastly should develop a gender statistics regulation.



Panelist 3: Everlyne Nairesiae, UN Habitat

Throughout the conference sessions and was reiterated by the presenter on the challenges associated with generating land data but also specific data on women's land rights, she therefore noted that a guidance tool for women's land rights data and statistics was developed with the aim of among others to explain the practical steps towards enhancing the quality of WLRs data and statistics for data producers, analysts and researchers, to addresses critical gaps in the quality of the design, collection, analysis, management and dissemination of data and statistics on women's land rights, also to recognize the diverse relationships between women and land with respect to their land rights, which vary from country to country and even context to context, based on legal, policy and institutional regimes, provides guidance on survey design, the data collection and statistics development process, and analysis and reporting on WLRs data. She also noted the Global Land Indicators Initiative which is a global multi-stakeholders' platform with over 50 partners for the development of globally comparable and nationally applicable land indicators which is hosted and facilitated by Global Land Tool Network (GLTN), in UN-Habitat.

She also noted and highlighted some of the achievements of the network to include; GLII developed a set of 15 land indicators, it has resulted into the inclusion of tenure security indicator that requires data disaggregation by sex, it has also advocated and influenced (jointly with other actors) for the inclusion of land tenure indicators in the SDGs (1.4.2, 5.a.1 and 5.a.2) with a greater attention to sex disaggregated data on tenure security, the GLII further piloted comprehensive tenure security questionnaire modules for collecting data at individual, household and community level in Cameroon, Nigeria and Kenya. Indicator 1.4.2 is under the custodianship of UN-Habitat and the World Bank; and 5.a.1 and 5.a.2 by FAO, and finally other land indicators in the SDGs framework are equality important and are included in SDG2, 11,13,15,16.

Mrs Everlyne further brought to the attention of the conference that the rationale for the serious need for capturing data and statistics on women's land rights is that there is need to understand and track whether women are granted equal rights, can exercise those rights, rights are enforceable, and if women risk losing them arbitrarily but also to identify who are those individuals or groups that face more disadvantages in securing land rights (e.g. IPs, young or old, men or women, urban or rural population, migrants,

others), she also noted that women's land rights data and statistics help to: Identify legal and institutional challenges faced by women as compared to men, they provide empirical foundations for informing national policies, it helps to establish baseline and set targets, it enables comparison of the situation of women's land rights in different contexts but also helps to Inform strategies for closing gaps and serve as a tool for advocacy and influence.

However, much as this data/statistics are of paramount importance to the region, capturing this women's land rights data has several challenges that compromise its quality and she highlighted that most national surveys interview heads of households in which in most cases the men and women's are left behind, this goes a long way to affect quality of the data; compared to use of random sampling to achieve 'self-reporting'; Very limited empirical research directly explores the relationship between women's land rights and poverty; other impacts. – the assumption that women share household resources equally; Use of varying definitions, concepts and methods for data collection to challenge comparability of gender statistics; Lack of historical and long-term data has been identified as a further impediment to gendered environmental assessments, Strongest messages emerging from systematic reviews of evidence on the gender and secure tenure rights nexus is the need for sex-disaggregated information/data and Complement and strengthen the monitoring and reporting on SDGs women's land tenure indicators (1.4.2, 5.a.1 and 5.a.2)

The process of data value chain has four stages to ensure that the data is fit for purpose;

1. **Planning and Design** which involves the Approach to data collection (why data, its use, engagement of experts, stakeholders mainly governments for ownership and support), the right Training and induction of data enumerators • Testing and fine-tuning
2. **Collection** - these methods can be either quantitative and qualitative information on WLR; what methods are used for Collecting data (as defined in Stage 1- through multi-topic household surveys for authoritative data;
3. **Analysis** - when this is conducted, the storage is taken into consideration mainly for PAPI; compared with CAPI or MAPI data); data validation is conducted and organised hence the Identification of key variables for the construction of indicator.
4. **Reporting** - Statistical profiling based on observable factors (individual and socioeconomic characteristics) to "predict" in measurable terms risks faced by women in WLRs outcomes, planning interventions, issues of Monitoring and evaluation need to be keenly and badly done.

She concludes by recommending Continuous advocacy and communication of the value for WLR data and statistics, this will aid in meeting national, regional and global obligations for gender equality and SDGs; Review and strengthen capacity for generation of regular, authentic and sex disaggregated land data and statistics to inform policy decisions (targeted trainings, seminars on understanding WLR, data planning and design, techniques in data management and dissemination skills); Ensure that the tools and best practices are available to guide generation of quality data and statistics on women's land rights – for data producers and users; There is a need to build and strengthen existing national data and statistics institutions infrastructure to deliver data and statistics on

women's land rights; Generation of survey data is highly recommended as it provides granular data e.g., required to measure indicators 1.4.2 and 5.a.1 including perception of tenure rights. Admin data is limited to ownership; National governments and partners need to dedicate earmarked resources (budgets, human resources and technical) to facilitate generation of official sex disaggregated land data and statistics; key for planning and policy decisions and lastly, The SDGs monitoring and reporting on women's land rights indicators in the SDGs (1.4.2, 5.a.1 and 5.a.2) present major opportunities to achieve comparable data and statistics.



8

SUMMARY OF ISSUES AND ACTIONS TOWARDS ACHIEVING WOMEN'S LAND TENURE SECURITY IN THE IGAD REGION



8.1 | Issues Impacting on Women's Land Rights

1. Policy and Legislative Frameworks

- Policy and Legislative Gaps
- Lack of Implementation/enforcement of policies and legislation
- No comprehensive National Land Policy (Ethiopia, Somalia, Djibouti, Sudan, South Sudan)
- Gender neutral housing policies and urban planning
- Multiple Legal Systems governing women's land rights (i.e. Statutory, Religious, Customary)

2. Community Land (i.e. Commons – Pastures, Forest, Fisheries)

- Lack of Codified Rights for Pastoralists (Ethiopia, Djibouti, South Sudan, Sudan)
- Unprotected security for Forest Dwellers and Gatherers Communities
- Lack of legal framework to protect the rights of women in communal landholding (across all IGAD MS)
- Grabbing of landing points for fisher folks

3. Culture, Religion and Customary Practices

- Persistent patriarchal customary land tenure systems that discriminate on women and girls land inheritance and ownership rights (across all IGAD Member States)
- Multiple customary land tenure systems not codified and not in line with National Constitutional Provisions on gender equality. (Uganda, Kenya, Ethiopia)

4. Land Structures

- Weak coordination and collaboration between land governance structures and key stakeholders on women's land rights
- Limited representation of women in Land governance structures from national levels to community institutions i.e. Elders Courts; Alternative Dispute Resolution Mechanisms (ADR) – (across all the IGAD MS)
- Key land sector actors have limited Institutional Capacity (Human/Technical & Financial Capacities for gender analysis, gender responsive budgeting and programming) on land issues.
- Limited access to justice by women within the formal and informal justice systems.

5. Lack Public Awareness/Information on WLR

- Public not aware of policy/legislative frameworks supporting women's land rights
- Low literacy among women and lack of awareness of their land rights.

6. Youth Agenda in Land

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

7. Large Scale Land-Based Investments (LSLBI)

- LSLBI leads to forced evictions and negatively impacts women's access, ownership and control over land.
- LSLBI in Africa are disproportionately borne by women.
- Women will be differentially affected by any major change in tenure regimes, especially land transfers to extra local investors especially given women's different roles and rights in society.
- Social disadvantages and the presumed subordinated position of women and lack of formal land rights led greater impacts for LSLBI
- Women are often excluded from opportunities to participate and voice their interests in the management and proposed allocation of community land to investors.

7. Limited sex disaggregated data on land

8. Other Key Issues

- Large Scale Investments - and forced evictions negatively impacts women's access, ownership and control over land.
- Low literacy among women and lack of awareness of their land rights.
- Land disputes and conflicts including gender-based violence associated with women's unequal and limited control over land and property
- Lack of a regulatory mechanism governing micro-enterprises and thus microfinance and lack of information to enable women's economic integration.

8.2 | Strategies for Accelerating Actions towards Achieving Women's Land Tenure Security in the IGAD Region.

1. Policy and Legislative Frameworks.

- **Formulate Comprehensive National Land Policy** integrating Women's Land Rights (Ethiopia, Somalia, Djibouti, Sudan, South Sudan)
- **Review/Repeal** inadequate laws and policies and outlaw regulations, customs and practices that discriminate against women in relation to land rights (Kenya, Uganda, Ethiopia)
- **Implement and Enforce** Land Policies and Legislations on WLR

2. Community Land

- Identify community lands and create security of tenure for all the commons including women
- Formulate gender sensitive policy/legislative for Common lands
- Building capacity of women to lead and contribute to decision making processes in the **Commons** – using best practices from Africa
- Give women additional rights to individual plots as part of the communal system
- Establish quotas for number or of women in community land committees

3. Culture, Religion and Customary Practices

- Recruit and train champions (including male champions) to advance the WLR agenda from national to grassroots levels.
- Strategic engagement with the custodians of culture and religion, to help change mind-set leading to social transformation i.e. Legal awareness and literacy.
- Male engagement for social norm transformation on discriminatory traditional norms, practices and values that discriminate against women
- Continuous engagement with political leadership for support and commit in addressing WLR

4. Land Structures

- **Training Land Governance Structures** responsible for enforcing laws and policies on GE & equity including women's land rights
- **Instate women representation across all land structures** in line with Constitutional provisions of quotas/affirmative rules

- Strengthen coordination amongst stakeholder dealing in Women's Land rights i.e. Land Implementation Units, WLR- committee/ working groups/platforms to facilitate stakeholder engagement among actors and peer learning, support and coordination of efforts.
- Establish a fully operational Gender Unit in Ministries of Lands and Focal Points in Related Ministries/Land Structures with Technical and Financial Capacity to monitor progress on WLR agenda
- Build capacity of duty bearers in Land justice dispute resolution (e.g. Alternative Dispute Resolution (ADR), advocates, traditional leaders, religious leaders, judicial officers, Local Courts, civil society organizations, land management structures at grassroots.
- Accessing Justice at low-cost i.e. free legal aid services, community paralegal services, pro bono services and community courts.
- Sensitize women on their rights to access and available justice institutions and options to empower them to utilize the existing systems to assert their land rights.

5. Lack Public Awareness/Information on WLR

- Multi -Stakeholders Public awareness/ Educating of all land stakeholders - to facilitate better understanding of existing land policies, laws and commitments made to implement them. (e.g. communities -women/men, land structures, judiciary, legislature and the executive).

6. Youth Agenda in Land

- Creating a stronger enabling environment for youth must weigh policies, laws, and interventions specifically designed to address the unique challenges youth face.
- Mainstreaming youth and especially young women's needs in as a priority in the land-sector.
- Make Country Land Sector strategies, youth responsive.
- Create an opportunity for the youth at every decision-making level in all the land structures.

7. Large Scale Land Based Investment

- IGAD – Gender Land Unit to roll out a gender impact assessment of LSLBI on food and livelihoods in the region.
- Making mandatory Gender Impact Assessment (i.e. Gender Analysis), compensations/benefits equivalent to Environmental and Social Impact Assessment (ESIA) before LSLBI

8. Limited sex disaggregated data on land

- Collect & document sex disaggregated data for M&E and reporting progress and commitments on WLR at National/Regional/Global levels.

7. Other Key Strategies

- **Large Scale Investment** - making mandatory gender impact assessment (i.e. Gender Analysis), compensations/benefits equivalent to Environmental and Social Impact Assessment (ESIA) before LSI
- **Robust media strategies** using community- based information channels to localize WLR agenda.
- **Harmonizing land tenure systems** and closing the gender gap to achieve increased land productivity, access to affordable housing and sustainable resource management.
- **Development of simple IEC materials in Local Languages**
- **Gender Responsive Physical planning standards** and guidelines, the guidelines for preparation, submission and presentation of Physical Development Plans a
- **Strengthen women's economic and entrepreneurial** capacities to enable them sustain themselves and their households, accompanied by awareness raising on tenure security issues, referral pathways, and legal aid services providers
- **Establish cooperative societies of women to access and benefit** from appropriate technologies, access land, and undergo climate smart agriculture trainings, value addition and markets
- Continuous engagement with political leadership for support and commitment in addressing WLR



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CLOSING REMARKS AND CALL TO ACTION



Ms. **Esther Obaikol** expressed her gratitude to all participants together with members of the Centre of Practice (CoP) who conceived the idea of the women land rights conference, directors from all the member states, members of the IGAD land governance unit, development partners and civil society groups that had participated. She highlighted the key issues and recommendations and urged all states to actualize all things learnt at the conference. She urged all to comb the villages with the message of change and hope for a better future for women's land rights in the IGAD region. She stated that she was looking forward to the endorsement of the regional agenda by the ministers and directors.

Mr. **Audace Kubwimana** shared that the conference attracted a big audience and that so many milestones were shared on the status of women. He further stipulated that it had been motivating to hear from young women and men on their perspectives for women's land rights in the region. He highlighted countries' commitments towards women and rights and urged them to move from policy to practice. He concluded by appreciating everyone for the time and presentations and especially the grass root women for their efforts despite the technology glitches.

Mr. **Mohammed Moussa** thanked all participants for attending the conference in such big numbers and shared that it had been a wonderful time of sharing and learning from each other. He stated that the conference was the foundation upon which women in the region would secure land rights. He urged states to shift to translating policies into actionable programs. He urged member states to walk the talk.



