




The Role of Land Certification in Securing Women's Land Rights on Collective Lands

A Webinar Report



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Evidence shows that women can benefit from having individualised land rights formalized in their names. However, similar evidence is not available for formalization of land rights that are based on collective tenure. Studies have estimated that as much as 65 percent of the world's land is held under customary, collective-tenure systems. Improving tenure security for land held collectively has been shown to improve resource management and to support self-determination of indigenous groups. Yet little

attention has been paid to the question of whether women and men share equally in the benefits of formalizing collective tenure. This is complicated by the fact that very often, even if lands are held collectively, they are sometimes allocated and managed on an individual household basis.

This webinar aimed to explore the question: under what conditions might formalization of collective tenure improve women's tenure security?


In August of 2018 the Research Consortium launched a grant-making program. For the inaugural Request for Proposal the Consortium invited applicants to submit proposals on the topic of the effectiveness of land and resource tenure interventions to improve the lives of women. The grant-supported research covers interventions in Ethiopia, Uganda, and Indonesia/Peru/Uganda, each covering different intervention types: large-scale, systematic land certification to individual or jointly-held plots, issuing certificates of customary ownership on lands that are held collectively but are managed on an individual household basis, and formalization approaches on collective-held and communally managed rights to forest lands.

Moderator: Amanda Richardson, Resource Equity

Speakers:

- John Leckie, DAI- Global
- Iliana Monterosso, CIFOR
- Paul Ntegeka, Associates Research Trust- Uganda
- Herbert Kamusiime, Associates Research Trust- Uganda

A complete recording of the webinar can be found here: <https://www.youtube.com/watch?v=N-bSV28xCEY>



Key Takeaways

- Some of the important mechanisms that help to ensure that women's land rights are protected are education and clear information on what protection the law grants them with regard to their property rights. It is important that these mechanisms are based on clear provisions and practices.
- One of the challenges in ensuring that there are gender-equitable outcomes in processes of formalizing land rights is involving women in interventions, to avoid perpetuating existing inequalities and ignoring their use practices during formalization.
- An important enabling condition for achieving gender equity in outcomes is political will, underpinned by clear laws and procedures.
- When it comes to data that are helpful in answering these questions, evaluating inclusiveness needs to go beyond finding out the names and gender of persons during the formalization documents.

Webinar Summary

1) WHAT MECHANISMS CAN HELP ENSURE THAT WOMEN'S LAND RIGHTS ARE PROTECTED EQUALLY WITH THOSE OF MEN IN DIFFERENT PROCESSES OF FORMALIZING LAND RIGHTS?

- The “to be” beneficiaries of the formalization process need to be clearly informed of what liberties, and protections the law grants them with regard to their property rights. They should also be informed of possible remedy mechanisms that the laws provide in the event that their legally stated property rights are challenged. One of the most important mechanisms is therefore education for everyone involved.
- Mechanisms should be based on clear provisions and clear practices. Reforms should establish goals that indicate how women and different forest user groups will be incorporated in the implementation process and specify clearly how they will benefit.
- Standard registration forms should be used, which are designed to recognize female members of a household. Forms should be designed to record the particulars of joint claimants equally, and equally title documentation / certificates should recognize the names of all title holders.

2) WHAT LESSONS, CHALLENGES OR QUESTIONS REMAIN ON HOW TO ENSURE GENDER-EQUITABLE OUTCOMES IN DIFFERENT PROCESSES FOR FORMALIZING LAND RIGHTS?

- There is no single type of reform that performs consistently better for men or for women. However, processes of rights devolution can influence internal debates on how existing rules affect men and women differently and allow new forms of organizing that could empower women at the local level.
- One of the challenges is that interventions, such as convening processes or

mapping exercises, should involve women to avoid the risk of formalizing or perpetuating existing inequalities and ignoring their use practices during formalization.

- The procedures and support resources need to be built into the land administration going forward in order to ensure that these outcomes are sustained. Ideally a position akin to the Social Development Officers (SDOs) should be part of land administration service provision, but this is not always seen as the priority.

3) WHAT ARE THE MOST IMPORTANT ENABLING CONDITIONS FOR ACHIEVING GENDER EQUITY IN OUTCOMES?

- Institutional arrangements should be sensitive to women's needs. This means having laws, provisions, rules as well as norms or customs in place that are inclusive. These arrangements are important as they enable access, use and control of forest resources and influence the type of decisions and collective choices around resources influencing livelihood strategies, incentives for collaboration, investment and opportunities.
- We need to ensure the continued support of productive systems and capacities of forest users to outcomes in the long term after issuing certificates, titles, or permits. Livelihood concerns are important aspects associated with satisfaction of rights and improved tenure security. This is linked to ensuring extension, and continued support to forest-livelihoods.
- An important enabling condition is political will, underpinned by clear laws and procedures. Development Partners involved in land rights formalization can help to drive this political will by monitoring clear gender indicators in their programming.

4) WHAT KINDS OF DATA ARE HELPFUL IN ANSWERING THESE QUESTIONS?

- Being able to access gender disaggregated data quickly from the register to observe trends in registration is valuable in terms of identifying and addressing issues and challenges arising. This has to be referenced against monitoring data from fieldwork. This monitoring needs to continue into the land administration and register maintenance phase though, meaning that someone needs to be mandated to be monitoring and following up this data.
- The quantitative data being used to evaluate inclusiveness of formalization processes, especially with regard to land, needs to change fundamentally. The variables collected should include perception dimensions about *usus fructus* and *abusus* rights. In the formalization process, both genders should have their perceptions about their rights accessed. (*Usus fructus* is the temporary right to use land, while *usus abusus* is the right to sell or give away property.)

5) WHAT ARE THE NEXT STEPS FOR THE RESEARCH COMMUNITY?

- The community should invest in composing a universally acceptable metric of inclusiveness and should invest in composing a universally acceptable metric of land tenure security (Tenure security index).
- The community should invest in collecting periodic and consistent datasets from a spectrum of locations to allow cross regional comparisons, and better facilitate benchmarking of aspects of the formalization process that produce gender equitable outcomes.

Notable Quotes from the Panelists



“RIGHT FROM THE INCEPTION PHASE OF THE PROCESSES OF FORMALIZING LAND, IT SHOULD BE CLEARLY STATED IN LAWS AND PROCESS EXECUTION DOCUMENTS, THAT THE NAMES OF WOMEN SHOULD BE INCLUDED ON THE SUGGESTED DOCUMENTS OF FORMALIZING THE RIGHTS.”
- HERBERT KAMUSIIME, ASSOCIATES RESEARCH TRUST UGANDA



“THE QUANTITATIVE DATA BEING USED TO EVALUATE INCLUSIVENESS OF FORMALIZATION PROCESSES, ESPECIALLY WITH REGARD TO LAND, NEEDS TO CHANGE FUNDAMENTALLY. EVALUATING INCLUSIVENESS NEEDS TO GO BEYOND FINDING OUT THE NAMES AND GENDER OF PERSONS ON FORMALIZATION DOCUMENT.”
- PAUL NTEGEKA, ASSOCIATES RESEARCH TRUST UGANDA



“ON-GOING REFORMS NEED TO BE INFORMED WITH PRACTICES ON THE GROUND AND THE RESEARCH COMMUNITY CAN PROVIDE INFORMATION AND RESPOND TO WHETHER ON-GOING REFORMS ARE PROMOTING WOMEN’S RIGHTS .”
- ILIANA MONTEROSSO, CIFOR



“A SYSTEMATIC REGISTRATION PROCESS MIGHT BE A GREAT SUCCESS IN TERMS OF CAPTURING THE CORRECT LANDHOLDERS IN A GENDER-EQUITABLE WAY, BUT WHAT HAPPENS NEXT? THE PROCEDURES AND SUPPORT RESOURCES NEED TO BE BUILT INTO THE LAND ADMINISTRATIONS GOING FORWARD IN ORDER TO ENSURE THAT THESE OUTCOMES ARE SUSTAINED.”
- JOHN LECKIE, DAI-GLOBAL



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