



# LAND TENURE REFORM AND BEYOND: ENSURING WOMEN'S ACCESS TO ASSETS

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## Promoting access

RECENT LAND REFORMS in Africa demonstrate that legislation alone does not create property rights. While substantive and procedural reforms of the law are necessary, they are not sufficient to guarantee secure tenure. The formal legal system of a country interacts with customary systems and social norms in ways that can impact the security of property rights. Even where women have legal access to land and are aware of their legal rights, for example, they may choose not to claim that asset, preferring instead to conform to social norms that suggest that women are not property owners. In many cases too, it has been shown that conventional titling programs do not recognize the rights to land women had under customary systems, thus decreasing women's tenure security.

While land is a vital asset for rural people, it must be considered in the context of a broader range of assets. Some assets may substitute for access to land, providing people opportunities to engage in productive nonfarm activities. Other assets may be necessary complements to land, since accessing and retaining land requires other investments. Understanding factors that would allow women to claim the assets to which they are formally entitled is critical to determining the success of recent land reforms.

Land and other assets are the basis for agricultural and economic development in Africa. Our project will assess the interactions among various assets and

identify the social, economic and institutional factors that facilitate or impede women's access to and control over land and other assets. The goal is to contribute a nuanced understanding regarding the complement of policies and practices, by multiple actors and at multiple levels, that promote women's access to land and assets.

## More than land

Clearly, access to land plays an important role in alleviating rural poverty. It can be a source of income, insurance and collateral for obtaining financial and non-financial services. It also is a source of social status and bargaining power. While several recent studies isolate the welfare enhancing capability of land in different settings in Latin America and Africa, other studies suggest that land restitution and redistribution programs themselves have done little to reduce poverty. Individual and household characteristics, complementary assets, and contextual circumstances greatly influence the welfare generating potential of land.

Furthermore, women's access to land is important. Practices that block women's access can have negative consequences on both production and individual and household wellbeing. Studies have shown that agricultural productivity would increase if women had access to the same range of inputs as men, and we know the importance of women's

education and women's bargaining power on outcomes for themselves and their children.

If secure land access can enhance women's livelihoods and household wellbeing, then the conditions under which this can occur must be clearly understood. These conditions include policies and laws and their enforcement, as well as the underlying asset structure and distribution within the household, and the links between private and common property. Such an approach to women's assets can establish the basis for integrated policy packages as opposed to isolated, piecemeal reforms.

### **From policy to practice**

Uganda and Liberia are at two very different points in the land reform process, and translating policy into practice presents challenges. Uganda has a diversity of land tenure systems, ranging from private, to communal, to state land. As is prevalent across Africa, customary and statutory systems coexist. Women's rights to land are primarily determined through their relationships to males—another feature that is widespread in Africa and one that has engendered considerable insecurity for women as societies and activities are increasingly integrating into markets.

In 1998, Uganda passed a land act legislating land reform and instituting a major decentralization of land management, with administration carried out by local land boards and community land registries. Implementation has varied across the country, providing the opportunity to analyze how different administrative and other implementation activities impact the effects of the land reform. The land act contained provisions to strengthen tenure security and women's rights. In addition, the Uganda Land Alliance, a consortium of national and international NGOs, set up regional land information centers to provide legal literacy training and technical advice to enable poor women and other marginalized groups to know and claim their rights. The centers also provide access to dispute resolution.

We will examine the extent to which local land boards, community land registries, legal literacy programs, as well as other initiatives by government and NGOs, have increased tenure security for women. The study will be carried out in the central and western regions. In the central region, all four major land tenure regimes (communal, *mailo*, leasehold and freehold) exist, and communities primarily

are sedentary cultivators. The western region is mainly agro-pastoral with a similar tenure structure and some conflict in the implementation of the government's Land Fund. Within these regions, study sites will cover the implementation of government programs as well as pilot activities of the Uganda Land Alliance, taking into account ethnicity, agroecological conditions, and market access. Our findings will reveal primary constraints to successful policy, especially with regard to women's access to assets and security of tenure, and we will be able to suggest possible solutions to the constraints.

In Liberia, 26 years of conflict seriously exacerbated problems of land tenure, and the country's reintegration process cannot be separated from land tenure issues. During the long years of conflict, most Liberians were displaced at least once. While many have indicated that they are not interested in agriculture or other rural-based livelihoods, the reality is that the economy is unlikely to provide other opportunities in the near future. Approximately one-quarter to one-third of the population is concentrated in the capital city of Monrovia, many of whom are without gainful employment. Many returnees and former combatants are being resettled. By mapping out the specific tenure system and the range of claims that exist on different pieces of land, our study will provide information that can serve to deflect additional conflict.

With tenure reform and settling land disputes critical to achieving peace and rebuilding the economy, the newly-elected government and international donors consider these issues of highest priority. Yet, current information about land tenure security and asset ownership among rural people is inadequate to serve as a sound basis for developing secure tenure systems.

Throughout the country there are many conflicting claims to property. With refugees returning, the potential for more conflict is extremely high as people attempt to reclaim what they consider rightfully theirs while local residents who are now farming these lands resist. In addition, many young people of rural backgrounds perceive that, under the customary system of tenure, they do not have the secure access to land that would enable them to build stable livelihoods.

Securing the rights of women and youths are key objectives of the government. However, the many land tenure regimes, which differ across agroecological zone and which derive from different

ethnic groups' customary practices as well as titling programs, mean that simply passing legislation or establishing high-level tribunals is unlikely to make a lasting difference on the ground.

Our project will provide information on existing tenure patterns, how they vary across the country, and how they are viewed by different ethnic groups and government ministries. The study will help conflict resolution mechanisms and tenure security efforts build on functioning local mechanisms, as well as contribute to understanding the history of such institutions and why they may have continued or ceased to function. The project also will build the capacity of the University of Liberia to undertake such research on an ongoing and expanded basis.

## **Growth and security**

In these two different country contexts, where access to land is key for rural households, our research will show how rural people gain access to assets, how secure this access is, and how it differs for women and men. We will be able to identify under what conditions, in the complex interplay among law, customary systems and social norms, women are able to successfully claim assets and under what conditions their rights to assets are weak or compromised. The picture that the research creates will allow us to suggest how policy and practice can be modified to ensure that women's access to assets is secured in different contexts, and how women can exploit these assets for maximum gain in the immediate and long term.

The work will be carried out at multiple levels: national, community, household and individual. National level data on the formal legal regimes and the formal enforcement mechanisms for property rights for both men and women will provide a basis for cross-country comparisons and lessons. Community tenure profiles will address questions of community land tenure systems and assets and access to resources (such as education, extension, labor, credit, and government services).

We also will analyze the types of land disputes that have been occurring locally and how, or if, they have been resolved. In Liberia, much of the critical basic baseline data on land tenure systems is not available, and what is available only focuses on titled land. Thus, information compiled at the community level will feed directly into the policy process through reports to the

Governance Reform Commission. In Uganda, where we already have basic information, we will concentrate on understanding the process of land reform implementation, including ongoing government programs as well as innovative pilot programs by NGOs in the Uganda Land Alliance.

Finally, we will carry out fieldwork that addresses issues of asset accumulation at the household and individual level. Because women do not necessarily have legal or social claim to the assets owned by their husbands, we cannot understand whether women have secure access to assets simply by looking at the household level. Yet, if we only look at the individual level, we will miss the interactions that occur within households. Women may derive some benefits when their husbands own assets, even if these benefits are less than they would be if the women owned the assets themselves.

We will create a picture of assets at the household and individual levels: patterns of acquisition and disposal, controls and management, potential conflicts and the security of ownership rights. We also will gauge awareness of the legal rights of men and women to asset ownership. These household surveys will build on two related projects already undertaken by the US-based collaborators. The first is developing indicators of tenure security for common property and methods for identifying a range of individual, household, group, and public property at the local level. The second is developing survey modules to collect sex-disaggregated data on asset ownership, acquisition and disposal of assets, and on the broader marital and inheritance regimes that affect asset ownership.

By comparing the patterns of asset acquisition reported by individuals with the social norms reported at the community level, we will start to identify the extent to which social norms constrain women's access to assets and the circumstances under which women are able to access assets, even when doing so goes against social norms. In the final year of the project, we will return to the sites of the community tenure profiles to discuss our findings and provide training on issues of land rights and dispute resolution.

## **Back to policy**

Land tenure and other assets are critical for securing livelihoods. In attempting to address poverty alleviation, agricultural development, gender equality, and



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protection of the environment, Uganda's land act went beyond conventional titling programs to include innovations such as certificates of customary tenure, protecting the rights of dependents (including women and children), land tribunals at the sub-county and district levels, and a land fund to support customary tenants to secure land rights.

By studying the implementation processes and pilot initiatives by NGOs and their impacts, and then discussing the findings with both government and organizations in the Uganda Land Alliance, this research can contribute to improved programs on the ground to secure land rights of the poor, particularly of women.

In Liberia, the policy demand for this research is even stronger, as both the government and donor organizations are pushing for land tenure reform. There is little information about the state of tenure across different types of land uses as well as between areas with existing freehold title and customary tenure under diverse ethnic groups. The findings of the research will be provided directly to the Governance Reform Commission, the USAID mission, and other intergovernmental and civil society organizations engaged in land tenure issues.

In both countries our research findings will be directed to key decision-makers and actors in order to identify ways by which women can be more effectively incorporated into decision-making, and how current practices can be coordinated across relevant structures, such as local land boards, district authorities, NGOs, and dispute resolution bodies, in order to increase the likelihood of improving service provision to women.

By focusing on women, the project addresses the needs of a significant portion of the population whose productivity has been largely undermined

due to a lack of secure access. We will provide insights into how these assets can work together to improve rural women's welfare and enhance their capacity to contribute to the rural economy, thus addressing the goal of enhancing rural economic growth.



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