

Global Scaling up of Women's Land Rights

Gender Resource Facility
in collaboration with,
Kadaster International,
LANDac,
Netherlands Ministry of Foreign Affairs,
Oxfam Novib &
Wageningen Centre for Development
Innovation

Project number 25797 – 30

18/11/2016

Final Version for Dissemination to
Participants of the Expert Meeting

Specialists/ authors	Renée Giovarelli, Resource Equity Elisa Scalise, Resource Equity
Coordinator GRF Assignment Manager GRF	Joke Manders Saskia Ivens Jack Barber, LANDac; Gijs Schoutens, Netherlands Ministry of Foreign Affairs;
Other reviewers	Barbara Codispoti, Oxfam Novib; Nina de Roo & Dieuwke Klaver, Wageningen Centre for Development Innovation.



Mauritskade 63
1092 AD Amsterdam
P: +31 (0)20 568 8575
GenderResourceFacility@kit.nl

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Acronyms

CBLA	Community Based Legal Assistance
FAO	Food and Agriculture Organisation
FRA	Forest Rights Act
GDP	Gross Domestic Product
GRID	Gender Resource Information & Development Centre
ICRW	International Centre for Research on Women
IDLO	International Development Law Organisation
IFPRI	International Food Policy Research Institute
LAC	Land Administration Committee
LCMP	Legal Capacity of Married Persons Act
LTP	Land Titling Project
LWU	Lao Women's Union
MCC	Millennium Challenge Corporation
MFA	Netherlands Ministry of Foreign Affairs
MST	Landless Rural Workers' Movement
NSVK	Naya Sawera Vikas Kendra
PFR	<i>Plan Foncier Rural</i>
POIs	Persons of Influence
SARDP	SIDA-Amhara Rural Development Programme
SER	Servicios Educativos Rurales
SIDA	Swedish International Development Agency
SNNP	Southern Nations, Nationalities, and Peoples
ULA	Uganda Land Alliance
USAID	United States Agency for International Development

1. Introduction and Approach

Awareness of the need for women to have secure rights to land and property has risen since the World Development Report, *Gender Equality and Development* (World Bank, 2012). And now, the Global Goals (also called the Sustainable Development Goals or SDGs) present an excellent opportunity for development aid to make a difference by strengthening women's land tenure security and ensuring that women have rights to and control over the critical economic asset land. Several of the goals that touch on land and property, Goal 1 (Eliminating Poverty); Goal 2 (Food Security); Goal 5, (Gender Equality and Empowering Women and Girls); Goal 11 (Sustainable Cities); Goal 15 (Terrestrial Ecosystems); and Goal 16 (Peace and Justice), also have land indicators attached to them to measure progress.

Equality between men and women is at the core of the values of the European Union (EU) and enshrined in its legal and political framework (European Commission, 2015). The Netherlands Ministry of Foreign Affairs (MFA), in its agenda for aid, trade, and investment states that gender inequality is primarily due to differences in access to means of production (land and financial services in particular) and that "if women have greater power to make economic decisions they will be more self-reliant, have more control over sources of aid, a bigger action radius and a greater say in politics and management. Greater economic power for women helps boost prosperity, which makes it smart economics" (MFA, 2013). Further, in a letter to the Dutch Parliament the MFA states that the government feels responsible for gender equality. It states that "equal rights and opportunities for women, and their full participation in society and decision-making, are vital for international security and stability, for prosperity, and for stable growth. That is the *raison d'être* of gender equality. Women's rights are human rights. Equality between men and women is one of the foundations of democracy and the rule of law. That is the *raison d'humanité*."

This confluence of positive attention on gender equality and on women's land rights is a window of opportunity to move from mitigating the potential harm caused to women in large land projects to focusing on women's land rights as a starting place and the end goal. With this in mind, Oxfam Novib, Kadaster International and Wageningen Centre for Development Innovation, in collaboration with the Netherlands MFA, the Land Academy (LANDac) and the Gender Resource Facility (GRF), will co-convene a first event on women's land rights to begin to mobilise the energy, expertise and strategic thinking of key experts and practitioners. Together the experts will identify the strategic actions and actors that will trigger the necessary positive change. The rationale behind the initiative is that the potential for scaling up efforts to secure women's land rights is not being fully exploited despite the fact that several global efforts to secure women's land rights have been made by a wide range of development actors over the last decades.

This discussion paper is an attempt to take stock of what works and does not work in interventions seeking to promote and enhance women's land rights. The authors conducted a literature review, looking at peer reviewed articles and grey literature emerging from implemented women's land rights projects from different countries. Specific cases were selected based on their diversity in terms of type of interventions, type of actors involved, regional focus and their exemplary value. The paper looks at both individual land tenure and collective or community land tenure. The case studies include rural and urban land, as well as arable land and forestland.

The paper is meant to be a starting place for the discussion at the expert meeting on opportunities for scaling up women's land rights. It is not a comprehensive review of literature, and while it attempts to address the question of scalability, that analysis is limited by the fact that there is little written about successes or failures of scaling efforts on securing women's land rights. This is a significant gap in the research and the literature. The specialists were not able to find a systematic analysis of the costs of a specific project and the value of the benefit to women of that cost. And many of the benefits to women of having their own land are not easily quantified, such as status, self-esteem, ability to leave an abusive relationship, for example. Still, the authors were able to use studies that pay specific attention to socio-economic dimensions, and that demonstrate clear benefits that easily would offset the costs, for example, an increase in agricultural productivity. This paper has identified a number of successful pathways/ factors for promoting and scaling up

efforts to secure women's land rights. However, the appropriate approach will depend on the context and at all times multiple approaches should be considered and assessed on a variety of criteria, including feasibility and cost-effectiveness.

The remainder of this paper is organised as follows. Section 2 provides a brief overview of the current knowledge about women's land rights. Section 3 describes a variety of interventions in as much detail as possible to understand why the intervention worked or did not. The distinguished categories of interventions include: changes to law and policy; formalisation and documentation of rights; women's participation in land governance; supporting women's groups; gender sensitivity and awareness; and legal support/ enforcement. Section 4 draws conclusions from the paper and makes recommendations based on those conclusions, including recommendations for scaling up women's land rights.

2. Context

In relation to land and natural resources, gender equality is fundamental to agricultural productivity. The agricultural sector provides one example. Aggregate data shows that women comprise about 43 percent of the agricultural labour force globally and in developing countries despite variation across regions and within countries (FAO & Doss, 2011). Agriculture is underperforming in many countries partially because women face constraints that reduce their productivity (FAO & Doss, 2011). The decisions that women make about fallowing and investments in land fertility, and their access to production-improving support and services, are all negatively impacted by their insecure rights to land and related lack of power to make decisions (Goldstein & Udry, 2008). A recent study of six countries in Sub-Saharan Africa found that "if women worldwide had the same access to productive resources as men, they could increase yields on their farms by 20–30% and raise total agricultural output by 2.5–4%" (O'Sullivan, et al, 2014).

Allowing women to own and control productive assets, including land, increases their self-esteem and their level of empowerment (Kumar & Quisumbing, 2012). There are also studies showing that women's property ownership has been linked to lower risk of marital violence in India (Panda, 2005). And women report that secure land rights can provide them with a safety net in the case of divorce, abandonment, or death of their husbands, and can provide access to credit and rental income (World Bank, 2005).

Secure land rights are also important for the well-being of families, whether a woman is head of her household or lives in a household headed by a man (Smith et. al, 2003). Households where women have rights to land are likely to spend a larger portion of household income on food (Menon et al, 2014); an increase in female landholdings is associated with increases in household food expenditure and levels of child education (Katz and Chamorro, 2002); and children of mothers who own land are less likely to be severely underweight because women have control over household decisions (Allendorf, 2006). Secure land rights for women is also critical to address climate change mitigation and adaptation. Women's responsibilities are likely to be more difficult because of climate change, but also their role with regard to use of land and natural resources position them well to contribute to livelihood strategies adapted to changing environmental realities (UN Women Watch Fact Sheet, 2009). Even though many of these studies are more than 10 years old, recent research does not demonstrate a difference.

Interventions that focus on improving land rights typically take the household or the community as the target unit. This has the tendency of excluding women because women have historically been excluded from land ownership and allocation of rights to land are often directed towards men as the head of the household; women's rights to land are often gained through a relationship with a man (father, husband) rather than directly; and land transfers within families (inheritance, inter vivos gifts on marriage) are typically done between male family members (Quisumbing, et. al, 2014).

Thus, given the recognition that the practice of land tenure reforms must change and is changing to better address gender equality, the question framing the scope of this discussion paper is: "what works, where and how for improving women's access to, control over, and use of land rights?" The additional question to answer is: if an intervention were designed specifically to increase or improve women's land tenure security, and thus women's ability to effectively contribute to agriculture, and governance of land and natural resources, what would be required and what more would be required for scaling-up or -out the intervention? The basic premise of this discussion paper is that if the focus of land projects moves away from the household or the community as a whole and towards a focus on the different needs and priorities of women and men, the intervention will have a much greater chance of succeeding in improving women's land tenure security and achieving gender equality.

3. Interventions

The interventions described in this section have been grouped into six main types of initiatives based on their lessons learned. The six categories include: (1) changes to law and policy; (2) formalisation/documentation of rights; (3) women's participation in land governance; (4) supporting women's groups; (5) gender sensitivity and awareness; and (6) legal support/enforcement. Cross-cutting each of these interventions is the need for social change. For women to have, exercise, and enforce secure rights to land, especially in rural areas, social change is required. These categories are broad enough to include most of the interventions the specialists have been involved in or have sufficient knowledge.

3.1 Changes to Law and Policy

Formal legal rights to own, use, manage, control, lease, transfer, and inherit land, should apply equally to men and women irrespective of marital status and customary norms as a starting place for secure land tenure. However, the potential barriers to equal legal rights for men and women are many. Formal law can be legislative, administrative, decrees, regulations, or letters.

Discriminatory or poorly drafted land law, family law, and civil law at the central or local level, as well as national and local regulations can cause women's land rights to be insecure or weak. In pluralistic legal systems, which are common in developing contexts, the interplay between customary or religious law and formal law can create unequal outcomes for women. As well, conflicting and/ or overlapping legal and regulatory frameworks and jurisdictions over land and resources can create the potential for opportunistic behaviours. These behaviours may further exclude women (as well as other vulnerable groups).

While there are fewer legal barriers than there were ten years ago, there are still legal issues to be addressed. One study indicated that out of forty-three African jurisdictions, twenty-two formally recognise men as the head of the household, giving them sole discretion to represent the household and make household decisions (Hallward-Driemeier and Hasan, 2012). Another study found that Chile, Cameroon, Congo, Democratic Republic of the Congo and C'ôte D'Ivoire all have community property as the default marital property regime. Community property normally signals important rights to marital property for women, and yet in each of these jurisdictions laws provide that the husband alone administers marital property (World Bank, 2016).

Very few projects only deal with law and policy related to women's land rights, but many interventions include law and policy as a component. A legal change always has the potential to make a wide-scale improvement in women's land tenure security, if followed by providing information and education on the change, as well as a willingness and ability to enforce the law.

Moreover, one indicator under Global Goal 5, Gender Equality and Empowerment of Women and Girls, is "the proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control" so this will be an area with increased interest by development programmers.

*Lesotho: Land Administration, Millennium Challenge Corporation (MCC), 2008-2013
USD21 million Land reform sub-component of the Private Sector Development Component*

Background. Lesotho is one of the least developed countries in the world with few resources apart from water, diamonds, the export of labour to South Africa and a small but growing garment industry. In 2011, remittances accounted for 27 per cent of Lesotho's Gross Domestic Product. Of the country's total land area, only about 10 per cent is classified as arable.

The Government of Lesotho submitted a proposal for MCC funding in 2004 after being selected as an MCC Compact-eligible country. At the time, more than half of the population of the Kingdom of Lesotho lived below the national poverty line. Although the initial proposal was focused on

infrastructure development, it also mentioned a commitment to policy reforms, including the need to review gender-biased laws.

Gender Considerations. Gender differences were considered from the outset in the land component of the Lesotho project design. The Compact included provisions to ensure that gender equality was crosscutting and considered throughout the project. Millennium Challenge Account-Lesotho (the institutional body developed to implement the Compact) was charged with drafting, implementing and monitoring a programme-wide Gender Integration Plan. The terms of the Compact also provided that MCA-Lesotho employ a full-time social and gender specialist for the full term of the Compact to ensure that social safeguards were fully included in the design, terms of reference, work plans and monitoring and evaluation plans of the project and that each of these aspects complied with MCC's Gender Policy (Giovarelli, 2015).

One issue that presented itself before the Compact was signed related to the Deeds Registry Act, which said that no land could be registered in the name of a woman married in community of property. A woman married in community of property (the default marital property regime) was, by law, considered a minor, giving husbands marital power over the person and property of his wife. A woman could choose to be married outside of the community property regime, but in that case, she would also be unlikely to have rights to any land as land rights were traditionally held only by men.

In 2003, The Legal Capacity of Married Persons Act (LCMP) was prepared but never considered by Parliament. The Act removed the minority legal status of women married in community of property by repealing the marital power and mandating that spouses married in community of property have equal power over joint assets. Part of the consultative process for developing the Compact involved NGOs and members of Lesotho's government. The local NGOs took advantage of the signing of the Compact to convince Parliament to pass the Act. Based on input from the NGOs, MCC and the US Government made passing the Legal Capacity of Married Persons Act a "condition precedent" to signing the Compact. The Act passed in December 2006 (a few months before the Compact was signed) (Giovarelli, 2015).

In addition, a pre-compact review of Lesotho's other laws made clear that provisions conflicting with the Legal Capacity of Married Persons Act remained (MCC project documents 2006, MCC project documents 2007). MCC made disbursement of Compact funds conditional on additional legal reforms to ensure that existing laws did not contradict the now protected joint powers of each spouse over marital property but instead consistently guaranteed equal property rights to all, regardless of gender.

Because the Legal Capacity of Married Persons Law passed before the start of the project, the project focused its public education on the significant changes to women's land rights brought on by the newly passed legislation. In both the land regularisation process and the improvement of the rural land allocation process, training and awareness raising regarding women's land rights was a critical part of the activity. From the beginning, the public outreach campaign focused on women's rights to land, and from the beginning the project focused on joint titling of land rights (Giovarelli, 2015).

Following the passage of the LCMP Act, the Land Act, which had been under consideration for a long time, passed in 2010, further broadening women's rights to land. The Land Act of 2010 goes beyond most other countries' laws related to marital property by mandating that all marital property be jointly titled unless a contract between the parties' states otherwise. Through technical assistance, MCC ensured that the relevant elements of the Legal Capacity of Married Persons Act were incorporated into the new Land Act that was enacted in 2010 (Giovarelli, 2015).

What Worked?

Changing laws can be a long and difficult process, with no guarantee of success. In this case, a number of factors converged to make the necessary legal change possible. First, there was an incentive for the state to act. The large amount of money on the line (a total of USD\$362.6 million Global Scaling up of Women's Land Rights | Version 18 November 2016

for the 5-year Compact) made a difference to the government, and they were willing to pass the law to go forward with the project. Holding up this major programme for the sake of a law focused on women's land rights was a powerful stand to take.

Second, civil society was engaged. Civil society in Lesotho had been advocating for a change to the law for many years, the law was drafted and had been sent to Parliament, so the ground work was done.

MCC has had other successes with involving stakeholders from civil society, who reflect women's perspectives and an interest in gender equality, in Compact development consultations. These groups can help the compact provide a path toward equality in participation and distribution of benefits. This occurred in Lesotho, Zambia and Nicaragua Compact development processes (Seitz & Adato, 2012). In several MCC compact countries, Women Thrive Worldwide, a women's advocacy coalition and NGO, has worked with women's organisations and provided assistance to enable them to engage effectively with MCC's partner countries. Women Thrive has consulted with women's groups in Burkina Faso, Honduras and Nicaragua (Seitz & Adato, 2012).

Because the law changed in such a major way, from the very beginning of the project there was a significant effort to educate and inform the public, both men and women, about their rights to land under the new law, and the was successful in including women's names on documents. For example, in one peri-urban area, 50 kilometres from the city centre, 51 percent of the land was titled jointly. Of the 49 percent that was not jointly titled (786 parcels), only 12 parcels were titled in the name of a single man, and the rest were titled in the name of a single woman.

3.2 Formalisation/ Documentation of Rights

Joint titling of the property rights of spouses and individual titling of women's property rights, have been studied in the African, Asian, and Latin American contexts. Systematic titling programmes, which involve individualised land, tend to start with pilots and then scale to cover much or all of the country. There may be some debate about whether systematic land titling and registration is an effective development tool. However, if land titling and registration is taking place, it is critical that women's and men's rights are both recorded in the process. It is common for women's rights to land to be provided for in law but not by custom. If special attention is not given to ensuring equal protection of women's legal rights, the intervention may have the effect of cementing the unequal position of women. For land titling and registration projects to be successful in capturing women's rights to land as well as men's rights to land, a legal and regulatory framework that supports women's rights to land must be in place, the rights have to be socially legitimate; they must be able to be exercised; and they must be able to be enforced.

Target 1.4 under Global Goal 1, Eliminating Poverty, is as follows: By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance (emphasis added). The indicator that relates to land is 1.4.2: "Proportion of total adult population with secure tenure rights to land, with legally recognised documentation and who perceive their rights to land as secure, by sex and by type of tenure".

This target and indicator are the most sweeping in their scope in relation to women's land rights. The indicator refers to "secure tenure rights to land" rather than ownership, legally recognised documentation, and perception of secure tenure. Legally recognised documentation can be a title or a use right certificate held by individuals or households; or it could be a community title or document. Perception of secure tenure will be more difficult to measure, but land projects will have to include information and education about the rights women and men hold if they are to perceive themselves as having secure tenure.

An area in critical need of additional attention and investment, is the intersection between gender equality and collective held lands. Collectively held lands are estimated to cover as much as 65 percent of the world's land (Giovarelli, 2016). While they differ according to context, in collectively

held tenure, a group (tribe, clan, extended kin group etc.) has the superior right to land, and other rights are allocated to households or individuals based on their membership in the group. Today there is agreement on the importance of protecting collective tenure as well as individualised tenure, however more attention is needed to ensure that the rights of those within the group are equally protected. Early lessons suggest that formalizing collective rights to land can lead to different outcomes for men and women, often with women as the losers.

To illustrate the issues related to titling and registration for women, including scaling issues, this paper looks briefly at Lesotho and then at two well-studied titling programmes: urban titling in Lao PDR, rural titling in Ethiopia, and land certificates rural Benin.

3.2.1 Formalisation of Individual Rights

Lesotho: Land Administration, Millennium Challenge Corporation (MCC)

In the last section, legal changes in Lesotho were discussed. In addition to the legal change, the MCC project included a land census, which identified rights holders in urban and peri-urban areas, and provides a positive example of what is needed to "count" women in land rights formalisation programmes.

The form that was filled out by the land census taker in the field and became the basis of the documentation throughout the regularisation process required information on everyone in the household, their marital status, their type of marriage (community property or a prenuptial agreement stating the marital property will not be community property), and their relationship to other members of the household. Then, the landholders' list was displayed for 30 days in the neighbourhood alongside the parcel map, allowing the citizens to verify the accuracy of the land rights related information. This list also contained the marital status and type of marriage of land rights holder (in the project they were called applicants).

The marital status data collected did not require proof if the applicants were using the same last name. In Lesotho, many marriages are informal and without documentary proof of the relationship, though the couples put themselves forward as married and the wife often takes her husband's name. Because joint rights to marital property are based on the marriage relationship, by allowing the same last name to be enough to prove marriage greatly increased the likelihood that women's rights to marital property would be recorded along with their husbands. Publicly displaying the names and marital status of applicants also assisted in avoiding fraudulent declarations regarding marriage.

Lao PDR: Land Titling Project 1 and 2 (1997–2009), World Bank Land Titling Project (Total Project Cost--USD 28.40million); Second Land Titling Project (TPC--USD 23.92 million)

Background. In Lao PDR, agriculture plays the main role in economy: in 2004, the sector accounted for 49.6 percent of the GDP and employed 80 percent of the total work force. Industry and services contributed for 27 and 25.5 percent of GDP respectively (FAO, 2016).

The state is the owner of all categories of land; individuals and groups have use rights to land. The Law on Land provides temporary and permanent rights to land to private parties. A land certificate provides provisional or temporary legal use rights for agricultural or forest land that can be converted to land titles after 10 years. Permanent land use titles can be distributed to those holding rights to urban and peri-urban land (World Bank, 2005).

Lao PDR legislation, including the 1991 Constitution, acknowledges gender equality with regard to family, inheritance, and property laws. Under the law, land allocated to a couple by the state, should be issued a joint land use certificate or title. While Lao PDR is a multi-ethnic country with both matrilineal and patrilineal traditions, there are no cultural restrictions on women owning land.

Inheritance practices are not rigid, and parents usually decide which children will inherit what family property. Nor are customs related to residence for newly married couples very strict; the couple may choose to live with the wife's family or the husband's family on marriage (Lastarria-Cornhiel, 2007).

The Land Titling Project (LTP) began as a small urban pilot project, funded by the World Bank in 1994–95, which issued permanent land use titles to land in urban areas. This programme was extended to include peri-urban areas. The Second Land Titling Project (2004-2009) included agricultural lowlands, excluding the highland areas where communal land rights were widespread (World Bank, 2016).

The project did not address the core problem of tenure insecurity and the beneficiary population was not the most tenure insecure. In the absence of donor funding, government funding has been insufficient to maintain the structure built by the two titling projects. Although titling targets were amply exceeded, some of the titling work done under the second project has been undone as title holders have had their land compulsorily acquired without adequate compensation. The governance of land rights is erratic, with central, provincial and district governments exercising considerable discretion in how they respond to opportunities offered by domestic and foreign investors wishing to develop land (World Bank, 2013).

Gender Considerations. The Lao PDR project has often been held out as a model project for its focus on documenting women's rights to land. Initially, gender differences were not a consideration in the design or implementation of the project. Thus, in spite of positive legal, political, and cultural conditions for recognition of women's rights in Lao, a study undertaken in 1998 by the research arm of the Lao Women's Union, the Gender Resource Information & Development Centre (GRID), found that the names on land documents did not always reflect the actual landholder (GRID, 2000). That is, even though the land belonged to a woman, her husband's name was documented as the right holder. The GRID study was done in the early stages of the government's land-titling programme and primarily focused on rural land, not urban land, but the results of the study heightened awareness that women's rights to land were not being protected in the process of legally assigning property rights to land. Reasons for the discrepancy included:

- Only men participated in information meetings and women were not present when decisions were made as to whose name would appear on the certificate or title (GRID, 2000).
- The land allocation teams and the land adjudication forms asked for the name of the household head, who traditionally is the oldest male in the family and no provision was made on these forms for joint ownership (Ministry of Finance 2002).
- Men are the traditional head of the family and wives defer to husbands in public situations.

In the second phase of the project, project design sought to make up for the failings of the first project with regards to women. The Social Assessment Survey conducted for the second project (2002) indicated that women had not been able to participate fully in the first Land Titling Project (LTP1) or to understand their rights with respect to land. An improved approach was designed for the Second Land Titling Project; and Community Education and Support were to be introduced into all of the project's components. The Lao Women's Union was hired to become an active participant in the systematic adjudication teams and they organised information campaigns and educational material (World Bank, 2013).

The Lao Women's Union (LWU) has been an effective participant in the titling process because of its institutional structure: there are union offices at the national, provincial, and district levels, and at least representatives at the village level. However, nearly all of the gender focus was delegated to the Lao Women's Union. The disadvantage of this arrangement is the minimal internalisation of gender issues and responsibility by the project staff and implementation agencies (World Bank, 2013).

The LWU used a two-pronged approach for training that appears to have worked well in communities. Two information sessions were held, one with both men and women so that both

groups could understand and discuss the gender issues, and one with only women. The latter created an environment in which women were less inhibited and could ask questions that were directly relevant to them. The community training focused on the rights under law and the benefits of involvement in the land titling. In Lao PDR, the Women's Union had representatives at the local level who also understood and could mobilise the beneficiaries. Village information meetings were by far the most important means by which beneficiaries became aware of the titling programme. More than 75 percent of all respondents in a 300-household, random-sampling survey (70 percent of men and 92 percent of women) reported learning of the project through such meetings (World Bank, 2013).

However, a 2007 safeguards review found that the resources provided for community education and support were less than in the pre-expansion phase when only 8 provinces and the capital city were covered. The project no longer had the means to adequately "inform, consult and ensure participation" in the eligible villages. The safeguard review stated: "[S]hortage of Community Education and Support (CES) staff is seriously compromising the safeguards framework" (Mann and Onevathana, 2007b). When project implementation was transferred to the National Land Management Authority in 2006, there was a sharp drop in the number of community outreach workers and in the share of these workers who were women (World Bank, 2013).

The project target was to issue an equal number of titles to men and women. By closing of the project, the cumulative number of titles registered exclusively in a woman's name exceeded the number of conjugal titles, which was in turn greater than the number of titles registered exclusively in a man's name. The balance shifted decisively in favour of women after 2002.

*Ethiopia: Land Certification and Registration;
Swedish Amhara Rural Development Programme, Swedish International Development
Cooperation Agency (SIDA) (1997-2008);
Ethiopia Strengthening Land Tenure and Administration Program (ELTAP, 2005-2008)
and Ethiopia Strengthening Land Administration Program (ELAP, 2008-2013), United
States Aid for International Development (USAID)*

Background. Ethiopia is a federation of ethnically-based administrative states. Agriculture accounted for 43.8 percent of GDP in 2009; industry and services accounted for 13.2 percent and 43 percent respectively. In 2005, the agricultural sector employed 85 percent of the economically active population. Almost 12 million smallholder farmers produce about 95 percent of agriculture's share of GDP. However, more than half of the country's smallholders have 1 hectare or less of land. The main crops include coffee, cereals, maize, sorghum, wheat, barley and millet. Cereals account for about 70 percent of the agricultural GDP (FAO, 2016)

In Ethiopia, all land is owned by the State. Land law and family law are adopted at the national level, although each state can adopt regional proclamations provided that they do not contradict the federal law. The federal and state land laws are reasonably progressive toward women's rights. The Federal Land Administration and Land Use Proclamation (LALU) states that when land is jointly held by husband and wife or other persons, the holding certificate shall be prepared in the name of all the joint holders.

One of the northern regions, Tigray, began a land registration programme in 1998. Then the Swedish International Development Agency (SIDA) project, SIDA-Amhara Rural Development Programme (SARDP), included land administration as a component in 2002. The developing land administration system began piloting in two areas. Land Administration Committees (LAC) were formed in the pilot kebeles (smallest local administrative unit) to participate in defining each kebele's boundary, common use areas, service areas and individual farmers' plots. The LAC members were kebele residents elected by the communities and responsible for many of the practical land certification aspects. The pilots were used to identify methods for scaling up the land administration system in the region. They were continually modified in light of experience from the field. The methodologies were developed with local participation and were therefore widely accepted by land users. This same approach for land certification and registration was rolled out to

other states (Oromiya and Southern Nations, Nationalities, and Peoples (SNNP)) in Ethiopia in the subsequent years (Bezu & Holden, 2014).

In this project, there were seven steps to the formalisation process: (1) Preparation and awareness raising including establishment of Land Administration Committees (LAC)--members are elected and trained; (2) Application and identification; (3) Temporary certificates distributed; (4) Public hearing; (5) Registration Information from the field sheets is registered in the Land Registry Book. Conflicts will be documented, but the registration process will proceed while the conflicts are resolved; (6) Book of Holding and Primary Certificate Based on the information entered into the Land Registry Book. This booklet contains the name and picture of the owners, list of family members and address, as well as basic rights and obligations according to the law. It also contains the official certificate of a household's right to use their land, the Primary Certificate; and (7) Secondary Certificate and Mapping (Bezu & Holden, 2014).

Gender Considerations. There are several studies that have looked at the Ethiopia model to see what impact the model may have had on women's secure land tenure. The findings are as follows:

i. Legal Rights

States where the law requires the photographs of both spouses on joint land certificates, and provides space for the inclusion of the same, have a higher incidence of joint certification. For example, Oromia region did not require photographs of both spouses on land certificates and had a much higher rate of certificates issued exclusively in the name of husbands than in Amhara and SNNP, where photographs of both spouses were required (Deininger et al., 2007).

Another study analyses data from the Ethiopian Rural Household Survey (ERHS) and finds impacts of the land registration effort as it relates to the Revised Family Code on perceptions about the distribution of assets upon divorce. The revised Family Code states that common property will be divided equally between spouses, and the registration process documents the rights of both husbands and wives. The study finds awareness about the land registration process is positively correlated with the shift in perceptions toward equal division of land and livestock upon divorce, particularly for wives in male-headed households (Kumar and Quisumbing, 2015). The two reforms, community-based land registration undertaken since 2003 and changes in the Family Code implemented in 2000, may have created conditions that reinforced each other in improving gender equality.

ii. Information/ Education/ Enforcement

In rural areas in Ethiopia, men are the public face of the family and it is not customary to include women in public meetings, public activities, or public dispute resolution. Women tend to get information from their husbands or relatives; women have greater restrictions on their time, have home-centred duties, and are often not allowed to travel alone. Despite inclusive federal regulations, preliminary studies indicate a significant gender gap in awareness of, and participation in, the land certification process. One study revealed that written information concerning the certification process and the laws was not equitably disseminated among men and women (Deininger et al., 2007).

A 2010 study of 15 villages across Ethiopia found that male-headed households were more informed about the initial public information meetings, more likely to have attended more meetings, and more likely to have received written information about the process. However, the study noted some variations across regions regarding the gender gap in awareness with female-headed households in Oromia equally likely to be informed about the meetings as the male counterparts (Kumar and Quisumbing, 2010). There were also findings about why some people attended meetings and others not. Household heads who believed they had some ability to affect or change their circumstances were more likely to attend the meeting than those who felt powerless. In addition, education and plot size had a differential effect on male- and female-headed households' awareness of the land registration process. While education did not improve men's knowledge of the land registration process, it had a positive effect on women's awareness of the process. And, female-headed households with smaller plots were more likely to have heard of the land registration process (Kumar and Quisumbing, 2010). There was also a link between

women's awareness and attendance of land registration meetings, and their memberships in Iddirs (traditional social network). As well, representation of women in the LAC had a positive effect on the participation of female-headed households without having an adverse effect on the participation of the male-headed households (Kumar and Quisumbing, 2010).

Another study found that although all of the traditional conflict mediators were men, the large majority of them considered joint certification and getting the name and picture of wives on the land certificates as a good thing and that it would strengthen women's position in cases of divorce and death of husbands (Holden and Tewodros, 2008).

What Worked?

It is not known whether the interventions in Ethiopia and in Lao PDR would be equally effective in other countries or regions, but there are some important lessons learned that would translate even where there is stronger opposition to women's land rights.

A critical reason the Lao project was able to title land in the name of so many women, both individually and jointly, was that women at all levels of government -down to the village- knew and understood their rights, and knew where they could go for assistance. To reach men in a community is straightforward. The leaders are usually men, the public meetings are attended by men, and men work outside the home and are not responsible for child and family care. To reach women requires additional effort.

The Lao Women's Union was the perfect conduit for information because they already had relationships in the communities, and they had existing offices throughout the country. The Lao Women's Union's institutional structure provided a way for the government to roll out land titling across the country, and simultaneously focus on women as well as men. The LWU is a "governmental NGO," meaning that they are sponsored by the government but have some independence in doing their work. Their institutional structure is the same as the government's, thus they have enormous reach through their network. While the LWU may not be replicable because few NGOs have the kind of funding that would enable them to have offices at the village level, one thing that must be carefully considered for any country-wide land programme is how to reach women in rural areas and to continue to be available as the programme progresses and beyond. Even so, funding was provided by the donor project, and when funding was decreased, their reach was decreased. In countries where government reaches down to the village level (China and India, for example) or where NGO's are able to work at both the central and local level a focus for programming and funding should take advantage of these networks to educate and support rural women. On the other hand, gender was never mainstreamed into the project, and under new leadership the Lao Women's Union and the many female educators were not funded or poorly funded.

Aside from the crucial importance of the village level information meetings and the network that enabled those to be effective, smaller steps were taken in the other projects that also yielded a positive result. Importantly, in both Lao and Ethiopia, whether or not women's names were being documented was tracked, and the information used to better the follow-on projects. In addition:

- Documented proof of marriage was not required when rights were being identified (Lesotho)
- When photographs were included and space was available on land certificates for both spouses, there was a higher incidence of joint certification of spouses (Ethiopia).
- Men were better informed about and better represented in the land certification process, but awareness about the land registration process helped shift perceptions about asset division in the case of divorce (Ethiopia).
- Looking at female heads of households (as opposed to women in male headed households), there was generally a gender gap in information with male-headed households, with exceptions. There seems to be a relationship between women's

empowerment (felt they could affect change, were educated, women on the land committees, or were part of a social network) and their meeting attendance.

- Developing gender-sensitive procedures with strong local buy-in meant that the procedures were more likely to have support from communities and better results for women (Ethiopia).

3.2.2 Community Land Rights

*Benin, Access to Land, Millennium Challenge Corporation (2006-2011)
Access to Land Project USD \$33.7 million*

Background. Benin is a country in West Africa that transitioned from a Marxist-Leninist state toward a pluralistic democracy in the 1990s. Benin's economy is dependent on cotton production, subsistence agriculture, and regional trade.

At the time of the Benin Compact, MCC did not have a separate social and gender assessment (SGA) division; gender was housed under environmental and social protection concerns until 2010. MCC did have a Gender Policy, and as part of the due diligence process, the land project underwent a gender assessment and recommendations were made.

Broadly, the MCC project sought to improve land administration and management, document property rights in rural and urban areas, decentralise land registration by establishing regional offices, and provide education on land policy. The access to land project had five interlinking activities: (1) Policy and legal reform; (2) Achieving formal property rights to land; (3) Improving land registration services and land information management; (4) Information, education, and communication; (5) Support land programme coordination.

At the time of the Compact signing, only one percent of urban households in Benin had title to land, most rural landholders held undocumented, collectively held, customary rights in land, and disputes were widespread. The plan was to work to decentralise land registry services to provide faster and more convenient service, while establishing rural land holding plans and making it easier to obtain urban land titles, and improving both the rural and urban land management systems (MCC Benin Compact Closeout). This case study focuses on rural land holdings.

The Benin Law on Rural Land Holding, 2007 introduced land certificates (*certificat foncier*), which are registered as part of a Rural Land Plan (*Plan Foncier Rural--PFR*). The PFR is a document that identifies the rural land, the registered rights on that land, as well as the right holders, in order to meet individual and collective needs for tenure security, land use planning and investment. The PFR is a land use and tenure map which registers all primary and secondary rights over land and natural resources. Rights are to be validated in the presence of all land holders and users; common lands are also to be included in the map. Local governments play an important role in registration and are responsible for issuing certificates and updating land information.

The PFR Programme and project activities of parcel surveying, citizen landholder census and household member interviews, displaying the maps and landholder lists for public witness and comment, recording of rights, and issuing certificates had the purpose of accurately recording the rights and obligations of the villagers from their point of view. The PFR documented customary rights and obligations and then transformed this record into three instruments – a village map with parcel boundaries; a list of landholders (named only as the villagers indicated); and certificates of landholding to be issued upon application by each landholder and based on the mayor's authority to confirm and verify landholdings.

Gender Considerations. The PFR activity began with socio-anthropological studies to determine local custom and vocabulary in order to contextualise the later land rights documentation. Next, field teams that would carry out surveys and a census of landholding rights received training on the standard forms and methods to be used. The forms and methods incorporated mechanisms

designed to ensure that the women in the household were consulted independently or alongside the men and their representations of their status were accurately recorded (Richardson, 2014).

Two kinds of rights were documented: administrative (primary) rights and operational rights (secondary). However, the surveys of right holders were not entirely successful in identifying secondary rights holders. Both primary and secondary right holders were often reluctant to identify secondary rights to land. Women were primarily secondary rights holders (Richardson, 2014).

Two possible explanations for the lack of documentation of secondary rights holders in rural areas have been put forth by MCC personnel. First, policy makers, administrators and local populations equated the land certificates that would follow the census to land titles. To document secondary rights on a land title in their mind, would be to formalise the use, and elevate it to a "right." Because customs in the community only gave legitimate rights to men, titling land in more than one name and listing secondary rights was seen to make a permanent change in control over the land, which may not have been politically feasible in the community at that time. The second explanation is that the procurement timelines and programme priorities meant that the activities designed to address and reinforce secondary rights were largely concentrated into the final year of the Compact, after rights were identified (Richardson, 2014).

As might be predicted, in villages that were closer to urban centres, more women asserted themselves as having secondary rights to land; more men acquiesced to the family fields being recorded as separate fields with each brother and sister named as a landholder; more neighbours affirmed the status of female landholders; and more groups of women had joined associations in control of orchards or common gardens. In villages that were more remote and considered more "traditional," more land was described as family or clan holdings under control of a patriarch (Richardson, 2014).

The project recognised mid-stream that three important groups—migrant farmers, transient pastoralists, and women—were not having their secondary rights recorded. At that time, the project developed a supplementary form for the census, a checklist of the rights that were not being documented. The project also increased awareness raising efforts and oversight by project managers. However, because this was recognised and implemented late and only in some communities, it was difficult to completely accomplish objectives within the given timeframe (Richardson, 2014).

One review of the project found that when women were in the fortunate, though rare, position to have received primary rights to land as a gift from their biological parents because (1) the daughter had more superior qualities than the son, or (2) the daughter was an only child, the Rural Land Plans clarified their land rights, and made them into official landowners. However, for women who were in the more common position of having insecure secondary rights to land, Rural Land Plans formalised these inequalities by failing to formally recognise and record them.

An external review done by the World Bank's Africa Gender Innovation Lab, in collaboration with researchers from the Development Research Group and the Paris School of Economics, found that the programme erased Benin's gender gap in land fallowing, a vital practice to replenish soil fertility. That is, female headed households in PFR areas were more likely to fallow their land than men in PFR areas or men outside of PFR areas. However, some women moved their production from the secure land in the PFR to the insecure land outside of the village, presumably to protect their rights to it, which resulted in a drop in farm yields within the village (Goldstein, et. al, 2016).

What Worked?

The difference in what is required to ensure that women have secure rights to land in urban, peri-urban, and rural areas through documentation of rights is clearly demonstrated in the Benin case study. Working in urban and peri-urban areas can be easier because customary law and customary rights may be less strong than in rural areas and working with individualised land is less complicated than working with communally held land. However, as the project review points out in the Lao case, the poorest people with the least secure rights lived in the rural areas. As well, rural

lands may be subject to greater outside threats and pressures, such as from large scale land acquisitions or foreign investments (World Bank,2013).

To work in rural areas where customary tenure systems dominate land governance, dedicated analysis for the situation is necessary. It also must be supplemented by a locally-supported outreach campaign that explains the value and purpose of the programme and the value and purpose of ensuring that all rights and uses and interests in the land – including those of women – are equally recorded. In Benin, the communication about these issues came too late in the project to have an effect on documentation of women's land rights. Possibly working with an existing women's group or civil society organisation that supports women, or identifying women leaders to work with would have been a better starting place -if feasible.

Scaling a rural land project may prove much more difficult than scaling an urban land project because community customs and social norms can change depending on religion, tribal affiliation, availability of land, etc. Understanding the core issues in each community related to women's land rights has the potential to be expensive and time consuming, in part because women and men within those communities may not be aware that women even have rights to land to begin with.

3.3 Women's Participation in Land Governance

Customary practice and socially defined gender roles usually dictate that collectively held land is governed through traditional decision-making systems and structures, which are most often male-dominated. When women are not meaningfully involved in governance, their interests are often ignored, and their rights to the land and resources can be weakened or lost. Meaningful participation goes beyond mere presence at a meeting; it must include the space and knowledge to speak safely, the opportunity to have their voices heard and also respected equally with others, and the confidence to speak their own thoughts that are free from social or familial influence or pressure. The timing, place, and style of conducting meetings can also exclude women, who might not have the same availability or engagement style as men.

Sustainable governance of agricultural land and natural resources is captured in the Global Goals under Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture. There are two targets that can apply to community land:

2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.

2.4 By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality

The case studies that follow focus on communally-held indigenous land and forestland.

Peru: Supporting Women's Participation in Community Governance to Strengthen Women's Rights to Community Land in the Sierra, Servicios Educativos Rurales (SER)

Background. Geographically, Peru is divided into three regions with markedly different natural characteristics: Costa (the mostly arid, narrow Pacific coastal region); Sierra (the mountainous Andes region); and Selva (the rainforest region of the Amazon basin). Prior to agrarian reforms (1969-1991), land tenure arrangements across the country were highly inequitable, with 80% of private land concentrated in large estates, and peasants in the Sierra exchanging their labour on the estates for access to small plots. The agrarian reforms expropriated and redistributed the estate land. In recent years, land sector reforms in Peru have prioritised formalising individually and collectively held land and creating and consolidating the country's land markets. Nearly 70% of

individual property in urban and rural areas has been granted titles to date. Formalisation of community lands lags behind, with an estimated 46% of native communities and 33% of *campesino* (peasant farmer) communities lacking registered titles. Current efforts are underway to regularise rural property through the *Proyecto de Titulación y Registro de Tierras* (PTRT-3) programme with a focus on native and peasant community titling. Peruvian law recognises both individual rights and group property rights. Peasant and indigenous community lands are usually held collectively. In the Sierra, community land is held and titled collectively but is organised largely on individualised family plots (Hannay, 2016).

Peru's formal laws recognise the autonomy of and the property rights of the country's indigenous and peasant communities. The communities' designation of legal personhood establishes their right and responsibility to define their own rules of internal governance. Although the laws and regulations provide guidance for the formal documents outlining community membership and governance rules, communities may establish their own norms, including interpretation and application of rules of membership, voice, participation, and decision-making.

Under the law, those born in the community, the children of community members, and persons integrated into the community are considered community members. All community members have the right to use community goods and services as established in the community statutes and the agreements of the Community Assembly. However, membership in the community does not grant the right to vote and participate in community decisions, which is reserved for "qualified" community members (Hannay, 2016).

Gender Considerations. Gender dynamics vary among communities, although in general women in the Sierra have limited opportunities to participate in decision making and leadership. Barriers to women's participation in governance structures commonly arise in communities due to long-accepted social norms and procedural barriers. In many communities, women may lack the right to vote or participate in community decisions because they are not considered 'qualified' community members. The rules around who is deemed 'qualified' vary from place to place; in many communities, only heads of household are considered to be qualified. Heads of household are generally men, though a widow or unmarried woman may be designated as household head upon the death of her spouse or parents. Even in communities that expressly include women as qualified, their right to vote can be undermined through procedural rules, such as those allowing only one vote per family (Hannay, 2016).

Limitations on women's participation in community land governance is complicated by widespread male labour out-migration from rural Sierra. Women whose husbands migrate are responsible for the well-being of the family as well as the farm work, including the tasks usually performed by men. However, in many communities the out-migrants retain the status of being qualified to vote and participate in community meetings. As a result, community governance has in some cases broken down or has been stalled, as absent men are not present to participate, and decisions are put on hold until men return to the community (Hannay, 2016).

The project, which is the subject of this case study, was initiated in 2014 to strengthen women's participation in community land governance and is being implemented by *Servicios Educativos Rurales* (SER) in two communities, Puno and Ayacucho. SER is a Peruvian non-governmental organisation that has worked for over 35 years across Peru to promote human rights, democracy, and rural development, with a particular focus on women. The project aims to increase women's use and control of community land and resources, increase rural women's involvement in land tenure governance in their communities, and support rural women's access to productive resources.

The concept for the pilot project was developed by SER in collaboration with a national organisation of Andean and Amazonian indigenous women that advocates for the full exercise of indigenous women's individual and collective rights, and other grassroots women's organisations at the local level (Hannay, 2016).

The project worked with communities to address barriers to women's land rights by building capacity and awareness among community leaders and community members to (a) safeguard and promote women's rights of voice and participation in community decision making; (b) increase the participation of native and peasant women in local and regional organisations; and (c) to provide support and guidance to community assemblies in developing and/or amending their internal governance instruments. They did this by:

- Developing and implementing a training programme to build capacity among indigenous and peasant women on gender equality, leadership, land rights, and prior consultation and negotiation.
- Facilitating an exchange of experiences among rural woman leaders on land governance and gender equality.
- Supporting the participation of indigenous and peasant women in local and regional organisations, advising them as needed to improve the content and presentation (through training on public speaking) of their participation and to cultivate their leadership skills.
- Increasing community awareness of the importance of the participation of women leaders and community leaders in community governance structures
- Supporting rural communities in the development and modification of community governance instruments (particularly Community Statutes) to safeguard women's rights to participate in decisions and to own land.
- Preparing and disseminating studies on women's and men's access to land in Ayacucho and Puno, to elucidate the formal aspects that enable or impede women's access to land.
- Supporting communities to develop proposals for funding support from local government.
- Supporting local and regional exposure visits, and sharing strategies for incorporating national, regional, and local public policies on land governance and women.

Project design was informed by SER's previous work with communities, as well as its ongoing collaboration with and participation in regional and national networks of organisations working on rural community rights and women's empowerment. Among the first components and products of the project was a comprehensive analysis of women's land rights in the target area. Based on the preliminary assessment, as well as on SER's previous experience working with communities in the regions, the project developed key engagement strategies, including: (1) respecting and building local institutions; (2) working with both men and women; (3) building flexibility into the project design and implementation; (4) linking to national networks; and (5) linking to and building upon international and domestic legal frameworks (Hannay, 2016).

An important limitation of the SER project is that it addresses only the first step of securing women's rights to land by promoting women's participation in land governance; it does not directly work to change allocation of or access to land. The expectation is that mind-set change will be supported through women's increased participation in community discussions and that this in turn will result in improvements in women's access to and control over community land. To defuse resistance to the project, project activities actively included men, and the project engaged in ongoing efforts to generate male community member support for the project and for women's rights. In some communities, overcoming suspicion and getting communities to be receptive to the project required more dialogue with community members than was originally anticipated. Framing the project aims carefully, by focusing on family well-being rather than focusing more narrowly on women, provided an environment that supported open discussion and receptiveness to women's issues. The regional coordinators were from the regions in which they were working, so they were familiar with local customs and contexts and were able to build trust with the communities (Hannay, 2016).

As a result of the project, six communities successfully modified their statutes to guarantee women's rights of participation and decision making. This is a significant achievement since prior to the intervention, only widows and single mothers were considered "qualified" community members and therefore entitled to full voting rights. Now, the statutes in the SER target communities affirm that both men and women are qualified members, and thus both able to participate in community

governance. Women have been elected to leadership positions on communities' boards in 75% of project target communities. On average, women make up 33% of leaders in communities participating in the project (Hannay, 2016).

This project promoted changes in the way that women are viewed in the communities and the way women view themselves. Women are now seen as active participants in the communities and are able to make decisions even when their husbands are absent. The project helped to encourage women to speak up in their community and household discussions by raising awareness within communities about the value of women's active participation and by providing training and mentoring support to women to speak up and take on leadership roles.

Linking the project to national and regional networks and efforts ensured that local interventions receive technical support from national and regional advocates and that national efforts are in turn informed by local needs and contexts. The success of the SER project can be tied in large part to the active collaboration and ongoing connection between SER and national network organisations, which are engaged in broader advocacy efforts that derive both legitimacy and specificity from the specific, locally-sourced insights and experiences gained from the local intervention (Hannay, 2016).

A similar experience with by-laws occurred in Uganda and Liberia. A comparative study of three community rights titling programmes run by IDLO in Uganda and Liberia found that when women were involved in drafting by-laws for governing community land, women's rights to the community land were improved as was the perception of the importance of women's participation in governance by women and men. But these results were only found in projects where the rule drafting was iterative and supported women's involvement through strong facilitation (IDLO and Namati, 2012).

India, Forest Rights Project, Naya Sawera Vikas Kendra (NSVK), funded by Oxfam

Background. NSVK is a local NGO in Jharkhand, India. In Jharkhand, forests are critical to tribal people's lives and livelihoods. About 30 percent of Jharkhand is forested (Das, 2006). Forests provide homes, jobs, and income through the collection of fodder, fuel wood, and non-timber forest products (NTFPs), like herbs, fruit, and leaves, which people consume or sell. The forest is also a cultural space and a place for traditional worship. In general, in India customary practices grant women fewer rights to control or access land than men. While the formal law protects women's rights to own and inherit land, in practice women are rarely named on titles, and inheritance is generally patrilineal (Richardson,2016).

The objective of the project was to increase forest dwellers' access to and control over forests under the Forest Rights Act (FRA), focusing on women and tribal and scheduled caste communities. The project lasted three years, from April 2012 to March 2015. Much of the success of the project can be attributed to the NSVK model, which requires deep involvement in each village over a period of time. NSVK has been involved in these communities for five to six years and attributes a lot of its success to this ongoing engagement. NSVK leaders shared that it usually takes about two years to establish enough trust with the community to really begin the process of changing customs and practices, especially around women's rights (Richardson,2016).

In most cases, NSVK social workers live in the area they are targeting and then work with a number of nearby villages. Social workers are in the villages on a weekly basis, conducting meetings on topics that have been identified as of interest to the community. This leads to communities' and, specifically, women's empowerment. NSVK staff attribute much of their success to these young social workers, who often serve as a bridge between the community and outsiders, including other NSVK staff and the government. The social workers receive considerable training and generally stay in the area because they are from there. NSVK attempts to ensure that there is an equal number of male and female social workers. There is a clear commitment to gender diversity and ensures that local women are comfortable approaching the social workers (Richardson,2016).

Gender Considerations. It is not customary in Jharkhand for women to be equal participants in male spaces, such as community meetings. NSVK workers were able to use their pre-existing deep ties in the community to sensitise community members on the importance of including women in community life. Ongoing discussions with both women and men on the importance of women's participation and on the economic and social benefits of their inclusion were identified as key to changing community norms and attitudes towards women's participation. NSVK's frequent meetings with existing women's groups helped women get used to speaking out in a safe place and to feeling supported and empowered (Richardson,2016).

NSVK was committed to raising awareness about the importance of the FRA and about the importance of women's involvement, especially in communal forest management. However, gender concerns were not a major focus of sensitisation for the government at the state level, as the project was primarily focused on raising awareness of the requirements of the FRA generally. In forming Forest Rights Committees, women were encouraged to become active participants, and NSVK worked to ensure that half of those present at Forest Rights Committee (FRC)-decision-making meetings were women. They usually involved both men and women in mapping the forest, and supported women who were already active in managing the forest (Richardson, 2016).

What Worked?

In Peru and India, both organisations that worked toward strengthening women's rights to engage in communal land governance had long histories in the communities where they worked. Involving women in governance involved a social change, and social change requires leaders. Even in the brief example of IDLO's work in Uganda and Liberia, for women's involvement in drafting of by-laws to be successful required strong facilitation.

SER framed their message so as not to offend those whose minds they wanted to change. Whether or not they believed the most valuable part of women's involvement in governance would be improvements for women's families, they were willing to use that as a basis for getting buy-in from the local people of influence and power. They were willing to work with both men and women, even though their focus was women, and in the beginning, they had not planned on working with men. Essentially what worked was their willingness to be flexible as they better understood what would be required to engage women.

SER provided leadership but also linked into their national and regional networks--providing the networks with a greater understanding of what worked and why and receiving technical assistance from outside the community. Scaling would likely be easier as these networks have been closely involved with the pilot.

NSVK worked with existing women's groups, because the women in those groups were already somewhat used to being in public, to having a voice, and they understood how to work together to accomplish a goal. New and inexperienced groups of women would have taken much more time to organise and be effective. One possible way to further scale this project is to have the existing women's groups start new women's groups that can be part of the FRC going forward.

3.4 Supporting Women's Groups

Social Movements are an effective way to demand social change. Most of the examples of social movements come out of the Latin American context. This example combines the landless social movement with the women's social movement.

For Global Goal 5 (Gender Equality and Empowering Women and Girls) to be realised, target 5.a. will need to be addressed, primarily focusing on social norms and customary laws that keep women from having equal rights and opportunities to economic resources, including land.

5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

Social movements, gender sensitisation (3.5), and legal support for women's property rights (3.6) are three necessary tools in the effort to change social norms and behaviour.

Brazil, Women of the Landless Rural Workers' Movement, Movimento dos Trabalhadores Rurais Sem Terra (MST)

Background. In Brazil, women's formal land rights were attained in the constitutional reform of 1988. However, achieving formal equality in land rights did not lead to increases in the share of female beneficiaries of the land reform, which remained low into the mid-1990s. One of Brazil's main social movements pushing for land reform, the Landless Rural Workers' Movement, MST, prioritised the distribution of land collectively rather than its division and formal distribution to families individually. They also believed that class and gender were incompatible issues (Deere, 2003).

The social movement groups in Brazil were divided by issues. There were women's groups and rural union groups. The movement against landlessness did not consider gender issues until several women leaders of the MST participated in the National Network of Rural Women Workers at the end of 1995. The MST women who attended, organised the first national meeting of Women Militants of the MST soon after, which led to the founding of the national collective of MST Women in May 1996 (Deere, 2003).

Gender Considerations. The internalisation of gender issues happened inside the MST at different paces in different States. In certain States, there was a noticeable change in the gender discourse going on at the base, often associated with the increase in the number of women in positions of leadership in the settlements or in State or sub-regional leadership. The number of female beneficiaries to the land reform in States like Ceara, Rio Grande do Norte, Santa Catarina and Rio de Janeiro increased, where women were the State Coordinators of MST (Deere, 2003).

In one study, it is stated that there are two main arguments for addressing women's land rights: to increase productivity or to increase women's empowerment. The opening of the MST to gender issues, in the late 1990s, was related to the growing acceptance of the productivity argument. MST came to recognise that distributing land in the names of both husbands and wives, was a precondition to women's participation in the assemblies of the agrarian reform settlements and associations' cooperatives, and that their participation lead to better results for the community. There was also a growing acceptance of the women's empowerment argument. The growing consensus among all the rural social movements of the importance of securing women's land rights, coupled with effective lobbying, encouraged the State in 2001 to adopt specific mechanisms for the inclusion of women in the agrarian reform (Resolution No. 6: 2001) (Deere, 2003).

What Worked?

This case study highlights a theme that is found across other cases as well: That is, when women organise, when they form into groups and connect with other in larger groups, they are better able to make changes in their own lives, in their communities, in legislation, and in restrictive social and norms.

Context plays a large part in whether forming a women's group will be feasible. For example, in some communities, women do not leave their home without permission or without being accompanied by a male. In other communities, women are able to join groups if they have the possibility of receiving compensation or funding from the group. Also, women often have significant time constraints because of home responsibilities, and may find it hard to participate without seeing the benefit of doing so.

While time consuming and difficult organizing women is a powerful tool for change. In the Brazil case, the MST women attending a national conference of the National Network of Rural Women Workers was sufficient to encourage them to make more local changes. Women, especially women who live outside the capital city, have few opportunities to network and attend large events with broad but related agendas. Without targeted effort, they have little chance of being mentored.

3.5 Gender Sensitivity and Awareness

Much of what has been presented above includes a discussion of the value and importance of targeting and supplying women with information, education, and communication about their rights and responsibilities related to land and resources. In addition to substantive information, the communication and education must also strive to change attitudes and behaviour. In most of the world, secure rights to land for women is not the norm, neither is it the norm for women to participate in governance or in public matters; thus for women's rights to be secure, and for their voices to be heard in decisions that have an impact on their lives, both women and men must change how they view women's rights, roles and responsibilities with regard to land and resources.

Kenya, Justice Project, Landesa, funded by USAID.

Background: The pilot community of Ol Pusimoru is located in the Mau Forest Complex. The area is remote with sometimes impassable roads and lacks basic services. The majority of the community is Maasai but with significant Kalenjin and Ogiek minorities. These communities depend exclusively on land, livestock, and forests for their livelihoods. The majority of land in Ol Pusimoru is privately held with titles issued almost entirely in the names of husbands as heads of household. Women are the primary cultivators of land and heavy users of forest products, but few women own the land or participate in community forest associations. The community held deeply entrenched cultural norms against women engaging in public affairs, particularly related to resource use and dispute resolution.

Gender Considerations. The Justice Project piloted an approach for improving women's access to justice, particularly related to women's land rights, by enhancing the customary justice system in one target area of the Mau Forest. The programme consisted of: (1) delivery of a training curriculum to targeted groups (Chiefs, Elders, women and youth) focused on civic education, legal literacy, rights and responsibilities related to land and forest resources (with special emphasis on rights of women and children), and skill-building; (2) facilitated community conversations with target groups; (3) peer training for targeted groups to share information with others in the community; and (4) public information and education activities to reach the broader community.

A short-term evaluation of the project was done, and a section of the evaluation discusses elements of the model that were particularly effective and stakeholders in the community who were fundamental to the model's success based on qualitative information gathered from trainees in the justice community and project staff.

Beginning interactions with elders and women by conducting community conversations was an effective way to break the ice, and laid the groundwork to begin discussions of potentially contentious issues. The community conversations allowed the groups to organically define and discuss the relevant issues, and these discussions served as an important reference for staff performing training, as they were able to draw on examples discussed during community conversations to illustrate complex and legally technical concepts.

For Elders and Chiefs education about rights in the Constitution helped them align their decisions with statutory laws. The court visits helped elders understand differences between alternative dispute resolution and formal court approaches and procedures.

Women trainees consistently reported that education about rights was the most effective part of the Justice project, and had the biggest impact for them personally. They specifically called out training on girls' rights to education, land and inheritance rights for women and girls, women's

rights generally, and gender equality in elected positions as most relevant and impactful for them. Justice Project staff also felt that training with women was vitally important because it provided the opening for the Project to address the issues it was designed to confront.

Women trainees reported that the skill-building trainings in alternative dispute resolution and public speaking helped them develop confidence to voice their needs to Chiefs and Elders and speak up about women's rights in front of men and women. Women trainees, youth volunteers, and Project staff indicated that conducting peer sessions was both an effective means of spreading training and rights information to others in the community and a confidence-building activity for peer trainers. Women trainees also said they have continued to conduct peer sessions in women's groups, churches, and other community venues even after the end of the Justice project. Youth volunteers, teachers, and Project staff all felt that integrating the Justice Project curriculum into the schools was also successful. Youth indicated that teaching children was a good way to get information on the curriculum to parents. Teachers noted that training on girl's rights in the schools empowered girls in the community and at home, and contributed to increased gender equality within the schools.

Trainees from each target group overwhelmingly agreed that the Project appropriately engaged key leaders from each group (Chiefs, Elders, women, and youth), but many also suggested the Project should have trained more men. Given the role that Chiefs play in local communities, staff felt that integrating them into the pilot training to emphasise their duties to adhere to and facilitate enforcement of statutory law was an important element of the pilot's design. Justice Project staff also felt it was key to train men throughout the Project, and that working with male community leaders before focusing on women may have helped to avoid opposition and other unintended negative impacts to the community. Staff also indicated that teachers and youth volunteers were vital elements in the schools' component of the Project and were central to planning and carrying out the Justice Day school celebration, which was a pillar of the Project's public information efforts.

What Worked?

As with several other case studies the importance of engaging men and creating a space for men to listen and to express their concerns was important to achieving good results. The project's focus on training and education appeared to have an impact from the Chiefs to school children. The combination of training, listening, and working cooperatively with community members of all ages and positions was time intensive and therefore expensive, but successful. However, the project was unable to be scaled because even though it was a favourite project of the donor and was highly promoted by it, no additional funding was provided to scale the project (even with a small donation of funds to help identify other, larger donors).

In analysing the results of gender sensitisation at the community level, note that there are examples of very successful local projects that did not yield the same results at scale because so much depends on who the trainers and project staff are, and the greater the scale, the more difficult programmes can be to staff effectively.

3.6 Legal Support/Enforcement

Several studies have looked at paralegal and legal aid efforts to improve women's ability to enforce their land rights. In general, these programmes appear to provide useful legal information at the community level, but there are several important caveats as well. Paralegal and legal aid programmes differ from project to project, and there is limited rigorous research on the specifics of what is effective and why.

One study tries to document the main strategies that grassroots women's groups are using to help women attain justice (specifically in Africa), either by working within or influencing customary legal frameworks, or by assisting women to access the court system. The study finds broadly that the most important components of successful approaches are: community sensitisation and training sessions on customary and statutory legal systems; community mapping; local-to-local dialogues with headmen, chiefs, and local leaders; the use of community paralegals for information, advice, Global Scaling up of Women's Land Rights | Version 18 November 2016

and access to resources for grassroots women; the use of watchdogs to identify and highlight problems in a community; and the development of partnerships with key stakeholders (Brown & Gallant, 2014).

Community Based Legal Assistance (CBLA) is not generally regularised. Although some argue for legal aid regulation, a 2014 IFPRI research brief cautions us to consider accessibility versus quality and breadth versus relevance (Billings, et. al, 2014). The brief looks at the proposed Legal Aid Bill in Tanzania and finds that “broadly applied standards that aim to professionalise paralegals could delegitimise community-based paralegals, thus reducing the potential reach of legal aid programmes in remote areas” (Billings, et. al, 2014). The study argues that “to meet the widespread demand for legal services in countries with little to no publicly provided legal aid, policy is needed that will recognise the distinct roles of the different legal aid programme models and the diversity of stakeholders involved in providing legal services. CBLA has a role to play in increasing access to services in rural areas. Other models, such as legal clinics operating in regional hubs, can serve as a point of referral for more complicated cases where professional legal staff can provide oversight and support for community-level paralegals” (Billings, et. al, 2014).

Community-based Legal Aid Programme, Luwero District, Uganda, Uganda Land Alliance (ULA) and the International Center for Research on Women (ICRW) (2009-present).

Background. The paralegal programme trained a group of male and female community members to become legal rights workers, who provide legal advice, mediation services, and education about women's property rights (WPR) and other property rights issues to people in their communities. The pilot phase started with an assessment to identify the major needs and challenges of community-based legal rights organisations in Uganda. The assessment found that legal rights workers did not typically receive training in or handle WPR cases. To address this gap, ICRW and ULA developed the Property Rights and Gender Training Toolkit to serve as a resource for practitioners in developing gender-responsive training curricula for legal rights workers (Patel et. al., 2014).

The project hired 20 legal rights workers to work in nine sub-counties in Luwero District. ULA also helped organise the paralegals to form a new community-based legal organisation—the Luwero Land Rights Activists Association. ULA provided formal trainings and periodically met with the paralegals to discuss their work and any challenges, and to provide them with technical assistance on their legal services to clients.

Gender Considerations: Each paralegal committed to holding sensitisation activities in three “focus villages” they selected on three specific “key messages.” Paralegals focused on educating community members on WPR by conducting formal (i.e. group meetings) and informal (i.e. conversations with individuals, families, etc.) community sensitisation activities. Paralegals also identified “persons of influence” (POIs), who were leaders or members of their communities, to support their work. Paralegals were expected to meet with their POIs to teach them about WPR. In turn, POIs were to work with paralegals to help conduct sensitisation events on WPR, as well as to amplify the reach of positive messages about WPR by informally speaking to community members.

The strategy of using discrete key messages helped to strengthen the focus and intensity of paralegals’ community sensitisation work on WPR. Paralegals’ approach of sensitising people during existing community meetings allowed fairly diverse audiences to be reached and overcame challenges to mobilizing attendees. Mobilising people to attend sensitisation events on land issues and property rights was a major challenge for paralegals.

The challenges presented in this case study are similar to other legal support programmes, specifically the large geographic areas that need to be covered with few people and weak links between local government and legal institutions. While paralegals are an alternative to working with local governments and formal legal institutions, they have limited credibility with those groups if they do not work together, potentially undermining their work.

The study provides important advice for other programmes:

- Provide ongoing technical support for legal rights workers;
- Consider developing a clear set of educational messages on WPR (in consultation with stakeholders) that legal rights workers can focus on in order to intensify the reach of their community sensitisation work;
- Encourage legal rights workers to collaborate and support one another in their work;
- Build relationships with local leaders;
- Safeguard the security of rights workers;
- Plan for operational and financial sustainability;
- Devise a monitoring system that collects data on the types of issues that will be most relevant to understanding the work of legal rights workers and who they reach.

What Worked?

This case study and other studies reviewed focus on several key components of successful legal support. All agree that formal, structured trainings on the law and women's property rights are needed as are ongoing, more personalised assistance on handling property rights disputes/cases, involving local community members and leaders in delivering gender sensitisation messages on women's property rights is of primary importance; and critically, changing the mind-sets and attitudes surrounding women's rights is a necessary step. (Behrman, et al., 2013).

In addition, one study that looked at CBLA in Uganda and Tanzania found that there was an "overwhelming consensus among implementing organisations that in selecting CBLAs, it is essential to work through local community groups, religious organisations, CBOs, officials, and government structures in order to correctly identify individuals who are already active in their communities and gain buy-in or cooperation from local authorities" (Behrman et. al, 2013). Moreover, the paralegal or CBLA workers must be well-respected and known in the community, and a mix of male and female workers is needed (Billings, et. al, 2014).

4. Conclusions and Recommendations

The indicators for the Global Goals, including its tracking and monitoring mechanisms, provide an opening for a concerted effort to ensure that:

- (1) women's land rights are defined and documented as women's individual rights, as explicit members of households and as explicit members of communities, including in rural areas (Indicator 1.4.2 "legally recognised documentation").
- (2) women and men understand women's land rights and how to enforce them (Indicator 1.4.2 "proportion of total adult population who perceive their rights to land as secure; by sex and by type of tenure")
- (3) land laws, family laws, and civil laws guarantee women's rights to land (Indicator 5.a.2 "proportion of countries where the legal framework, including customary law, guarantees women's equal rights to land ownership and/or control").
- (4) women participate in sustainable governance of land and resources (Indicator 2.4.1 "proportion of agricultural area under productive and sustainable agriculture").

Accomplishing the Global Goal Indicators on women's land rights will require designing comprehensive strategies focused on women's rights to land as a first priority. None of the projects described in this discussion paper had women's land rights as their central focus. To move from project-focused interventions that aim to be gender inclusive to strategic action with the goal of fundamentally changing whether women have rights to land as a matter of principal, requires new thinking. Still, the strategies used in individual projects are a starting place.

To summarise what the paper has identified as key strategies:

- **Laws**
 - Advocacy for changing laws is still an important and needed intervention; changes in laws can create space for social change and can have a profound effect when these changes are integrated into programming that seeks to implement them (Lesotho, Ethiopia, India).
 - Where customary laws and practices dominate, building on positive and locally recognised customary norms can help ensure legitimacy of changes and sustainability of results. Likewise, working with people and authorities legitimately holding the faculty of establishing rules under these norms can be instrumental.
- **Local Partners**
 - Projects that identify, collaborate with, and support local partners are better informed and better able to support the social and cultural change that is needed to ensure gender equality in results (Lao PDR, Peru, India, Brazil, Uganda, Tanzania).
 - Local and national civil society organisations play an important role in advocating for change, but they must be included in consultations and in guiding advocacy efforts from the beginning of the project to be most effective (Lao PDR, Peru, India, Kenya).
 - Other stakeholders, in particular local and national governments and traditional leaders, must also be included in consultations and sensitisation for a project to be transformative (Lao PDR, Peru, India, Kenya).
 - Look for women's organisation networks in government (Lao Women's Union) or civil society (Peru) to further the reach of the project. Village level assistance, information campaigns and sensitisation programmes are effective.
 - Global organisations can help understand and identify local partners if they are already working in the country or area of the country.
- **Gender Sensitivity**
 - Information and two-way communication should be the starting place for any project. Seek input from women and men in communities where the intervention is focused, from dispute resolution actors, local leaders, lawyers, state employees and other host-country actors and provide information about the project and its goals.

- If possible, simultaneously work with organisations that support women and mainstream their work as much as possible into the overall project for long-term impact (Lao PDR).
- Social change can be a long-term endeavour--plan for and provide adequate resources for gender sensitivity training throughout the project.
- Work with men as well as with women.
- Monitoring
 - Track the results of projects in all its phases against meaningful indicators (those provided by the Global Goal agenda are a good starting place, but other, more contextual indicators are needed as well), to ensure that women headed households as well as women within male-headed households are being reached. This is especially true for titling and registration projects. Ensure that rights, including women's rights, of traditionally excluded groups (minorities, migrant workers, pastoralists, and other women) are documented along those whose rights might be more obvious.
 - Take the time to understand the gender dimensions of land tenure, and understand that women and men have different needs, interests, roles and priorities with regard to land and resources. Also understand who is bearing the cost of and benefitting from a particular intervention; women and men may also be affected differently by outside pressures on land or on the household (such as large scale acquisitions of land, climate change, urbanisation, labour migration, etc.).

Thoughts on Scaling

The case studies provide a clear message: to achieve equitable outcomes, projects that touch on land and resource rights must be designed, implemented, and funded with gender analysis at the foundation and gender equality as (one of the) stated goal(s). This is no small task; men and women perform different social, economic, and cultural roles in most communities, and women and men have uneven access to social and political power. Also, gender can determine a person's social status, their access to services, their education, and the life options that they have available to them. Gender dynamics can play a part in a person's own sense of their place in their family, their community, and their world, they can thus impact a person's attitudes, beliefs, and aspirations. Because land tenure and gender are both culturally defined, initiatives that are grounded in an understanding of the different experiences of women and men, have a real chance of positively improving women's land tenure security.

This discussion paper has illustrated efforts that have sought to improve women's land tenure security in some way. From this analysis as well as other experiences of the authors, a few themes related to scaling emerge. Scaling initiatives can be organised in the global arena, the national arena, and the programme arena, and are presented that way below. However, as will be evident, each arena necessarily touches on the others, and the importance of coordination, collaboration, and learning between and among different arenas is critical. Indeed, it is imperative to take a holistic approach, as the success of any one intervention or one approach usually does not fall with one single factor. For each arena, an *indicative* list of primary and secondary actors, and their role or potential role is listed.

Global

Three opportunities for scaling up women's land rights relate to the Global Goals. First, advocate and support indicator tracking that integrates the depth and complexity of women's land rights. As evident from the case studies, these indicators may appear in simple terms but achieving them is complex. As a starting place, at the global level, the complexity behind the indicators must be integrated by those gathering data, and understood by those analysing and tracking data, to ensure they yield the intended result. Coming to agreement on the terms to be used and agreement on what is possible and what is not possible to collect will be a critical first step. For example, Global Goal 5.a.2 tracks "the proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control." The

case studies show that what constitutes equal ownership *and* control in formal and customary law requires detailed analysis of formal laws that touch on land and property laws, family, marriage, and inheritance laws, and personal status laws, and this needs to be spelled out.

Second, integrate and support women’s land rights related approaches through technical support and funding. Women’s land rights shall be explicit in all multi- and bi-lateral donor funding that touches on poverty elimination, food security and nutrition, gender equality, and agricultural productivity. Current focus on women's land rights generally lacks a significant share of resources, or is an afterthought in multi- and bi-lateral strategies.

Another area for potential scaling in the global arena is to influence the standards and guidelines of private sector actors. It is important that private sector actors who are involved in direct or indirect investment in or acquisition of land and resource rights comply with standards that ensure that women have an equal say to men in the transactions.

Indicative Actors and Roles

Actor	Role
International Non-Governmental Organizations; UN Agencies	Resources
Donor agencies; Development Financing Institutions	Strategic attention to and support of the intersection of women’s land rights and other development objectives as displayed in the Global Goal framework.
Private sector, standard setting bodies	Investments, acquisitions, negotiations that impact land and resource rights of women and men in target communities.

National

One thing that is clear from the case studies, is that at the national level, there must be a shift in gender-biased attitudes, norms, and behaviours as they relate to women’s land rights and also to women’s role in the household and the community (e.g. women playing a role in governance). There are several opportunities for scaling up work on women's land rights at the national level.

One possibility is to support adding a focus on women's land rights to existing social movements that focus on gender equality or social-change campaigns related to Gender Based Violence, or girls’ education. Sustainable, positive behaviour change takes time and requires long-term financial commitment. If possible, use local organisations already in the community and trusted to be able to more quickly see results. Track progress and adjust as needed. However, while working with insiders, be aware of what is required to include outsiders, who may be vulnerable and excluded. Interventions should be realistic in their ambitions and expectations. Work with male community leaders and men within the community while also working with women. Identify and work with local and national champions.

Another opportunity for scaling at the national level is to establish means for women to organise and for women who organise to share and learn with others in their country, their region, and globally. A consistent theme runs throughout the case studies in this paper. That is, when women organise, when they form into groups and connect with other, larger groups, they are better able to make changes in their communities, in legislation, and in social norms. In Latin America, social movements related to land rights are common, but they are not as common in Africa, for example. On the other hand, in the African context there are very strong women's movements. Women's self-help groups in India have been very effective at mobilising women. One possibility would be to connect women from different regions of the world to learn from one another and identify similarities and differences. Scaling social movements or organising women will be time-

consuming, but is potentially very effective to achieve the kind of shift in behaviour that is truly needed.

To work with government, it is necessary to identify and support gender-equality champions at the national, provincial, and district level. The state is responsible for establishing (through legislation) and protecting rights (through the justice sector and line ministries) and also in ensuring that laws are implemented through establishing institutions and through the budgeting process. In addition, it is more often the state, rather than a non-state actor, that will have pre-existing, vertical and horizontal coverage of offices, staff, or representatives. The state also has the obligation under various international agreements and instruments to ensure gender equality (for example, CEDAW), and to take guidance from international instruments on land and resource governance. A relevant international instrument with a strong gender focus that many countries have signed onto is the UN-FAO’s Voluntary Guidelines for the Responsible Governance of Tenure of Land, Forestry and Fisheries in the Context of National Food Security.

One strategy for working with the national government is to ensure that local and regional level perspectives are taken into account whenever changes in legislation occur that may affect women's land rights. In some countries, where government is decentralized, the entire focus may be on the provincial and district level offices. Within a particular country, the needs and experiences of women will differ. For example, there can be significant differences between urban and rural communities. Several countries have donor-supported women's advisory committees that collect information from women all over the country and feed that into the legislative process so that both urban and rural women's views can be taken into account.

Indicative Actors and Roles

Actors	What is needed?
Women’s organisations at national level (activists or advocates who work on women’s rights related social change)	Support for coordinating at the regional and global levels, funding, technical support to address technical issues that arise in context of land tenure reforms.
NGOs at sub-state level	Support for coordinating at the national, regional and global levels, providing support and exchanging practical strategies.
Leaders at national level	Using their influence to address the organisational culture of the agencies and institutions they are responsible for, making it more gender-responsive, setting gender-responsive incentives, providing budgetary support for gender equality
National government, sub-national government	Support in integrating international commitments and guidance that already exists

Programme

There are a number of considerations for scaling women’s land rights interventions at the programmatic level. Development programmes are an important locus for considering scaling of women’s land rights because it is often through programme design and implementation – in the very detailed work of technical experts – that the greatest opportunities for improving women’s land rights have failed in the past. A few suggestions for scaling are provided below.

Scaling at the programmatic level should pay due attention to the value of legal reforms, recognizing that legal reforms are necessary but not sufficient to secure women’s land rights in

practice. Legal change can help make sweeping, systemic, changes if accompanied by information, awareness raising, legal literacy, and legal support. Possibly undertake an assessment of which countries or states legal changes are most likely to have a positive effect on women's land tenure security. It can be helpful to seek opportunities to pass existing proposals to change laws. Consulting with women who the law intends to help is critical. In addition, any land rights reform intervention, should conduct a holistic legal review before designing an intervention.

It is essential when considering scaling through land administration projects to take a flexible and pragmatic approach. Documenting land rights is the most common way for land and property rights, which exists in law, to be implemented in practice. To be able to scale up and out, these processes should be low-cost, efficient, without undue administrative burdens or obstacles, and designed to meet the needs of people on the ground. Participatory approaches that are decentralised but organised in a central way may be necessary for this. For instance, systematising protection of women's rights to marital property can help ensure that laws are implemented at scale; for example, if the marital property law allows joint titling of marital property, in land administration processes, ensure that women and men have access to the evidence that is necessary to prove the relationship or the property right that is to be recorded, and ensure that the rights of each are equally recorded on titles and in registries.

When a programme is working at the local level, there are also opportunities for scaling and for replication of proven approaches. Local land governance systems can provide an opportunity for including women in local decision-making if the legal and institutional provisions are supportive. Communities that have conversations about by-laws and rules for governance with both men and women and have gender awareness training can come to agreement on governance rules. This intervention appears to be transferable because the community decision-making process has worked in the cases analysed in Latin America (Peru), Asia (India), and Africa (Liberia and Uganda).

With respect to all types of scaling of women's land rights, it is critical to consult with women and ensure that women's concerns are taken into account during decision making at all stages (design, implementation, evaluation) and at all levels (local, national).

For projects that depend on large numbers of local (community level) staff, scaling can be difficult and yield much less effective results because ultimately, those projects succeed or fail based on the skills and personality of the local staff. The larger the area covered, the more difficult it can be to staff the project effectively. As the case studies in this paper show, multiple and frequent contact with local staff is key to maintaining a high-level of service and key to capacity development. One possibility would be to work with existing networks or to coordinate with other donors to take on different areas of the country or different categories of work (i.e. one donor could take on legal literacy that supports the work of another donor who is working on legal reforms or systematic land titling). Community demands are an important factor for scaling out, especially when the successes of one community are shared with surrounding communities – suggesting the outreach efforts should focus on non-target communities as well as target communities. Other approaches that can assist with replication or scaling-out is training of trainers, especially where the trainers are from the communities themselves; working with local champions or people of influence; and involving women themselves in the replication activities because they may be best able to communicate with similarly situated women in other villages or communities.

Indicative Actors and Roles

Actor	What is needed?
NGOs working on legal reforms	Capacity and support to ensure that broad goals such as "equal rights for men and women" can be translated into terms that make sense for technical implementation (includes comparative legal frameworks)
Programme designers (contracting firms, line ministries)	Knowledge of tools and approaches that have worked in similar contexts

Land administration technical staff	Nuanced understanding of how cultural and society influences technical decisions and procedures
Legislators	Understanding the benefit and importance of legal changes to women's land rights to ensure many different development outcomes
Community leadership (informal and formal)	Understanding how improved land rights for women is better for all in their community

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