

Women's Access to Land

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ABSTRACT

In Brighton, in 1998, Commission 7 of the FIG formally established a Working Group on Access to Land. Within this working group, a special Task Force Group studied and promoted Women's Access to Land, with emphasis on women's situation in developing countries.

Land surveyors play an important role in the management of land, especially in supporting the allocation and transfer of rights to land. Their activities include land adjudication, establishing cadastral and land registration system, as well as land use planning. They can also be engaged in elaborating and amending land laws and regulations etc. When performing these assignments, land surveyors can play a crucial role in protecting women's rights and to ensure that women can actively participate in the different processes.

The objectives of the Task Force Group have been to advise land surveyors and make recommendations on how they can contribute in improving women's situation regarding access to land and security of tenure. Another objective of the Working Group has been to elaborate FIG guidelines on Women's Access to Land and Security of Tenure.

The background report including guidelines "Women's Access to Land- FIG Guidelines, Principles for Equitable Gender Inclusion in Land Administration: Background Report and Guidelines" is elaborated by Katalin Komjathy and Susan E. Nichols. The report and guidelines were adopted by FIG in May 2001, Korea and is published in FIG Publication No 24. The whole report and guidelines are also presented on FIG's website; <http://www.fig.net/figtree/pub/figpub/pub24/figpub24.htm>. The guidelines are arranged around four major objectives:

- 1) Establishing land administration procedures that accommodate all segments of the population
- 2) Removing barriers women face while they seek information regarding their rights and responsibilities associated with land and housing
- 3) Broadening practitioners' understanding and appreciation of the circumstances that limit women's participation in land related matters, and the importance of finding alternative means to include women in those decisions; and
- 4) Working with the local customary community.

The current paper will present the achievements of the Task Force Group and the FIG Guidelines on Women's Access to Land.

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1. BACKGROUND

In Brighton in 1998, Commission 7 of the FIG, formally established a Working Group on "Access to Land". Within this working group, a special Task Force Group was formed to study and promote Women's Access to Land, with emphasis on women's situation in developing countries.

Women are often treated differently than men regarding land, maybe not in legislation but rather by cultural and religious traditions. Yet a quarter of the households at the international level is run by women. This figure varies from country to country but may in some countries come close to 50 % (Women and land development, Abidjan-1995). Furthermore, as customary relationships change through, for example, increasing urbanisation and economic necessity, there is a growing need to examine how women participate in land matters.

1.1 Land Surveyors and Women's Access to Land

Land surveyors play an important role in the management of land, especially in supporting the allocation and transfer of rights to land. Their activities include land adjudication, establishing cadastral and land registration system, as well as land use planning. They can also be engaged in elaborating and amending land laws and regulations etc.

When performing these assignments, land surveyors can play a crucial role in protecting women's rights and to ensure that women can actively participate in the different processes. The following examples shows how women's access to land, in different ways, may be improved:

1. When allocating land, the land title can be issued in the names of both husband and wife.
2. When developing cadastral systems, the system should be able to accommodate a common or joint title.
3. In the land use planning process, both men and women should be engaged.
4. Decentralising the Land Register may make it easier for women to apply for a title.

1.2 Objective of the Task Force

The objective of the Task Force Group was to advise land surveyors and make recommendations on how they can contribute in improving women's situation regarding access to land and security of tenure. Another objective was to elaborate a FIG guideline on

Women's Access to Land and Security of Tenure.

1.3 Methodology

To be able to contribute in improving women's situation regarding access to land and security of tenure, one must first of all acknowledge the problems. The working methodology was therefore to highlight and describe different problems regarding women's access to land and security of tenure in different countries and cultures so that land surveyors can be more aware of women's situation in this context. This was done by conducting seminars, studying existing literature, good examples, etc.

1.4 Financing and Support

Special funding was necessary to be able to provide the backgroundpaper and the draft guidelines. The Swedish International Development Agency (Sida) financed the background paper as well as the guidelines with the support of Swedesurvey.

The HABITAT Centre in Nairobi supported the Task Force Group in different aspects.

2. ACTIVITIES OF THE TASK FORCE GROUP

The working group was established and Terms of Reference were elaborated in autumn 1998.

2.1 Start up Seminar in New Zealand

A one day seminar was held in November 1999 in New Zealand in conjunction with the Annual Conference of the NZ Institute of Surveyors and the FIG Commission VII Annual Meeting. The objective of the seminar was to identify and examine issues related to Women's Access to Land, with particular emphasis on women's situation in relation to land ownership in the developing countries. The seminar proceedings are available at <http://www.swedesurvey.se>. The seminar included:

- A presentation on access to land for the indigenous populations in New Zealand.
- Why women have limited Access to Land.
- Informal Settlements, a study undertaken by Swedesurvey.
- A general discussion about Women's Access to Land.

The seminar was a break through event and the members of Commission 7 become aware of the importance of the task force group. Furthermore, the Commission at this occasion accepted Terms of References. During the Annual Meeting in New Zealand, important steps were taken for the next three years regarding the task Force Group, e.g. new members were engaged coming from South Africa, Mozambique, Jordan and Poland and plans were agreed upon.

2.2 The Bathurst Declaration and the Conference on "Land Tenure and Cadastral Infrastructures for Sustainable Development" arranged by UN-FIG, Melbourne

1999

A workshop was arranged in Bathurst, to examine the major issues relevant to strengthening land policies, institutions and infrastructures and, among others, the role of land in sustainable development. The participants fully accepted that Women's Access to Land is an important question for the next century and in the Bathurst declaration this topic was underscored.

At the International Conference "Land Tenure and Cadastral Infrastructures for Sustainable Development" arranged by UN-FIG, Melbourne 1999, that was held in conjunction with the Bathurst Workshop, the paper "Women's Access to Land" was presented.

2.3 Elaborate Guidelines

The main activity of the Task Force group was to elaborate the background report including guidelines, see below. Katalin Komjathy and Susan E. Nichols Department of Geodesy and Geomatics Engineering University of New Brunswick Fredericton, Canada carried out this work. The report and guidelines were presented and adopted by FIG in May 2001, Korea and published in FIG Publication No 24. The whole report and guidelines are also presented on FIG's website; <http://www.fig.net/figtree/pub/figpub/pub24/figpub24.htm>

2.4 Seminar, Conferences, courses and studies

It is important to disseminate and discuss the findings of the research. Therefore seminars have taken place in Lusaka (Zambia Africa), Hanoi (Vietnam, Asia), Kyrgyz Republic and Kiev (Ukraine). Swedesurvey has arranged these seminars, together with the local association of land surveyors.

At the International Conference on Spatial Information for Sustainable Development, Kenya, the paper, "Measuring and Protecting Access to Land" was presented by Sam Ng'ang'a.

At a Habitat II follow up meeting in New York, in June 2001, the FIG Guidelines on Women's Access to Land were presented.

At the international courses "Development and Management of Cadastral and Land Information Systems" held by Swedesurvey, special attention has been given to Women's Access to Land and group discussions have been carried out within the courses.

Students from Norway University are currently carrying out a study in India on Women's Access to Land.

2.5 Publications in FIG Commission III&VII Newsletter

Papers regarding Women's Access to Land have been published, e.g. FIG Commission III&VII Newsletter, "Lantmatarnytt" (the Swedish Association of Land Surveyors) and the "Surveyor Quarterly", (the New Zealand Institute of Surveyors).

3 THE GUIDELINES

The guidelines (including the background report) are commissioned by the International Federation of Surveyors (FIG) through the Swedish International Development Agency (Sida) and Swedesurvey AB. The work is based on research conducted at the University of New Brunswick and on experience in a number of development projects in Africa, Eastern Europe, and Central Asia. It is also a further extension of research conducted by UNCHS and Sida for Habitat II in Istanbul and by the United Nations Food and Agricultural Organisation (FAO).

The guidelines are adopted by FIG Commission 7 (Cadastre and Land Management) and its Working Group Women's Access to Land. The FIG General Assembly in Seoul, Korea has endorsed the guidelines in May 2001.

The guidelines are arranged around four major objectives:

1. Establishing land administration procedures that accommodate all segments of the population;
2. Removing barriers women face while they seek information regarding their rights and responsibilities associated with land and housing;
3. Broadening practitioners' understanding and appreciation of the circumstances that limit women's participation in land related matters, and the importance of finding alternative means to include women in those decisions; and
4. Working with the local customary community.

These guiding principles are directed towards project managers in international and national development activities, towards surveyors in general, and towards land administration agencies in all countries.

The following are extracts from **FIG Publication No. 24 "Women's Access to Land – FIG Guidelines, Principles for Equitable Gender Inclusion in Land Administration"; Background Report and Guidelines**, by Katalin Komjathy and Susan E. Nichols, Department of Geodesy and Geomatics Engineering, University of New Brunswick, Fredericton, Canada.

The whole report is also published on;

<http://www.fig.net/figtree/pub/figpub/pub24/figpub24.htm>. *The guidelines should be studied together with the background paper.*

7. With the Help of the Surveying Community – Recommended Guidelines for Surveyors in Land Administration Projects and Agencies

The surveying community should not underestimate its role in allocating, adjudicating, protecting, and changing the way in which people hold rights to land. In the past the major impact was the size and shape of land parcels and the general pattern of the parcel fabric. Today, surveyors also have a role in land reform and promoting security of tenure in ensuring that the cadastral systems, laws, and procedures put in place during such reform do not adversely affect the rights of groups and individuals that the reforms were meant to benefit.

Learning more on how to approach the gender dimension of such programmes and projects and acquiring the tools necessary to address them are vital for securing a more equitable outcome. The following section discusses some of the measures that should be considered by practitioners working in development of human settlements in both rural and urban environments. The authors are aware that it may not be possible or practical to exhaust all of these measures during a project cycle. Also, collecting gender disaggregated data as well as general information on women and minorities often prove to be a serious challenge. Recently however, there has been a significant, although far from sufficient, increase in the number of sources offering applicable data and information.

Although the special focus of this report is on rural development, most recommendations are also applicable in urban development projects.

7.1 Land administration procedures should accommodate all segments of the population

- *Recognize women as stakeholders.* Zwarteveen [1997]¹ emphasizes the importance of women's informed participation when individuals' access to water and land is determined. Their active participation throughout the program - from research to implementation and post project evaluation - is key if their interest is to be taken into account. This participation also has to be in a meaningful way. They have to be informed of their rights and a support system has to be in place to help them defend those rights.
- *Ensure women's ACTIVE participation in the processes.* This includes ensuring that women in the community affected and on staff are involved in the project or policy processes, not as an afterthought, but from planning, to implementation, and to evaluation of the results. This is not always an easy process and sensitive ways must be found in some communities to allow women to share their views and experiences openly, especially with strangers. Another way in which women in the community or organization can be encouraged to participate is to provide role models, such as appointing women as key project members and supporting them.²

¹ Zwarteveen, M. Z. [1997]. "Water: From basic need to commodity: A discussion on gender and water rights in the context of irrigation." *World Development*, Vol. 25. No. 8, pp.1335-1349.

²² The importance of role models was made very apparent to Dr. Nichols in her first year of teaching cadastral surveying. After a guest lecture by the only woman cadastral surveyor in Canada at the time, one first year foreign student wanted to know whether all cadastral surveyors in Canada were women.

- *Obtain knowledge of the local situation.* For project managers to know whether women’s access to land may be an issue, there is a need for an adequate pre-project assessment of the situation. The level of detail and complexity will depend on the local situation and the objectives of the project. However, if the situation does appear to have issues directly related to women’s rights, then special measures may have to be taken to understand the potential implications of the project. This can be assisted by monitoring changes during the project and by obtaining feedback from women as well as male community leaders before and during the project. Post-project evaluation (the role of which is too often disregarded or minimized) is also important for understanding what worked and what did not and what were the lessons learned.
- *Provide opportunities for women’s rights to be explicitly recognized.* If a land titling, cadastral surveying, land registration, or information system project is going to document rights to land, then decisions need to be made as to: what rights will be included? whose names will be documented and based on what evidence? and how will these names be kept up to date? In addition there is a need for the decisions made on these issues to be acceptable to the recipient community to ensure the sustainability of the systems introduced.
- *Safeguard and enforce women’s rights.* Pottier [1999]³ and others suggest that women often lose access to certain resources when those become profitable or receive more attention.
- *Add the spouse’s or partner’s name to all legal documents concerning land rights, including any official register of land rights.* For transactions involving family holdings consent should be given by the spouse or partner. This helps to prevent fraud, adds security for the woman beyond family or legislative recognition (e.g., matrimonial laws), and helps to ensure that both partners understand what their rights are.
- *Propose alternative ownership models.* There are instances where combining individual, common, public or group ownership may provide a better solution for women or groups of women to secure or extend their existing rights. Under customary regimes women have use rights to their male relatives land. During privatization programmes they can easily lose these rights if the land is titled under the name of the male relative without giving consideration to women’s overlapping use rights. Identify joint ownership interests during registration where applicable.

³ Pottier, J. [1999]. “Food Security and Gender: Information Gaps and How to Plug Them.” FAO High Level Consultation on Rural Women and Information, FAO, Rome. <http://www.fao.org/docrep/X3803E/X3803E18.htm>
 Accessed: 24 October 2000.

- *Establish land administration institutions that are responsive and accommodating to women as well as men.* Efficient, decentralized land administration agencies are better able to serve the community. Participatory methodologies and decision-making structures can provide opportunities for inclusion.
- *Simplify registration procedures.* Women, especially poor women and female heads of households are often unable to comply with excessive documentation requirements. They are also unlikely to represent their interests effectively and in a timely manner required in procedures designed with a bias toward the more affluent segments of society.
- *Support women in land administration organizations.* In major internationally funded projects, women employees often do not have the same access to opportunities on the project. Yet these women may be able to help foreign project members and recipient organization staff to better understand the issues related to women's access to land locally. They may also be a communication bridge to the community's women. Projects can also enhance women's sustained participation in a land project through education and training. The Swedish International Development Agency, for example, has required that 50% of all participants in cadastral training and education projects abroad be women.
- *Consider that women have limited access to financial resources.* Any procedures requiring financial compensation should be carefully examined not to present an additional burden for women and exclude them from the benefits of the project. Where financial support is available to subsidize administrative costs women with insufficient means should receive priority during fund distribution.
- *Ensure effective access through other support.* Providing equity is not enough. To be effective, access to land must also include access to other resources (such as financing, technology, and training) and to required support systems (e.g., water, roads, marketing co-operatives). Without these resources and support, the projects may leave nothing but paper titles behind.
- *Share awareness of the issues and their complexity.* Just being aware that there may be some potential issues is a long step forward. This will help project managers, task managers, and other participants in policy formation or project design understand that they need to be sensitive to potential impacts. Awareness of the complications in what may have seemed to be a straight forward surveying project, may help professionals decide whether or not people with specialized expertise may be necessary. It is also important that surveyors share this awareness with their staff and others involved in the projects.
- *Document lessons learned and best practices.* Obtaining relevant and reliable information regarding the situation of women is often difficult. For that reason, sharing information and experiences within the surveying community has enormous significance.

7.2 Removing barriers to access to information

- *Disseminate information in a way that is comprehensible by women.* It should be taken into consideration that the illiteracy rate is much higher among women than men. Adoption of training and advisory materials for the non-literate population is essential. Employ those forms of media that reach women in rural areas and in poorer districts of cities.
- *Explain the rights and obligations associated with holding title to land.* Women should feel comfortable about being title holders. They should understand the rights, responsibilities and opportunities granting title to land carries and the potential changes and consequences this may bring in terms of their status (i.e. fees to be paid during transaction, possible tension with male relatives, etc.)
- *Discuss the meanings of land administration terms with women.* For instance, women's understanding of the term security of tenure or ownership can be greatly different from what men think.⁴ This should be within a non-threatening environment where women are not afraid to ask questions.
- *Consult those women directly who will be affected by the program outcomes.* More and more accurate information can be gathered as to the priorities and interests of women when they are asked directly.
- *Ensure that there is a two-way communication mechanism in place between women and surveyors.* Women's experience and knowledge should be part of the initial community assessment. Facts pertinent to the project should be communicated to women by development professionals and women must have opportunity to voice their concerns without being intimidated. Religious and customary laws governing the interactions between women and "outsiders" must be understood before the project, be adhered to, and worked around (e.g., by employing women to conduct the interaction).
- *Include women among surveying professionals working with local communities.* Female professionals might be able to establish connection with women's groups in communities where religious or cultural customs prohibit social contact between the sexes or when women are not allowed to speak publicly in the presence of their husbands. It is however equally important that female professionals responsible for these tasks have a good understanding of the gender dimensions of the project, the local situation and are willing and able to undertake these assignments.
- Support women's membership in land management bodies at all levels: from national to local levels and also in formal as well as in informal bodies.

⁴ Varley, A. [2000]. "De lo privado, a lo público: género, ilegalidad y legalización de la tenencia de la tierra urbana" *Estudios demográficos e urbanos* 44, 15, 2.

7.3 Increasing awareness about the obstacles hindering women's participation

- *Be aware of women's daily schedules.* Plan meetings and information sessions during that part of the day when women are able to attend. Accommodate women's request in terms of timing and location. Women are seldom able to visit geographically remote areas for the purpose of attending meetings.
- *Analyze decision-making patterns within domestic units.* It is often the male head of the domestic unit who is viewed as the decision maker and it may be so. Research has shown⁵ that the male decision maker does not necessarily represent the interest of the women and children in the domestic unit. Receiving independent input from women is essential when a project may affect their well-being.
- *Recognize the different needs of different women.* All women are not equal. Women who are economically in a better position have different interests than poor women, and their participation and input do not replace poor women's participation and input. Instead, it represents another segment. Special attention need to be given to the situation of divorcees, female heads of households and widows.

7.4 Working with the local customary community

- *Identify rural institutions in charge of the implementation of customary rules.* One of the important elements in the project or programme may be an interdisciplinary approach. Surveyors are not sociologists or anthropologist, nor micro finance experts. Part of any successful project is knowing when to bring in the experts.
- *Oversee the legitimacy of women's land claims.* Women's access to resources can only be sustainable if it is viewed by the community - both men and women - as legitimate. Projects should strive to allocate resources equitably and strive to ensure acceptance by the members of the community.
- *Investigate what rights - in what areas (inheritance, divorce, property rights, family law etc.) are upheld in the event of controversy between written and customary laws.* Once again experts (lawyers and others) can provide project managers with a better understanding of the issues, the status of the law, and any contradictions.
- *Acknowledge when there is a problem regarding women's unequal access to land and associated resources.* Women's lack of access or insecure access to housing and productive resources are not always transparent and customary tenure systems vary from place to place and even in time as the social and economic fabric of rural communities are subject to transformation and modernization. Bringing the issue to the attention of appropriate authorities may not always be popular but may be considered part of a surveyor's code of ethics.

⁵ World Neighbours [2000]. "Gender and Decision Making: Kenya Case Study." World Neighbours, Nairobi.

8. Conclusions

Providing secure and effective access to land for women can benefit families, communities, and nations through, for example:

- increased economic opportunities;
- increased investment in land and food production;
- improved family security during economic and social transitions; and
- better land stewardship.

However, these benefits can only be fully realised if the strategies adopted for improving women's access to land work in practice and if decision-makers and project teams are aware of those strategies that do and do not work. They need to know about the quality and distribution of rights in land, the economic and cultural impediments that limit women's effective and secure access to land, and the benefits that can be achieved by enhancing women's access. They also need to know what options for improving equitable access to land exist and be able to evaluate the full range of implications of these options.

Surveyors have an impact on land tenure systems worldwide. This implies that the profession also has a special responsibility to society. As the land tenure issues grow increasingly complex and become more diverse, the profession has a responsibility to know more about the issues and to do more to ensure that the systems for administering property rights serve all societies well.

BIOGRAPHICAL NOTES

Agneta Ericsson is a Chief County Surveyor of Dalarna and Gävleborg, Sweden. She got her Master of Science in Surveying and Mapping at the Royal Institute of Technology in Stockholm in 1973.

Through out the years she has been engaged mainly in cadastral issues e.g. in the development of the Swedish Land Data Bank System and the digital cadastral index map. During 4 years (from 1994-1998) she was employed by Swedesurvey, a state owned company responsible for marketing the services and co-ordinating the activities of the National Land Survey of Sweden. At Swedesurvey she was responsible for Swedesurveys activities in Asia and Latin America.

For four years she has been the chairperson of the Task Force Group “Women’s Access to Land”, Commission 7 FIG.