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WOMEN'S RIGHTS FROM THE GROUND UP:

A strategic approach to securing women's land rights

Oxfam International



Foreword

Wherever we live in the world, our lives depend on the land, the water and the forests. As citizens of the Earth, this is our common heritage, our birthright and our food bowl.

We simply must refuse to accept that these natural resources – our most precious wealth – can be snatched from the hands of women before birth. Oxfam, as an organization that places women’s rights at the heart of all we do, must confront the dire inequality in how we share our land and other natural resources between women and men.

I have seen in my own life, in my own village, how land can mean the difference between a simple, but secure life for a woman farmer and her family – or a life of uncertainty and hunger. When this happens, it is not only women who suffer but their families and the whole community.

As we face the ravages of climate change and the injustice of hunger, we must actively include half of humanity in the vital work of protecting the lands that feed us. Land harnesses the talents, passion and creativity of women in building a fairer world for all of us. It is also a safety net, giving women the freedom to walk away from exploitative, poorly paid labour and to demand conditions equal to men. It is a fundamental part of a more human economy.

From Asia to Africa, to the Arab states and to Latin America, women are standing up and speaking out. They do so in the face of often terrifying threats and abuse, including sexual assault or beatings intended to silence them. We simply cannot let them – and the men who support them – stand alone.

Colleagues, we must also uncover, and speak openly about, our own unintended biases in how we approach our programs, advocacy and campaigns on land, forest and water rights. Rather than hiding these biases, we must unearth them as a vital step towards addressing them.

I want to thank all the colleagues who have contributed to produce this strategy. It will not tell you how to solve land and natural resource inequality between women and men, but it is a vital tool for our work.

Just as many women farmers use a hole to uncover the secrets of the soil, I ask you to use this strategy to ignite your questions, your curiosity and to start conversations within Oxfam, with our partners, and most of all with the women and men whose rights are at risk.

Wherever in the world you work to defend women’s land rights, know that all of us in Oxfam stand right behind you.

Winnie Byanyima
Executive Director, Oxfam International

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Definition of key terms

Women's secure land rights: Women's reliable and secure access to, and use and control over, land and natural resources (including forests, waters and grasslands). This requires having a meaningful role in decision-making equal to men. It is these substantive rights, irrespective of the tenure system, on which this document focuses.

Tenure system: In general, a tenure system is a set of institutions, assumptions, and rules that underpin a process of land governance. This includes how land is to be allocated within societies, associated responsibilities and constraints, and how rights are granted to use, control, and transfer land. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions.¹

Customary land tenure: A form of land administration and management centered within locally recognized institutions, culture, philosophy, principles and rules. Like other forms of land governance, it is nuanced and evolving. Colonialists often sought to stop or delegitimize customary governance because it threatened national colonial authority, a legacy still felt today.

Land governance: The rules, processes, and structures through which decisions are made about access to, and use of, land. It includes the manner in which those decisions are implemented and enforced, and the way in which competing interests in land are managed. It is simply how societies and groups organize to make decisions on land and natural resources: Who takes the decision? How are decisions made? Who is accountable for these decisions?

Gender-just land governance: This document focuses on supporting women to gain and maintain land rights on equal footing with men. This includes addressing structural and systemic issues that affect women's role in advancing this agenda. It includes some insight on how the idea of 'gender' is constructed (ie. social norms about the difference between women and men) and how this is linked to the social construction of land inequality and land justice.

Market-led land governance: A form of land governance in which land is commoditized and commonly transferred or acquired through the market by buying, selling, or renting. It's important to note that once land is commodified, it ceases being a common good but rather becomes a commodity. It typically focuses on individual and communal land ownership or long-term lease rights.

¹ This definition largely draws from UN FAO n.d. 'What is land tenure?'
<http://www.fao.org/docrep/005/y4307e/y430>

Control of land: The ability to have substantive power and a meaningful role in making decisions about how land is used, managed, or transferred. In some contexts, secure control over land may be expressed as ownership of, or as taking a key role in, the governance of customary lands. Control over land also implies that this right is maintained over time and that women and men benefit equally from any harvest, proceeds, or profits from land.

Ownership: One form of expressing rights to land. While ownership *can* be a way of formalizing a right of access and control of land, it is not necessarily so. For example, a woman may have a formal ownership right, but cultural factors may prevent her from realizing those rights.

Transfer rights: The right to transfer land or have land transferred to you or another person. This can include rules on inheritance, borrowing, lending, sharing, gifting, renting, or selling.

Use rights: This can include exclusive use rights, such as small-scale farming, also renting, and leasing, or rights to use land alongside others, such as picking medicinal herbs from common lands.

Gender transformative: This describes an approach to create, cultivate, and foster shared access to, and control of, resources, including land and decision-making between women and men.²

Land-based knowledges: Women play a critical role in protecting and upholding traditional knowledge. This can include knowledge about seed, plants, local ecosystems and medicines produced from the local environment, as well as knowledge of sacred sites or environmental and cultural history. Indigenous women play a particularly important role.³

Territory: In some contexts, people may prefer to use the word *territory* rather than *land*. Territory can include all interconnected relationships connected to place—including people, spirits, animals, plants, culture, and water. Indigenous peoples may also use the word territory to identify the places and relationships under their traditional custodianship or governance.

² A gender-blind approach that is not gender transformative does not take into account the differences between women and men that arise from specific cultural, economic and political contexts and can therefore maintain the status quo or reinforce unequal gender relations.

³ This document uses the word 'indigenous' as it is the term used in UN frameworks. However, Oxfam acknowledges that this may not be the preferred terminology in some contexts. People may prefer to identify collectively as 'first nations' or 'Adivasi', for example. 7e05.htm

Our vision for women's land rights

Insecure land rights for women is a deep-rooted injustice that pushes women and their communities into abject poverty.

We envisage a world where women have equitable, secure and stable access, use and control of land, which allows them to meet their day to day economic, social and cultural needs and to thrive in their families, communities and societies.

1. Introduction: *Women's rights from the ground up*

Women's rights from the ground up is for any Oxfam staff doing programs, projects, campaigns, or advocacy activities on land and natural resource issues. This includes land rights programs that specifically target women as well as broader land and natural resource work. This document aims to help all of us be aware of, and tackle, gender-based discrimination to ensure that all our work on rights to land and natural resources contributes to addressing the inequalities between women and men when it comes to their access, use, and control of land.

Tackling gender bias, whether this bias is intended or unintended, requires all of us to put women front and center in our work on land and natural resource issues. It requires deliberate efforts to acknowledge existing biases and a commitment to addressing them. Invisible gender bias can inform everything from who gets included in community consultations on land, to how laws are written and implemented. It can also impact how we work—from how we decide what issues and activities to focus on, to the tools we use to support and strengthen local leadership.

Women's rights from the ground up includes a high-level vision of how we see change occurring and the tools we can use to secure women's land rights. It also draws on discussions with Oxfam staff and partners to help build a stronger, shared narrative on women's rights and gender justice in our land and resources work. Throughout the document, you will find examples or analysis on issues that we commonly face in the 30 countries where Oxfam does land rights work. ***Women's rights from the ground up*** also offers examples and guiding questions to help the reader better understand why everyone needs to have clear and defined strategies to secure women's rights in their land and natural resources work. Rather than focusing on global targets and priorities, this document aims to be a tool to help guide country teams to develop their own strategy on women's land rights for their context.

2. Why women's land rights?

Land is critical to our daily lives. It is the basis of our identity, dignity, livelihoods, housing, food, local knowledge, and sense of security.⁵ Secure access, use and control of land is critical to embedding a system of rights, responsibilities, and relationships to the natural world that allow us to imagine, and invest in, an environmentally sustainable and socially just future. Land has played a fundamental part in the story of colonial occupation in many countries and other forms of historic and modern inequality—and inversely, it is key to a fairer society based on the equal sharing of resources. Land rights are inherently linked to women's position in their families, communities, and societies. Deeply held systems of discrimination—such as economic structures that concentrate wealth, patriarchy, power imbalance, and structural violence—disconnect women from the land.

Women's stories, truths, and aspirations continue to be marginalized. Formal structures can shift, but they will not bring meaningful change if they do not challenge the underlying logics of gender bias. For many women, access to land is dependent on their relationship with a male family member and they can lose access to land if this relationship ends or becomes tense.⁶ Even where laws and policies do include gender equality targets, often these targets are not implemented. Unequal access to formal education means that women are less likely to be able to read and write confidently, which makes it difficult to find or assess information. Women earn less and have less access to the legal system. So, even in market-based systems, women find it harder than men to buy land. Meetings to discuss community views on important land issues, such as large-scale investments, often take place at times and locations that favor the views and participation of men. In pressing for women to have an equal and active role in driving the development agenda, it is important to work in ways that acknowledge existing gender norms and find ways to include women. This requires challenging the underlying issues of the unequal distribution of unpaid care work and the lack of equal access to opportunities.

In recent years, there has been a dramatic increase in commercial interest in using or buying land and forests to create agriculture plantations, build mega-infrastructure projects, or for use in oil and gas exploration. Land that was previously used or owned by communities is handed over to private companies—and women are often disproportionately disadvantaged in this process and their voices are not heard or valued. In many cases, national, district, or local governments

“If you take away land from women in the rural areas, you take away their livelihoods, you take away the very thing that they identify with.”

**– Melania Chiponda,
land defender in
Zimbabwe.⁴**

⁴ UN Global Fund for Women. (n.d.) '8 quotes that emphasize why we should celebrate women land defenders for Earth Day'. <https://www.globalfundforwomen.org/8-quotes-women-land-defenders-earth-day/#.W8lyT9UzaUk>

⁵ In this document we use the term 'land' but in some contexts people may prefer the term 'territory', see Definition of Key Terms.

⁶ Heinrich Böll Foundation Southern Africa (2013) 'Women and land rights: questions of access, ownership and control'. p. 5

play a role in giving away land belonging to communities, sometimes violently. Oxfam, together with many others, has been involved in influencing national, regional, and international policy frameworks to achieve recognition of equal land rights for women. This includes making women's land rights visible in the Sustainable Development Goals and the Convention on the Elimination of all forms of Discrimination Against Women, among other frameworks.

3. The great divide: Women and men's access to and control of land

To date, global statistics do not capture the full nuance of how rights to land across all tenure systems are gendered and sexist. However, the land data that are available show deep and systemic gender bias across cultures and continents, and massive discrepancies in access and control of land in favor of men. In Latin America, women account for less than 12 percent of people who have benefitted from agrarian reform processes and women are marginalized in farmers' movements.⁷ In Brazil, the average area of land worked by women is 25.5 hectares, compared to 60.7 hectares by men.⁸ Women represent fewer than 5 percent of all agricultural landholders in North Africa and the Middle East, while in sub-Saharan Africa they make up an average of 15 percent.⁹ There is little, if any, data that capture women's rights to use, and make decisions about, indigenous lands or land used and managed collectively.

Confronting gender inequality in land access, care, and use requires external action to mobilize momentum for change and confront new threats that undermine women's land rights. It also requires internal action to challenge our own gender biases and drive transformative change in all our land and natural resource work.

Women's land rights is not a standalone issue

The conversation on women's access and control of land cannot happen as a stand-alone. A woman's ability to realize her right to land is determined by complex relationships and decision-making structures at household, community, national, and international levels.

⁷ Deere, C.D. and León, M. (2000) 'Género, propiedad y empoderamiento: tierra, Estado y mercado en América Latina. Bogotá' TM Editores. as cited in Arantxa Guereña. 2016. *Unearthed: Land, power and inequality in Latin America*. Oxfam. Oxford. November. p.27.

⁸ Salcedo, S. and Guzmán, L. (eds.) (2014) 'Agricultura familiar en América Latina y el Caribe: recomendaciones de política', Santiago: FAO as cited in Arantxa Guereña. 2016. *Unearthed: Land, power and inequality in Latin America*. Oxfam. Oxford. November. p.27.

⁹ De la o Campos, AP., N Warring, C Brunelli, C Doss and C Kieran (2015) 'Gender and land statistics: recent developments in FAO's gender and land rights database'. Gender and land rights database technical note. Food and Agriculture Organization of the United Nations and International Food Policy Research Institute. Rome. p.20, 23. Based on analysis of available national data collated in the FAO Gender and land rights database.

On the following page are examples of how women can be treated unequally to men”.

How women may not be treated equally, some examples:

1. *Under the constitution and the land law, women and men have equal rights to land. However, the inheritance laws states that women only inherit land if they have no brothers. When cases come before the courts, judges choose to apply the inheritance law and refuse women their rights to land even though the Constitution is the supreme law.*
2. *A civil society organization has a majority of male staff and male members. The organization invites women to their meetings, but they never come. For many years, in all their submissions to government, the organization says that the government should support women’s rights, but little changes. The organization itself doesn’t have a strategy to identify why women are not part of the organization or set clear time-bound targets to equally involve women and men. Meanwhile, women groups do not participate because they perceive that the civil society land organization works on issues not relevant to them.*
3. *A national land registration program starts. It encourages men and women to register land together, and uses radio, television, and public meetings to ensure women know about the process. The program publishes statistics on how many women and men are making land claims. However, it does not collect data on the outcome of mediation processes. It does not notice that whenever there is a dispute between a man and a woman, the woman almost always loses.*
4. *The local land department undertakes a consultation with women about a recent large-scale land acquisition, which the media calls a “land grab”. The majority of women say that the biggest barrier for them to access land is domestic violence because their husbands limit their control of land and they are scared to speak out for their rights. The land department officers tell the women that domestic violence is not a land issue, and that they should only speak about relevant issues.*
5. *A local company wants to rent a large area of customary land to create a sustainable timber plantation. The community is worried about what benefits or disadvantages the plantation will bring, so the company commits to create 400 local jobs. However, local men are given well-paying jobs cutting trees and processing logs, while women have few opportunities for paid work. The economic inequality creates household tensions, as women rely on their husband’s income and also lose economic independence as the plantation cuts off access to traditional lands they use to harvest materials for household use and to make baskets to sell to tourists.*

It is also important to appreciate that not all women have the same experiences, and to reflect on the local context and circumstances. Later in this document, the section *Intersectionality: Not all women are the same!* further explores how a woman's race, wealth or poverty, sexual orientation, or caste can also shape her experience. The following boxes highlight that it's important to support women's land rights across all tenure systems—and we respect the diverse ways in which women use, and make decisions about, land.

Do women's land rights require dismantling customary and community land tenure?

Customary or community land tenure is often practiced by indigenous peoples and communities that practice their own traditional land systems. This can include community-based land systems that draw on more recent traditions. For example, in the Americas there are community-land systems created by communities of former African slaves and indigenous peoples forced to flee their traditional lands.¹⁰

In the past, efforts to dismantle or undermine locally centered land governance have presented this form of governance as intrinsically biased against women. This is equivalent to saying that we should get rid of all common law or civil law systems because they include rules and practices that discriminate against women! Just as in national systems of land governance, those in power in locally centered land governance may misrepresent social values, intellectual traditions, laws and perceptions of justice in ways that claim that culture is fixed and women are inferior. Previous traditions that protected and safeguarded women's rights to land may be neglected, or there may be a lack of awareness or training on how local land governance links to national laws on gender equity. In some cases, customary principles and rules can be misused or misinterpreted and go against traditional norms. Conversely, outsiders may not be aware of examples where collective rights help to strengthen and protect women's rights to land, forests, and waters—for example, by allowing them to work together to defend their lands and rights.

In the face of increasing threats to land held under these systems, there are growing efforts calling for the state and others to recognize, protect, and secure customary and community land rights. The interaction between local and national systems of land governance can also present a complex moment in power relations. For example, if a government decides to legally recognize community lands, to document community land rights, or create formal bodies that recognize and facilitate community land governance, it is vital that women are part of these processes or their rights will be undermined.¹¹

¹⁰ For example, the Maroon communities of the Americas.

¹¹ Discussion of the interaction between these governance systems can often include biased language. For example, referring to state systems as 'formal' or law-based and community-centered land governance as 'informal' or based on 'lore'. Both systems are based on sophisticated and complex rules and structures. One option can be to refer to the state system as 'statutory law' and the community-based system as 'customary law'.

Strong involvement from women's groups and local women leaders can ensure that women's concerns are actively addressed. This can include capturing the critical contribution of women's land-based knowledges and calling for more equitable locally centered decision-making, with equal land access for women and men.¹² When an outsider, such as a company, seeks to use or access local lands, decision-making processes are typically led by men. Women are often excluded from these discussions. Sometimes this exclusion is deliberate, at other times it is the result of unconscious discrimination. It is critical to ensure that women and men are equally involved in any process meant to obtain community consent.



Photo credit: Sam Tarling

It's not all about title

Some people argue that women can only achieve secure land rights by getting rid of local customary or community land governance and replacing it with individual titles. This argument can evoke colonial-style arguments that Western ways of governing land are fundamentally superior to local systems that are rigid and backwards. This one-size fits all solution is overly simplistic. Instead of focusing on the type of tenure system involved, it is important to listen to women. Respect what they see as the key issues, and drill down into the detail of how women are using land and what they see as the best way of strengthening their right to make decisions about land. This can include, for example, ensuring that customary land governance adheres to national laws on gender equality or reviving previous community rules that were more gender equal. In some cases, land titling can have a negative impact on a woman's land rights. On the next page is one example of how complex women's relationships to customary land can be.

¹² See for example Knight, R., M Brinkhurst and J Vogelsang (2017) 'Community land protection facilitators guide'. Namati. Washington DC.

Imagine a rural community. There are houses and small plots nearby where women grow vegetables and corn to eat at home and also to sell. Further away are rice paddies, where women do much of the labor. On the other side of a river are grasslands, where women collect grasses to make baskets for household use and to sell. There are also sacred rocks, where women conduct ceremonies. Women and girls collect drinking water from the local well, they also wash clothes in the river. Women collect medicinal plants from the forest, as well as rattan and wild yams in the driest month or two of the year when it is hardest to grow food. Women also care for nearby graves. Young girls and boys also play in the forest, hunting birds with slingshots. On the hills on the outskirts of the village, women and men tend to grazing goats and cows. If needed, this land can be used by future generations of young women and men who need land. Land use can also change. For example, one year after a very bad flood it was decided that three families should move their house and vegetable plot because they were too close to the river.

In this scenario, women's level of decision-making and control can be nuanced and diverse:

- Women may have considerable control over some resources, like the vegetable plots.
- Women may have little control over some resources, such as the rice paddy.
- Women have user rights to areas they use often but also to important, but seldom used, areas, such as forests from which they gather medicinal plants or yams.
- Some lands women use exclusively, such as the sacred rocks.
- Some lands both women and men can use, such as the grazing lands.
- Some lands women use to make their own money, such as crafts made from grassland resources.
- Other lands are important because of their connection to the past, such as graves, or to the future, such as land reserved for future generations.

As in any tenure system, this village will have gender bias in these land rights and arrangements. However, if this customary land is transformed into individual titles, women (and men) will only receive title to a small area of the land they use: to their house, vegetable plots, and rice paddies. The rest of the land will typically go to the state. The state may choose to do nothing with it or the land may be sold off or used for large projects. While women often find it very difficult to influence local men making decisions about this land, they are likely to find it even more difficult to influence the civil servants (who are mostly male) based far away in the capital who make choices about state land. Titling may provide women more secure rights to some of the land that they use, but much less secure rights to other lands. In fact, their husbands may still deny them equal rights to profit from rice paddies, for example, even when they are equally owned by husbands and wives. Women may feel pressured to sell or lease their land.

In short, there is no simple solution to strengthening women's land rights. Women's land rights can only be achieved by strengthening the ability of women to make decisions about land, equal to men.

4. Securing women's land rights: Some key challenges

Women's insecure land tenure—including where women cannot access any land at all—is reinforced by many factors. They include:

■ Weak legal and policy frameworks

Where national or local policies to protect and secure women's land rights are inadequate, contradictory, or not aligned with other laws, it becomes more difficult for women to assert their rights to land and land-based resources. Even where positive laws and policies do exist, all too often the implementation of relevant policies and administrative practices is poor and weak—and often entrusted to institutions with few, if any, female staff or women leaders.

■ Increased competition for land

Globally, there is increased competition for land and natural resources. For example, unequal power relations can see land provided to mega-infrastructure projects, oil and gas exploration, and large-scale land acquisitions for agri-investments, agribusiness and large-scale farming. These unequal relations increase women's vulnerability to losing access and control of land. Climate change is increasing the perceived value of land, leading to high prices and land speculation and making green-revolution style farming less productive and more unpredictable.

■ Social and cultural norms

These continue to reinforce ideas or practices that discriminate against women. This undermines women's ability to equally participate in decision-making processes, and prevents women from having equal access and control over land and land-based resources. Often, people who want to prevent women from having equal access and control of land, say equality would undermine their local or national traditions. This argument often fails to acknowledge that laws and rules commonly change over time. They may also overlook examples of more gender-equal practices in the past.¹³ Social and cultural norms can also influence how laws and policies are implemented.

■ Closed civic space and gendered threats to women land rights defenders

All women are vulnerable to violence and threats when they confront gender inequality over land and natural resources. Strategies for keeping women land defenders safe may also be different to men, as women often face risks simply for exercising leadership. Women also face sexual violence and threats against their family. Women may experience less public violence than male protesters, but they may face higher levels of violence behind closed doors, such as household

¹³For example, those opposing changes to inheritance rules to allow women to inherit land may overlook relatively recent changes that allowed lower-class men or men of colour to inherit land (where previous rules may have only applied to upper-class men).

violence from family or community members seeking to silence them. Gender norms may also mean that women are more vulnerable to certain threats, such as separation from children, vilification or financial isolation. Women are also less likely to have strong relationships with male decision-makers to intervene on their behalf and less access to secure transport.

■ Inadequate and unreliable data

A lack of both qualitative and quantitative data on women's access and control of land perpetuates, and is symptomatic of, a lack of visibility of existing discrimination against women across all tenure systems.

Free, prior and informed consent (FPIC)

Free, Prior and Informed Consent is a recognized right of indigenous peoples under international human rights law and stems from their right to self-determination. It outlines that communities have the right to accept, or reject, projects and activities that take place on their land, forests, and waters. It also notes that this community decision must be:

Free: *That is, a decision is taken voluntarily, without coercion, intimidation, trickery or manipulation.*

Prior: *The community decision is taken before any activities are authorized. Investors and government must respect local decision-making processes and the community's own timeline to make decisions. The FPIC process continues throughout the life of a project or company operation.*

Informed: *Communities have objective, accurate, and accessible information, presented in a way that is understandable. This includes accurate information on the nature, size, purpose, and scope of a proposed activity or operation and its likely social, economic and environmental impact on local people. Communities also have access to independent advice.*

Consent: *It is the right to approve or reject a project, operations, and key decisions throughout the project cycle. This includes the right to say "no".*

Oxfam champions this indigenous right to FPIC, but also the broader principle of FPIC to all communities will be affected by large-scale or high-risk activities on their lands or communities (as long as it doesn't undermine the rights of indigenous peoples). FPIC processes are particularly important for women, as women and girls are often disproportionately impacted by harmful projects. FPIC processes which are inclusive and gender-sensitive allow women to draw on their collective power and contribute to decisions about their lands, waters, forests, and other natural resources. Laws, strategies, methodologies, and indicators should be promoted that can help to measure, highlight, and build women's equal participation in FPIC processes. Oxfam also has specific resources and expertise on women and FPIC.

5. (In)equality: Getting to the core

The focus of ***Women's rights from the ground up*** is to offer a strategic approach that can ensure that Oxfam has a clear and consistent approach to supporting women's land rights, while still allowing countries and regions the flexibility of tailoring their work to their specific context. Drawing on many discussions with Oxfam staff and partners, we have identified five key pathways to transformation. We encourage all program, campaign, advocacy, and influencing activities to draw on these pathways.

Our five key pathways to transformation to support women's land rights and challenge underlying gender discrimination in land and natural resource issues are:

"It is not an option but rather an obligation to speak out, all of us together, to demand changes".

– Betty Vaquez, land defender, Honduras.¹⁴

1 Narrative power

Narrative power is the ability to shape or promote certain stories and what those stories tell us about power and rights. Harmful narratives promote stories or incorrect assumptions that seek to justify denying women equal rights; helpful narratives challenge these assumptions. Narrative power is both a stand-alone power and a tool that stems from, and enforces, mobilizing power.

We will leverage narrative power to:

- Ensure that women's voices and stories are amplified across our land work
- Make the invisible visible and create a strong evidence base to highlight the problem and the solution
- Dispel existing/incorrect narratives
- Synthesize, communicate and strengthen our evidence of the systemic and structural violation of women's rights to land to inform our advocacy
- Use stories to share positive narratives, wins, and the impacts of land rights for women
- Campaign for secure land rights and draw on a strong evidence base
- Use mainstream and social media to share our findings and mobilize key groups (including the public)

¹⁴ UN Global Fund for Women. (n.d.) '8 quotes that emphasize why we should celebrate women land defenders for Earth Day'. <https://www.globalfundforwomen.org/8-quotes-women-land-defenders-earth-day/#.W8lyT9UzaUk>

2 Mobilizing power

We will:

- Strengthen and facilitate rural women to develop and voice their own asks and demands
- Build, strengthen, and amplify rural women voices
- Support rural women's mobilizing
- Facilitate rural women access to policy spaces to share their experiences and push their demands
- We will engage men as champions for women's land rights
- Shape civic space: With women on the frontlines of land rights struggles, we will ensure that everyone has the right to speak out
- Support women's land rights defenders, including their work on safety strategies, and link local level networks to national level networks
- Work with women's rights movements and organizations
- Support champions at all levels to further amplify the urgency to secure and strengthen women's land rights
- Research and make available qualitative data that highlights the importance of secure land rights for women
- Support women to engage with governments at all levels, private sector actors, and religious and traditional authorities, to advocate for secure land tenure for women

3 Private sector power

We will engage with the private sector to:

- Stop unfair evictions and amplify women's voices on large-scale land acquisitions
- Hold businesses to account for how they strengthen, or undermine, women's access and control of land
- Monitor and share information—particularly about the past practices of companies and projects
- Better understand the link between women's economic empowerment and women's land rights—including the rural women's care economy
- Review frameworks from the private sector (and governments) to ensure that any investments in land give an equal chance for women and men to make key decisions and strengthen women's land rights
- Collaborate carefully with private sector actors who are interested in testing gender-sensitive alternative business models

4

Institutional power, government/public sector engagement

We will leverage narrative power to:

- Inject a gender-justice and land-justice agenda in governing institutions
- Do the same for laws/policies/decision-making processes
- Demand for effective global, regional, national, and local laws, policies and frameworks that secure women's land rights
- Advocate for women's participation in land governance at all levels
- Demand the effective implementation of global, regional, national, and local laws policies and frameworks and work for greater gender balance in land administration at all levels

5

Social norms, values and attitudes power

We will:

- Challenge beliefs, practices, or habits that undermine women's rights to land and land-based resources
- Value and promote the important role that women play in sustaining and protecting land, life, and land-based knowledges
- Profile beliefs, practices, and habits that strengthen and uphold women's rights to land and land-based resources
- Engage traditional and religious leaders to establish dialogue platforms that question and challenge beliefs that hinder women for land access and control

6. Oxfam's contribution to women's land rights

Oxfam's contribution to women's land rights draws on bringing together two important strands of our work and identity.

1. Oxfam is an international organization that puts gender at the center of everything we do.
2. Oxfam is a leading organization on land rights, undertaking land work in 30 countries. It is one of the few organizations whose work spans in-depth programs, advocacy, influencing, and public campaigning.

Oxfam commits to addressing inequality and the concentration of power as critical factors that reinforce women's insecure rights to land, forests, water, and other natural resources. We understand that changing the systems that determine how women access, use, and control land, requires transforming gender roles within families, communities, and society. We will speak truth to power at local, national, regional and international levels. We will help build and strengthen women land activists to break the walls of male-dominated land movements and demand accountability, while bringing women's lived experiences to land rights debates. We will also confront our own implicit gender biases.

We will promote women-focused work that embeds a transformative leadership approach in its programming and interventions. We will promote mainstream awareness of how gender-blind land rights work deepens barriers against women, and we commit to bringing a strong gender focus across all our land and natural resources work.

We will bring this focus to the unique space that we occupy as an organization involved in many different intersections of land governance. We have a unique perspective on reinforcing a women's land rights agenda, as we:

- work on land rights at a local, national, regional and international level;
- interact with community, private sector and government actors;
- undertake program, research, mobilizing and influencing work; and
- work as a confederation, collaborating across teams, developing global agendas from the bottom-up, and strengthening our analysis through peer-to-peer learning.

Oxfam's land-focused work overlaps with our work in other program areas, including women's economic empowerment; gender justice; climate change adaptation; natural resource justice; water governance; youth inclusion; and conflict, fragile states and humanitarian work. This gives us a rich, nuanced and complex understanding of women's land rights issues.

7. Our pathway to change

To realize equitable, secure, stable and just access and control of land for women, Oxfam and its partners will engage power holders at all levels: government, private sector, women, men, civil society organizations and networks, and religious and traditional leaders. We will demand and ensure enactment and implementation of progressive laws and policies that secure women's rights to land and land-based resources.

Oxfam has identified five pathways, illustrated in the diagram on the next page, that can drive change in concrete and strategic ways.

Oxfam will focus on: strengthening spaces and tools for women to equally drive the agenda on how land is used, accessed and/or protected; challenging the structural and systemic inequality that deny women their rights to land; creating platforms for women to document and share their stories on land and tenure rights while demanding gender-responsive investments in land. This will also drive policies, laws and investment approaches that support and strengthen women's land rights, and help to ensure that they are implemented effectively and comprehensively. In turn, this will further increase women's participation in decision-making, deconstruct negative sociocultural beliefs and increase the political will to support women's equal rights to land and natural resources. This is necessary to secure equitable, stable and just access and control of land for women. Continual learning is a critical part of this work. **Women's rights from the ground up** is a living document and will be updated based on learnings from within Oxfam and broader women's land rights movement. It will also be systematically reviewed and updated every 5 years.

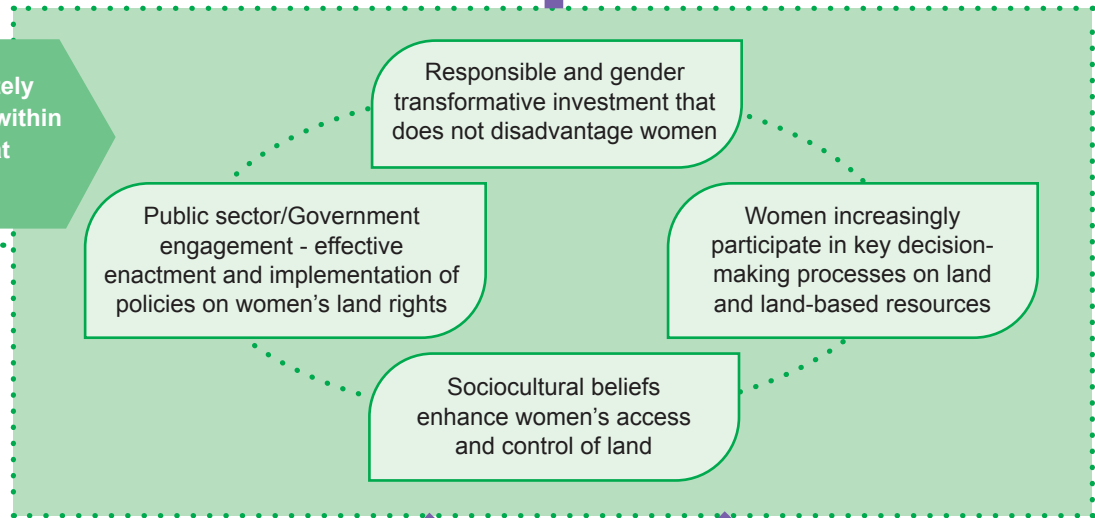


Photo credit: Coco McCabe

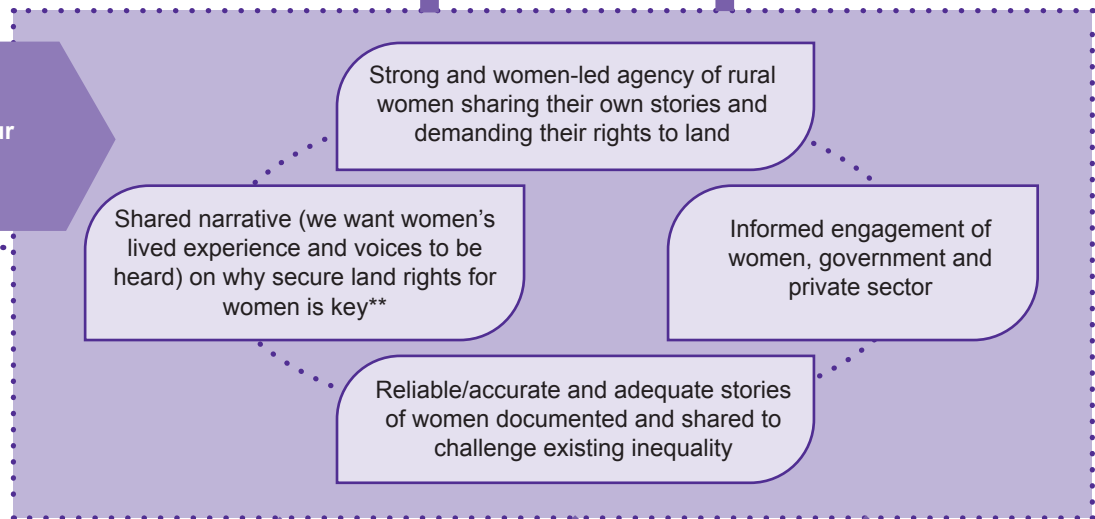
OUR OVERALL GOAL

Equitable, stable, secure and just access, use and control of land for women to meet their economic, social and cultural needs to thrive in their community

What you ultimately want to achieve within the scope of what you do



What will occur as a result of your interventions



Oxfam's Strategies

Influencing text in women land rights relevant policies and frameworks; Capacity building and awareness-raising; Advocacy, research and government engagement; Campaigns; Movement building; Work with women's rights organizations, engaging men as allies throughout the process; Development and use of tools and guides for engagement etc.

** It is also important to include narratives by men promoting why equality is important.

Guiding questions: Incorporating women’s land rights into all our land and natural resource work

The guiding questions on the following pages are intended to ensure that gender justice and the advancement of women’s rights underpin all our land and natural resource programs, campaigns, and advocacy. They can be used for any program, project, or strategy on land and natural resources and allow us to identify how government, companies—or even our own work—may affect women and men differently.

The questions aim to strengthen our contextual understanding of the links between gender discrimination and land rights. They also aim to help us identify our own unintentional biases in how we approach land and natural resource work—for example, if we are prioritising issues more important to men or we are working in ways that prevent women’s equal participation. Identifying these issues is not a weakness but a strength. Being honest about where we need to improve is an important starting point to putting women at the heart of what we do.

A more in-depth set of tools and resources can be found in the Annex.

“The land rights movement flourished with women in the frontlines along with men. Acknowledging and honoring the sacrifices and achievements of women...as well as addressing their specific challenges and promoting their aspirations are vital in advancing the land rights movement across the globe.

- Joan Carling, land defender, Asia Indigenous People’s Pact ¹⁵



Crédito: Alejandra Vargas Useda / Asociación El Común – Plataforma de Incidencia Política de Mujeres Rurales de Colombia

¹⁵ Land Rights Now. (2016) 'Interview with Joan Carling'. <https://www.landrightsnow.org/interview-with-joan-carling/>

Part I : The Big Picture

These questions can help us analyze the big picture of what is happening—both positive and negative—to impact equitable, fair, and secure rights for women. When asking these questions, we need to ask not only *how does this affect women?* but also *which women* are affected?

A woman's race, wealth/poverty, sexual orientation, caste, indigenous identity, or ability can also affect how she is impacted by efforts to strengthen, or undermine, gender equality.

-
- ✓ How are women and men impacted differently? What different barriers do they face in control or use of land and natural resources? Which women? Which men?
-
- ✓ What is the biggest threat to women's land rights?
 - ✓ What is the biggest threat to men's land rights?
 - ✓ What's similar? What's different?
-
- ✓ Do women have equal rights to men in your national or district land laws, including inheritance laws? Does this impact different women differently?
 - ✓ Do daughters and sons have equal rights to inherit land and property?
-
- ✓ Are laws, policies, and practices that greatly impact women given the same weight and focus by governments as those that impact men?
-
- ✓ Are you and others using gender-inclusive narratives in how you talk about land and natural resource rights?
-
- ✓ What is promoting or amplifying women's land rights in your country or region?
 - ✓ How can we build on progress already made to further secure women's land rights?
-
- ✓ What do we see as the biggest opportunity to secure women's land rights? (Opportunities can be legal, political, social, etc.)
-
- ✓ What are the opportunities to support women's leadership on land and natural resources at the local, national, or international level?
-
- ✓ What regional and global instruments, frameworks, and policies can be used to push for secure land rights?
-
- ✓ What role do women play in protecting local ecosystems and land-based knowledge? How can this expertise be harnessed?
-

Part II: The Detail

These questions aim to help show the ways that gender discrimination can occur in decision-making about land and natural resources. They highlight how seemingly insignificant decisions that favor men over women, add up to a systemic problem of gender discrimination and oppression. The questions are inward looking. They can help Oxfam programs, and campaign and advocacy teams to self-reflect and address any unconscious biases they may have. These questions may also be useful when analyzing a government program or a partner's processes to see how they may incorporate gender bias and discrimination.

This analysis will help to ensure that we don't deepen gender discrimination by perpetuating ways of working that favor men over women. It can also help us identify where we can improve and model good practice in our own organization.

-
- ✓ Does your land or natural resource program or campaign take into account and address women's rights?
-
- ✓ Do you include a specific section on gender in all of your reporting on land rights work?
-
- ✓ What training or capacity support is needed for staff working on land and natural resource issues to effectively embed women's land rights?
-
- ✓ Do we equally present women's and men's voices and images in our land related programs and campaigns?
-
- ✓ If men dominate local land governance processes, as elected officials and government workers – how do you ensure research and consultation equally includes women's voices?
-
- ✓ Do you collect data on how many women and men participate in your program activities?
-
- ✓ Do you have a women's land rights focal point? Someone who can ensure there is continuity and integrate learnings from other teams.
-
- ✓ What informs your partner selection? For example, do you have partners who have a strong gender analysis or partners whose gender and land rights work Oxfam can help strengthen?
-
- ✓ Are we ensuring that men and women are seen to have a responsibility to ensure gender equitable land rights?
-

- ✓ When analyzing land and natural resource-related problems, do you look at how each impact women, men, girls and boys?

- ✓ Are you targeting institutions that are supportive of women's land rights?

- ✓ Do you have a structured process of mentors/advisors/allies to give input into a gender perspective of your targets and ways of working?

- ✓ Do your community-level processes include female and male elders?

- ✓ Are you able to provide training on gender and women's rights to your land partners? If not, do you face particular barriers to doing this?



Photo credit: Olga López

Supporting women land rights defenders

A land rights defender is anyone working to peacefully defend land rights or the environment. They are typically everyday people from indigenous, rural, or farming communities but can include journalists, lawyers or NGO workers. This section highlights some of the ways that threats to land rights defenders can specifically target defenders as women or gender non-conforming people. This can affect women who focus particularly on women's land rights, or are part of other land struggles, or are involved in both. In challenging power, defenders of women's land rights often face hardship from within land rights movements themselves. For example, they may be excluded from negotiations or decision-making.

Gendered threats and violence

- Efforts to stop women's activism by isolating them from their community and supporters can include verbal attacks. These may use true or untrue claims that draw on gender stereotypes of "good" vs. "bad" women or women failing to accept "a woman's role". Strong, resilient land movements need to call out gender abuse.
- Sexual violence is also used as a systematic tool to silence, isolate, and terrify women land defenders and prevent women from joining land actions. Across Oxfam we need to consciously work to identify and respond to sexual violence against land defenders, including working with women's movements.
- While women are often leading land rights movements, their important role can be trivialized or rendered invisible. A higher value is typically placed on activities or threats faced by men. This has implications on women's safety and also makes movements weaker. It is important to include a gender perspective in our analysis of threats against land defenders.

The role gender can play in how we assess and respond to threats

- Safety strategies need to not only focus on threats from outsiders, but also those from inside a defender's home, family, or activist community. Escalations of emotional abuse, physical violence, and other controlling behavior need to be monitored and taken seriously. Systemic oppression that denies women their own self-determination makes them reliant on others—and, therefore, more vulnerable.
- Defenders at extreme risk of violence also need to be consulted on how protection strategies (such as relocation) may affect their role as parents, caregivers, and in family and community networks. Strategies that allow people to stay in their community are preferred where possible.

- Family members of land rights defenders (of any gender) are also at risk of violence. Women and girls may be particularly vulnerable.
- Safety strategies should not just focus on one or two individuals, but should aim to help protect a whole collective or community that is working to defend their rights. This will create a space for all affected women (and men) to raise their safety concerns.

Recognizing women's leadership as land rights defenders

- Women leaders are often actively prevented—by their own movements—from being involved in talks and negotiations with companies or government. Oxfam and partners need to consciously work to ensure that they have an equal seat at the table.
- Women's leadership may also be pigeonholed or restricted. Male-dominated land movements may recognize women as symbolic leaders or icons—for example, in leading protests—but not recognized for their role as strategists, negotiators, networkers, or information gatherers. Oxfam and partners need to consciously work to ensure that women are equally valued and promoted to a breadth of roles.
- Women's leadership may also be excluded by land rights movements using gender-blind approaches that embed men's access and power, and promote men up through the movement. For example, by conducting meetings in ways that automatically place men above women, such as when and where they meet, conditions of entry (e.g. excluding children), and language of discussion.



Photo credit: Pablo Tosco

8. Intersectionality: Not all women are the same!

Women's weaker and less secure access to, and control of, land, is the result of systemic structural violence and discrimination against women. But this can affect women differently. Inequalities and discrimination based on class, race, sexual orientation, age, ability, and gender do not exist separately from each other but are interwoven. Different forms of discrimination (or privilege) combine, overlap, and intersect. They are cumulative and complex.

A woman's experience may also differ depending on whether she is married, single, divorced, widowed, cohabiting (living with someone but not married) or if her husband has two or more wives. Women with or without children can also experience discrimination. Social rules and legal provisions can affect women differently, and in some cases can benefit one group of women while deepening the disadvantage to others. This means that a one-size-fits-all approach is not always ideal in tackling issues related to women's land rights; women's specific experiences, struggles, desires, and context must be taken into account.

People who don't conform to social expectations of their gender roles can also face discrimination in relation to land rights. For example, transgender people often face systemic discrimination across society, which can include decisions that determine whether they can inherit family land. People who do not identify as either male or female, or perhaps identify as both at certain times, can also fall outside traditional gender roles and may be excluded from both male-centric and female-centric decision-making processes. The same holds true for women and men who are in relationships with a person of the same gender.

At its core, our strategic approach on women's land rights is not simply about empowering women. It's about erasing discrimination and structural disadvantage, so that everyone's rights and needs regarding land are valued equally.

Discrimination is not black and white, so the way we safeguard against it shouldn't be either. An intersectional approach helps us meet the unique needs and experiences of individuals. Recognition of these differences helps us move away from an overly simplistic approach that defines a woman by a singular identity—and not the full diversity of her experience.

"We are the guardians of the territories, of the rivers, of the continuity of life"

– Ana Maria Hernandez, land defender, Mexico.¹⁶

"Indigenous women are at the frontline of the grassroots movement for land rights as this is a matter of life and death for them...In the context of the struggle for land rights, indigenous women need to be provided the support and the space to take leading roles and to amplify their voices."

– Joan Carling, land defender, Asia Indigenous People's Pact.¹⁷

¹⁶ UN Global Fund for Women. (n.d.) '8 quotes that emphasize why we should celebrate women land defenders for Earth Day'. <https://www.globalfundforwomen.org/8-quotes-women-land-defenders-earth-day/#.W8lyT9UzaUk>

¹⁷ Land Rights Now. (2016) 'Interview with Joan Carling'. <https://www.landrightsnow.org/interview-with-joan-carling/>

For example:

- A woman's marital status can expose her to multiple layers of discrimination regarding land rights. For example, this may differ depending on if she is married, single, widowed, in a relationship but not married, in a relationship with a woman, or married to a man with several wives.
- A woman's experience will differ depending on if her family supports equal land rights for women and told her from an early age that it is natural for her to access and control decisions about land.
- The extent that a woman has access to money, literacy, legal aid, and peer support, and whether she speaks the national language can influence how she can claim and defend her rights.
- The women most likely to attend village consultations are the wives of local authorities and professional women in the local area. The land issues and challenges that these women experience may be very different from very poor rural women who work in agriculture.
- The experience of women whose family and spouse actively support her equal access to and control of land is likely to be very different from those whose husbands and families believe that land is a men's issue.
- A woman who is HIV positive or who has difficulty walking, seeing or hearing may face specific types of discrimination.
- A transgender woman may be denied access to her land once she begins outwardly expressing her gender identity as a woman (not a man) or undertaking other gender non-conforming behaviors. Is this because she is transgender or because she is a woman? The answer is both. Through a lens of intersectionality, we can see that overlapping identities—such as gender identity/conformism, race or economic status—create a bigger struggle for transgender women.

“My husband recently married another woman and he chased me without giving me any share of our property simply because I was not legally married. I am still struggling to be given at least some share from what we had as properties.”

~A woman from Rwanda~¹⁸

¹⁸ Respondent from Rwanda during data collection for case studies on women's land rights done by Oxfam and the Rwanda Initiative for Sustainable Development.

We are not there yet, but we have made progress: some inspiration!

Mobilizing rural women across Africa to demand (and win) change!

The Kilimanjaro Initiative was conceived during a meeting of rural women and civil society organizations in 2012, in Dar es Salaam, Tanzania. They wanted to create space for rural women to participate in decision-making processes about land and natural resources, and strengthen the agency and movement of rural women in claiming and defending their rights. They aimed to mobilize 1,000 rural women in at least 20 countries to develop an African women's charter and use this to engender political will among national governments, donors, and regional bodies to support rural women's land and resource rights.

From October 14-16, 2016, 500 women assembled in Arusha, at the foot of Mt. Kilimanjaro. They comprised women farmers, women's groups, women entrepreneurs and activists from 22 countries. They presented the African Women Charter of Demands on land rights, which was developed through a year-long consultative process involving representatives of the Rural Women Assemblies and women farmers' forums from 22 countries. Using Kilimanjaro—the highest peak in Africa—as a metaphor for women's commitment to overcoming the challenges of equality, generated local and international media attention for the mobilisation. In January, 2017, the 9th Annual African Union officially endorsed the Kilimanjaro Charter of Demands. Across the continent, rural women are leveraging this commitment to call on their national governments to do more for gender equality on land rights. For more, go to: <https://blogs.oxfam.org/en/content/kilimanjaro-charter-demands>

Building back better in Nepal: Defending and deepening equality after the earthquake

On April 25, 2015, Nepal suffered an earthquake of magnitude 7.6, which was followed by hundreds of aftershocks. Over this period, more than 8,700 people died and more than 23,500 were injured. More than 850,000 houses were destroyed or damaged, 117,000 people were displaced and 8 million people across 31 districts were affected. Experience from other disasters showed that landless and land-vulnerable people are often excluded from reconstruction and recovery efforts, largely due to a lack of documentation proving eligibility for support. They can become even more marginalized or even forced to live on unsafe land. As reconstruction began, Oxfam and its partners considered Nepal's opportunity to "build back better" and ensure greater land equality for marginalized people such as the Dalit caste, indigenous groups (Janajatis), and women.

Women in Nepal traditionally have limited land rights and access to entitlements. Before the earthquake, recent legislation and policies had started to change, however, entrenched cultural norms were a barrier to realizing this change in practice. Nepalese women's lack of rights and access to land—particularly due to a lack of documentation or being named on documentation—meant that they had to rely on local advocates (women's groups and other organizations) to put their case forward for support such as alternative land, housing, building materials, or for replacing lost incomes. Women needed to be central to reconstruction programs and policies, and their rights needed to be fully recognized. Oxfam and its partners successfully advocated for gender equity to be a focus of the government's National Reconstruction Authority. By engaging government, they have ensured that women are named on victim ID cards and all landless people are provided with one. This allowed women—especially the Dalit women, who were landless—to benefit from the reconstruction process and other social services. Reconstruction and recovery provide an opportunity to build back better and more equitably, ensuring resilience and reducing landlessness.

For more information go to Oxfam in Nepal, CSRC, HAMI's report on *Building Back Right: ensuring equality in land rights and reconstruction in Nepal* <https://www.oxfam.org/en/research/building-back-right>

Resources

If you would like help to develop a strong women's land rights strategy, Oxfam International has a Women's Land Rights Advisor who can help. Additionally, Oxfam International's Land rights work is led by the Land Rights Advocacy Lead, who coordinates and links programs and campaigns within the broader framework of land and natural resources. The Land Rights Advocacy Lead can also help to connect you with advice on civic space and legal strategies to uphold women's land rights.

Additionally, we have resources persons including:

- Oxfam International Southern Campaigns Lead
- Oxfam International Gender Justice and Women's Rights Lead
- Gender and Land Rights Regional Focal Points

You can also find further resources on Women's Land Rights:

- Examples of Oxfam's reports, programs and campaigns can be found on Oxfam's land policy and practice website at: <https://indepth.oxfam.org.uk/land-rights/>. This includes work focused on women's land rights and women's leadership in broader land, forest and water rights work.
- A range of matrixes and tools can be found on Oxfam's internal website at: <https://oxfam.box.com/s/xyjbiapce11hvrulw84kt1cc8ak6f07v>

Key references frameworks

1. Universal Declaration of Human Rights (1948)
2. UN Convention on the Elimination of All Forms of Discrimination against Women, Article 16
3. Economic and Social Council Commission on the Status of Women Resolution 42/1, Human rights and land rights discrimination
4. Convention on Economic, Social and Cultural Rights Art.11 (1966)
5. Protocol to the African charter on human and peoples' rights on the rights of women in Africa (Maputo Protocol)
6. The United Nations Commission on Human Rights Resolution 2002/49
7. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, VGGTs

Acknowledgements

Women's rights from the ground up: A strategic approach to securing women's land rights was written by Eileen Wakesho and Shona Hawkes, based on consultation within Oxfam and with peer organizations and partners. The priority for ***Women's rights from the ground up*** was creating a stronger, shared understanding of how to incorporate women's rights and gender justice in our land and natural resources work. It is heavily inspired by the amazing work on land and natural resources being done across countries and regions. Oxfam acknowledges the incredible support from all staff and partners who participated in the November 2018 Oxfam Women's Land Rights Learning Journey in Myanmar. We are also grateful to Oxfam staff who shared input at the September 2018 GROW campaign meeting in Zambia. Many individuals—both women and men—contributed their time, feedback, and ideas to this document. Particular thanks go to Mamata Dash, Stephanie Burgos, Barbara Codispoti, Naomi Shadrack, Dagoberto Hernandez-Acevedo, Miguel Levano, Sylvia Vargas, Caleb Chepchieng, Maria Ezpeleta and Pubudini Wickramaratne, as well as to Renée Giovarelli of Resource Equity and Everlyne Nairesiae of Global Land Indicators Initiative.