

SYNTHESIS REPORT

KEY POINTS AND CONCLUSIONS FROM THE WOMEN'S LAND RIGHTS RESEARCH CONSORTIUM EXPERT GROUP MEETING

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Advancing women's rights to land and natural resources



Resource Equity was founded in December 2014 as a women-run, women-first non-profit which focuses exclusively on gender issues related to land and resource rights. We work in concert with other organizations worldwide to advocate for social and policy change that will enable women to have secure rights to land, and develop the capacity of others to do this work around the world.

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INTRODUCTION

The aspiration of the Women's Land Rights Research Consortium is that practitioners and policy makers will be equipped with the evidence necessary to develop interventions that will overcome the cultural, legal, and social barriers to secure land and resource rights for women.

To do this, Resource Equity aims to facilitate a consortium of researchers and practitioners from around the world who commit to developing interventions and testing and sharing evidence on the effectiveness of those interventions that work to improve land and resource tenure security for women.

To improve women's land and resource tenure security, the Research Consortium will work to: (1) Raise the quality and quantity of evidence on interventions; (2) better link research to practice, and researchers to practitioners; and (3) move from focusing on the problem to focusing on solutions.

As an early step to achieving this, an Expert Group Meeting on the development of a Women's Land Rights Research Consortium was held in Rome on April 26–27, 2016. Participants were researchers and practitioners from around the world, representing international and local NGOs, donors, academics, and governments. In inviting the participants, particular effort was made to ensure geographical, experiential, and substantive diversity (ANNEX ONE Participant list). It was also critical that the participants could bring vision, creativity, and openness to the meeting, given that the intent of the meeting was to gather thoughts and ideas that would help guide the Research Consortium's agenda and activities, and ensure its relevance to its intended user-group and audience.

In addition to the Expert Group Meeting, the process for identifying potential themes and gaps

for the Research Consortium to address included the following:

- A review of extant literature was conducted and an annotated bibliography prepared. The annotated bibliography was sent to participants in advance and a presentation was made to the expert group. The annotated bibliography will become a literature review document and is intended to tell the story of the state of evidence on interventions in this field. It will be a living document that will be revised regularly.
- Participants were surveyed on the networks, sources of information, and resources that they rely on and trust in their work on women's land rights.
- Written submissions from each participant were requested and received, which answered the questions: (1) Based on your work, what are the biggest knowledge gaps between research and practice on women's land rights (information on what works, what does not work, why, and how)? (2) Which interventions are you most interested in understanding, focusing especially on their effectiveness and scalability? (3) Why?
- The written submissions were synthesized and presented back to the group during the meeting, forming the basis of the research themes presented below.

Resource Equity sought the expert group's validation of the need for a Research Consortium, including validating the belief that there exists both a demand for and a lack of evidence-backed information on what works to improve land rights for women in practice.

The expert group also discussed:

- Should we focus only on agricultural land? What other productive assets or resources should be included?
- Will pursuing other pathways, such as dealing with the related but separate issues of women's social, economic, and institutional exclusion (at local, national, and global levels), help create the right enabling environment for improved land

and resource rights for women, and should they be sequenced first?

- Is it possible to be transformative (changing cultural norms and perceptions on gender) and also practical?
- What place does organizational change have in achieving true gender-sensitive programming and implementation?
- How do we capture nuance without overwhelming non-specialists?
- How do we meaningfully incorporate the diversity of experience and perspective of women in different social, ethnic, age, marital status, and religious groups?
- Is it possible to work with grassroots movements who have broad agendas either focused on land or resources, or on women's rights but do not work on the intersection of the two?
- How do we do research which is contextually relevant but also generates broader lessons?

Resource Equity intended for the expert group to assist in prioritizing or ranking of key issues at the Rome meeting, but feedback from the group suggested that each issue was different and important especially in different contexts, and that further discussion was warranted on each issue before ranking them.

This report first covers key points and gaps identified in the annotated bibliography. Following that is a synthesis of research themes and questions, which were discussed with and supplemented by the expert group. The third section is a list of other observations made at the expert group meeting related to laying the foundation for the Research Consortium as it begins activities. The fourth section provides a brief overview of the communications assessment and needs uncovered in the participant survey and in subsequent discussion by the expert group.

KEY POINTS FROM REVIEW OF LITERATURE

The literature review asked two broad questions of the extant literature: (a) what are the external and intra-communal barriers or threats to women's land tenure security, and (b) what do we know about the effectiveness of interventions that respond to these threats. The review was organized around the Women's Land Tenure Security Framework,¹ which lays out five dimensions of land tenure security: legitimacy, resilience, durability, enforceability, and independence.

The literature review focused on research that was published after 2000, and that identified a threat to women's land rights or evaluated an intervention to lessen or eliminate one or more of those threats. The papers reviewed were not limited to those that have been peer reviewed. Studies that focused only on the impact of improved land tenure security for women were excluded.

The methodology for the annotated bibliography is based on a set of exclusion and inclusion criteria that helped to narrow down the material and also ensure only the most relevant documents were included.

Studies were included if they identified a threat(s) to women's land rights, including meeting one or more of the four criteria below for barriers to secure land tenure, and/or rigorously evaluated an intervention to lessen or eliminate one of these threats. These barriers include a range of issues:

Lack of cultural and legal legitimacy: Legal rules and implementation regulations and procedures that treat women and men differently in terms of rights to land; land rights documentation efforts that do not ensure that women's rights are legally documented; customary norms that do not allow

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1. The Women's Land Tenure Security Framework is a framework for analysis and design that was developed as part of a project to improve women's land tenure security in the context of Northern Uganda. More on this framework and the project can be found at <http://www.landesa.org/wp-content/uploads/landesa-toolkit-a-women-first-approach.pdf>.

categories of women to have or control certain land rights (e.g., married women).

Lack of resilience and durability: Legal or customary norms that do not allow certain categories of women to keep their rights to land—widows, married-out daughters, divorced women, women who marry into a community, women in polygamous relationships, or women who remarry out of the community. Legal or customary norms that do not protect women when communities change due to changes in leadership, conflict, natural disasters, or compulsory takings.

Lack of the ability to exercise legal or customarily held rights: Legal or customary norms that treat women differently than men in terms of: receiving the same information as men because of conventions related to public space or meetings; receiving information because material is inaccessible due to language or literacy; having enough information to take steps to gain or keep rights to land; having access to the means to exercise their rights—lack of transportation, lack of ability to access specific spaces, etc. Excluding women from bodies that govern land rights or from decision-making bodies, excluding women from governing or decision-making venues.

Lack of the ability to enforce rights: Legal or customary norms that prevent women from enforcing their rights when faced with a dispute or challenge to their rights. De facto or de jure exclusion of women from accessing dispute resolution forums (financial, physical, or social access), lack of faith in the likelihood of a favorable outcome for women, lack of faith in the fairness of decisions with regard to women's land rights, lack of information on how to pursue enforcement options, social stigma or other social costs that prevent women from making use of dispute resolution forums, and lack of implementation of decisions that are favorable to women.

Because of the low number of published papers on the effectiveness of interventions on women's land rights, the review did not exclude studies based on the type of evidence produced. A summary of findings is provided below, organized around each dimension of land tenure security.

In general, the literature review revealed that there is a lack of large-scale studies, a lack of longitudinal studies, and a lack of peer-reviewed research, especially those focused on interventions (more small, qualitative studies than quantitative studies exist). Also, threats to women's land tenure security are better researched than are interventions. Failed interventions are rarely documented or researched.

LEGITIMACY

Key findings under the dimension of social and cultural legitimacy are:

- Legal and customary rules and practices prevent women from having the same land rights that are available to men.
- Legal legitimacy is not sufficient without customary legitimacy.

For formal legitimacy, the most commonly studied threat is women's lack of legal documentation to land and land titling. There are studies on interventions in Africa, Asia, and Latin America that focus in some way on joint titling of the land rights of spouses (legally married or not) and individual titling of women. These studies look at various interventions (joint titling, individualized titling, legal reform, custom reform) and their effects. The following is an illustrative list of the findings from those studies.

- Women accumulating wealth depend on favorable legal, marital, and inheritance regimes in addition to basic property rights (Ecuador, Ghana, India).
- Joint titles versus individual titles: women have higher agricultural yields on both jointly titled land as well as land that was individually titled as compared to women who did not have their names on a title. Also, joint titles improve

women's bargaining power with no efficiency losses (Vietnam).

- Land tenure regularization pilot projects in Rwanda improved land access for legally married women, increased recording of inheritance rights without gender bias, and, for female-headed households, had a large impact on investment and maintenance of soil conservation measures.
- Reducing the cost of titling (fee waivers, special rates, or subsidies in formalization) can increase joint and female ownership (Nepal).
- Applying a "gender neutral" approach to agricultural investments is not enough to ensure that women benefit from them equally with men or that they do not disproportionately harm women. Investors must adopt: explicit gender policies, communal registration of customary land tenure where this has not happened before the investment, affirmative action to protect women's rights to land and natural resources, and joint registration of land under joint occupation by married people (Zambia).

RESILIENCE AND DURABILITY

These dimensions were grouped together because much of the research on these topics overlapped. Key findings are:

- Legal or customary norms may prevent different categories of women (e.g., widows, married women, single women, women in polygamous relationships) from keeping their rights to land or may not protect women when communities change or when there are increased pressures on land or other changes.
- The primary threat to resilience is women losing rights to land if their status changes (e.g., marriage, divorce).
- Legal reforms have been studied in Ethiopia, India, and Ghana.
- Social change communication is understudied generally; however, when it is studied, the focus is usually widows.

Interventions mostly focus on making women less vulnerable to change by improving legislation, or

informing or educating women about legislation, or similar. The following is an illustrative list of findings from those studies:

- In Ethiopia, awareness about the land registration process lead to changed perceptions among women and men of equal division of land and livestock upon divorce, particularly for wives in male-headed households.
- In India, the Hindu Succession Act Amendment increased daughters' likelihood of inheriting land. More daughters inherited from their parents over time.
- Strengthening engagement with civil society in the implementation of government programs resulted in more widows claiming services, including land rights (India, Nepal, Sri Lanka).

EXERCISABILITY AND ENFORCEABILITY

These dimensions were grouped together because much of the research on these topics overlapped. Key findings are:

- Women may not have the ability to exercise or enforce their rights.
- Barriers studied include: women not participating in natural resource governance (Africa and Asia); women not able to exercise or enforce their rights because of social, financial, cultural, or time constraints; women unable to assert their rights in large-scale land deals.

There are two categories of interventions that have been studied: (1) working with women in groups and (2) education and legal aid. The following is an illustrative list of findings from studies on organizing women.

- Economic self-help groups for women have an effect on women's economic, social, and political, but not psychological empowerment. The studies found no evidence of adverse effects (e.g., increased domestic violence).
- Forest user groups with more women than men perform less well in forest resource enhancing behavior, have more property rights to trees and bushes and fuel wood, and less participation, exclusion, and sanctioning. Research

recommends gender-balanced groups (Kenya, Uganda, Bolivia, and Mexico), where it was found women participate more in forestry decision-making and are more likely to have exclusive use of forests.

Key findings related to education and legal aid interventions include:

- Paralegal programs that include both female and male paralegals are effective, but program success also relates to developing strong relationships with local leaders and institutions (Uganda).
- Social capital significantly influences information exchange among rural households. For example, female heads of households are disadvantaged in their access to information. Research recommends support for group-based approaches in technology dissemination, and gender mixed groups. Also, formal extension activity in the village stimulates information exchange, particularly among women that head households (Uganda).

References to and further discussion of these studies are all available in the annotated bibliography.²

Comments and observations from the expert group included the following:

- The literature review was based on English language studies, and it was recognized by the group that there may be more in other languages, especially French and Spanish.
- The studies lack a common set of indicators, terms, and concepts.
- There are many case studies available, which are valuable, but their findings are not synthesized or curated in way that makes them usable in the every day work of practitioners.
- There is surprisingly little evidence on even the most popular of interventions, such as paralegal programs or legal aid.

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2 <http://landwise.resourceequity.org/guides/12>

SYNTHESIS OF KEY RESEARCH THEMES AND QUESTIONS

A key objective of the Expert Group Meeting was to identify and organize themes and key research questions that the Research Consortium would ultimately try to address. Written submissions from the Expert Group were synthesized, and were presented back to the group with additional information on key issues and barriers drawn from evidence and the experience of the meeting organizers. These were validated with the expert group first through small group discussion and brainstorming, and then by presenting back to the entire group. The research topics were then organized into themes, key barriers, subthemes, and illustrative questions, as presented below.

These are intended to inform the substantive direction of the Research Consortium, in terms of identifying priority research questions. They have not yet been framed as research questions but are intended to illustrate the areas of inquiry that Expert Group determined were most relevant under each theme.

A. THEME: FORMALIZATION

Formalization is the process of taking rights from *informal* to *formal*,³ most commonly understood as a process that includes demarcation of boundaries; clarification of rights and rights holders; adjudication of disputes related to rights, rights holders, or boundaries; developing a cadaster (or similar) to link parcels to rights holders; issuing titles (or other documents such as certificates) that provide evidence of a right to the right holder; and creation, improvement, and/or maintenance of a land registration system that may be backed by guarantees of accuracy by the state.

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3. Note that terms *formal* and *informal* are used broadly here, but in practice it could mean moving from undocumented to documented, from un-codified rights to codified rights, and/or from customary to statutory systems.

A. KEY BARRIERS

Formalization of land rights can pose particular issues for women; in some cases formalization has had the effect of weakening rather than strengthening their land rights. Often, though not always, this is because rights to land are titled in the name of the head of household only, who is usually a man. Key barriers include:

- Patrilineal and patrilocal customs where married-in women are seen as outsiders to their husbands' family and to the bloodline, and therefore not entitled to rights to family land, and where daughters do not have a right their parents' land because it is presumed they will leave their birth family to join their husbands'.
- Marriages that are not sanctioned by the state (such as undocumented, customary, or informal marriages, marriages before the legal age of majority, or polygamous marriages), thus protections for marital or family property found in the formal law do not apply.
- It can be difficult for women to prove their financial contribution (or non-monetary contributions are not valued) to the acquisition or maintenance of the property and thus establish a documentable right to property acquired through purchase with a spouse or partner.
- Women can lack evidentiary documents, which are often the basis for claiming a property right that can be formalized.
- Women are often not considered the face of the family, or the head of the family, so can be excluded from processes that require public statements or acts, or that are based on household headship.
- Women can be excluded because of lack of financial or social access to key institutions, or knowledge about land rights formalization processes.
- Land rights formalization is often viewed as a technical rather than social exercise. Very often those tasked with delivering a formalization program focus on demarcation of boundaries and developing the cadaster, with little

understanding of the rights that attach to the land, and the related gender dimensions.

B. SUBTHEMES

What is the nature of the rights being formalized, and are those rights good for women?

Illustrative questions

- For women, under what conditions is formalizing individual rights better than formalizing joint or collective rights? What about the reverse?
- What might make one type of right (individual, joint, or collective) preferable to another in a given context?
- What rights for women in general, or for certain types of women, might be lost in formalization?
- Is there any value in documenting rights other than ownership for women, such as use rights?

What is the process for formalization and does it allow for formalization of women's rights equal to those of men's rights?

Illustrative questions

- When formalizing rights, what conditions are necessary for women to understand, benefit, and not be harmed from the process?
- If formal titling is too expensive or onerous, what other methods of documenting rights might improve women's land tenure security?
- What accompanying processes (e.g., legal literacy campaigns for administrators or the public, or community-based legal assistance) are needed for formalization to secure women's rights?

What is the impact or benefit of formalization for women?

Illustrative questions

- What conditions need to exist for formalization of rights to benefit women?
- How to ensure women benefit to the same degree as men from a formalization program?

- We have learned a lot from past mistakes on formalization. To what extent have those lessons been applied and have results for women been different when they have been applied?

B. THEME: COMMONS AND COLLECTIVE TENURE

Commons or collective tenure is widespread throughout the world, and is often, though not always, governed by customary law. The collective nature of the tenure might apply to governance, use, and management, or to only one of those. For instance, some collective tenure, especially of agricultural land, is allocated to individuals who have the right to use, manage, and bequeath, but not sell the land rights. Other land and resources held collectively are also governed and used collectively; some pasturelands fall into this category. Issues of collective tenure are of critical importance to many indigenous groups. Even “common” use is hierarchically allocated in some contexts; rules governing who can take which resources from the common land and when they may do so can be highly stratified based on internal power structures. There is also the chance that women can lose their rights to the commons, for example when that land is allocated for a large-scale acquisition or when individual titles are issued.

A. KEY BARRIERS

Women are impacted by the governance and use of collectively held resources. Formalization of collective rights, if not done well, can have the effect of solidifying existing power structures that disadvantage women. For women, there are two main issues related to collectively held land or commons: patrilineal and patrilocal marriage customs, where they exist, and social norms and roles related to community governing. Key barriers include:

- Women are considered strangers in their husbands’ communities and thus are not considered members of the group who have rights to the collectively held land.
- Rules of membership are often unclear, unknown, lack legal or other oversight or appeal,

and do not comport with or are excluded from constitutional or statutory protections for women.

- Community efforts are focused on obtaining legally recognized collective rights, and protecting the rights of women in the collective is seen as secondary to protecting the rights of the group.
- Men dominate governance over collectively held lands, and if women are included on governance bodies, they often lack the knowledge, confidence, skills, or social standing to participate meaningfully.

B. SUBTHEMES

Contextual understanding

Illustrative questions

- What processes, skills, or attributes are best suited to ensuring that women’s interests, rights, and roles related to land and resources are equally protected in governance?
- What factors influence the governance regime of collective tenure systems (politics, the economy, globalization, migration, etc.)?
- Are the factors that influence good governance of community-based resources the same as or different from those that influence good governance of non-community-based resources?
- Do women’s use of and access to the commons count in practice as rights in their community? If not, what intervention could shift this perception, especially when formal documented rights are put in the name of communal authority?

Recognition of community rights and women

Illustrative questions

- What kinds of interventions can protect women’s rights embedded in collective tenure in the process of facilitating legal recognition, focusing on legal recognition of external boundaries?
- What kind of support is required (legal, etc.)?
- When are common property rights preferred to individual or household rights for women?

Governance and decision-making

Illustrative questions

- What interventions can improve women's roles in governance of and decision making for collectively held land and resources?
- What are the value, limits, and uses of quotas for women's participation in land and resource governance? What is required to ensure that women are counted as members and/or are eligible to join governing bodies?
- What is required to improve women's participation on land governance bodies and ensure that it is meaningful?
- What rules for governing bodies are more likely to be supportive of women's participation?

Scalability and replicability

Illustrative questions

- Given the highly contextual nature of collective tenure systems, can any of these interventions be replicated or scaled?
- If so, under what conditions? What is the cost?

Indicators

Illustrative questions

- Which indicators can be tracked over time to demonstrate that women's land tenure is secure in the context of collective tenure?

C. THEME: SOCIAL, CULTURAL, AND RELIGIOUS SYSTEMS THAT GOVERN OR IMPACT LAND RIGHTS

Women's land rights are embedded within larger cultural and religious systems that govern marriage, family, distribution of wealth, and other matters. Likewise, views on the proper roles for women in society and the household and the inter-gender distributions of rights and obligations are shaped by social norms and beliefs rooted in a web of social arrangements. Consequently, there are cultural, social, and religious explanations or justifications for weaker land tenure security for women. These same factors can

also influence access to power, dispute resolutions mechanisms, literacy and education, social support, and livelihood options. Interventions in this multifaceted realm can focus on changes in perceptions and attitudes, altering behavior, safeguarding women's land rights in overlapping multi-layered systems, making institutions more accessible to women, women's empowerment, legal aid, and the like. At the same time there are generally also positive social norms and equitable practices related to gender, which can be built on to help support positive changes.

A. KEY BARRIERS

The interrelatedness of community and family social and cultural systems can have an effect on whether or not women are willing to claim a right to land. For example, if a woman invokes her right to land on collectively held lands, she may lose rights or protections elsewhere in her family or community.

From a research and practice perspective, barriers to successful interventions can include: cultural bias of those designing and implementing the intervention; a lack of understanding of the interplay among customary law, formal law, and religious law; and a lack of consistency in key concepts and definitions.

Key social, cultural, and religious barriers to women's secure land tenure include:

- Systems for distribution of family wealth that favor men, include women as part of transactions, or similar (e.g., inheritance, dowry, bride price);
- Social protection or fallback strategies within the family (e.g., that a son will inherit land and therefore be able to care for his elderly parents, or that a daughter will maintain good relations with her brother in case she needs a place to live as an adult);
- Patrilocal marriage practices where women are seen as temporary residents in their birth family and outsiders in their marriage family;
- Division of productive and reproductive labor between men and women;

- Social acceptance of family violence and the dominance of male heads of households;
- Social views of femininity and masculinity; and
- Traditions of male domination in governance, decision-making, politics, and power.

B. SUBTHEMES

Social change interventions

Illustrative questions

- What behavioral change related interventions have worked or failed in other sectors?
- Is it possible to scale or replicate these interventions or are they entirely contextual?
- How can researchers and practitioners guard against or minimize bias as they work to identify positive social norms embedded in complex systems?
- Under what conditions do interventions that build on positive social, cultural, or religious norms and practices enable women to overcome barriers to secure land rights? How do we measure the success of these interventions (qualitative and quantitative approaches)?
- How do we account for risks associated with building on fragile positive norms?
- Within the context of working with customary legal frameworks, how do we check for validity or authenticity when examining the influence of colonialism, political expediency, etc.?

Behavior Change Related Interventions

Illustrative questions

- What lessons can be learned from past successes and failures about short- (attitude change), mid-, and long-term measures that seek to alter behavior in favor of gender equitable land governance?
- What aspects of the interventions worked or failed and why?
- Where pilot projects on changing patriarchal attitude towards women have been scaled to

the national level, what are the enabling and disabling factors related to the scale up?

- Where replication of successful approaches has not worked due to country specific social, cultural, or religious factors, have other external factors (e.g., bad timing, absence of political will) been accounted for?

Pluralistic legal framework

Illustrative questions

- Where there is a separation between state and religion (in theory or in practice), and the legal system governing women's land rights is pluralistic, how are women's land rights protected within these multi-layered systems?
- What are examples of religious law, especially Islamic rules, that have been interpreted to support women's agency to access and own land? What are the competing interpretations of custom and religion?
- What are the positive and negative implications of this on women's land rights?

Women's empowerment

Illustrative questions

- What conditions (legal, institutional, contextual, familial, and individual) are necessary to empower women to assert and exercise rights to land?
- What is necessary for women's empowerment groups to be effective for improving women's land rights?
- Is there a need to pair land interventions with other broader poverty alleviation interventions to better position women to claim and exercise their rights to land (e.g., complementary services like access to extension services, fertilizers, and markets)?
- What assumptions about women's land rights and empowerment need further examination?
- Are land rights necessary for women's empowerment (e.g., a patrilocal residence context

where sons receive land and daughters are granted educational opportunities)?

D. THEME: LAW AND ACCESS TO JUSTICE

Interventions in the field of law and in access to justice commonly cover legal reforms, implementation of laws, and enforcement of laws. For women, interventions may include: alternative dispute resolution mechanisms, formal and informal forums, legal literacy and empowerment, paralegals, legal aid, judicial training, training and capacity development of local dispute resolution actors, training on mediation and conciliation, etc.

A. KEY BARRIERS

To the extent that legal reformers engage in public consultation, women may be excluded from that process, either because they are not the public face of the family or it is assumed that men can represent the needs of women. Thus, laws and regulations often do not reflect what is desirable or feasible for women. Implementation of laws routinely fails because of women's and men's lack of awareness of their rights and obligations under the law. As well, formal laws may have little relevance or influence, and there may be a lack of financial or institutional backing. To the extent that laws include an element of social or cultural change, implementation frequently fails to integrate or invest in the social change aspects of implementing laws.

There are many barriers for women who want to enforce the law. They include:

- Lack of physical, social, or financial access to forums.
- Lack of literacy.
- Reproductive and caretaking roles that leave women with very little time to pursue claims.
- Social shame associated with public displays of conflict, and a risk of isolation or rejection from family or community.
- Traditional authorities may lack information on laws and formal authorities may lack

information on customs, and women's rights and responsibilities are ruled by both.

- Corruption can influence outcomes.
- Social harmony may be valued more highly by the community than equity or fairness.

B. SUBTHEMES

Women's status

Illustrative questions

- What legal interventions have helped women who are part of a consensual union and not a documented marriage to secure rights to land?
- What good examples are there of legal frameworks for consensual unions, treatment of property rights for widows, or for women who are separated, abandoned, or divorced?
- Why are women in consensual unions? How do property rights considerations affect decisions around whether to formalize a union?
- What good examples are there of interventions to ensure land rights are secure when a woman's status changes?
- Which documents assist women in having secure land tenure, documents such as land certificates, marriage certificates, birth certificates, residency certificates, proof of children, proof of age, and the like?

Interplay among various informal and formal dispute resolution mechanisms

Illustrative questions

- What are effective legal frameworks for dispute resolution? What are good examples of them, and what characteristics are necessary for them to be beneficial for women?
- What are best practices for integrating formal and informal dispute resolution systems, while also ensuring decisions are implementable?
- What kinds of bias exist in each system (formal and informal)? Under what conditions is one preferable for women? What safeguards should be put in place?

- What are the characteristics of dispute resolution approaches that use local and traditional or customary structures and are also inclusive of women?
- Under what conditions can women participate meaningfully and fairly in dispute resolution forums?
- If dispute resolution forums meaningfully include women, are they effective for improving women's land and resource rights?
- Can successful approaches be implemented in other contexts?
- When and why do women choose one type of dispute resolution system over another?
- What are the main factors needed to ensure that women can access and benefit from formal and informal judicial systems? Which factors are not context-specific? Are these factors different for different types of women? For men?

Legislation

Illustrative questions

- Which mechanisms for effective enforcement work?
- What types of legal literacy programs are most effective and scalable?
- Which countries have successfully integrated international human rights treaties relevant to women's rights (e.g., CEDAW, ESCR) into their national law and policy frameworks and into case law? Should working within these frameworks be a priority?
- What is the best way to use international commitments as tools?
- Beyond land laws, what topics or laws should be focused on to improve women's land and property rights in law and policy?

E. THEME: PROTECTING WOMEN'S LAND RIGHTS IN THE CONTEXT OF LAND-BASED INVESTMENTS

Land-based investments have been the focus of much attention in the last five years in the land sector, and there is growing effort to ensure that community land and resource rights are respected and protected, and that communities share in the benefits of such investments. While this is so, there is little evidence of the impact of such investments on women, and little evidence of which interventions can ensure that women equitably share the cost and benefit that private investment can bring. Similar questions might be raised for other contexts, such as places where there is rapid urbanization, regions that experience the effects of climate change or are subject to natural disaster, or regions that are experiencing conflict or are post-conflict.

A. KEY BARRIERS

Many of the same social, legal, and cultural issues that are described under other themes apply in the particular context of land-based investments. When women's land tenure is not secure before the investment, it is unlikely that women will benefit from or be included in negotiations on investments. We know from other types of improvements to land, that when land becomes more valuable, the likelihood that women will be excluded increases. In addition, governments, donors, companies, and local leaders may not be aware of, concerned about, or willing to expend resources addressing women's needs.

B. SUBTHEMES

Impacts of Large Scale Land Based Investments (LSLBI) on women

Illustrative questions

- What are the gender-specific impacts (both positive and negative) of LSLBI? How do these investments impact women from different social, cultural/ethnic, and economic groups?
- How do different types of investments impact women differently (for better or worse)?

- What are the indirect impacts of investments in land (both social impacts and secondary effects)?
- How can negative impacts be mitigated?

Impacts of weak rights on investment outcomes

Illustrative questions

- Is there a correlation between stronger rights for women and more efficient, profitable, or effective investments?
- What are the impacts of weak tenure rights of women upon investment viability, profitability, or success?
- What is the benefit to the investor of recognizing (or the opportunity cost of failing to recognize) women's rights?

Effective Approaches for realizing women's rights of voice, participation, and decision-making

Illustrative questions

- What interventions are effective in ensuring that women meaningfully participate in community decision-making processes, are consulted about and give or withhold consent to land decisions, are consulted about compensation, and share equitably in the benefits of compensation? How do we define and ensure *meaningful* participation?

Effective/Inclusive Investment Models

Illustrative questions

- Are there benefit sharing and inclusive investment models that are effective or preferable in supporting women's agency and well being?

LAYING THE FOUNDATION

In the course of the Expert Group Meeting a number of matters were raised that need to be addressed while laying the foundation for the work of the Research Consortium overall. These include:

BASELINE ISSUES

- As a first step, there is a need for agreed upon terms, indicators, and approaches to research on women's land rights (and a well-developed conceptual framework). If donors and researchers use these terms consistently, the research that is conducted will have much broader applications.
- The heterogeneity of women and women's experiences cuts across all of the substantive themes and should be a basis of the conceptual framework.
- What can be learned from looking at lessons and evidence from other sectors of development on interventions that address: political power, behavioral change, economic opportunity, non-land focused cooperatives, and identifying social norms that underlie behavior and customs?
- Can we "close the case" on the prevalence of the problem of weak rights for women, and on the benefits of secure tenure for women? (Benefits might include reduced Gender Based Violence, improved health, reduced economic vulnerability, improved agricultural productivity, improved decision-making within the family, options in times of need.) Does the land rights sector need to "close the case" on the importance of land rights for women to achieving other development outcomes? (Similar to the World Health Organization-type multi-country study, which was conducted to "close the case" on Violence Against Women?) And if so, is this possible and what might it look like?

THE ROLE OF THE RESEARCH CONSORTIUM

- The Research Consortium could frame the issues and then serve as a coordinator so that individual studies can be done that fit together to tell a bigger story.
- The Research Consortium could consider providing services to practitioners and researchers, so that they have the tools and support that they need to do rigorous research and to learn from the research of others.
- The Research Consortium could use the literature review to tell the story of the gaps and needs of evidence related to interventions in this field. Consider also a visual presentation of the literature to gather interest from other stakeholders (key user groups, donors, etc.) There may be studies that lack "rigor" but have good information. The Research Consortium can build upon these, perhaps with the assistance of student research.
- A challenge for the consortium will be to build trust among donors, researchers, and practitioners. There are few incentives for practitioners or researchers to critically assess interventions that failed, often because it is believed that future funding is at stake.

COMMUNICATION-RELATED PRACTICES AND NEEDS

A survey was conducted of all participants at the Expert Group Meeting, and the results were presented to and validated by the group. The survey sought to understand membership in networks, sources of trusted information on women's land rights and interventions, and existing practices and preferences for sharing and receiving information.

Overall, practitioners were interested in the cycle of information, and in the connection between research and practice. Group members were part of many different networks, but there was very little in common among the networks. While there are certain resources available, there are some needs that are not met, namely, curated content, searchable data, and access to peer reviewed articles.

NETWORKS

- 27% of participants were not members of a professional network.
- Professional networks include: International Association for the Study of the Commons, International Land Coalition, Washington State Bar Association, Land Policy Initiative network, National Land Policy Working Group, Global Land Tool Network, Global Partnership for Social Accountability, Women's Land Rights Network in China, Campaign for Survival and Dignity, IAFFE, Silla Vacía, Fundación Colombia Mejor, and Rural Sociological Society.
- The most common networks cited are for researchers, are global, and focus on policy reform, land rights, or women's rights.

INFORMATION SOURCES

- Most popular information sources relied on (ranked in order of the most popular) include: search engines, ILC land portal, Oxfam listserv, and the FAO women and land database.
- Most people are only moderately satisfied with the sources available.
- The most important information needs mentioned were for access to curated content and evidence on interventions that seek to improve land rights for women, and access to laws and other primary sources of information.
- The preferred way to receive new information is via face-to-face workshops and the second preferred method is email newsletters or a central, bookmarked location online.
- The preferred way to share new information is in face-to-face workshops and then via email newsletters.

NEXT STEPS

One of the objectives of the Expert Group Meeting was for Resource Equity to receive guidance on a tentative strategy for the Research Consortium and to discuss how it might be structured; this also includes the question of the relationship that the Research Consortium will have with Resource Equity. After some reflection on the meeting and its results, we decided that we should be open to different approaches and structure for the Consortium and that we still need to define clearly its scope, purpose, objectives, and key activities. We also need to give more structured thought to the place that the Research Consortium could or would have within the Resource Equity organization; because Resource Equity is a relatively new and small organization, the Consortium has the potential to dominate time resources.

The remaining time and budget have been re-purposed to working with a strategic planning consultant. The consultant began work in July 2016 and will assist with answering the following questions:

- What will be the core approach of the Women's Land Rights Research Consortium?
- What will be the core purpose and outcomes of the Women's Land Rights Research Consortium?
- What will be the structure of the Women's Land Rights Research Consortium?
- What does the Women's Land Rights Research Consortium need to achieve these outcomes in the next two to three years (staffing, funding, etc.)?
- How will the Women's Land Rights Research Consortium fit within the overall strategy of Resource Equity?
- What will be the core approach of the Women's Land Rights Research Consortium?
- What will be the core purpose and outcomes of the Women's Land Rights Research Consortium?
- What will be the structure of the Women's Land Rights Research Consortium?

- What does the Women's Land Rights Research Consortium need to achieve these outcomes in the next two to three years (staffing, funding, etc.)?
- How will the Women's Land Rights Research Consortium fit within the overall strategy of Resource Equity?

The strategic planning process will be completed by October 31, 2016. The budget was recast to address the change in activities, and to allow for this timeline; a no-cost extension was requested and approved until November 30, 2016.

ANNEX ONE

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resource
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Advancing women's rights to land and natural resources