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SECURING RIGHTS AND LIVELIHOODS FOR RURAL WOMEN IN THE CONTEXT OF CORPORATE LAND INVESTMENTS: LEARNING FROM EXPERIENCES IN AFRICA.

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Abstract

Evidence from field research on large scale land deals in three African countries confirms that most rural women are net losers as corporate agro-investments intensify. While corporations might claim a triple bottom line of economic, social and environmental outcomes, those who are unable to negotiate their rights and choices in this equation, and those who are essentially invisible at the negotiation table, are de facto losing out. The impacts on rural women are especially profound because they underpin much of the local food economy. Undermining women's status is a direct violation of their rights and is counter-productive to a vibrant rural society.

Corporate land deals further entrench a cultivation model that marginalizes women's interests. Limited social capital prevents women from countering the negative impacts of corporate land deals, making it extremely difficult to ensure that they benefit from public and private investments in agriculture.

Strong interventions, led by rural women themselves and supported by civil society organisations and governments, are needed to advance the position of women in: international frameworks; national policies; and at local levels. Otherwise, corporate land deals will continue to perpetuate and deepen existing gender inequalities and contribute to increased levels of resource scarcity, poverty and conflict.

Key Words: Africa, Gender, Land Grabs, Women

1 INTRODUCTION AND SUMMARY

Recent evidence from three large-scale land based investments in Africa confirms that rural women are often net losers from the growing number of corporate land deals. The three companies involved are well established and all have made efforts to involve local communities and to provide them with some benefits. These are not 'cowboy' companies, they combine European, North American and African ownership, they all claim strong commitments to corporate social responsibility and positive development outcomes, and two trade on international stock exchanges. Yet in all three cases, women have gained little or nothing, and have lost access to land that was once a source of food. What is more, these cases involve countries where from around 25 per cent up to over 40 per cent of all children are stunted – clear evidence of poor nutrition and food insecurity.[1]

> *Stunting does not come easy. It happens over time, and means that a child has endured painful and debilitating cycles of illness, depressed appetite, insufficient food and inadequate care.*
>
> UNICEF (www.unicef.org/pon00/leaguetos1.htm)

These experiences of rural women are taking place against a backdrop of dramatic change. The international community – governments, investors, donors, and their institutions – has determined that the agricultural sector in Africa and the infrastructure that supports it are in need of substantive investment. Investment is often welcome and may in some cases be urgently needed, but the model of investment and the drivers behind it need to be seriously questioned. Corporate investors see opportunities for big profits and have put a lot of money into the acquisition of land. Globally, over 200 million hectares of land – more than the total area of Kenya, Zimbabwe and Nigeria combined – were subject to large-scale land deals in the first decade of this century.[2]

Many corporations make promises of improving economic, social, and environmental outcomes for the benefit of the countries where they invest and the local communities that they interact with. The reality, however, is that all too often rural women in particular are unable to negotiate their rights and choices in land deals. The impacts on rural women are especially profound because their production and investment interests are rarely represented in negotiations around land deals, yet their work underpins much of the local food economy.

These deals often target land that has previously been used by rural women to grow or gather food.[3] Rural women, who have the primary responsibility for feeding their families, often lose access to their sources of sustenance when land and water is transferred to large-scale commercial use. These women are then

excluded from everything except the most menial paid employment. This is happening at a time when these women's loss of arable land is combining with rising food prices to make their need for cash to purchase food far greater than before.[4]

The new wave of corporate investments in land seems intent on expanding and intensifying a short-sighted farming model that to date has marginalized women's voices and interests. As with sisal, tobacco, and tea in the past, today's private investors in soya, jatropha[5], and eucalyptus crops continue to dismiss small-scale food production by women as unimportant and irrelevant. They could not be more wrong.

Small-scale food farming and the women involved in it are the backbone of rural livelihoods. Women farmers, like those who lost land in the cases looked at for this study, produce more than half of the food grown in the world. Roughly 1.6 billion women depend on agriculture for their livelihoods.[6] This is now under threat with the huge surge in large-scale agricultural investments.

Large corporate land-based investments that threaten the food supply of people in poverty abound. But few governments appear to be contemplating the sort of investments that can meet the real needs of small-scale food producers and their communities; the kind of investments that could build a vibrant rural economy and secure the ecological sustainability of farming practices for future generations. If governments really want to transform the rural economies of their countries, the investments they encourage and approve should enable rural people to pursue their own solutions for rural development. Instead of such proactive action we find governance systems and government interventions either favouring the large corporate investors or absent completely.

Women are squeezed out of resources

When competition for land escalates, rural women are subjected to exclusionary pressure from male relatives or community members. As soon as a natural resource gains commercial value on the international commodity market these pressures increase and control and decisions over that resource pass swiftly from rural women into the hands of men.[7]

When and if compensatory measures are enforced, rural women are less likely to be direct recipients; in any case, monetary compensation is short-lived and cannot replace the many ways women value and benefit from land.

Women are not heard

The exclusion of rural women from access to land does not just result in their loss of control over food production. Knowledge, practices, and techniques that for centuries have safeguarded the integrity of the land, seeds, and soil, as well as the nutritional value of food, are also lost. When an outside investor does consult with a local community, rural women are more likely to be *told* what will happen instead of being *asked* what should happen. Even within some indigenous movements and farmer associations, women rarely have any real influence. Emerging systems of climate change financing and pricing on forest-based carbon legitimize and value production at scale – to the detriment of women and their value systems.

> *I am now landless and have to work piece jobs like doing laundry for people such as teachers, or working on [another] farm so that I can get some food. Today I worked at [another] farm and I was given [maize meal] which can only make two pots of [maize porridge].*
>
> 65-year-old woman respondent who used to farm land now used by a large corporation.

Women scramble to survive

When women lose access to productive land, they are compelled to find money to buy food, just as food prices are rising.[8] Women facing these multiple challenges often compromise their own nutritional intakes and sacrifice other necessities in order to feed their families. The same is true of water, when monocropping draws down the water table or the enclosure of land cuts people off from water sources. Women then have to purchase a natural resource that previously cost them nothing. Women, young and old, are driven into more compromising, humiliating, and risky situations, including illegal activities (e.g. cattle raiding) and younger marriages.[9]

Just as more basic necessities need to be purchased instead of being produced, the activities and opportunities to generate cash are few. Contract labour or seasonal employment is difficult for women to secure, and when they do, it is usually for the lowest-paid and most menial of tasks. Additionally, weak or non-existent rural banking infrastructure means that women cannot generate savings or credit from earnings, and are at the mercy of moneylenders when times are tight.

> *We are desperate of food. Nowadays food comes from the city to be sold in the village, and not vice versa as before. We could not afford to buy food because the wages we are paid are very little. We do not produce our own food as before, because our land has been taken over by foreign companies under the privatisation policy to produce biofuel farms.*

Woman from Kilwa district, Tanzania. In Land Rights and Rights Research and Resources Institute (2010)

2 PREDICAMENTS AND CONCERNS OF RURAL WOMEN

The historical legacy and today's trends

The challenges confronting rural women in the context of corporate land investment has its roots in the legacy of widespread land expropriation during the colonial era. Then, lands held in common were seized mainly for the production of export crops on large estates. In much of Africa the farming of commercial crops, whether on plantations or small farms, fell to men, while women played a supporting role, assisting through sowing seeds, weeding, harvesting, and carrying out menial tasks. Small-scale food production was pushed onto marginal lands and left almost entirely to women, with minimal support or infrastructure to strengthen the sector or women's roles within it.[10]

These gendered roles still hold today, although two broad trends point to significant changes. The first is the growing feminization of the lowest rungs of agricultural labour on commercial farms. Employment may arguably strengthen women's economic independence, but it does not necessarily equate with their social or political empowerment. In fact, the casualization of farm labour makes this one of the most disenfranchised and exploited constituencies in the world today. As farm labourers, rural women hold less bargaining power than their male colleagues and have few opportunities to work their way out of poverty.

The second trend is the increased commercialization of the remaining common and customary lands, where women gather and grow food. This poses a growing threat to women's main independent production activity and mode of sustenance. For many women, the small plots they work and the public commons they access are their prime sources of food and water, as well as the foundation of their livelihoods. As farmers, rural women's livelihoods are challenged when the natural resources they depend upon are subject to market pressures. What is more, when land investment removes their access to public commons, women, as consumers, face rising prices for staple foods, such as wheat, rice, sugar, and fuel for cooking.

These two trends, both driven by land investments, have combined to undermine poor rural women's already tenuous control over their lives, obliging them to seek employment in environments that are increasingly outside their traditional spheres of control, while still shouldering household

responsibilities.[11]

> *I am aged 70 years and I have lost my land to the foreigners who came and put fences around our land as they have told us they bought the land. I had been farming on this land for more than 50 years. I used to grow maize, sweet potatoes, water melons and beans. My family had enough to eat but now we have to rely on piece jobs and food parcels that my other children send.*
> Woman respondent

Commercialization of natural resources

The commercialization of natural resources takes at least three forms. One involves placing a price per hectare on the value of land, leading to the conversion of customary land or public commons into private enclosures and capital assets. Rural women lose out in this process unless their proprietary rights are secured and safeguarded.

A visible and immediate impact of the enclosure of land is that women are shut out from using it and from accessing natural resources. The installation of electric fences to prevent communities from 'trespassing' and to secure its own assets and infrastructure is one example of 'enclosure'. Local women told the researchers that they can no longer harvest indigenous fruits in the areas that are fenced off. 'We even see the [mushrooms] rotting as no one at the company eats them, yet we are dying of hunger here,' one said.

The eroding bases of customary ownership make women's access to land significantly more precarious[12] because so few mechanisms exist through which they can seek redress for loss of access.[13] Even when common or customary land is transferred to individual title, it is often priced out of women's reach. Wherever and whenever competition for land intensifies, women tend to be squeezed out.

A second aspect of commercialization is the monetization of natural ecological assets – putting a price on biodiversity, for instance.[14] It is this rich biodiversity that small farmers and pastoralists depend on for their production and way of life. As high commercial values are placed on these resources,[15] local farmers – especially women, whose informal access to the natural resources on the land is often unrecognized – are displaced by more powerful interests.

One example is charcoal, which a corporation in one of the cases plans to produce as a by-product of its forest operations. As a result, an essential fuel source that is currently available to rural women will become monetized and market forces of supply and demand will determine who will have access to it. Rural women are likely to be excluded from the charcoal market in favour of more affluent urban

dwellers who can afford to pay for it.

A third aspect of commercialization concerns intellectual property (IP) protection and the extension of IP into agriculture.[16] The trend towards adopting high-yielding 'engineered' seed varieties not only poses a real threat to local biodiversity, but can also undermine women's farming independence.[17] For example, the use of seeds on which IP restrictions have been imposed by patent holders means that traditional seed swapping, storage, or mixing with other seeds are often restricted. As a result, women's roles in managing food security, which rely heavily on such seed saving and swapping techniques, will have to adjust radically to these new models of control and ownership.

Increased commercialization in rural areas can arguably bring employment opportunities for rural women. But for these to outweigh the threats to their livelihoods, women will need to gain bargaining power to benefit from the new trade in goods and services. That, in turn, requires investment in women's organization, empowerment, and social capital.

How rural women value land

> *We were chased away like dogs, our crops burned, our homes destroyed, and as a result we have lost our sense of belonging and who we are.*
>
> Woman respondent

Rural women value land in three ways:

- Land is the backbone of agricultural and pastoral livelihoods and, by extension, acts as a communal safety-net.
- Land provides a place of cultural and social belonging with symbolic and spiritual values that women consistently reinforce. Land provides a place of residence, a registered address to allow people to vote in elections, and an inheritance for future generations.
- Depending on the quality of its soil, water, biodiversity, and other natural factors, land can be a valuable, strategic, and tradable asset, a store of wealth and collateral for securing formal credit.

The commercial language of land markets focuses on this last factor to the exclusion of the first two. As UN-HABITAT and others working on compensation for people evicted have found, monetary compensation for the loss of land and homes rarely makes up for the other, less unquantifiable, factors of land value and related social capital.[18] One woman who was evicted from her land expressed this as:

‘When you lose your land you have lost your value and even your body, because the body adds value to the land. You see us talking [but] we are moving corpses.’

Governments are normally responsible for setting and negotiating land prices for foreign investors. By international standards, these prices are extremely low in Africa. Local communities whose land is affected rarely have information on what is paid or an understanding of the relative financial value of such land on international markets. For example, the rural women interviewed did not know how much the companies had paid for their land and indeed in one case the company also would not divulge the exact amount to the researchers. According to estimations based on common practices in the country concerned, it appears that the reticent company acquired a 99-year lease on the land for just $13 per hectare.

> *I was nine months pregnant when they [the company] entered my farm. I stood there shivering as I watched them destroy my yam, pepper, maize and plantain. I thought I would die, because my heart kept beating so fast; it took my husband and some other people to carry me from the farm to the house… about 20 acres of food crops were just levelled. It is just by the grace of God that I’m still alive to tell you my story today.*
>
> Woman respondent

From ‘women’s crops’ to ‘men’s crops’

In many parts of Africa, crops are considered to be either ‘women’s’ or ‘men’s’. Married men and women have distinct responsibilities and activities, including separate crops, agricultural plots, tasks and sources of income. Experience has proved time and again that women risk losing control over the crops they grow as soon as these become commercialized. When a crop shifts from being a traditional subsistence crop managed by women to being one for sale in formal markets, the share of income received by women tends to drop.[19]

This shift is no exaggeration, ‘When a crop becomes commercial, it changes gender and becomes a “man’s crop” as it is men who control its production, marketing, and, most importantly, the use of income accruing from sale of these crops.’[20] This has serious implications for crops that women grow for food, such as cassava, which is currently being considered for its potential as a source of biofuel.[21] Furthermore, as more land is planted with cash crops such as soy, maize, eucalyptus or jatropha, less land is available for vegetables, pulses, and other ‘women’s crops’ common to mixed farming.

Plantation economics does not benefit rural women

By its very nature, plantation agriculture (unlike agro-ecological approaches) is not labour-intensive, since it maximizes labour productivity through large-scale, capital-intensive cultivation. Depending on the crop, there may be seasonal manual harvesting work, but harvesting is highly likely to be mechanized. In one of the cases studied it was found that just 48 people, only six of them women, were employed on more than 14,000 hectares of land that the company had acquired. In competition for jobs, especially the better jobs, women are less likely than men to gain a foothold.

In instances where women might gain employment, their ability to negotiate fair wages is limited. The researches learned that women harvesting jatropha berries in one case were unaware of the daily wage rate and so were unable to negotiate pay for half-days. The labourers were unaware of the company's intention to pay above the average wage scale, creating an information gap that effectively worked against all parties.[22]

In certain situations, the heavy physical nature of the work excludes women altogether. Sugar cane plantations, for instance, may employ women in planting, weeding and, on very rare occasions, driving tractors, but not in cane cutting. Similarly, timber plantations tend to employ women only for the lower type of menial tasks.

Contract agreements in 'out grower schemes' are usually signed with male heads of household and not with women. Household gender relations also mean that even where women work for pay, such as under out grower contract agreements, their earnings are more often than not controlled by men. As the decisions around which commercial crops are planted (and how) lie primarily with men, women are very unlikely to benefit from new market opportunities.

There are also, of course, implications for future generations of women and men. The industrial nature of much agricultural investment goes beyond the visible immediacy of people losing access to their land. The land itself becomes damaged by inordinate use of inorganic fertilizers and chemical pesticides, by the wholesale drainage of water systems, and by the consequent decimation of ecological diversity. For example, the introduction of monoculture plantations of exotic trees risks harming the production of local food items, such as vegetables, fungi, herbs, fruits, and cereals – all of which are cultivated and collected by rural women.[23]

In fact, it is common for rural women to be net losers of income when the commons they have traditionally accessed are taken over for commercial crop production. This was the experience, for instance, of women shea butter producers in Ghana when expanding land investments encroached on

their shea tree territories.[24]

> *I am aged 55 years old. I was born in [village A] and I got married there. I have five children… we woke up one morning and we were informed that the land we farmed that is our 20 hectares of land had been sold to [the company]. I had a farm permit given by the chief for my land. We were never consulted about the process. Our crops, homes and some of our livestock were burnt in the process of our evictions, and we were not compensated.*
>
> Woman respondent

The water factor

> *We walk the 9km every day to fetch the water and every Monday the owner of the well has instructed us that we have to work on his charcoal business. If you do not go to work you either have to pay some money or you are asked not to come and fetch water at that farm again*.
>
> Woman respondent now blocked by the corporate land investor from accessing water they used freely in the past.

One feature common to plantation farming systems is their intensive use of water and their dependence on sustained irrigation. Local water tables and natural water sources frequently become seriously depleted, requiring women (who are generally responsible for domestic water management) to walk ever further to collect water.[25]

Household water requirements are minuscule compared with the water used by industry and agriculture. Even tinier are the consumption rates of rural households. Yet rural women struggle to secure water rights for their meagre needs. Forestry plantations in many African countries are too new to see the impacts yet, but similar plantations in South Africa, where such plantations have a longer history, have been shown to have significantly reduced water availability. One South African woman in a village next to a forest plantation observed: 'The thing is that we compete for water with these plantations. They use up a lot of water. I remember when we got here in 1996, the stream close to our garden was running perennially … Now we have to dig deeper and we get the water from far away … This makes the work for women even harder'.[26]

A study by the UN Environment Programme (UNEP) has shown that the water footprint required for biofuels can be up to 400 times larger than that of fossil fuels, and that meeting current biofuel mandates

could require a tripling of water use.[27] It takes about the same amount of water to produce one litre of liquid biofuel as it takes to produce food for one person for one day.[28]

Women are not parties to the deal

> *The foreigners and [others] negotiate for title deeds in [the capital city] and they come and show me the title deeds, yet the land they would have taken is [under] customary law that I do preside over. Whoever is giving out the title deeds in [the capital city] is the major culprit … These corporate land investments have now led to boundary disputes developing between chiefs … here in my chiefdom, I have a boundary dispute with another chief and it has not been resolved up to now because of the prioritisation of the foreigners and their large-scale farming activities.*
>
> Extract from interview with a traditional leader in one of the study sites

Women smallholder farmers and women in pastoral communities often hear about land acquisitions and what is to be grown only long after the deal has been signed and sealed.[29] Even when community members are more engaged, rural women usually have no seat at the negotiation table which is often dominated by national government and local and traditional authority representatives. Relying on the often patriarchal institutions of government from local to national levels has not proven to be a fair mechanism for responding to rural women's voices.

The situation is worse for communities, or parts of communities that are more marginalised in their relation to structures with power, such as displaced people or immigrants into the area or people referred to as squatters even when they have used the land in question for decades. Their chance of being heard, let alone considered, when large land-based investments are implemented are even lower and the women in these communities are the most marginalised.

IFC financing and standards

> *The assessment of land and natural resource use should be gender inclusive and specifically consider women's role in the management and use of these resources.*
>
> Page 50, IFC Performance Standards on 'Environmental and Social Sustainability', Jan 2012.

The Performance Standards of the International Finance Corporation (IFC), which financed two of the companies researched, explicitly state the importance of considering women's specific roles and interests in any investment. Yet the available documents from the IFC and the experiences of women in these

cases give no indication of specific efforts to engage with women or consider their needs, even when they were being evicted.[30] An IFC official confirmed that there was no process for talking with women or other possibly vulnerable groups in the areas affected by the investment. Site visits to look at the possible impacts of the investment had not included meeting community members in neighbouring villages even though there were ongoing land disputes.[31]

Without efforts to ensure rural women's informed and meaningful participation in decision making the specific aspects of women's links to land, such as the heritage and legacy of women's knowledge systems, their socio-cultural relations with land, and their stewardship of nature will be missed. Even the direct impact on rural women's access to land for food production, on their livelihoods, on food affordability and related costs of living are often overlooked when women are not heard.

A communication impasse Senior executives from one company emphasized that the company policy is very clear in 'not destroying any existing farmland' and explained that they have negotiated a compensation agreement: '[w]e have a very close relationship with the Traditional Councils, we defer to them when we face any challenge'. One of the women respondents who lost land in the same case, however, commented: 'We've not gone to the chief [head of the Traditional Council] because he's the one that gave out the land in the first place, so what good will it do for us to go to him?'

3 TOWARDS SOLUTIONS FOR RURAL WOMEN

Invest in local food systems

> *Priority must be given to growing more food, not cash crops. The market within Africa for staple food crops … far exceeds the revenue Africa receives for internationally traded cash crops like coffee, cocoa, tea and cut flowers. Food – primarily for domestic consumption – must be our focus.*
>
> Kofi Annan, 34th Session of the Governing Council of the International Fund for Agricultural Development, 20 February 2012

Certain kinds of rural investment can increase local food production, improve land stewardship, and contribute to ending poverty.[32] The UN Committee on World Food Security (CFS) recommended in 2011 that governments and international organizations should 'ensure that agricultural policies and public

investment give priority to food production and nutrition and increase the resilience of local and traditional food systems and biodiversity, with a focus on strengthening sustainable smallholder food production'.[33] In May 2012, the CFS adopted the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests,[34] the first global instrument on land tenure. These Guidelines include a number of critical provisions to ensure that small-scale food producers' access to, and control over, land and natural resources are secured. The CFS is also preparing to launch a process in early 2013 to develop principles to guide investment in agriculture for food security. The aim is to ensure that investments in agriculture contribute to the achievement of the right to food.[35]

> *The right to food is a human right recognized under international law which protects the right of all human beings to feed themselves in dignity, either by producing their food or by purchasing it.* www.srfood.org/index.php/en/right-to-food

A different sort of investment is needed to increase local food production, improve land stewardship, and contribute to ending poverty.[36] An alternative set of investment objectives could aim to optimize social and environmental benefits by empowering local food producers. Investment could be channelled into small-scale farming and, more specifically, into the ways that women secure food for their households and communities. Such an alternative investment model could reduce poverty while encouraging investment in the natural capital on which rural people depend.

Four years ago, top agricultural scientists from 60 countries called for just such an approach to farming. The report of the UN's International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD),[37] the largest scientific study ever undertaken on farming methods and sustainability, established a consensus among the global scientific community that energy- and chemical-intensive agriculture is not suited to the challenges of the 21st century. The report argues that small-scale farmers using organic, agro-ecological methods of production offer a much better solution to meeting the world's growing food needs.

In sub-Saharan Africa where fully one-third of the population is undernourished and 31 per cent of households are headed by women, there is chronic under-investment in women's farming knowledge and skills. This is a particular handicap for African economies.[38] It is particularly telling that some 50 years after the first African countries gained independence, rural women are still haunted by relatively high rates of illiteracy.[39] It is no coincidence, therefore, that in a country like Zambia, for instance, the most female-intensive rural jobs are also the least skills-intensive.[40]

Women's rights to land

> *Within 80 or a 100 years, if the poor African were allowed to sell his land, all the land in Tanganyika would belong to wealthy immigrants, and the local people would be tenants … If we allow land to be sold like a robe, within a short period there would only be a few Africans possessing land in Tanganyika and all others would be tenants.* – Nyerere, 1966: 55, cited in Haki Ardhi, 2011: 7.

Secure access to productive land and related natural resources is absolutely critical to people living in rural areas who depend on agriculture, livestock, or forests for their livelihoods. It reduces their vulnerability to hunger and poverty, increases the likelihood that they will invest in the land and in the sustainable management of their resources, and helps them to develop more equitable relations with the rest of society.[41] Evidence shows that when women share in assets and land ownership, there are positive correlations with higher food expenditures and with rural productivity.[42]

The commodification of land, however, converts a potential public commons into an asset that only elites and the highest bidders can afford. At the same time, allotting individual land ownership with titles to the poorest or least powerful members of a community does not automatically secure them either power or wealth. On the contrary, placing individual ownership of assets in the hands of vulnerable people could lead to their losing these assets very quickly – and this in effect is what has happened to many landless people in the world today. 'Titling is not a panacea,' warned Hans Binswanger of the World Bank back in 1999. 'Communal tenure systems … can be more cost-effective than formal title … many communal tenure systems recognize a user's property rights if the land has been improved.' He added that instead of 'trying to privatize land rights to "modernize" land tenure … policymakers should focus on ways to increase secure property rights within given constraints'.[43] The value of customary land tenure systems, which almost always have communal elements, continue to be widely recognised even if interventions are often needed to ensure women's rights are not marginalised within them[44]. Furthermore, any form of individual titling is not feasible in pastoral or in most arid land contexts, where mobility and collective care of livestock are essential.

In an alternative response to individual land titles, there are a multitude of examples where women have taken deliberate measures to register land or to secure the commons for the community in other ways. For instance, a West Bengali group, SRREOSHI, has made common lands available to women's groups, giving them their due entitlement to cultivate, securing their nutrition and livelihood needs, and reducing their need to look for other sources of income such as stone-crushing or street work.[45]

Where customary systems are still intact, these could be further strengthened to protect women's rights and those women and men who simply cannot afford land titles. Now more than ever, rural women must claim their rights of access to natural capital – which is essentially priceless – within the framework and cultural context of common property, community rights, and community responsibilities.

Alternative models of ownership Radical new solutions or the reappraisal of traditional systems could have positive implications for women in poverty. Nobel laureate Elinor Ostrom argued that economic activity is not merely split between the alternatives of market and state but may be regulated by collective social activity. She introduced the term 'common pool regimes (CPR) to categorize such forms of property. Her findings demonstrated that collective community ownership of resources by rural communities may foster the evolution and adaptation of sustainable resource systems. Ostrom challenged the assumption that common property is poorly managed unless it is regulated by government or privatized, and showed how individuals can work together to protect resources. This way of thinking sits at the heart of how pastoralists and rural women measure the value of natural capital – where the idea of private ownership of part or all of an ecosystem runs counter to communal access. Source: Ostrom, Elinor. 1990. Governing the commons: The evolution of institutions for collective action. Cambridge: Cambridge University Press.

Build towards collective action

> *All we want is our land back and compensation for what was destroyed.*
>
> Women respondent evicted from land acquired by large corporation

When asked what they want, rural women who have lost their land overwhelmingly say that they would like the land to be returned to them, or alternative lands and related support provided. Some women look to formal court systems of arbitration for redress. Others ask for investors to honour the promises they have made to the community.

Where these options fail rural women, governments and development agencies need to support their efforts to seek redress. This could be, for instance, through traditional land arbitration processes; or by raising awareness of women's rights amongst chiefs and local authorities; or by supporting hybrid customary and conventional dispute resolution processes. Other measures could include improving community consultative processes before land deals are agreed or passing anti-eviction laws or other legal instruments that hold investors to account.

These actions are, however, limited to mitigating the adverse consequences of investments, when women's status has already been compromised and further weakened. For the medium term, rural women must be able to determine proactively what kinds of investments support their local food economies.

Community mapping offers one route to creating a firm basis for women and their communities to decide on and control the nature of investments in their land. This involves farmers, pastoralists, and other land users taking stock of their natural resources, nutrition and food sources, as well as local market capacities and needs. Particular attention needs to be given to women's land and uses of natural resources to ensure that these do not get lost within what are often male-dominated community processes. This documenting of a community's own vision for their land use creates unity of decision-making. In some countries, these maps can be officially endorsed as part of the registration of community land rights.[46]

Meeting the goal of enhancing women's ability to affect the nature of land deals will require investment in 'social capital' – that is, women's ability to come together around a common goal and to build institutions that respond to their interests, as they define them. Social capital creates capacity for collective action that enables even smallholders to work together to overcome limitations of wealth, farm size, and bargaining power. Social capital can be gauged by people's level of inclusion in networks and relationships, their access to information, and their ability to process it. In many communities it is the very poor or marginalized in particular who are excluded from actively participating in local collective action.[47] Women's cooperatives, community registries, seed banks, and participatory plant-breeding systems are some of the key bodies that need substantial investment.

Rural women's collective agency is critical because governments rarely have the inclination to support disempowered groups. In order to bring about change, there needs to be a collective force, a 'critical mass' of people working together to achieve it.

4 RURAL WOMEN NEED SUPPORT TO CLAIM THEIR RIGHTS

Governments, investors, and development and human rights organizations need to intervene to protect the interests of rural women and their communities in the context of corporate land investments. While policies and practical steps need to be customized to fit local circumstances, four key principles should underpin efforts to secure the rights of rural women to the land and natural resources they depend on.

Principle 1: Recognize rural women's varied uses of land and natural resources, and ways to recover, increase and secure their rights to these.

Principle 2: Weigh benefits from investments against the full cost, not just financial, of losses including

loss of local food production and bio-diversity.

Principle 3: Enhance long-term development options for women and their communities taking into account future needs and possible alternative land and natural resource uses.

Principle 4: Rural women need to be drivers and agents of change. Their systematic suppression and oppression need to be reversed in order for them to lead collective and community action.

Commitments and public policy

Moreover, all parties involved in land-related investments should commit to and provide resources for the implementation of vital and hard-won international instruments. The Voluntary Guidelines on Responsible Governance of Tenure,[48] adopted by the UN CFS; the African Union's Framework and Guidelines on Land Policy in Africa;[49] the 2009 AU Heads of State Declaration on Land Issues and Challenges in Africa; and the African Women's Protocol[50] all have relevant clauses and resolutions on advancing women's land rights.

Governments have a responsibility to protect the rights, livelihoods and opportunities of their people, paying particular attention to the most invisible and powerless. This is not only a matter of land governance as other areas of government services are essential to give women the options they have a right to. Land governance systems and related essential services therefore need to include the following:

- Ensure scaled up public investments are targeted at supporting women's small-scale local food production and ecologically friendly mixed production methods.
- As part of gender-sensitive land reform, national land audits and publicly accessible land registries should be established, and reinforced by community mapping that engages women.
- Existing natural capital, biodiversity, and ecosystem assets should be conserved and rehabilitated.
- Investors, both foreign and domestic,should be regulated to ensure transparency and to incorporate the informed consent of and maximum benefit to rural women and others affected, including consideration of the long-term net benefits.
- Wealth and welfare should be shared more fairly through gender-responsive government budgets and expenditures, public provision of services, and state regulation of markets.
- Women's sources of income should be diversified through investment in cottage industries and

agricultural/forest employment, including payments for eco-system services that women provide.

- Health and education provision in rural areas need to be of a high standard with particular efforts to meet women's specific needs and to overcome obstacles to women and girls accessing such services.

- Legal and financial services should be extended to rural women, including court and paralegal systems, secure banking, and rural (Internet) connectivity.[51]

- Measures to ensure that investors take deliberate steps, including setting up community level communication channels, to engage directly with rural women and their representative organizations.

- Ensuring that, where investments are needed, investment options that do not require land transfers[52] are sought in order to enhance and not undermine women's existing food production activities.

- Embedding a gender perspective throughout all environmental and social assessments of the investments.

- Measures to hold companies accountable for honouring commitments made to communities and ensuring that women benefit from these.

- Legal and administrative space to allow for rural women's organisation and mobilisation without which they will not be able to assert their rights.

The International Finance Corporation (IFC) of the World Bank has a particular responsibility as a multi-national finance institution with development objectives. The IFC Performance Standards have laudable goals, but it is clear that in order to give effect to them the IFC need specific measures including:

- Avoiding support for investments that involve any large transfer of land.

- Building into the process of assessing investments time and space to consult with communities in vicinities or neighbouring lands that may be acquired as part of the activities of the company being financed.

- Strategies to involve rural women in the vicinity of land-based investments in the processes of decision making and in benefitting from any investments. This must include at a minimum having within IFC assessment teams women with training and experience in empowering rural women and space for discussions with women only and without staff of the company or of local authorities present.

- Always complying with performance standard 5 when a company being considered for investment, or their subsidiary, is involved with land where there is an existing or potential land dispute.

5 CONCLUSION

In balance very few rural women benefitted from these land-based investments and those benefits were minimal. It is also clear that neither current land governance systems nor the guidelines of companies and the standards set by institutions like the IFC are adequately protecting rural women's rights. It is therefore time to take a clear stand against investments that involved the transfer of large amounts of land.

The intensely political arena of food security and land investments in sub-Saharan Africa is both critical and urgent for rural women. Investment decisions are being made even now and the interests and voices of rural people risk being drowned out by more powerful interests. There is a convergence of interests of investors, high-tech farming practices, and trade agreements that threaten to further destabilize the livelihoods of rural women and to push them into situations of deeper dependency, with higher risks.

Some rural women feel cheated or misrepresented by land deals; some seek compensation. Others seek the return of their land, and still others want to see more direct benefits from these investments. What all have in common is that their voices are not being heard. We need to heed those voices and all those interested in a development path that benefits those in poverty, enables rural women to enjoy their rights and reduces inequality must support the amplification of women's voices. Involving women in consultations is not enough, it needs to be accompanied by efforts to make sure rural women can have a strong and well informed voice in any such negotiations.

Land governance systems and related services must be informed by an understanding of the value of small-scale food production by women for local and national consumption, as a core component of a vibrant and sustainable rural economy. Governments, communities and corporations together need to embrace a very different investment approach to the rural sector.

While the international development community can work with women's groups to hold governments and corporations to account, the real potential for monitoring investments on the ground lies with the affected communities themselves. Women's collective action will be the deciding factor in ensuring that their interests and priorities are met. Such collective action requires women having access to information on their rights and on a wide variety of development options, not just the ones investors want to put in front of them. Governance systems need to allow space for such organising of rural women.

The hard-won gains that the majority of the world's rural women have made in the past few decades towards securing their social and economic rights are now under siege. They and their property are being left exposed and vulnerable to the incursions of powerful corporate interests. Rural women exposed to global market pressures simply cannot hold on to their natural capital assets – land, water, seeds, and knowledge. When they lose these assets, they lose their dignity, their self-reliance, and the core of their empowerment. Their communities suffer and the futures of their children are put in jeopardy – and we all lose out on the chance for a more sustainable future.

NOTE ON METHODOLOGY

Primary field work carried out in 2012 focussed on recording the voices and experiences of rural women affected by large-scale land-based investments. Field visits were made to villages adjacent to large scale land-based investments; the researchers looked as much for positive impacts as negative. The selection of the companies was deliberate in targeting credible, established companies with claims of making positive impacts on national and local development. The cases involved companies investing in forestry (including selling carbon credits), bio-fuel and ethanol production, and food production.

Researchers interviewed individual women and men and carried out focus group discussions. Key informants in the area such as local and traditional authorities were also spoken to. Transect walks in the communities and to the land where investments were made were carried out to observe the conditions. The companies concerned were all contacted for their perspective.

Existing research reports, company documents that were available, and government policies were examined and secondary literature reviewed.

This study is not probing the details of each case to paint these particular companies as villains, indeed these companies would appear to be among the more responsible of investors in large amounts of land in Africa, it is rather focussing on bringing out the experience of rural women whose voices are often not heard. It is also drawing from the findings of the new primary research and other existing work to look at the patterns that emerge in terms of the impact on rural women. It is these systemic patterns that need to inform land governance responses.

The names of places, respondents, and companies are not used in this paper. This is due to ongoing discussions on these cases with the communities and companies concerned and within Oxfam who sponsored the research and may publish the cases in the future. While sharing this kind of information is important there is no desire to create unnecessary risks or to jeopardize process that could lead to redress for communities that have lost land.

NOTES

1 According to UNICEF, the child stunting rate in Africa varies from around 24 percent (Gambia) up to 58 percent (Burundi). The countries involved in the three case studies referred to in this paper sit between these extremes. http://www.childinfo.org/undernutrition_nutritional_status.php

2 W. Anseeuw et al. (2011) 'Land Rights and the Rush for Land'; and Oxfam GB (2012) 'Extreme Weather, Extreme Prices' reports that more than 200 million hectares of land have been subject to large land deal from 2000, to 2010. The combined land area for Nigeria, Kenya and Zimbabwe is only 189.5 million hectares.

3 This paper focuses on women and men living in poverty in developing countries and the particular issues that women face as a consequence of gender-based power relations. While acknowledging that rural women are by no means a homogeneous group, it refers to rural women as a particular constituency with low incomes and limited assets. It does not focus on elite rural women who, because of their class and income, may face different issues, priorities, and challenges.

4 See Oxfam (2012) 'Extreme Weather, Extreme Prices'. Land tenure rights submissions received by the UN describes cases in which small-scale farmers, rural communities, indigenous peoples, pastoralists, women and children are affected by land disputes in which they have lost or risk losing access to productive resources and their means of livelihood. Most cases affecting indigenous peoples were reported from the Americas, while most cases in Asia and in Africa concerned small-scale farmers. A common trait of reported victims of evictions and of threats to their livelihoods is that they generally belong to the poorest and most vulnerable groups in society. See United Nations Special Rapporteur on the Right to Food (2010).

5 Jatropha is a shrub that can grow into a small tree. Its leaves and fruit pods are poisonous. Inside the pods are several black seeds, each one about twice the size of a coffee bean which when crushed produces oil. It has become one of the most popular plants for biofuel production although its viability and environmental impacts have been questioned. The plant grows all over the tropics, including Indonesia, the Philippines, Cambodia, India and Latin America - it originated in Central America, and Europeans spread it to their various colonies several centuries ago. Extracted from http://www.npr.org/blogs/thesalt/2012/08/22/159391553/how-a-biofuel-dream-called-jatropha-came-crashing-down and http://en.wikipedia.org/wiki/Jatropha

6 WorldWatch Institute and IFAD: http://www.worldwatch.org/node/6431

7 This is elaborated in the section 'From "women's crops" to "men's crops".' As Sabine Guendel said, when writing for the Food and Agriculture Organization (FAO), 'Men usually move into traditionally "women's crop activities" when those activities are perceived as having become more productive or profitable' http://www.fao.org/gender/gender-home/gender-insight/gender-insightdet/en/?dyna_fef%5Buid%5D=36003

8 Food prices surged globally in 2008 and have continued to remain high. See Oxfam's report 'Growing a Better Future: Food justice in a resources constrained world' (p 38). The FAO tracks food prices, and their information can be found here: http://www.fao.org/worldfoodsituation/wfs-home/en/

9 This is evidenced by the increasing numbers of women convicted of crimes and imprisoned. Africa lies in the middle of the global average of women prisoners as a percentage of the total prison population, with women comprising between 1 and 6 per cent of African prison populations. National averages vary from rates as high as 4.5 per cent in North Africa, 5 per cent in West (Cape Verde) and Southern Africa (Botswana), 3.3 per cent in Central Africa (Angola) and 6.3 per cent in East Africa (Mozambique), to 1.7 per cent in North Africa (Sudan), 1 per cent in West (Burkina Faso) and Central Africa (São Tomé e Príncipe), 1.2 per cent in East Africa (Malawi), and 1.8 per cent in Southern Africa (Namibia). Women in African prisons are overwhelmingly poor and uneducated. They are frequently incarcerated for crimes such as murder and attempted murder, infanticide, abortion, and theft. See Jeremy Sarkin, Prisons in Africa: An evaluation from a human rights perspective. See: http://www.surjournal.org/eng/conteudos/getArtigo9.php?artigo=9,artigo_sarkin.htm

10 This section on the background to the challenges faced by rural women draws on an unpublished paper by Nidhi Tandon, for Oxfam on women's land rights. The more important references for this work are a published interview with Silvia Federici (November 2009) 'On capitalism, colonialism, women and food politics' (http://www.politicsandculture.org/2009/11/03/silvia-federici-on-capitalism-colonialism-women-and-food-politics/) and Kevane and Gray's 2008 work: Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1096247). Walter Rodney's classic book 'How Europe Underdeveloped Africa" gives a good overview of the colonial intervention in Africa and its impact on land and agriculture, but it does not look specifically at the impact on women.

11 The challenges women are having to confront in the context of commercialization are captured in a 2012 World Bank report on Inclusive Green Growth. 'A meta-study of 61 case studies of production and trade in non-timber forest products in Africa, Asia, and Latin America found that commercialisation has not helped to reduce poverty, for four main reasons: resources are often collected under open access regimes where over-exploitation is common, leading to rent dissipation; access to markets tends to be poor, limiting economic returns; fluctuations in quantity and quality make commercialisation of non-timber forest products difficult; and middlemen often capture the bulk of any added value.' World Bank (2012) 'Chapter 5: Natural Capital: Managing Resources for Sustainable Growth', p109 in Inclusive Green Growth. (http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSDNET/0,,contentMDK:23192335~menuPK:64885113~pagePK:7278667~piPK:64911824~theSitePK:5929282,00.html)

12 With increased commercialization of land and problems of land scarcity, local leaders face mounting pressures to protect the clan system, and in so doing have placed even greater constraints on women's access to land. In particular, men and groups of men, organized through their lineage, seek to renegotiate and redefine the formal and informal relationships that in the past supported women's access to land.

13 See, for example, United Nations Special Rapporteur on the Right to Food (2010).

14 See The Economics of Ecosystems and Biodiversity (TEEB) (2010). According to TEEB, land and nature are about to take on a new value on the global market that will attempt to calculate the cost or price of the wealth of its wilderness, measured by its biodiversity. The report was launched in October 2010 at the Convention for Biological Diversity in Nagoya, Japan. Its main premise is that the best way to protect biodiversity is to give it an economic valuation.

15 The economic value of the Zambezi River Basin, which crosses six countries in southern Africa, has been estimated at $50m a year in terms of crops and agriculture and $80m in terms of fisheries, while associated natural products and medicines are priced at over $2.5m a year. See Steiner (2008).

16 The demand for agrofuels, which is driving much of the corporate rush to acquire land in Africa, has also led biotechnology companies to seek patents on trees, grasses, non-traditional crops, enzymes, and bacteria. For example, trees such as eucalyptus, poplar, and radiata pine are being genetically engineered to produce less lignin, which aids in pulping their wood and its future conversion to ethanol.

17 Male farmers and heads of households are more likely to participate in the hybrid seed and plant cycle than women. They are frequently targeted by the commercial sector and tied into loan and micro-insurance packages for such seeds. See Working Group on Canadian Science and Technology Policy (2005).

18 UN-HABITAT's 'Losing your Home: Assessing the impact of eviction' (2011) offers tools and approaches that have been applied at local level.

19 A study in Malawi confirmed this trend: '[A]s the crop becomes more and more commercialized, the income share of women is reducing although the absolute amount of money that women get is increasing. This is the typical trend in beans in Malawi where the income share of women is going down as the crop shifts from a traditional subsistence crop managed by women to a more commercialized crop with formal markets,' (J. Njuki et al. (2005)). See also Tandon (2009) for an example relating to palm oil in Cameroon.

20 Observation by Prosper Ngowi who carried out some of the field research.

21 Cassava, a staple food across much of Africa, has become the latest crop that companies are looking to utilize as a fuel source, http://www.biofuelsdigest.com/bdigest/tag/cassava/. Already the International Food Policy Research Institute (IFPRI) predicts that, depending on rates of agrofuel expansion, by 2020 the global price of corn will increase by between 26 per cent and 72 per cent, and the price of oilseeds by between 18 per cent and 44 per cent. With every 1 per cent rise in the cost of food, 16 million people become food-insecure. In a world economy that places importance on renewable and 'clean' energy, how will small-scale farmers be able to protect their food crops from being sold and used as fuel crops? See E. Holt-Gimenez and R. Patel, with A. Shattuck (2009).

22 The company concerned prides itself in paying equal wages to both men and women and over 50 per cent more than the average daily wage to all its employees (Interview notes with the Chief Executive Officer, 2012).

23 Garden plots and mixed farm/forest landscapes, in contrast to commercial monoculture crop plantations, contain a range of traditional, hardier, and more dependable plant varieties. These comprise a diverse ecological farming system, which is often more adaptable to changing climate conditions. Also, many traditional varieties of crop meet the nutritional needs of local populations better than imported foods. This is a potential point of strength both for agro-ecological modes of production and for overall biological diversity.

24 See T. Kachika (2011) 'Land Grabbing in Africa'. http://www.oxfamblogs.org/eastafrica/wp-content/uploads/2010/11/Land-Grabbing-in-Africa.-Final.pdf

25 Women spend much more time than men on providing household water. IFPRI (2011).

26 Page 23 of a report by Liane Greef: 'Thirsty tree plantations, no water left and climate confusion: What version of sustainable development are we leaving for our children'. This report gives substantial information on the impact of forest plantations on water sources in the South African context. http://www.geasphere.co.za/downloadable_docs/ThirstyTreesNoWaterClimateConfusion.pdf

27 Biofuels Digest, 26 October 2010. http://biofuelsdigest.com/bdigest/2010/10/26/unep-warns-on-water-security-biofuels-expansion/

28 FAO (2009).

29 See L. Cotula (2011).

30 The IFC is the investment wing of the World Bank. (http://www1.ifc.org/wps/wcm/connect/corp_ext_content/ifc_external_corporate_site/home). As a public agency with a development mandate they have put in place a comprehensive set of 'performance standards' for all of their investments. These contain good commitments on the involvement and consideration of women.

31 Teleconference held in 2012 with a number of IFC officials concerning one of the cases looked at. IFC had financed the company involved on several occasions and some of that money was used for the land acquisition and

expansion of the operation on that land. The IFC officials said they would look into the better involvement of communities as part of follow up technical assistance to the companies concerned that they are planning to provide early in 2013.

32 As of 2010, Zambia had restored 300,000 hectares of land in an effort that involved more than 160,000 households. Conservation agriculture practices doubled maize yields compared with conventional ploughing systems and increased cotton yields by 60 per cent. A recent study found returns of $104 per hectare for two plots under conservation agriculture – 5.5 times higher than the $19 per hectare for plots under conventional tillage FAO/SCD/IFAD 2010. See also, for other examples, IFAD (2009).

33 Committee on World Food Security (2011), paragraph 29.

34 See http://www.fao.org/docrep/016/i2801e/i2801e.pdf

35 The right to food is established under international law. The United Nations has a Special Rapporteur on the Right to Food who monitors compliance with this, http://www.srfood.org/

36 See, for example, IFAD (2009).

37 See http://www.agassessment.org/

38 See FAO (2005) 'Food Security and Agricultural Development in Sub-Saharan Africa: Building a Case for More Support'.

39 Reports on education levels can be found from the UNDP and other sources. The emphasis needs to be on the quality of education, achieving higher completion rates for girls in secondary education and improving access to post-secondary education and skills training. http://hdr.undp.org/en/statistics/hdi/

40 http://www.wageindicator.org/main/wageindicatorcountries/country-report-zambia

41 See IFAD (2008).

42 World Bank (2012) World Development Report 2012.

43 World Bank (1999).

44 For some discussions on this one can go to amongst others the Global Land Tools Network, (http://www.gltn.net/index.php/land-tools/access-to-land-and-tenure-security/statutory-and-customary). The African Union Framework and Guidelines on Land Policy in Africa also see a place for customary as well as statutory tenure systems (http://uneca.africa-devnet.org/content/framework-and-guidelines-land-policy-africa).

45 See also 'Land Rights for African Development: From Knowledge to Action', CAPRI Policy Briefs, CGIAR, UNDP, and International Land Coalition for a range of policy and practice options. http://www.capri.cgiar.org/wp/brief_land.asp

46 Oxfam and other organizations have supported community land mapping including in Tanzania where the Village Land Act makes provision for registration of village land including land use plans. The IIED Participatory Learning and Action manual on 'Mapping for change: practice, technologies and communication'. Available from http://pubs.iied.org/pdfs/14507IIED.pdf, it is one example of publications available on subject.

47 See CAPRI (2008). Social capital also refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them.

48 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security', adopted in May 2012, by the Committee on World Food Security under the Food and Agriculture Organization of the United Nations. http://www.fao.org/docrep/016/i2801e/i2801e.pdf]

49 The African Union 'Framework and Guidelines on Land Policy in Africa', adopted by the heads of state of the African Union along with the 'Declaration on Land Issues and Challenges in Africa', can both be found at http://new.uneca.org/lpi/LPIPublications.aspx.

50 The 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa', adopted by the African Union Heads of State in July 2003, can be found at http://www.achpr.org/instruments/women-protocol/.

51 Information and communication technologies (ICTs) have the potential to make women part of the communication value chain and help them break through existing information bottlenecks. Most of the women interviewed in the cases referred to for this paper owned cell phones.

52 'Land transfers' is used here to refer to all changes of land access and rights including informal, customary and use rights that are often not legally recognized.

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