



# GENDER EQUITY IN LAND AND FOREST TENURE

IN 17 FCPF COUNTRIES

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REPORT SUMMARY

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**SOCIAL INCLUSION  
IN CLIMATE FINANCE**  
knowledge series





This study analyzes the legal and policy constraints impacting women’s land and forest tenure security in FCPF Carbon Fund countries. It also explores women’s ability to exercise their rights in customary and statutory systems, how this could be affected by FCPF Carbon Fund programs, and what may be needed to protect and strengthen women’s rights.



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## BACKGROUND

**Women’s participation is crucial to the success of sustainable forest management and REDD+.** It also generates important social co-benefits such as improving women’s land tenure security, increasing their involvement in forest governance and decision making, and creating new streams of income. However, women can face barriers to engaging in and benefiting from various programs, including the Forest Carbon Partnership Facility (FCPF) Carbon Fund, which could jeopardize their existing rights, limit their ability to influence decisions about land and forest use, and ultimately limit the potential success of the programs.

**The study assessed the legal, policy, and customary constraints impacting women’s land and forest tenure security in FCPF countries.** It paid particular attention to women’s ability to exercise land and forest rights in both customary and statutory regimes; how these rights could be affected by the FCPF Carbon Fund and other REDD+ programs; and what may be needed to protect and strengthen them. Similarly, the study assessed whether existing tenure regimes facilitate gender equitable outcomes in FCPF programs. Based on data from ten country scans<sup>1</sup> and seven country “deep dive” analyses<sup>2</sup>, the study identified relevant differences between women’s and men’s experiences—in the law, in social norms, in livelihood activities, in land and forest use, and in potential emission reductions programs. The goal was to define the challenges and risks arising from these differences and identify opportunities for mitigating them. Most emission reductions program documents identify some of these challenges and opportunities, with some including dedicated gender action plans. The deep dive analyses were designed to support and further these existing efforts within the framework of the REDD+ and emission reductions programming.

**The study applied modified versions of two analytical frameworks—one for women’s land tenure security<sup>3</sup> and the other for understanding intersectional issues.<sup>4</sup>** This study was managed and financed by the Climate Fund Management Unit<sup>5</sup> and conducted by Resource Equity<sup>6</sup>. The synthesis report and country profiles can be accessed at [forestcarbonpartnership.org](http://forestcarbonpartnership.org) and the [EnABLE webpage](#).

1 Côte d’Ivoire, Democratic Republic of the Congo, Dominican Republic, Fiji, Mexico, Mozambique, Nepal, Nicaragua, Republic of Congo, and Vietnam.

2 Chile, Costa Rica, Ghana, Guatemala, Indonesia, Laos, and Madagascar.

3 Doss, C. & Meinzen-Dick, R. (2018). *Women’s Land Tenure Security: A Conceptual Framework*. Resource Equity, Seattle, WA.

4 Intersectionality is defined as the influences of multiple identities in each person as these interact with marginalizing and empowering structures, norms, and narratives – Colfer, C. J. P., Sijapati Basnett, B., & Ihalainen, M. (2018). *Making sense of ‘intersectionality’: A manual for lovers of people and forests* (Vol. 184). Center for International Forestry Research, Occasional Paper 184.

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# CORE FINDINGS



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## COMMON THREADS

**While each of the 17 countries studied is unique, with few if any opportunities for advancing women's land and forest tenure rights applicable to all, the following common threads or core findings emerged from the study:**

- **Gender equity is reflected in legislation.** In all 17 countries, gender equality is promoted in legislation to varying degrees, usually in national constitutions. However, three countries' constitutions (Côte d'Ivoire, the Democratic Republic of Congo (DRC), and Fiji) allow for discrimination against women if based on custom. Moreover, while some countries are constitutionally committed to gender equality, they have not implemented this obligation through legislation.
- **Marital property regimes exclude inherited land.** In most of the 17 countries, the default marital property regime for privately held land is "community of property", which provides joint ownership of property acquired during marriage but excludes inheritances and gifts made to one spouse. Because most land in developing rural economies is acquired by inheritance, in societies that follow patrilineal inheritance, the exclusion can create a significant obstacle for women to own property. However, the study revealed that there are significant variations to do with other legal protections and distinct marital customs that impact women's property rights. For example, in Ghana, widowed women have a right to retain the marital house and other personal property for her lifetime upon her husband's death. In Côte d'Ivoire, where 28% of women are in polygamous marriages, provisions that protect marital property do not apply to polygamous marriages, nor to customary or religious marriages.
- **Community membership required for sharing in benefits.** On lands held or managed collectively, community membership is often a prerequisite for participating in formal governance structures and sharing benefits that accrue to the community, yet women may not be formally considered as community members. Women could be excluded from emission reductions programs and related benefit sharing plans if they do not satisfy the beneficiary group's membership criteria, which can be culturally or legally defined. Moreover, where benefits are distributed to the community, women may be excluded from the decision-making process about how benefits are used. This could be because they are not considered as formal members, or if they are included in decision making, their input is not given equal weight with that of similarly situated men.





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- **Gender imbalances in land titling efforts are overlooked.** Land titling efforts often occur without addressing underlying the gender imbalance in legal ownership and in intra-household dynamics, which risks cementing women's exclusion. Identifying rights holders involves connecting legal rights to the reality of how the land is held in practice – a process that is not always gender inclusive. This is complicated by a common norm that men are responsible for the household; thus, men are more likely to engage in formal land titling programs and have their rights protected while women are unaware of the importance of titling or are unable to assert their rights in the process.
- **Some indigenous communities are matrilineal and matrilocal.** For some indigenous peoples and local communities, land is passed along the female line, and men move to their wife's family on marriage. Project designs often fail to reflect this, assuming patrilineal and patrilocal patterns, which can erode the customary protections that women may have had.
- **Procedures for rights recognition and formalization are cumbersome.** While customary, indigenous, or collective rights may be protected in law, procedures for having these rights recognized and formalized can be cumbersome, and gender equity is not a priority. Concerns of gender equity are often neglected in the face of pursuing hard-won formal recognition of traditional lands held by indigenous peoples or local communities. Moreover, women often do not participate in those processes due to entrenched views that such matters are not women's responsibility.
- **Women are rarely included in decisions about forest land.** In all 17 countries, where women participated in governance and decision-making on forest land, their participation was nominal – women were present but did not have influence on the decisions being made. This is driven mainly by the pervasive norm that men represent the interests of their family, and that forest-related work and decisions are the domain of men.
- **Creating space for women.** Having women-only forest groups (or subgroups) helps to create circumstances where women's perspective, needs, and interests can be more openly shared. Arrangements should be made to ensure that women's groups have the same authority and influence as those that are mixed or dominated by men.

## LESSONS LEARNED FROM DEEP DIVE CASE STUDIES

Besides an improved understanding of the practical implications of these hypotheses, three broad 'lessons learned' emerged from the seven deep dive case studies:

- **Implement existing gender-responsive laws.** Legal reforms can be time consuming and onerous; rather than relying on national legal reforms, a clear and strong focus on gender-inclusive implementation of existing laws enables more immediate change. While legal and regulatory reforms are still needed, women and men engaged in in-country REDD+ programming in four countries (Ghana, Indonesia, Laos, and Madagascar) did not focus on legal or regulatory reforms. Instead, their focus was on implementing current laws, understanding the local context, and designing projects that reflected that context.
- **Meaningfully engage and support women.** Sustained engagement and support of women remain essential to ensuring gender equity and working with local civil society organizations or government offices may overcome geographical, informational, and social barriers. Furthermore, engagement with women's organizations should prioritize their ongoing participation and influence on programmatic decisions. This includes ensuring that involvement continues throughout the life cycle of REDD+ activities, not just during initial consultations, and that women should be considered equal stakeholders throughout. Meanwhile, a significant challenge is that women in remote communities are often left out and women's groups sometimes exclude the most vulnerable women. Thus, women may need capacity development and training to become effective representatives of others.
- **Start with comprehensive gender analysis.** Comprehensive gender analysis should precede all program design – including target-setting – to ensure that programming has the chance to deliver gender equitable outcomes. While gender dynamics within a culture are often more nuanced than can be fully represented in formal law or program documents, they bear directly on whether and how women benefit from programming. All projects should undertake a thorough gender analysis that identifies key laws, as well as customary, religious,



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### The seven deep dive case studies evaluated five broad hypotheses:

1. that legal or regulatory reforms or changes to beneficiary criteria would increase the number of women eligible for carbon fund benefits;
2. that legal or regulatory reform is needed for women to have land rights even though land ownership is not a criterion for benefits;
3. that interventions are required to create an environment more conducive to women's engagement in governance of community resources;
4. that gender-inclusive group membership rules for communities would open space for women's involvement in benefit sharing; and
5. that women's access to information and training must be improved.

and social norms that impact gender equality, and that analysis should inform the goals, targets, and strategies employed.

Besides these broad findings, applicable across the board, the study also includes extensive findings for each of the seven deep dive countries.



# STRENGTHENING WOMEN'S LAND AND FOREST TENURE RIGHTS



Photo credit: Axel Fassio/CIFOR

The study highlights *what* can be done to enhance gender inclusion in REDD+ programming, while the *how* is largely dependent on the local context. The summarized recommendations below present opportunities for strengthening women's land and forest tenure. The recommendations are explained in more detail in the individual country studies, which also include specific guides, tools, and literature references.

- Provide further **support for implementing country gender action plans** where these exist. Where these do not exist, additional resources should be made available to enhance understanding of women's social exclusion and opportunities to address it.
- Take **affirmative steps to address women's exclusion within community-level organizations or governance bodies** so that they can have a separate space to pursue their separate needs and initiatives, as well as ensuring that their interests are given equal weight in general forums.
- Where land and forest ownership (or similar) rights are linked to participation in activities and sharing in benefits, **ensure that women and men have equal opportunity to own land or prove ownership of land**. Alternatively, expand the definition of benefits beyond ownership to include those who rely on or reside on land or forest in that area.
- **Incorporate responsive design elements in land titling and registration programs** so that they can be adapted to accommodate nuance and variation in women's and men's rights and responsibilities



vis-a-vis land and forests, especially for indigenous or local community groups.

- **Develop pilot projects to be upscaled that cater to the specific culture of the community**, recognizing that there may be significant differences within countries and among different groups. Use inclusive, adaptive, collaborative approaches that help build cohesion and ensure sustainability.

- Understand and **support women's land and forest resource-based livelihoods**, include project elements that address their specific needs, and present women with real opportunities to prosper without adding to their time burden.
- **Invest in efforts to counteract social norms that work against gender equity** in the outcomes of emission reduction activities, benefit sharing, and project participation.



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The ability of women to engage in and benefit from REDD+ projects is linked to legal and customary land rights and tenure regimes as well as social norms and expectations. Women's rights to, interests in, and uses of land and forests differ from men's. In many cases, women are less able to manage or influence decision-making on land and forest uses than men for a variety of reasons, including lack of information and experience.

It is crucial that programming is well-informed of the local customary and legal context pertaining to women's land and forest tenure and is designed to maximize women's engagement and amplify their voices. Doing so will not only improve the success of these programs but also promote broader advances in gender equity. The study provides important findings and lessons for the FCPF and the Enhancing Access to Benefits while Lowering Emissions (EnABLE) fund on opportunities to ensure that women are engaged as equal participants and beneficiaries of results-based climate finance.

