

BRIEFING NOTES

to improve our understanding and ability to ask the right questions and take effective action on land matters in West Africa

“Land Tenure and Development” Technical Committee

Women and land

by Mariatou Koné¹, March 2011

Analysis of women's access to land in West Africa shows that they are central to agricultural development as land users, but rarely have the same access to this resource as men. They mainly have limited and temporary rights, although situations do vary. Increasing efforts are being made to remedy this through legislative texts and various bodies and non-governmental organisations, but it is particularly difficult in a context of social change and when other social categories, including men, may be in precarious land situations. How can we hope to secure women's rights if those of men are not secure?

In order to better understand the land situation for women in West Africa, we need to consider three key questions:

- How do women relate to land?
- What kind of rights do women have to access, manage and transfer land?
- What arrangements or strategies exist to take account of the ‘land needs’ of this social category?

In answering the first question we describe where and why women and land intersect; the second question allows us to consider the rights exercised by women; and the third to determine the legal advances in women's land rights, and examine existing initiatives and the different safety nets now available to women exercising their rights.

Women's relationship with land: women as land users

The main reason women use land is to produce food for their household or family. To a lesser extent, they sometimes also act as caretakers, looking after landholdings destined for city dwellers, relatives or young male offspring.

Women produce food for the family that they look after or live with on land that their husband, brother or father allows them to use. They do not generally cultivate perennial crops, as they only use the land for a single rainy season or grow crops whose cycle does not last

for more than a year. If they sell some of their produce, they use the money to buy non-cultivable supplies (salt, protein, kerosene, matches, etc.) or cover their own and their children's basic needs (clothing, medicine, etc.).

Women are also part of the family workforce, helping male family members (fathers, brothers, husbands) create and/or maintain fields or plantations. They are ‘rewarded’ for this in various ways (with staple items, some of the produce or cash).

Women usually obtain access to land through men. They have two indirect methods of access: working as a family member and helping their mother with agricultural work before marriage; and working on land belonging to their husband or his family after marriage. So which rights are assigned to women?

The question of women's rights

Women's conditions of access are determined by their marital status: whether they are young unmarried women, the only wife or one of several wives in a polygamous marriage (in which case, their ranking affects their access to land), divorced or widowed, with or without children—whose number and sex also count.

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In areas inhabited by the Sénoufo (Ivory Coast, Mali, Burkina Faso), husbands give their bride a parcel where they can grow rice.

The duration of this land 'contract' depends on how long the marriage lasts; if the couple divorce, the woman invariably loses the right to use the parcel. This use right cannot be assigned, and cannot usually be transferred.

Traditionally, women rarely receive or inherit valuable land to which they have exclusive permanent rights, whatever the inheritance regime or mode of transferring goods.

Men are responsible for local land administration arrangements at the village level, and women are excluded from rights to manage family landholdings, like the youngest members of the social order. The limited rights that they are granted prevent them from making sustainable investments in their holdings, and the areas they cultivate are often small and not very productive. Furthermore, they do not have the right to grow crops that tie up the land for several years (coffee, cocoa, mango, orange, cashew) or can be used for commercial purposes (cotton, pineapple).

In areas where agriculture is the primary source of income this makes them vulnerable and perpetuates their dependence on men for land and money.

Nevertheless, the situation with certain types of land has changed for women since colonial times. Their rights to developments or agricultural areas created by the colonial or post-colonial

State are somewhat less precarious, as this land is allocated regardless of sex, according to criteria determined 'outside' the local society. Similarly, women, young men and outsiders traditionally have unrestricted rights to cultivate wetlands and marshes. Some women use these areas for fishing activities, others to grow rice or tend market gardens, and there are women who 'own' or manage varying amounts of wetlands, as in the province of Comoé in Burkina Faso.

However, the rules for wetlands are changing, especially in forested areas. While men used to reject wetlands in favour of the 'profitable' 'firm ground' on the plateau, the stakes are rising for wetlands, and men now want to use this land themselves.

The growing insecurity among rural producers, especially on family farms, is spreading from the 'firm ground' into wetlands and developed areas. Never having had any official decision-making power, some women have to look on powerless as land is sold off or grabbed, and family landholdings break up or even disappear (especially if they have no sons), as is the case in Gban and Bété country in central-western Ivory Coast.

There is plenty of evidence that it is not only women who are marginalized; men are too, but at least they have the opportunity to see their rights evolve according to their status (eldest/youngest, elder/youth, single/married, indigenous/incomer). And since women are not the only ones who have to live with insecurity and manage uncertainty, as with empowerment, what can be done to strengthen their land rights in a context of competition over access to land? How can their productivity and living conditions be improved?

Taking women's 'land needs' into account

There are various local, national, regional and international initiatives that are trying to 'de-marginalize' women in rural land matters so that they can enjoy secure land tenure.

Capacity building is making gradual progress, with **training**, educational and awareness-raising activities and legal advice for customary and religious chiefs, administrative and political officials and the public. **Legislative measures** have also been taken, such as the Ivorian law on rural land, which enshrines the principle of equal access to land ownership by men and women, as well as the young and the old (or the eldest and youngest). **NGOs working in this field** include WILDAF (Women in Law and Development in Africa) West Africa, and FeDDAF-AO (Femmes, Droits et Développement en Afrique), which in 2009 proposed "using the law as a tool to empower rural women in West Africa" and enable them to know, claim and enjoy their rights on an equal footing with men in their family, community and professional lives.

New dynamics are reflected in cases of best practices, women 'landowners' or 'orchard and plantation owners' with secure tenure, elite urban women, the politically committed (mayors, deputies), leaders, administrative officials or members of NGOs, intellectuals, and women whose children have achieved social success. Other factors that can help promote and exercise women's land rights include the level of education or training, professional position and social situation of women and their children.

In a subtle parallel move, women are also using state regulations to their ad-



vantage (asking for papers, receipts, certificates, occupancy permits) and negotiating with the customary authorities to both legalise and legitimise their rights. Their priority is not so much to own land, as to own crops on secure land that they can invest in for the long term.

Organising themselves in **groups** (such as economic interest groups, or EIGs) also increases their opportunities to cultivate parcels sustainably.

New modes of access to land by women are emerging in Benin, Togo, Ivory Coast, Mali, Burkina Faso, Niger, Liberia and Ghana, as women share land that they have pre-inherited from their fathers, and purchase plantations, orchards and land.

An increasing number of women who pre-inherit land during their father's lifetime (despite the presence of brothers) keep it after his death. Wives (or daughters) exercise all the rights to control, manage, use and transfer this land,

and daughters may even keep land assets received from their father when they marry. Transfers are permanent and rarely challenged when the land is used productively, but there is a real threat that the men in the family may take back parcels if they are not put to full use. In Niablé, in eastern Ivory Coast, brothers may say that they accept the equitable distribution of land assets, but will often encroach on plots assigned to their sisters so that they can use more of their father's land.

Similarly, women who receive plantations or orchards from their mother are retaining them after their mother dies. In other words, **donations between the living** (from direct ascendants such as the father and mother) are starting to become more widespread, and the associated rights are respected by all concerned. Whatever their level of education or training, parents are increasingly using this as a strategy to protect their daughters and sons, and to avoid tensions, dispossessions and even conflict

between their children or between their children and customary rights holders.

It is also becoming more common for women to **purchase land**. Women in the Abengourou region of Ivory Coast have been able to buy land and plant coffee and/or cocoa since the 1980s. And in the densely populated zone of Maradi in Niger, similar strategies are being used to access fields for millet, sorghum, chufa and nutsedge.

Hydro-agricultural development projects provide economic development opportunities for women. For example, the Malian agricultural framework law specifies that "the State is encouraging young men, women and vulnerable groups to set up as farmers, mainly by favouring their access to factors of production and by specific mechanisms for technical or financial support". The Malian State has effectively decided to reserve half of the country's developed areas for these vulnerable groups.

Conclusion

Women face the same problems as young men and incomers (national or non-national) but traditionally have much less room to manoeuvre than these social categories. However, practices are gradually changing.

There are three main problems associated with women and land:

- Equitable access to land in terms of quality, quantity and rights;
- Securing women's land use and investment in order to improve their incomes and ensure food security for the social group;
- Protecting and preserving women's land rights raises the issue of securing the tenure of rural producers in general in a context of increasing competition, land fragmentation and growing urbanisation.

FOR FURTHER INFORMATION

>> DOKA, M. and MONIMART, M., 2003: *Women's access to land: The de-feminisation of agriculture in southern Niger?* IIED, London, Drylands Issue Paper 128. <http://pubs.iied.org/pdfs/9331FIIED.pdf>

>> DJIRÉ, M., 2007: *Réformes foncières et accès à la terre au Sahel : quelles stratégies pour les réseaux ?* Paper presented at a conference organised by the International Land Coalition and IFAD. Rome - 20 September 2007. www.landcoalition.org/program/doc/femmes_et_foncier_Djire.doc

>> FAO, 2009: *Acces to land in rural Africa: strategies for combatting gender inequality.* Rome, FAO-Dimitria. <ftp://ftp.fao.org/docrep/fao/011/ak159fak159f00.pdf>

>> KONÉ, M., 2006: *Rural Land Tenure, Citizenship and Social Cohesion in Côte d'Ivoire: Practice of tutoring in the sub-prefecture Gboguhé.* www.mpl.ird.fr/colloque_foncier/Communications/PDF/Kone.pdf

>> News on 'gender and land' in West Africa: www.hubrural.org/spip.php?id_rubrique=1&page=actualite&mot=55&type=98

So how can land rights be guaranteed, and how can local land rights and legislation be harmonised to ensure that

land and resources are managed equitably and sustainably by all actors in general, and women in particular? ●

ORIGINAL VERSION IN FRENCH "Femmes et foncier", translated by Lou Leask.

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