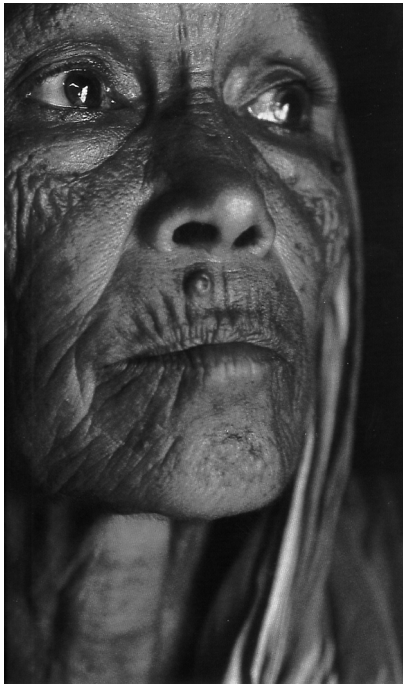


Land in the hands of women ? – Agrarian Reform, Land Markets and Gender



"The land issue is a huge one. It is in the hands of a few who possess it on the long range. I have got no land of my own, I need to rent it and big parts of my maize and beans harvest is used to pay it. I use to have half an hectare, but they took it away from me to build houses." (...)

Ana-Maria, Nicaragua

Land issues are issues of power. This is apparent not only in the unequal distribution of land and the concentration of huge production areas in the hands of a few big landowners and multinational trusts. It also becomes very clear regarding the inequality of rights between men and women in terms of access to land. This inequality is a violation of one of the central principles of Human Rights: the principle of non-discrimination.

In many countries of the global South, the human right to feed oneself of the rural population is generally at stake, yet it affects especially women and girls.

Though the formal equality of women is enshrined in international binding law and is also found in many national laws in the agrarian sector women de facto do not enjoy equality regarding access, sharing, owning and production opportunities. Despite the development of various strategies to fight the discrimination, the unequal gender situation continues with an increasing "feminisation" of poverty as the result of the multiple exclusion.

Sad traditions: Much work but not many rights

Women in rural areas have traditionally less rights and fewer income opportunities than men because of patriarchal and conservative thinking models and structures, according to which only the male is perceived as a productive working force. Independently of how and how much – as family or income generating work – women are active in agrarian production their work is normally perceived as part of the reproductive sector, i. e. family and household management. For instance, rural women in Latin America work 14 hours a day. However, their performance in the frame of food security is hardly acknowledged as work. Furthermore it is becoming more and more difficult for them to cultivate food in sufficient quantities for the family supply due to the pressure for export-orientated productions, the soil available for personal cultivation are increasingly difficult to access or have low yields. Food production for the world market generally does not generate a sufficient income for the purchase of household food. Therefore women often eat less than their share in order to nourish the rest of the family.

Despite this high contribution to the agrarian production, in most cases women do not possess their own land. Kenya constitutes an interesting example, as 98% of its women work full-time in the agrarian sector, but only 5% of this figure possesses land ownership titles. Moreover, inheritance rights or inheritance practices in many countries favour the eldest sons instead of the widows. In addition, if women are part of marginalised and particularly vulnerable groups, such as ethnic minorities, they are often victims of multiple discrimination.

Substantial changes to come? Women and agrarian reform

The aim of FIAN's and La Vía Campesina's Global Campaign for Agrarian Reform is to support the struggle of landless and small peasants to gain access to land, water and agrarian productive resources, on the basis of the Human Right to Adequate Food in Asia, Africa and Latin America. In the frame of its struggle against social marginalisation and discrimination, the Global Campaign for Agrarian Reform must lodge the gender perspective very high on its list of demands

During the last century, demands for a redistribution of the land, supported by large agrarian reform movements in various countries, have led to the implementation of agrarian reform measures. Agrarian reforms have been gender blind for a long time. The traditionally unequal gender situation regarding the access to land was not taken into account at first in the various national agrarian reform laws. At a later date, gender and access to land was considered in several countries, but with varying impact. Especially due to the common interest formulation and mobilisation of women from different organisations and movements, some successes could be registered in the 1990s concerning an improved formal recognition of women. Obviously enough, such changes are not enough implemented.

How to effectively include women in land redistribution?

In order to enable women to directly benefit from land redistribution measures, different strategies were worked out. It is utterly important that women obtain, accordingly to their life situation – as single women, single educated mothers or as spouses - rights' security and a certain amount of negotiation power. It is necessary to issue ownership titles in the names of women or women's collectives. Models with different aims have been introduced into national legislations including the (compulsory) joint land distribution to couples independently from their family situation, i.e. the registration of land property in both names.

The case of Latin America - joint adjudication of land

In most of Latin American countries, for a long time, the registration of land property of only one person was possible. The compulsory joint land adjudication for married and unmarried couples bears on one hand the demand for rights' security, and on the other acknowledges the fact that in many Latin American countries, non-marital living communities (uniones de hecho) are widely spread. Empirical observations prove that because of these measures, the proportion of women among the beneficiaries has increased considerably.

Since both genders have an unequal starting situation, it is not sufficient to only give women the same rights as men: women should enjoy the same access to all government and private programs allocating credits and non-material resources, and be treated in the same way for agrarian reform and land settlement programs. Concretely however, in a country like the Philippines, 86% of agrarian reform beneficiaries are men. Therefore, some women's organisations demand the introduction of compensatory measures. These kinds of so-called affirmative action, however, appear only exceptionally in agrarian legislation and even then they tend to be mere written statements.

The case of South Africa – Affirmative Action

In South Africa, women were one of the target groups favoured in land reform processes. "Redistribution will give priority to the following: - to the marginalised and to women in need". Equality of rights, along with social justice and economical feasibility, is one of three principles of the South African land reform. The low implementation rate of the South African land reforms, however, shows that the elaboration of progressive legislation is a fundamental requirement, but does not constitute a guarantee for real change in possession structures that are favourable for women.

Therefore, it has to be measured on concrete results to what extent compensatory measures really improve the conditions of women. Moreover, a permanent monitoring system should be created in order to make sure obtained successes are sustainable. Indeed, vulnerable groups are those affected by counter-reforms which today are implemented in many countries. Counter-reforms do not appear to be sufficiently competitive because of today's increasing orientation towards market mechanisms and economical liberalisation.

Another roll back - Women and land markets

Even in countries in which large agrarian reform measures were implemented, women were directly benefited only to a small extent. Because of the massive intervention of women's organisations, from these agrarian reform measures also gave some direct benefit. Would the women be better off within the frame of the new market-led reform processes, based on a neo-liberal logic?

Market-oriented land reforms, such as promoted by the World Bank and others, contribute partly directly, partly indirectly to the standstill of existing agrarian reform processes. Land redistribution shall be regulated in the first line by market mechanisms.

The traditionally marginalised groups, however, are excluded from these measures at the beginning, as they do not satisfy the required criteria. In the 1990s, mainly thanks to the pressure of women's and Human Rights organisations, women in Latin America for instance have benefited more from the entitlement programs than in previous agrarian reform programs. Women are deprived concerning the purchase of land on land markets or in a market-led land reform process also on various grounds. Women have very few and bad income and ownership opportunities and bad access to credits. The reasons for this are, among others, discriminating inheritance conditions, cultural responsibility for the very time-intensive but not income-generating reproductive work, and the gender specific segmentation of the work market, where women generally earn less than men, and so-called typical female activities are far less remunerated.



The case of the Philippines

In traditionally organised big farms, the whole family is generally employed but only the man receives a salary, paid jointly for the whole family. In capital-intensive plantations, the men run the machines, whereas women are given ordinary and so-called "easy" work, which generally is less remunerated.

Moreover it has been illustrated that women have weaker negotiation power in land markets, and they generally have to pay more money for less productive land plots. Therefore it appears that even land markets are not gender neutral: the most important way for men to gain access to land is the purchase of land, while for women it is inheritance.

However, access to land is not the only determining factor, other conditions such as production conditions are also decisive for the successful use of the land and for the ability to keep the land over years. This refers to the questions of the access to means of production, to education and technical assistance and to the questions of the commercialisation conditions under which the products can be sold. Particularly because of the 1990s' neo-liberal counter-reforms, small peasants are forced to resell the land they had purchased before.

Finally, a liberalisation in land policies and the further retirement of the state abandon compensatory measures and favoring of especially vulnerable and marginalised groups, especially women. Many women's organisations therefore still demand land redistribution policies based on social criteria which not only take into account the analysis category of gender, but also have a compensatory effect on other forms of social, regional and racial discrimination. Land markets do not constitute an alternative to agrarian reforms, as through them land redistribution loses its function of social equity. Under conditions of structural injustice, justice cannot be introduced by mere equal treatment – compensatory measures are necessary.

The Global Campaign for Agrarian Reform from a gender perspective

The aim of FIAN and La Via Campesina's Global Campaign for Agrarian Reform is the implementation of an agrarian reform based on Human Rights supporting small peasants control over land, seeds and water. In that sense, the campaign is an important instrument to criticize the unequal conditions of tenancy and production, which are, as demonstrated in the above mentioned example, far from being gender neutral.

¹ For more information, please refer to the fact sheet on „World Bank Land Policies“

The demands of the Global Campaign for Agrarian Reform

- to pay special attention to gender perspectives in all forms of land redistribution, entitlement programs and accompanying measures. A central point is that the same starting conditions (formal equalisation) are created, and the same results (real equalisation) are achieved. This implies compensatory measures.
- the promotion of rural sustainable development which comprises compensation measures for discriminated groups and which allows in particular the participation of women.
- that programs are created for the implementation of integrated agrarian reform measures which enable and secure sustainable access to land and other productive resources, particularly for marginalised groups.
- the examination of legislation and political structures and mechanisms concerning access to land and agrarian reforms (land titles, inheritance legislation, remuneration legislation, etc.) and their abolition when discriminative.
- that market-oriented land policies and general structural adjustment measures are examined and revised, regarding their impact on marginalised groups in general and women in particular.
- that gender based analysis and monitoring methods are developed and used as a basis for measures in the field of rural development and as starting point for the formulation of land policies.
- the full realisation of the international human rights covenants and conventions regarding the right to adequate food and the non-discrimination of women and other discriminated groups.

The principle of non-discrimination in international law - Access to productive resources?

Over the last 50 years, women's organisations and human rights organisations have made major progresses towards a formal gender equality.

Some general principles such as equality and non discrimination have been recognised by numerous declarations and conventions. Among these instruments, the 1948 Universal Declaration of Human Rights in its article 2: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as (...) sex (...)".

Article 11,2 of the ICESCR refers directly to the obligation for states to take the necessary steps in favour of the realisation of this right, among which agrarian reform is explicitly mentioned. Thus, women shall benefit from these agrarian reforms just like men. The two guiding principles of equality and non-discrimination must play a key role in the implementation of agrarian reform programs.

Various international documents identify and emphasise the particular role of women and especially of rural women in food security and sustainable development. Despite this key role, women are still facing great difficulties in accessing and controlling productive resources such as land. The United Nations through the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Committee have tackled discrimination against rural women. Along with the FAO (the UN Food and Agriculture Organisation), they defined the existing difficulties, measures that shall be taken and the corresponding obligations for states and international actors.

For example, Article 14 of the CEDAW enshrines the right of women "to participate in all community activities; to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes; to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

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La Via Campesina: For the right to produce and for food sovereignty

Via Campesina is an international movement coordinating organizations of small and middle peasants, agricultural workers, rural women and indigenous people in more than 65 countries in the Americas, Asia, Africa and Europe. The main aim of Via Campesina is to develop the solidarity and unity in diversity between rural organisations in order to promote economic relations based on equality and justice, the defence of their lands, food sovereignty, and a sustainable agriculture based on small and middle producers.

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Fian (Food First Information and Action Network): For the Human Right to Feed Oneself

FIAN is the International Human Rights Organisation working for the right to feed oneself. FIAN was founded in 1986 and today has members in over 60 countries world wide. FIAN's aim is to contribute in the whole world to the implementation of the International Bill of Human Rights.

FIAN works in particular for the right to feed oneself of persons and groups threatened by hunger and malnutrition.