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Women's Land Rights and Sustainable Development

Abstract: Unequal and insecure access to land undermine women's farm productivity, limit employment options, depress their earnings, and degrade the environment. Factors limiting women's access to land include legal discrimination, land scarcity, inappropriate government policies, and lack of political power and social status. Policies to promote sustainable development rather than focusing on family planning, as is commonly done, should directly support women's economic activities. Especially needed to enhance women's investment incentives and to encourage them to take a longer-term view on the environment are policies to strengthen their land rights. To enhance women's capacity to act upon these incentives and build their human capital, policies are needed to improve their access to resources and services such as credit, agricultural extension, new technologies, and better education and health care.

INTRODUCTION

When policy-makers take account of women in development planning they focus principally on their reproductive roles. Where women are concerned, policy-makers have come to regard family planning as the key to promoting sustainable development because of the popular view that rapid population growth is the main factor slowing economic growth and accelerating resource depletion and environmental degradation. This emphasis on women's reproductive roles is reflected in the skewed distribution of donor financial resources between population programmes and programmes targeted at women's economic development. For instance, US bilateral assistance to population programmes has ranged between $240–350 million per year over the past decade while funding for women-in-development programmes averaged $5.6 million a year in the same period.

This paper argues that such a predominant focus on women's reproductive roles is misplaced for at least two reasons. First, it ignores women's productive roles which are the basis of their interaction with the environment and of economic and social change (Lycette, 1993). Second, it deflects attention from the more fundamental causes of poverty and environmental degradation — factors such as the unequal distribution of resources and power between women and men and between classes. By documenting women's unequal access to one critical resource — land — the paper shows how this inequality constrains women's productivity and undermines the environment. It then examines the causes of the inequality and suggests ways to enhance women's access to land.

WOMEN'S LIMITED AND INSECURE ACCESS TO LAND

Few women in developing countries have secure and independent access to land. In most places, women cannot legally or customarily inherit wealth or property, including land. Nor are they generally permitted to own land in their own right, and when they are, few women actually do (Seager and Olson, 1986). From the Food and Agriculture Organization's (FAO) estimates of 167 million landless or near-landless households, one can infer that at

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least that many women are landless or near-landless (Sinha, 1984)[1]. Patrilineal inheritance predominates in both traditional and modern land tenure systems and when women need to meet traditional responsibilities of providing food for their households, they are granted use and not ownership rights.

Women's Restricted Rights: Traditional Tenure Systems

Studies have shown that traditional land tenure arrangements emphasizing communal use rights, because they are clear on use, exclusion, and transfer of land, are effective in enabling communities both to meet their basic economic needs and to use available resources in a sustainable manner (Brink and Bromley, 1992; and Cleaver and Schreiber, 1992). Such systems are regarded as relatively favourable to women, in that, unlike modern tenure systems, they guarantee both economic access and incentives for conservation (Collins, 1991). Closer examination reveals, however, that tenure under traditional systems can be quite secure for men but not for women (Cleaver and Schreiber, 1992; Rocheleau, 1988; and Wynter, 1990). Where women have use rights to land, they are rarely free to act as independent agents; their rights tend to be restricted and use-specific. They cannot, for example, use their land for commercial purposes. This is because women's rights derive from their status as wives or wards — that is, mothers, daughters, sisters, or widows — and their degree of access to land varies with, and reflects, the social status of the male members of the household (ILO, 1989). When women's status changes through divorce or widowhood, they are vulnerable to losing their land rights and hence their access to a livelihood.

Women's Deteriorating Rights Under Modern Tenure Systems

Women tend to face even greater difficulties in obtaining access to land under modern tenure systems. In fact, their land rights tend to deteriorate when governments institute land reform, land registration or resettlement schemes. Land registration programmes throughout Africa (for example, in Ethiopia, Guinea-Bissau, Kenya and Zimbabwe) have failed to give women title to land even where they had customary access to land prior to registration (Davison, 1988; Palmer, 1985; and Jacobs 1991). In Latin America, women were similarly left out of the agrarian reform process of the 1960s and 1970s. In four of thirteen countries for which gender disaggregated data were available, Deere (1987) found that women comprised 4–25 percent of beneficiaries because land titles were not given to women but to household heads, who were assumed to be men. Even in households recognized as female-headed, few women were given land. Recent reforms in China have also overlooked women. With the collapse of rural communes in the early 1980s, land was redistributed primarily among men, in effect reversing the 1947 agrarian reform which had given women separate land deeds (*New York Times,* 28 July 1992). The reality that the vast majority of women — whether in traditional or modern tenure systems — are either landless or have limited and insecure access to land has important consequences for sustainable development.

THE CONSEQUENCES OF WOMEN'S LIMITED AND INSECURE ACCESS TO LAND

Economic theory suggests that security of tenure is linked to higher productivity and better land management (Panayotou, 1993). By reducing farmer risk and raising expected profitability, secure tenure provides the proper incentive for farmers to make investments in the long-term productivity of their land. Where tenure is secure, farmers are more inclined, for example, to invest in slower growing tree crops, or productivity-enhancing inputs, or more labour-intensive land conservation practices, thereby raising both productivity and the quality of their land. Where tenure is insecure (because land is untitled or disputed, or there is multiple and overlapping ownership) the resulting uncertainty discourages the investments needed to improve land productivity. This in turn has a negative impact on the environment.

There is no reason to think that women farmers behave any differently from (or respond less rationally to negative incentives than) their male counterparts. The evidence suggests that, by undermining incentives for long-term investments, insecure tenure among women likewise has a negative effect on both farm productivity and environmental sustainability. The effects may even be more pronounced for female than male farmers because women lack access to credit and other productivity-enhancing resources and services.

Impact on Productivity and Employment

Where women do have access to land and cultivate their own fields but are less productive than men, household food security is reduced, women's own earnings are depressed, and total household income is lower. In many African countries, where women are the main food producers, low and sometimes declining productivity among women can significantly jeopardize national food security. Evidence from northern Sudan shows that social and cultural factors strongly discourage women from even cultivating land they do not regard as their own. When Sudanese men migrated in search of employment in the 1970s, women farmers did not cultivate their husbands' lands because they regarded such investment as risky, given the ease of divorce and the widespread practice of polygamy. They were willing to incur the short-term risk of both land deterioration and food shortages resulting from not working their husbands' land (Schuler, 1986).

Women farmers are less productive than men farmers not because they are less efficient but because they generally farm smaller amounts of lower quality land, and have more restricted access to complementary resources, new technologies and adult labour. An extensive literature documents the skewness of service delivery and access to inputs in the developing world in favour of male producers on better land (Ahmed, 1985; Berger *et al.,* 1984; ILO, 1989; and Staudt, 1982). A review of settlement schemes in Indonesia, Malaysia, Sri Lanka and Papua New Guinea shows that services were provided only to men (ILO, 1989). Households headed by women tend to be most disadvantaged. Studies in Zimbabwe and Botswana show that households headed by women produced less and were poorer than households headed by men because women had less or poorer quality land and more limited access to farm technologies, services, and markets (ILO, 1989).

A key constraint for women is the lack of access to institutional credit. Paradoxically, a major reason why women are unable to obtain bank credit is that land is often required as collateral, and women generally do not have title to land. Women are also unable to obtain loans from agricultural cooperatives because cooperative membership is dominated by male

farmers, and available credit funds are often targeted to improve the cash crops grown by men rather than the food crops more commonly grown by women. Women farmers are estimated to receive just 10–15 percent of institutional credit available in developing countries (Staudt, 1982). This pressures them to seek credit in informal credit markets where the cost of borrowing is higher, driving down the profitability of their investment and their incentive to invest.

Finally, landless women's employment and earnings options are severely restricted. Because they have little or no education and training to seek other employment opportunities, landless women can at best find work for low pay as wage labourers or tenants on the land of others. Wage labour is generally intermittent and poorly paid work: unemployment and underemployment due to seasonality are high, and wages for female agricultural labour tend to be low both absolutely and relative to male wages. In Sri Lanka, for example, average daily wages for women farm workers in the unorganized sector are one-quarter to one-third less than men's wages (United Nations, 1989). Because women have less education than men and lack vocational skills and training, their occupational mobility is restricted. Women are also less likely than men to migrate to seek work because of their household and childcare responsibilities as well as cultural constraints. Altogether, employment and earnings options for landless women are severely restricted.

Environmental Effects

Extensive documentation is available on the damaging environmental effects of land shortages, insecure tenure, and uncertain land rights (Colchester and Lohmann, 1993; Cruz *et al.,* 1992; Myers, 1991; and Panayotou, 1993). Problems include over-use and abuse of fragile lands, shortening of fallow periods, deforestation, and related ecological problems that are the secondary effects of the initial degradation. Although there is a great shortage of data on the environmental effects of insecure tenure among women, the material that is available confirms that tenure insecurity contributes to environmental degradation by undermining incentives for long-term investment. These negative effects are magnified by women's time constraints and lack of access to resources and supporting services.

A study in Ruhengiri prefecture of Rwanda shows growing land scarcity, shrinking fallow periods, and increasing use of marginal lands for farming (Randolph and Sanders, 1988). Farmer investment in land is low, land quality is declining rapidly, and soil erosion is a severe problem. Weaknesses in women's land rights are a key contributing factor. Although women are the primary farmers they do not own or inherit land but, provided they have young children to support, they are granted use rights on male owned lands. Their holdings are generally small and scattered, with individuals farming up to six different parcels of land. Also, women have virtually no access to institutional credit or extension services designed to improve farmer productivity and ability to manage land.

The decline of common property rights, including limitations on community access to common lands and the separation of use and management of common areas, has contributed significantly to deforestation. In the 1970s, 90 000 square kilometres of forests worldwide were lost annually, more than one-quarter of them for fuelwood which is the primary energy source for the poor in those developing countries where biomass fuels are available (Myers, 1991). In many places, because women are the ones mainly responsible for collecting fuelwood from common lands, growing scarcity is reflected in increases in the amount of time that women spend collecting fuelwood (Agarwal, 1986; ILO, 1987; and FAO, 1987). In Bara, Sudan, over a single decade, the time that women spent walking to

obtain fuelwood increased from 15 to 30 minutes to one or two hours (Agarwal, 1986). By exacerbating women's time burdens, the growing scarcity of fuelwood contributes to further degradation by reducing the time available for other activities, including environmental protection and maintenance. Time constraints are often cited as reasons why women either discontinue conservation practices or fail to adopt them. In the Caribbean, for instance, these factors have caused the deterioration of irrigation systems, the disappearance of cultivation terraces, and increased soil erosion (van Herpen and Ashby, 1991).

While more research on the effects of insecure tenure among women on the environment and development is needed, the available evidence strongly suggests the importance of strengthening women's land rights to enhance productivity and mitigate environmental degradation. This requires understanding the factors that currently limit women's land rights.

BARRIERS TO WOMEN'S ACCESS TO LAND

Barriers to women's access to land include two sets of influences; on the supply side, factors that affect land availability, and on the demand side, factors that affect the ability of women themselves to obtain and retain land.

Supply Side Factors

The supply of land is limited — most importantly by discriminatory laws — as well as by land scarcity and regulatory policies that concentrate land ownership.

Legal discrimination Legal discrimination against women's ownership and inheritance of land is widespread. Laws or customs prohibiting women from holding land, although not unknown, are relatively uncommon. More commonly, problems arise because laws governing women's rights to property, land, and inheritance are complex, overlapping, and sometimes contradictory. In matters that most affect property ownership — marriage, family and inheritance — modern laws frequently defer to customary and personal laws, often to the detriment of women.

Personal laws in some countries (e.g., Botswana, Kenya, Lesotho and Sri Lanka) actually discriminate against women (Schuler, 1986). In Lesotho, a woman who marries becomes a minor; her husband becomes her legal guardian and he is entitled to administer their joint estate. In practice, a woman cannot control the disposition of property because rights devolve upon male relatives in case of divorce or the death of a husband (Schuler, 1986). In Venezuela and Costa Rica, the wife inherits farmland if her husband dies or abandons her, but inheritance laws specifically designate sons, not daughters, as next in line of succession (Deere, 1987).

Laws are especially discriminatory regarding women's access to agricultural land. In India, for example, women have practically no right to inherit agricultural land (Agarwal, 1988). Despite the passage of the Hindu Succession Act (1956), which was intended to improve women's rights, the law has been interpreted so as to deny women access to agricultural land. In some Indian states, laws explicitly exclude widows and daughters from inheriting agricultural land (Schuler, 1986). Kenya's Succession Act (1972), intended to provide gender equality in inheritance, fails to do so because agricultural land was left under customary law, which denies women the right to inherit farmland (FAO, 1979).

Even where laws are equitable, women may not know their legal rights. In addition, implementation may be biased, and law enforcement may be inadequate or prejudiced against women. In Bolivia and Honduras, agrarian reform laws explicitly providing for the inclusion of female heads of household as beneficiaries were implemented in such a way as to exclude women. Women simply were not regarded as agriculturalists (Deere, 1987).

Increasing land scarcity Between 1965 and 1988, per capita land availability declined in all developing regions except Latin America and the Caribbean (Table 1). This reflected diminishing land availability in most countries (Jazairy *et al.*, 1992). Government policies that promote concentration of land in the hands of wealthy, often urban-based, large landowners are a major factor in the growing scarcity of land. Governments often expropriate vast tracts of land, sometimes retaining them as state lands and sometimes making them available to large, commercial producers and commercial logging enterprises (Colchester and Lohmann, 1993). Policies pursued by post-independence governments have exacerbated land scarcity. Governments offer incentives for commercialization or export-crop production that raise the demand for land among large commercial landholders, often at the expense of smallholders (Jazairy *et al.*, 1992; and Colchester and Lohmann, 1993). As fertile lands are converted, land distribution becomes increasingly skewed. Less land is available for smallholders. In eight of the 23 countries for which data are available, land distribution became more skewed by the 1980s (Jazairy *et al.*, 1992).

Table 1 *Changes in Arable Land Per Head of Agricultural Population, by Developing Region, 1965–1988 (hectares)*

Region	1965	1988
Asia	0.29	0.23
Sub-Saharan Africa	0.59	0.43
Near East and North Africa	0.82	0.77
Latin America and the Carribean	1.01	1.27

Source: Jazairy *et al.* (1992).

Environmental degradation is another important factor that restricts the supply of land. For the past 45 years, agriculture, deforestation and overgrazing have caused moderate to extreme soil degradation on 1.2 billion hectares (or almost 11 percent) of the world's vegetated surface (WRI, 1992). Worldwide losses of arable land continue, with 70 000 square kilometres of farmland — a large proportion in the developing regions — abandoned each year (Fornos, 1991). The inadequacies of the government policies described above contribute to the degradation. In Central and South America, for instance, government incentives for cattle exports made it possible for large landholders to take over great amounts of fertile lands for extensive cattle grazing. Smallholders, meanwhile, were pushed onto less fertile lands, on which intensive crop farming causes environmental damage (Thiesenhusen, 1991).

As the supply of arable land diminishes and competition for land intensifies, women are particularly disadvantaged in acquiring land. There is some evidence that this is already happening. Palmer (1991) found that in African countries affected by land scarcity, the quantity and quality of land assigned to women tended to decline first.

Demand Side Factors

Even where land is available and laws are not unfavourable, women may be unable to acquire land because they are too poor or because social and cultural factors deter them from asserting their limited rights.

Poverty Worldwide, more women than men are poor, and the numbers of poor women are growing even faster than those for men, especially in the rural areas of developing nations (Jazairy *et al.*, 1992). In 1988, an estimated 564 million rural women lived below the poverty line, representing an increase of 47 percent since 1965–70. In comparison, the number of men living below the poverty line (375 million) increased 30 percent over the same period.

A significant factor explaining rural poverty in many countries is the increasing number of households headed by women (14–45 percent) (Buvinic, and 1993; Jazairy *et al.*, 1992). In Bangladesh, for instance, the proportion of households headed by women as a percentage of all rural households has risen from 5–7 percent to 16 percent over a 20-year period. Such households tend to be overrepresented among the poor. In a review of 60 empirical analyses, Buvinic and Rao Gupta (1993) found that 44 of these studies established that households headed by women were poorer than those headed by men.

As a consequence of their poverty, women are unable to acquire land even when laws permit. In Kenya, for example, recent laws do not prevent women from owning property, but most women cannot afford to acquire it (Schuler, 1986). Moreover, poverty prevents women from benefiting from some reforms; for example, women may be unable to take advantage of privatization that entails titling and registration because they cannot afford the costs of registration (Dickerman, 1989).

Social and cultural constraints Women may also be prevented from asserting land rights by generally accepted social and cultural values. In Wadi Kutum, Sudan, where a titling scheme registered most of the land owned by women in men's names, the women did not protest because, customarily, they were not permitted to conduct relations with the state (Rahama and Hoogenboom, 1988).

Lack of status and power Because they lack status and power within the community, women are often unable to exercise the limited land rights they do have. In India, for example, women are conditioned by custom to accept the idea that sisters should not 'deprive' brothers of property (FAO, 1979). Even though modern bilateral inheritance laws grant women rights to land, women's claims to land under these laws are strongly resisted or circumvented by male relatives. Women are often encouraged to relinquish their claims to land in favour of their brothers. When women baulk, they are subjected to litigation, threats, harassment, beatings and, in extreme cases, murder by male relatives (Agarwal, 1988). Because women lack political power, they generally are unable to seek and obtain support for their rights in court. In India, for example, local panchayats (village governments) support families in pressuring daughters to sign away their shares of land in favour of their brothers (Agarwal, 1988).

It is important to note, however, that women have not always passively accepted their lack of land rights. Nor have they let their inferior economic, political, and social status deter them from expressing their discontent and demanding their rights. At various times, they have taken collective action to demand land rights: efforts include resistance to a

fundamentalist challenge to women's land rights during the 1950s in the Malaysian State of Negeri Sembilan and the Bodhgaya movement in India, in the 1970s, in which landless women demanded ownership of the plots they cultivated, independent of men (Stivens, 1985; and Agarwal, 1988).

STRENGTHENING WOMEN'S LAND RIGHTS: CONCLUSIONS AND RECOMMENDATIONS

This paper shows that the disincentives to investment due to women's lack of access to land and insecure tenure undermine productivity and the environment. Given the growing urgency of environmental problems and the sluggishness of economic development, efforts to promote sustainable development require a broadened focus and a shift in the allocation of resources to take into account women's productive roles, an important element of which is strengthening women's land rights.

Measures needed to enhance women's access to land include legal reforms to give women direct and independent control of land unmediated by male relatives; procedures to include women in on-going land titling and registration programmes; and stricter enforcement of women's land rights where they are relatively secure. Needed also are changes in government policies to reduce land concentration and to improve women's access to common property resources. Community management or comanagement of government owned common property areas would improve women's access, assuming their full and equal participation in community management processes.

Needed to address the demand side constraints to women's access to land are measures to reduce women's poverty, enhance their productivity, and build their human capital including better access to credit, agricultural extension, new technologies, more education, and quality health care. Policies to strengthen women's land rights, complemented by policies to improve their access to productive resources and services, can enhance women's investment incentives and capacity, improve their productivity, and enable them to take a longer term view on the use and management of the environment and natural resources thereby strengthening sustainable development.

NOTE

[1] The landless or near-landless are defined as people with little or no land 'even to meet the barest minimum needs of the individual' (Sinha, 1984).

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DISCUSSION OPENING — Korotoumou Oattara *(The Ohio State University, USA)*

The objective in the paper was to demonstrate that unequal access to land by women undermines the environment. The author gives numerous examples throughout the developing world to illustrate several barriers that prevent women's access to land. However, it is not very clear from the paper how unequal land rights for women have affected the environment. The author admits that not enough data are available to show the negative effect of insecure land tenure among women on the environment. Further research and more rigorous works needs to be done to prove this point.

The author refers to the lack of institutional credit as a major constraint to women's access to land. It has to be recognized that in most sub-Saharan African countries, land ownership rights are not very well defined. Therefore, women are not the only ones who do not utilize institutional credit due to the lack of collateral such as land; men have to rely on informal finance as well.

That women receive only 10–15 percent of institutional credit, as reported by the author, may not be directly linked to their lack of land ownership. There is really no need for targeted credit programmes where women would be the principal beneficiaries as a solution to the problem. In fact, programmes that cater to both genders have been successful in their attempt to overcome gender biases. The village savings and credit associations (VISACAs) in The Gambia (West Africa) are a vivid example that perpetuation of any existing discrimination can be alleviated or even eliminated by careful planning (Ouattara *et al.* 1994). The single most important feature behind the VISACAs' success is a sound institutional design that lets all villagers participate in the decision-making process, irrespective of gender. Collateral substitutes are used to grant loans to both women and men. Women are given leadership roles, with their inclusion in the management committees, and granted full voting rights. The end result is a remarkable female presence (52 percent of membership). The VISACAs have created an environment that welcomes

women as equal partners in spite of the fact that in Gambian villages, men and women are used to doing business separately. No targeting of any group based on gender, or activity, has been necessary to achieve a remarkable result. Clearly, programmes like VISACAs that are based on the right institutional design need to be encouraged.

The solutions stated in the conclusion to address the demand-side constraints to women's access to land such as poverty reduction, human capital building, and better access to financial services remain valid, although great care is required in their implementation.

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