Women and Forests in Liberia: Gender Policy and Women’s Participation in the Forest Sector of Liberia

Brief #1 of 4

September 2012

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INTRODUCTION

The concept of gender equality is relatively new in the Liberian development discourse. For many people, gender-based social inequality is a “non-issue,” as is the failure of laws to take into account the particular situations of different social groups, including the different roles of men and women. In fact, some regard “gender” as a foreign concept, one designed to impose Western values on Africa. However, the facts tell a different story: gendered differences, or the different roles and rights of men and women, is an issue at the heart of Liberian community-based forestry and one that affects policy decisions on the national level.

Gender-based inequality is one example of social marginalization that has historically characterized Liberian policy and citizen participation. There is now a sustained effort on the part of Liberian civil society to address historical social marginalization across the board, but unfortunately questions of gender equity and women’s rights are often ignored in this campaign. Like it or not, many people consider that “there is a bigger struggle” to create space for broad citizen participation, and that the special situation of women does not merit particular attention. But advocacy for increased public participation need not be at odds with a call for gender mainstreaming; they can, and should, go hand-in-hand.

For many years, government policies and laws have been developed using a top-down approach. While men and women are afforded the same rights under the Constitution and statutory law, including land and forest policy, in practice there are gendered differences in forest management. Moreover, in communities guided primarily by customary law, women struggle to enjoy the rights granted to them in the constitution. Despite this fact, in many instances policy-makers do not conduct a gender analysis when developing policy, and Liberia’s forest policy and laws are a good example of this deficit. The country has taken steps to reform the forest sector, with a new policy, laws and regulations that grant a greater

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role to communities in managing forests, yet the implications of these policies for the men and women involved in forestry are different, and the gender impacts on forest management are not adequately understood by policy-makers nor by all the civil society organizations promoting greater citizen participation.

This brief examines how forest policy, laws, and regulations treat gender. It then examines how the lack of gender analysis led to the inadequate treatment of gender in policy and laws in Liberia, and how this failure is reinforced by poor implementation. It then concludes with series of recommendations aimed at stimulating some immediate action and further debate on the issue.

**GENDER IN LIBERIAN POLICY, LAWS AND REGULATIONS**

The Poverty Reduction Strategy (PRS) of Liberia indicates that with respect to economic growth women are major players in the agriculture and forestry sectors. Agriculture is one of the main pillars of the PRS and with proper investment could contribute greatly to the economy. Women constitute the majority of small-holder producers and the agricultural labor force in general; according to the PRS, women produce some 60 percent of agricultural products, carry out 80 percent of trading activities in rural areas, and play a vital role in linking rural and urban markets through their informal networks. Despite their deep involvement in agriculture, women have less access to productive inputs, including land, than do men. Throughout Liberia's history, unequal access to and ownership of land and other resources have contributed significantly to economic and political inequities between different segments of the population - particularly between men and women.

In spite of these acknowledgements of traditional gender inequity, Liberia's forest policy, laws and regulations lack a gender analysis. While there are provisions that note the special situation of women and the need for their involvement in forest governance and management, policies do not treat the participation of women as a right. To their credit, some provisions make allocations for women’s inclusion in community decision-making structures, but in all of these instances rights-based language and a rights-based approach are not engendered in the documents.

For example, in the forest policy regulations, an attempt was made to highlight the involvement and participation of marginalized groups, such as women and youth, in public meetings concerning forest management. In various provisions they note that “the [forestry] authority shall use its best efforts to involve women, youths, and other historically excluded groups in each regional public meeting.” But this statement is superficial, as it falls short of identifying specific actions or mechanisms to increase women’s representation and participation in these public meetings.

Similarly, Liberia's Community Rights Law, a law intended to increase the role of forest communities in forest governance and management, includes only superficial gender treatment. The only direct mention of women’s participation in the Community Rights Law is in section 4.2 (a), which states that “a five member Community Forestry Management Body shall manage the day-to-day activities of community forest resources. At least one member of the body shall be a woman. The body shall have a chief officer, a secretary and a treasurer.”

As may be expected, that’s exactly what happened, with at least one woman in every Community Forest Development Committee (CFDC). However, the provision is not strong enough to ensure the equal representation of women in this important forest management body that is charged with the responsibility of managing community forest resources. Additionally, even were equal representation...
mandated, it is doubtful that it would have fully addressed the problem of women’s marginalization – but that would have been a better start than the present requirements.

**Implementation of the Law and Regulations**

There is little evidence that the Forest Development Authority and non-governmental organizations (NGOs) working in the forestry sector have given thoughtful consideration to the need to mainstream gender into their programs and projects, and on a higher level in the policy, laws and regulations governing the sector. In the following section, representation, participation and access to information are discussed to illustrate how current implementation of the laws and regulations are reinforcing the inequalities between men and women in terms of forest governance and management.

Representation sets the framework for the participation of marginalized citizens in development and governance processes. In the forest sector, women are grossly under-represented on the major structures, such as the CFDC, which is responsible for ensuring that communities’ interests in the forest sector are protected. On each of the 17 established CFDCs, no more than two women are represented out of the ten people that make up the CFDC. This limited representation makes it difficult for women to influence the decision-making processes, especially in a culture where men have traditionally been in charge of leading and making decisions on behalf of the community.

Moreover, in all of the CFDCs, women’s representation is limited to nominal positions such as treasurer and chaplain. Even within the limited role of being a treasurer, women do not handle finances, which are kept by men. A major obstacle to women’s equal representation in community structures is that their participation is supply-driven, to fulfil the requirements contained in the laws (as is the example of women on the CFDCs). Because the push for women’s participation in the CFDCs was not demand-driven from the communities, implementation and compliance have been half-hearted.

The effective participation of women on the CFDCs has been limited due to their under-representation, but also as a result of cultural factors and socialization of males and females. In the local context, it is countercultural for women to openly disagree with their male counterparts, be it a husband, uncle or elder. Efforts to increase gender equality by mixing men and women in public forums may not create an enabling environment for women’s participation, because the presence of men serves as an intimidating factor. This dynamic was exemplified in Buchanan in January 2010 during a community meeting concerning the forest sector: women outnumbered the men and yet the discussion was dominated by men.

Apart from the cultural factors mentioned above, lack of access to information greatly hinders the capacity for citizens, especially women, to effectively participate in decision-making processes. Access to information on the reform policies is difficult, and even when they are available, illiteracy prevents many women from fully understanding the documents. The few men who have access to information and documents may use them to control and manipulate discussions. Furthermore, many of the meetings involving the CFDCs are held in English rather than local languages, which also negatively impacts the quality of women’s participation.
CONCLUSIONS AND RECOMMENDATIONS

The lack of gender analysis during the formulation of forest policy, laws and regulations means that policy efforts to address the need for women’s participation in forest governance are ill-informed and limited at best, even though well intentioned.

Further limiting these efforts at gender equity is the fact that community members, most notably men, have not been mobilized to support women’s participation or provide space for women in decision-making forums. There is little understanding and appreciation in forest policy for the unique roles that men and women play in community life. The special needs, interests and situation of both groups were not properly analysed beforehand to inform the development of the policy, laws and regulations governing the forest sector. As a result, men have not seen women as partners with legitimate, albeit different, needs where matters regarding forest are concerned. Existing policies aimed at increasing communities’ benefits from forestry are ill-equipped to elevate the women involved in community forestry. To initiate a debate and some further thinking on these issues, some recommendations are provided below.

1. **Initiate national dialogue to brainstorm and agree on way forward.** The FDA and other stakeholders need to organize and facilitate a national dialogue to define ways in which gender inequity in forestry can be addressed. This requires collective and well coordinated action; disjointed and project-based interventions will not be sufficient by themselves, though useful as interim measures.

2. **Build the capacity of NGOs working on gender and women’s issues.** There is a need for capacity building to strengthen women’s non-governmental organizations’ ability to develop and implement an advocacy strategy to mainstream gender in policies linked to the forest sector.

3. **Build the capacity of community-based organizations.** The capacity strengthening of women’s civil society organizations needs to be done concurrently with capacity building of women’s groups at the community level. This will provide them with the skills and institutional capacity to demand greater representation and participation in the management of forest resources at the local level.

4. **Democratize local decision-making.** The exclusion of women from decision-making is greatly influenced by men. Facilitating change in the power dynamics to enable increased participation of women requires sustained engagement of men to recognize the values that women bring to bear in community decision-making processes.

5. **Build alliances and networks.** The issues of women’s exclusion and marginalization are both relational and structural. As such, responding to them requires a strategic approach that is marked by alliance building and networking with other actors working in the sector at all levels.

6. **Expand women’s livelihood options.** Women’s lack of access to resources contributes greatly to gender inequality. Taking women to a second level of engagement requires support to them in terms of increasing their livelihood options. This will enable them to have greater control over their lives, thereby increasing the potential for them to assert themselves in demanding greater participation in community decision-making.
ENDNOTES

THE RIGHTS AND RESOURCES INITIATIVE

RRI is a global coalition of 14 Partners and over 120 international, regional, and community organizations advancing forest tenure, policy and market reforms. RRI leverages the strategic collaboration and investment of its Partners and Collaborators around the world by working together on research, advocacy and convening strategic actors to catalyze change on the ground.

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The views presented here are those of the authors and are not necessarily shared by the agencies that have generously supported this work, or all of the Partners of the Coalition.
Women and Forests in Burkina Faso: Gender and Women’s Rights in Forest and Land Policy

Brief #2 of 4

September 2012

Jane Tarh Takang

INTRODUCTION

As a landlocked country, Burkina Faso finds itself in a rather vulnerable socio-economic and ecological situation. Factors such as low economic growth, a low literacy rate, a high dependence on natural resources, poor use of land resources, difficult access of women to land and forest resources, low level of representation of women in decision making, and degradation of the environment, coupled with an unfavorable international economic context have further worsened the country’s situation. In addition to the above, the population, especially women, is not sufficiently aware of laws governing the use of land and natural resources. It is in this context that the government has embarked on a holistic approach of “integral communalization,” whereby local authorities will be given the responsibility of managing the country’s natural resources in a more rational and sustainable manner, taking into consideration key issues like gender.

Burkina Faso’s process of decentralization in natural resource management is being devolved to territorial collectives. In addition, Burkina Faso has adopted major legislative reforms concerning land security in rural areas, which is currently waiting to be executed and disseminated. However, it is important to note that communities have difficulty fully understanding the laws on natural resources and their implications. This gap in knowledge is even more serious when considering women and recognition of gender issues, and therefore an approach advocating equity in local affairs and resource management is needed. Indeed, recognition of gender equity is essential for conserving environmental resources and for improving the standard of living in rural areas.

This brief highlights major aspects of research carried out in Burkina Faso, aimed at examining laws, strategies and policies on gender, climate change and rights to land and forest tenure. It is with the hope of raising awareness of the need to mainstream gender equity and women’s rights in land and resource policies that this analysis was conducted.

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OVERVIEW OF GENDER IN BURKINABÉ LAW

Burkina Faso is a country that enjoys a diverse socio-cultural heritage, characterized by varying levels of inequality between men and women. Some of these inequalities are based on local customs and beliefs that have contributed towards limiting women’s decision making power, thus affecting their access to and control of natural resources. It is noteworthy that customary law authorizes Burkinabe women to use but not to own land, thus severely limiting their exploitation of this vital resource. As a result, even though women outnumber men (51.7 and 48.3 percent respectively), and are usually responsible for their families’ upkeep, they are more exposed to poverty and most vulnerable to the nefarious effects of climate change on nature and daily survival. Further disparities between men and women are obvious in areas such as education, health, the economy, and politics.

However, the Burkinabe government has taken a number of measures aimed at improving the status of women, such as: the creation of a Ministry of to promote Women’s Affairs in 1997; a Ministry to promote Human Rights in 2002; the 1990 Family and People’s Code; and the 1991 Constitution, among others. Gender issues are equally addressed in the Strategic Framework to Fight Poverty (Cadre Stratégique de Lutte contre la Pauvreté – CSLP1), with the Government implementing a National Gender Policy (Politique Nationale Genre – PNG2) in all sectors. Internationally, Burkina Faso has signed several conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its additional protocol, the African Charter on Human and People’s Rights (ACHPR) and its additional protocol on the rights of women in Africa.

With regard to the Land law, Burkina Faso has enacted various laws recognizing women’s rights to land, notably: the “Agrarian and Land Reorganization” Law (Réorganisation Agraire et Foncière – RAF) adopted in 1996 (currently undergoing revision). In Article 62, this law prohibits all forms of sexual or marital discrimination in the attribution of land. In addition, Law No. 034-2009/AN of 16 June 2009 on rural land tenure stipulates “equitable access to all rural stakeholders.” The 1991 Constitution also mentions “equal access of men and women” to land. The CSLP also evokes the need to improve on the living and working conditions of rural women as a key strategy in the fight against poverty in Section 3. The CSLP equally supports women’s access to financial assets (credit facilities) and productive assets (land and equipment). Similarly, the law on rural land tenure, the National Policy on the Security of Land Tenure in Rural Areas (Politique Nationale sur la Sécurisation Foncière en Milieu Rural – PNSFMR) and the Forest Code equally advocate for the easing of women’s access to land. The PNSFMR specifically advocates for equal rights to land to all rural stakeholders, in a bid to ensure sustainable development, fight poverty, and promote equity and equality.

Pertaining to Forest law, the Forest Code regulates the management, exploitation, use of and access to forest resources. Another key reference document is the National Forest Policy (Politique Forestière Nationale – PFN), which aims to balance the goals of forest protection with the economic, cultural and social needs of communities. The General Code of Territorial Collectives decentralized forest management for local communities’ responsibility, and encourages a participatory approach that includes women in the exploitation and management of forest resources on the community level. It is clear, however, that the forest laws of Burkina Faso do not address specific gender dimensions to the same degree as land and agricultural policy.
It is evident that most of the laws on land and forest tenure are aimed at ensuring a rational, equitable and sustainable use of these natural resources by all parties, including women. However, gender is not effectively taken into consideration in the implementation of Burkina Faso’s strategies and policies to tackle climate change. Since analysis of the laws and policies on women’s rights to land and forest resources reveals that these laws are usually made with the intention of addressing injustices faced by women, one can conclude that there are other societal and cultural factors that render these laws somewhat inconsistent or ineffective.

Cultural factors such as customary law often restrict women’s access to, use of, control of, and transfer of land. However, factors hindering the implementation of laws are not only socio-cultural, like the above, but equally stem from natural conditions such as the scarcity of arable land due to erosion, deforestation, desertification, lack of water and several other characteristics of climate change. The National Action Plan on Adapting to Variability and Climate Change (Plan d’Action National sur l’Adaptation à la Variabilité et aux Changements Climatique – PANA) recognizes the fact that in addition to “natural” inequalities between men and women, the scarcity of land resources as a result of climate change, further accentuates the vulnerability of women. The National Action Plan on the Fight Against Desertification (Programme d’Action National de Lutte contre la Désertification – PAN/LCD) states that women are the primary victims of desertification. On its part, the PNSFMR states that rapid population growth and increased urbanization lead to scarcity of land resources, especially for women. It is thus obvious that a combination of factors adversely affect the implementation of laws intended to include gender considerations in Burkina Faso’s land and forest policies.

**WOMEN’S ECONOMIC AND ENVIRONMENTAL CONTRIBUTIONS TO FORESTRY AND THEIR RELIANCE ON FOREST PRODUCTS FOR INCOME AND SUBSISTENCE**

Even though women contribute immensely to the growth of the forestry sector, they are the most vulnerable and poorest group, and have a very restricted access to land. Women use barely 6 to 8 percent of arable land despite their immense contributions to development and economic growth. Even though women comprise most of the workforce, they do not benefit as much as the men from their hard work, as their income is usually low and irregular. For instance, research indicates that men earn ten times more than women, especially in the sale of fuel wood. Women are usually victims of unscrupulous buyers who offer them far less than the worth of their products. As a matter of fact, the CSLP recognizes that even though rural women are victims of inequality, they contribute more than men towards economic growth. It has been ascertained that women participate in agricultural activities in a dual manner – working first of all on the family farm and secondly on their own small pieces of land, in order to sustain the multiple needs of their families. In addition, they are involved in small-scale livestock rearing in a bid to provide enough food for their families. Given traditional barriers to controlling land, Burkinabe women have turned their energies to non-timber forest products (NTFPs). Generally, women are those primarily involved in harvesting and transforming NTFPs, such as shea butter, *soumbala*, or *neré*… many of which are used as food or medication. Shea nuts are also an important source of income, as they are exported for use in cosmetic products. Women are those primarily concerned with picking fruits for the family, especially during times of drought. They are equally involved in fetching fuel wood, vegetable farming and agricultural production. Women also contribute in several ways towards forest management, most notably in soil preservation, developing innovative methods of adapting to climate change, conserving local biodiversity, restoring vegetation cover and in promoting certain types of agricultural practices and trade.
ROLE OF CUSTOMARY LAW

In Burkina Faso, traditional beliefs limit women’s access to and control over land and forest resources, contributing towards maintaining the disparity between men and women. These customs that enhance social and cultural prejudices vis-à-vis women are instrumental in relegating women to the background, specifically by reducing their rights regarding access to resources, profit from these resources, and decision making on the use of these resources. Land is generally considered as a symbol of “identity,” and by virtue of the fact that women are considered “strangers” (due to the expectation that they will get married and leave their families) they are not entitled to land ownership. When women do have access to land, it is usually in a limited manner through their husbands, which prevents them from maximal usage of the land. Research also indicates that women are unable to go against their husbands’ wishes or take any legal action against them. However, this study identifies a panacea to the adverse role of customary law by suggesting that local chiefs, who are the custodians of tradition, be sensitized to the beneficial role women can play in land and forest management and by extension, in minimising the effects of climate change.

LEVEL AND MEANINGFULNESS OF PARTICIPATION AND REPRESENTATION OF WOMEN IN FOREST GOVERNANCE INSTITUTIONS

Regarding the participation of women in various areas, it should be noted that women are poorly represented, and where they are represented, they have often been relegated to the background as mere observers. Women are generally scarce in decision making spheres, as can be attested by the fact that women represent just 25 percent of those involved in forest management groups (Groupements de Gestion Forestière – GGF). It is interesting to note that previously, women accounted for about half the population of these groups. At the moment, their numbers and roles in these groups have dwindled drastically. In a bid to address the matter PAN/LCD proposes that their capacities be strengthened to enable them to have a say in decision making processes, obtain easier access to micro-credit, and that they be empowered to undertake initiatives and projects. In the same vein, the Rural Development Strategy for 2015 recognizes the need to include women in decision making and improve on their economic conditions. Local land charters have also been adopted in a bid to enact rural land laws with the contributions of women in mind, as well as encourage positive actions in favor of vulnerable groups such as women and youth. Rural land law equally underscores the need for women’s organizations to be represented in forums handling land matters. Furthermore, the Government has instituted a quota to ensure women’s representation in parliamentary and council elections. It is important to highlight the need for women to undergo training in environmental and land matters to enable them make meaningful contributions whenever the opportunity arises.
CONCLUSION AND RECOMMENDATIONS

A general observation to be made from the analysis of land and forest laws in Burkina Faso is that efforts have been made to include gender considerations in documents such as the PAN/LCD, CSLP, Rural Development Strategy (Stratégie Rurale de Développement – SRD), National Forest Policy (Politique Forestière Nationale – PFN), PNSFMR and in the law on rural land tenure. However, policies on climate change do not explicitly raise the issue of equity in access to land and forest resources. It is also obvious that most of these laws are not implemented, thus hindering their effectiveness. Moreover, the prevalence of customary systems that are unfavorable to women stand in the way of efforts to uphold the gender equity envisioned in statutory laws.

There is a great need to recognise the usefulness of local forest charters that encourage collective responsibility and participation in the preservation of forest resources. It is equally recommended that a quota for women’s participation be instituted in forums for decision making on land and forest resources. Gender should be considered in projects aimed at climate change adaptation. These laws should be disseminated as much as possible to enable the population to better appropriate them. Environmental education and capacity-building should be equally envisaged to permit women to acquire greater knowledge of land and forest policies, and build the skills necessary to handle the issues at stake. Greater attention to securing women’s full participation and rights in forest management is vital to ensure poverty alleviation, and, given the important role of women in forestry, it is also key for sustainable resource management and successful adaptation to climate change.

ENDNOTES

1 The CSLP was to be replaced by the SCADD (Strategy for Accelerated Growth and Sustainable Development (Stratégie de Croissance Accélérée et de Développement Durable) in 2011.

2 The National Gender Policy (Politique Nationale Genre du Burkina Faso – PNG) was drawn up by the Ministry of Women’s Affairs in October 2009.

3 PAN was adopted in 2007 by the Burkinabe Ministry of the Environment in order to tackle the effects of climate change.

4 In recognition of the detrimental effects of climate change on the environment, especially with regard to women, the National Action Plan on the Fight Against Desertification (PAN/LCD) was adopted in 2000.


8 These charters outline specific rules relative to the identification and preservation of local areas and common natural resources in a bid to ensure equitable access by all.

9 Law on Rural Land Tenure (Art. 16).
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SUPPORTERS
Women and Forests in Cameroon: Taking Stock of Gender in Natural Resource Management in Cameroon

Brief #3 of 4

September 2012

Jane Tarh Takang

INTRODUCTION

Forests constitute 45 percent of the total surface area of Cameroon and provide approximately 6 percent of the GDP, making forest management a critical issue for both economic and environmental objectives. For over two decades, forest and land legislation and the related policy dialogue has attempted to address national economic and environmental needs, yet finding effective solutions remains a major challenge. These challenges are further complicated by the tenacity of customary laws, which in the local context tend to dominate national and international laws. While the State has claimed ownership of forest lands since the colonial period, customary systems predating colonization continue to shape forest and land management on the local level, often running contrary to statutory laws. This dichotomy between customary and statutory systems in Cameroon creates confusion around women’s rights for local communities, which often systematically deprive women of their basic rights. This tradition persists despite international recognition of the multiple roles women play in the forest economy, and their know-how in sustainable management of natural resources and local development, resulting in missed opportunities. Cameroon is currently reforming its forest and land policies, and has recently developed a national gender policy – providing opportunities to address gender inequity with regard to land and forests.

* Jane Tarh Takang is an independent consultant specialized in gender in agriculture and natural resource management in Central Africa. This brief was derived from “Droit de l’Environnement du Burkina Faso Commission” a 2010 report commissioned by the Rights and Resources Initiative (RRI) and IUCN. For more information on the full report, please see www.rightsandresources.org.
THE NEED TO ADDRESS GENDER

According to the National Institute of Statistics in Cameroon, women make up 51 percent of the population, 70-80 percent of the rural population, 56 percent of the agricultural labor force, and contribute 60 percent of agricultural products. These facts indicate that a significant portion of the female population depends on land and forests for their livelihoods, and justifies the need for policies that take into account women’s access to and control over land and forest resources, as well as women’s participation in the management and decision-making concerning the governance of these natural resources. Cameroon’s forestry policies are silent on gender questions, addressing women only insofar as they participate in community forestry, a sector that enjoys significant participation from both men and women as a key economic activity for local communities. To support community forestry, the suite of forest policies associated with the 1994 forestry law emphasizes the need for community participation in forest management, as well as the need for communities to benefit from the revenue gained from forest exploitation.

As proof of political will, Cameroon has ratified several international instruments that recognize the rights of communities to participate in forest management, as well as the importance of the role of women. Amongst them are: ‘The Convention on Biodiversity’ (Article 10c), and the Millennium Development Goals (MDGs) and others which attempt to rectify existing gaps in women’s empowerment three decades after the declaration of the International Year of the Woman in Mexico City.

GENDER, FOREST AND LAND LAWS

Despite commitments to advance communities’ benefits from forestry, laws in Cameroon are systematically gender neutral, with the basic assumption that all Cameroonians enjoy equality in every sphere of life. While the laws to support community forestry benefit women as well as men involved in community forestry, the 1994 forest law makes no specific mention of women or of equity and therefore ignoring the inequality women are subject to within their communities.

Separate from policies on community forestry, various laws and decrees regulating land and forest management abound in Cameroon, including: The Land Tenure and State Lands Ordinance (Le Régime Foncier et Domanial du Cameroun) of 1974; the Forest law of 1994 and its Decree of Implementation of 1995 (La Loi Forestière de 1994 et son Décret d’application, 1995); the Framework No. 96/12 of August 5, 1996, on the management of the environment (La loi cadre n° 96/12 du 05 Août 1996 relative à la gestion de l’environnement); and the National Forestry Action Plan (Le Plan d’Action Forestier National – PAFN) of 2003.

Despite the gaps in legislation, there is room for optimism as Cameroon is currently reforming its forest and land policy to provide an opportunity to insert gender perspectives and women’s rights into the new legislation. Moreover, the new national gender policy states “the systematic elimination of inequality between men and women at all levels,” as a primary objective. In addition, it proposes to ensure equal participation in governance and decision-making as well as equal opportunities and rights to access and control resources for men and women. The policy document recommends active support of women’s enterprises, which could have positive implications for community forestry activities, as well as raises awareness of women’s rights and gender more generally.
It must be noted, however, that the gender policy does not address customary barriers to gender equity directly, nor does it address the existing inconsistencies among land, forest and other laws affecting natural resources. While an important step to achieving gender equity, the national gender policy should be supplemented by gender-focused strategies to address legal pluralism and harmonize land and forest laws.

As noted above, the forest law is under review. As it now stands, Cameroon’s forest laws and regulations are not very accessible to local communities, which have the added factor of customary law complicating community-level forest management. But even at the institutional level, the aforementioned texts and their accompanying panoply of provisions make forest policy difficult to master. For example, under the provisions of the 1994 Forest Law, several forest management models exist: the Forest Management Unit (L’Unité Forestière d’Aménagement – FMU), with a maximum surface area of 200 000ha;7 Communal Forests (La Forêt Communale) and Community Forests (La Forêt Communautaire), with a maximum surface area of 5,000 hectares.8 Here, communities are excluded from the management, except in the third scenario, in which local communities can collectively manage forest resources to meet their local socio-economic development goals.

Complicating factors, such as studies carried out on community forests that reveal the success of community forests depend on external factors, such as technical and financial support from outside the community, also largely fail to address women’s rights, thus further excluding women from forest management processes. The new Procedures Manual and Management Standards for Community Forests clearly stipulates the participation of all social categories at all stages of planning and implementation processes (including women, youths, and Indigenous Peoples).9 However, these principles are hardly practiced, as within FMU communities view State ownership of the land as unjust, since by custom and tradition this belongs to them.10

CULTURAL FACTORS AND INSUFFICIENT REGULATIONS IN THE WAY OF IMPLEMENTATION

In principle, women have forestry and land rights on par with men’s, although under customary law these are limited to mostly usufruct rights (usually through affiliation, such as marriage). However, there are multiple obstacles hindering the implementation of laws to secure women’s rights. These include the fact that women are considered as ‘strangers’ (a mobile element of society), and therefore do not enjoy the same land and forest rights as men; scarcity of land available to women in areas with high land pressure11 resulting from land allocation systems; the complexity of forestry legislation; and inter-community conflicts that lead to restrictions on community farm lands, as they are unable to access basic forest products to which they are entitled. All the aforementioned barriers are further exacerbated by low representation12 of women in local decision making institutions (women make up only 5 percent of representation), as well as limited or nonexistent access to information and legal provisions guaranteeing their rights.
WOMEN'S CONTRIBUTIONS TO FORESTRY AND THEIR RELIANCE ON FOREST PRODUCTS FOR INCOME AND SUBSISTENCE

Case studies on the role of women in Community Forests reveal that unequal power relations between men and women are widespread. This determines gender-specific use, roles, and access to natural resources for women and men. Women depend on non-timber forest products (NTFPs), food crop production and energy provision from the agro-forestry and forest resources they collectively manage for the survival of their families, a role directly linked to their reproductive roles. Meanwhile, timber/fuel wood exploitation and sale is reserved for men, as are the traditionally more lucrative jobs of negotiating, sale of materials, and forest inventory jobs. Women contribute significantly to sustainable forest resource management, although their roles are often not understood by decision makers within the community, and those roles are given little value at both community and national levels. This oversight leads to their needs and priorities being downplayed with regard to the community projects to be implemented with community forest timber revenue.

CONCLUSION AND RECOMMENDATIONS

A general observation made from the analysis of land and forest laws in Cameroon is that, although Cameroon has ratified many international conventions and instruments that recognize the rights of communities to participate in forest management, as well as the importance of the role played by women, forestry and land laws are still gender neutral with the assumption that men and women in Cameroon have equal rights. However, the existence of these laws could be viewed as an opportunity for the easy integration of gender concerns in forestry and land tenure. This, coupled with the clear gender-specific roles played by men and women in community forests makes their participation in management and decision making issues mandatory.

After a thorough assessment of the situation, it is recommended that more research on gender and forest resource management be carried out, and within the shortest period possible:

- An institutional review of women’s networks involved in forest management be carried out at the national level, while an analysis of existing national texts on forests and lands be conducted.
- Efforts be made at harmonizing policies, including a review of laws and texts, to integrate gender concerns, while opportunities should be created for women’s networks to participate in decision making processes.
- The re-organization and restructuring of institutions at all levels should be done to ensure women’s participation and contributions.
- A policy of information and capacity building should be instituted on management skills as well as sustainable forest resource management for women at all levels.
- Information adapted for community use should be produced and disseminated in a bid to encourage technology transfer.
ENDNOTES

1 International Conference organized by IITO/RRI /MINOF on “Land Tenure, Governance and Forest Enterprises” held in May 2009, Yaoundé, Cameroon.

2 INS (Institut National des Statistiques du Cameroun), gender disaggregated data on Women.

3 Convention on Biodiversity (Article 10) obliges states to protect and encourage customary use of biological resources in accordance with traditional and cultural practices, which are compatible with conservation and sustainable use.

4 MDG 3; Promote gender equality and Empower women; MDGs 7; Ensure environmental sustainability.

5 First World Conference on Women, Mexico City, 1975, part of a larger UN program developed over the Decade of Women (1976–85). This included the drafting of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Cameroon agreed to these terms at the second conference in 1979 and third conference in Nairobi, 1985 which closed the decade of women and determined the schedule for the removal of legislated gender discrimination in national laws by the year 2000.


7 Can be allocated to an exploitation firm for a period of 15 years renewable.

8 Community Forests can be managed by the Community for a 25 year period, after applying for it.

9 Manuel de Procédures d’attribution et de normes de gestion des FC Art 3.5 and 3.6, which stresses the need to involve all social categories (women, youth, etc.) in initial planning and awareness raising activities in Community Forests.

10 FMUs (Forest Management Units or Unités Forestiere d’Aménagement- UFAs).

11 Agro-industrial zones, plantations, National parks, Forest Management Units.

12 Low participation of women and information are either due to cultural exclusion or women’s heavy workload.
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Women and Forests in Mali: Women’s Tenure Rights in Mali’s Decentralized Land and Resource Management

Brief #4 of 4

September 2012

Jane Tarh Takang

INTRODUCTION

Land and forest tenure in Mali is characterized by a large number of conflicting rules and regulations. On one hand there is customary law rooted in traditional beliefs and practices, and statutory law on the other hand, which consists of foreign legal concepts and mechanisms and does not usually take into consideration the socioeconomic conditions on the ground. Reconciling customary practices with legal provisions inherited from the French colonial period, and the new laws promulgated since independence, is a challenge further complicated by the decentralization process that started in 1991. Unresolved issues of land and resource security persist in Mali, with particular implications for: 1) empowering rural populations (particularly women); 2) the sustainable management of land and resources; 3) identifying and managing the jurisdictions of local government; and 4) the redefinition of the role of the State and its relationship with decentralized territorial collectives.

In light of the above issues, there is an urgent need to analyze the legal framework to better understand and improve Malian women’s land and forest tenure. The objective of this brief is therefore meant to ensure a better consideration of the gender dimension in land and forest policies in Mali, while also shedding light on the sociocultural context influencing land and resource governance at the local level.

The Malian government has acknowledged that women’s access to natural resources constitutes an essential element of their political, economic and social autonomy. It has adopted national laws and recognized international and regional legal instruments to secure women’s rights to land and resources. Some of these laws include: the Villagers’ Charter adopted following the World Conference on Agrarian Reform and Rural Development held in Rome in July 1979; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted in 1979; the Beijing

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Program of Action adopted following the World Conference on Women held in Beijing in September 1995 (which stresses the need to guarantee women’s rights to land and other natural resources); and the African Charter on Human and People’s Rights (ACHPR) and its additional protocol.

**RECOGNIZING GENDER EQUITY AND WOMEN’S RIGHTS IN MALI**

Following consecutive years of drought during the 1970s in the south Sahelian areas of Francophone Africa (including Mali), the poor results of government and its development partners’ actions indicated that women’s access to land and resources is critical to social and economic development. Agrarian policy has since addressed gender equity, but as it regards forest resources, it was much later that decision makers began to reflect on how rural women could benefit from developing forest resources.

It was only with the advent of rural/community forestry in 1995 that the public developed an interest in the roles and responsibilities of women, and particularly their possible economic contributions as wives and mothers. Forestry development programs and projects thus supported women’s organizations, enabling them to undertake community projects. Women have seen greater control and benefit from resources while working in collectives, but have struggled to gain the same benefits as individuals due to traditional discrimination that prohibits women from inheriting land. Despite principles of equality stated in statutory texts, in practice women often only have access to very marginal pieces of land, making it extremely difficult for them to obtain natural resources required for their autonomy.

Furthermore, given the highly sensitive nature of the issue, politicians have often delayed undertaking concrete actions that would effectively ensure women’s rights to land.

Additionally, it appears that most of the laws regulating land and resource issues are unknown to local people. Whenever these laws are made available to the public, they are often contradictory and written in a language that is incomprehensible to the majority of the population. Therefore, existing provisions to safeguard women’s rights are often unknown in the local context.

**OVERVIEW OF GENDER IN MALIAN LAW**

In Mali, there are several laws aimed at managing land and “natural resources” ranging from pastoral to forest, from fauna to fishing.

Concerning the **Land Law**, there are several documents in Mali containing laws on this sector, usually referring to all users and not particularly to women. However, the main reference document is the Land Code and its 6 decrees of application. In addition to the Land Code, there are specific laws handling decentralization matters, notably Law No. 95-034 AN-RM of 12 April 1995 on the Code of Decentralized Territorial Collectives, modified by Law No. 98-10 of 19 June 1998. There is another important law in the same area, Law No. 96-050 AN-RM of 16 October 1996.

Another key text on land management is the **Law of Agricultural Orientation** (Loi d’Orientation Agricole – LOA), No. 06-40/AN-RM of 5 Sept 2006. Interestingly, this law explicitly takes gender into consideration. In the management of agricultural resources, Article 24 of the LOA states that the State gives priority to the youths, women and vulnerable groups (such as farmers) with technical and financial mechanisms to encourage their access to productive factors. The LOA also advocates for the right of feeding for all persons and equal access to land and natural resources. Article 8 is aimed at ensuring the
promotion of both men and women in the agricultural sector while respecting equity in both rural and urban areas. The LOA also specifies that preference is to be given to women, youth and other vulnerable groups in allotting parcels of land in irrigated zones.

Concerning the Forest Law specifically, there are a number of laws that grant the same rights to all users, including women. They include: the New National Forestry Policy of 2007 that places emphasis on the economic orientation of the forestry sector, and Law No. 10-028 of 12 July 2010 outlining the principles of forest management.

Laws on other natural resources include: Law No. 95-031 AN/RM of 20 March 1995 on the management of fauna and their habitats; Law No. 95-032 of 20 March 1995, defining conditions of conserving, protecting and promoting fishing resources; and Law No. 01-004 of 27 February 2001 creating the Pastoral Charter defines rights to pastoral resources.

It must be acknowledged that unlike the LOA, Mali’s forest and natural resource laws lack specific provisions for ensuring gender equity and do not have a guiding concept for gender to inform policy. Even though there are several laws governing land and forest resources with some provisions addressing women’s rights to land, it is clear that there are discrepancies among policies, especially with regard to laws on decentralization. This is primarily because it has been quite difficult to clearly outline the role of the State as opposed to those of decentralized collectives. While the State is the “sole owner” of land, these newly created units are subject to the State, which reserves the right to “grant” them land to manage, thereby limiting their autonomy. Thus, there is the need to rethink the process of decentralization to ensure the clarification of roles. It is only when this is done that the issue of gender and the role of women can be effectively taken into consideration. Moreover, land and forest policies lack a clear gender perspective, which makes it difficult to identify legally consistent strategies for securing women’s rights. It is also important to note discrepancies between positive (statutory) law and customary law, as customs and traditions in Mali remain dominant in regulating relations between men and women, though they are all entitled to use the land.

In Mali, the implementation of laws on land and forest resources and their management is seriously hindered by the fact that there are two distinct and conflicting types of laws and management systems coexisting side by side. Customary law, which consists of traditions that have been handed down for generations, is to some extent opposed to positive law, most of which was adopted during the post-colonial era and is based on Western law. This is clearly seen in the legal texts which presume equal access to and control over land and forest resources, when traditionally women have no right to own or control land. Land issues remain an area where customary practices prevail, and statutory assumptions of gender equality are compromised by the facts on the ground, where customary law dominates. In addition, the lack of clarity and discrepancies among statutory laws in place severely hinder their effectiveness and implementation.

Some of the difficulty encountered in implementing existing laws is partly due to the absence of a conceptual basis defining gender and natural resource management (NRM). In the absence of clear policies and up to date statistics on the role and contributions of women in the NRM sector, it is difficult to talk of laws adequately addressing women’s concerns. In most cases, women’s participation in land management is improvised under pressure from funding partners, and not part of a single conceptual frame. Moreover, most programs in Mali target basic needs without addressing the issues of women’s discrimination, as they strive to address the consequences and not the causes of discrimination.
WOMEN’S ECONOMIC AND ENVIRONMENTAL CONTRIBUTIONS TO FORESTRY AND AGRICULTURE, AND THEIR RELIANCE ON FOREST PRODUCTS FOR INCOME AND SUBSISTENCE

In Mali, women play the important role of farming to provide food for their families. Women contribute to the farming their family’s fields in addition to cultivating their own plots to supplement the family harvest, which effectively doubles their workloads. They also often harvest wild plants for use as food and gather forest fruits. It is interesting to note that practices vary according to geographic areas, with men and women exploiting resources differently in different areas. However, it has been noted that the scarcest and most valuable forest resources (in terms of monetary value) are reserved almost exclusively for men, such as the baobab (*Adansonia digitata*). For example, in areas such as Ségou, women are forbidden to own baobab plantations. Nonetheless, women are allowed to raise baobab nurseries within the family, though the plants are later recovered by the men, who control the exploitation of the product. Women are also primarily involved in gathering fuel wood, usually trekking for as far as 2 to 7 km in order to collect it, due to its rising scarcity. In addition, women are those mainly involved in cutting wood and producing charcoal. The revenue women obtain from these activities is used to purchase food for the family, and enables them to pay for social activities, such as marriages and baptisms. Apart from the above mentioned uses, women also exploit wood species for medicinal purposes. This thriving business sustains many families, especially those headed by widows or others with very limited sources of income. In Mali, it is interesting to note that women carry out small-scale livestock rearing under the cover of their husbands in order to preserve family harmony and bypass certain traditional taboos.

CONCLUSION AND RECOMMENDATIONS

There is a crucial need to improve on the current legal apparatus, as well as enact coherent laws that minimize conflict and facilitate implementation. Furthermore, in order to appropriately implement the laws governing the sector, several factors need to be considered, such as local customs and practices, the role of women, the role of religious authorities and overall sensitization within various communities. In order to effectively secure women’s rights, positive law must directly address gender inequality under customary systems rather than assume *de facto* equality. Consultation with stakeholders is equally necessary in order to ensure effective participation of all stakeholders in the management of national resources. It is equally necessary to recognize the rights of women by applying international norms that work in their favor; recognition of international conventions alone is insufficient.

Rural women need to be encouraged to work together in small groups to enable them to better understand land management laws, and facilitate necessary advocacy and lobbying for their rights to be realized. They also need to be involved in reflection forums and in other various media outreach programs to make certain their voices are heard. If undertaken, these measures would improve the current situation on the ground. Effective integration of a gender component is an integral part of the solution to land and forest management issues in Mali.
ENDNOTES

1 It is important to note that the analysis in this brief was conducted prior to the coup d’état of March 2012, and is based on Mali’s legal and political situation in 2010.

2 The Land Code is divided into 8 titles made up of 277 articles, none of which specifically addresses the issue of gender. (It is presumed that both men and women have equal rights.)

3 The 6 application decrees concerning various areas were signed between February 2001 and March 2002.

4 Articles 8, 24 and 83 make specific reference to facilitating women’s access to land resources in Mali.

5 Comprising of 68 articles, the Charter contains no specific provisions on gender.

6 The land used by women to farm edible products is reduced because priority is given to export crops, notably peanuts and cotton.

7 Whereas in the cities most households use butane gas to prepare food, in rural areas, there is total dependence on wood and forest products.

8 A study carried out in 1997 on Domestic Energy Strategies indicated that 60-65% of woodcutters and charcoal producers are women.
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