Report on the RRI Technical Expert Workshop on Gender Justice, Indigenous and Rural Women's Collective Land and Resource Rights in Africa

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La-Palm Royal Beach Hotel, Accra, Ghana

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EXECUTIVE SUMMARY

The Rights and Resources Initiative's (RRI) *Technical Expert Workshop on Gender Justice, Indigenous and Rural Women's Collective Land and Resource Rights in Africa* convened a group of 16 participants comprised of RRI Partners, Collaborators, resource persons, academics, and activists from Burkina Faso, Cameroon, the Democratic Republic of the Congo, Ethiopia, Ghana, Kenya, Liberia, Mali, Senegal, and South Africa.

The workshop aimed to identify strategic opportunities for coordinated action to advance RRI's gender justice engagement at the regional level. RRI will use this African regional perspective to inform its global Gender Advisory Group meeting planned for early 2018. During the Accra workshop, participants developed short- and long-term regional strategies for RRI's work on gender justice, and identified the linkages between regional work and international law and commitments. Through the workshop, RRI expanded its regional network by engaging with new collaborators, and demonstrated interest to extend RRI's community and seek synergies with existing initiatives by mapping rural women's, indigenous women's and resource rights networks to engage with.

After reviewing key African Union commitments on gender, participants shared experiences on the barriers to realizing women's tenure rights in the region. The discussions highlighted socio-cultural norms and practices (such as restricted participation in community decision-making, gender-based violence and lack of information), customary inheritance regimes and legal barriers, as well as a State "enforcement vacuum" as barriers to realizing Indigenous and rural women's collective land and resource rights in the region.

To address these barriers, participants identified opportunities to engage, including leveraging grassroots economic empowerment initiatives, addressing socio-cultural norms, and engaging government and private sector actors. Participants provided key input to shape RRI's regional strategy, including on the role of RRI to convene, produce evidence-based analysis and initiate multi-stakeholder dialogue. They also recommended issue areas for RRI to focus on, including economic empowerment, gender-specific engagement, legal and policy reform processes, and the gendered impacts of large-scale land acquisitions.

CONTEXT

We are at a critical juncture in developing and advancing women's tenure rights in Africa, where diverse stakeholders both recognize women's particular relationship to and reliance on community lands and acknowledge the specific challenges they face in accessing those lands. Indigenous and rural women comprise more than half of the approximately 2.5 billion people who rely on the world's community lands; in Africa, where customary tenure law governs 80 percent of land[1], women in collective tenure regimes and customary systems often face obstacles to access, ownership, and inheritance.

During the *RRI Technical Expert Workshop on Gender Justice, Indigenous and Rural Women's Collective Land and Resource Rights in Africa*, questions related to barriers and opportunities concerning women's tenure rights were paramount to the discussions surrounding future strategies for regional engagement. These discussions were particularly important in light of the RRI Coalition's plan to launch a five-year gender strategy as part of its mission "to ensure broad, representative, and equitable inclusion and participation of women and men within community/common/collective forests, lands, and resources governance, ensuring equal rights and protections in law and in practice." RRI seeks to mobilize a global Gender Justice Advisory Group for two primary reasons: to promote the mainstreaming of a rights-based gender approach within the Coalition, and to spearhead the creation of a new global initiative on women's rights in collective lands and forests. The regional perspective developed from this workshop will be used to inform the strategy and actions of this global initiative. In addition to RRI staff, workshop participants from ten different countries, including Burkina Faso, Cameroon, the Democratic Republic of Congo (DRC), Ethiopia, Ghana, Kenya, Liberia, Malawi, Mali, and Senegal participated in the strategic planning process.

Regional commitments on land tenure and women's rights

The Land Policy Initiative (LPI), a joint program of the tripartite consortium consisting of the African Union Commission (AUC), the African Development Bank (AfDB) and the United Nations Economic Commission for Africa (UNECA), was a contributor to the workshop, and rooted the Coalition's discussion in the context of key regional commitments pertaining to land tenure and women's rights. Hirut Girma, Senior Attorney and Land Tenure & Gender Specialist at Landesa, highlighted several significant African Union (AU) commitments related to the workshop's discussions, including:

- The AU Declaration on Land Issues and Challenges in Africa (2009), which ensures equitable access to land and strengthens tenure security for women; within this commitment is the AU Framework and Guidelines on Land Policy in Africa (F&G), which outlines standards for member states to ensure that appropriate policies, laws, and enforcement measures are in place to strengthen women's rights to land.
- The Resolution of the AU Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment (2015), which allocates 30 percent of land to women to improve women's land rights through institutional, legislative, and financial mechanisms.
- The Nairobi Action Plan on Large Scale Land-Based Investments (LSLBI) in Africa (2011), which includes guiding principles on LSLBIs in Africa, and undertakes to promote:
  - Assessments of LSLBIs, including gender-differentiated and poverty impacts, in support of evidence-based advocacy that draws on best practices and existing initiatives;

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[1] LandMark, *Protecting Indigenous and Community Lands by Making Them Visible* (2015), http://www.wri.org/blog/2015/11/landmark-protecting-indigenous-and-community-lands-making-them-visible

- o Development and implementation of land policies and land use plans that facilitate equitable access and secure land rights for communities—including women and investors, both foreign and local.
- The Maputo Protocol to the African Charter on the Rights of Women, a regional and comprehensive commitment to gender equality that reaffirms equal rights for women in all spheres of life (ex. healthcare, political processes, education).
- The Monitoring and Evaluation of Land in Africa (MELA) program (2016), which aims to strengthen land tenure security for women through the collection of sex-disaggregated data on land rights in legal frameworks and customary law.

BARRIERS TO REALIZING WOMEN'S TENURE RIGHTS

Numerous barriers to securing women's land rights were identified during the course of the discussions, the most pressing including socio-cultural norms and practices, customary inheritance regimes and legal barriers, and a State enforcement vacuum.

Socio-cultural norms and practices

Traditional socio-cultural norms and practices were identified as a key barrier to realizing women's right to own property and tenure rights, even where the law may guarantee non-discrimination and equal opportunity. These norms and practices range from restricted participation in community decision-making processes, to the role of gender-based violence, and lack of information and education.

Socio-cultural and patriarchal norms often prevent women's access to land, in spite the presence of laws that provide for equal opportunities. For example, participants shared experiences from Liberia of extremely **restricted participation in community decision-making processes**, as women often do not have permission to speak during meetings in the presence of men. Even when they do have permission, they look at a man in a position of authority (such as their husband and elders) for validation of their comments as they speak. This was echoed by participants from Ghana, who observed that only men participate if the women are not expressly invited. Moreover, in some cultures in Ghana when traditional authorities convene, women customarily sit at the back of the meeting, where they have trouble seeing or listening to what is being discussed, which necessarily limits their participation.

Participants also highlighted the role **gender-based violence and family dynamics** play in determining women's restricted participation, as women fear retribution from their husbands or other men in positions of authority for opinions or comments women may share in their homes, let alone in public. For example, participants shared that even among educated women, families often bully the woman so that she agrees not to inherit property.

> "If women do not have access to knowledge, they will not have access to land. If they do not have access to technology, they will not be able to access land." – Téodyl Nkuintchua, Anthropologist, Cameroon

Women's exclusion from community decision-making also manifests itself in lower education of girls and women in general, and especially about their rights. **Lack of information** and capacity (such as understanding technical terms) is in turn a significant barrier to women's participation.

Customary inheritance regimes and legal barriers

Participants highlighted that both patrilineal and matrilineal **customary inheritance regimes** prevented women from recognizing or realizing rights to own family land, or their husband's family land. Speaking about Liberia, Maminah Carr (Natural Resources Women's Platform, Liberia) observed that "land is not given to women, because the woman will marry and go to her husband's house and leave." Silas Siakor of Liberia added that this also affects men who are sons of disempowered women as they are denied share of the land handed down by their maternal grandparents. Matrilineal systems do not necessarily guarantee women's empowerment women, and many participants shared that even in such systems, men often remain in a decision-making role, and women do not participate in public meetings for fear of retaliation or isolation.

Legal barriers further exacerbate customary inheritance regimes and broader women's exclusion from land governance. Recently completed analysis by RRI of legal frameworks in 11 African countries found that none of the assessed countries in Africa recognize the inheritance rights of women in consensual unions.[2] Similarly, over 80% of the countries examined afford indigenous and rural women the weakest community-level inheritance rights. Finally, no legal frameworks assessed required the presence of a quorum of women for communities' general assemblies to take binding action. Participants pointed to several examples in Liberia that reinforce these findings from RRI. For example, Julie Weah (Foundation for Community Initiatives/FCI) pointed out that although the draft Land Rights Act recognizes women's rights generally, it does not specify how women should be included in land governance, illustrating how the absence of the explicit provision of rights may present an additional barrier to progress.

Additionally, Maminah Carr (Natural Resources Women's Platform/NRWP) voiced concern about the diverse impacts of large-scale land acquisitions on women, and asserted that concessionary models established in Liberia in 2010 do not mention gender, despite the significant reliance women have on forest areas. As a result, the ways of life of many Liberian women have been seriously disrupted over time as rivers used for fishing became polluted and posed significant health risks, lack of available farmland threatened food security, and the lack of government protections left rural people working in concessions without support.

> When concessionary models started in 2010, Liberians were very concerned about its benefits…before the coming of these companies, they had food in abundance and their culture was intact, for women, the forest meant everything for them." – Maminah Carr, Natural Resources Women's Platform (NRWP), Liberia

Finally, Cécile Ndjebet (Réseau des Femmes Africaines pour la Gestion Communautaire des Forêts/REFACOF) raised the issue that statutory laws and traditions are often in conflict with one another, and both require gender-centered reform.

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[2] RRI, *Power & Potential – Key Findings From Africa* (2017), http://rightsandresources.org/wp-content/uploads/2017/05/Power-and-Potential-A-Comparative-Analysis-of-Womens-Rights-to-Community-Forests-Key-Africa-Findings_May-2017_RRI.pdf

State "enforcement vacuum"

While most African constitutions recognize men's and women's equal rights, the reality on the ground is an "enforcement vacuum", that is, the State does not enforce its own policies, laws and regulations. As Brigadier Siachitema (Southern Africa Litigation Centre/SALC), highlighted, poor legal management in many countries – in addition to the required changes to statutes and legal institutions when new law is introduced – leads to a breakdown in implementation. This State enforcement vacuum further contributes to poor implementation of laws by people, and unchanged behavior.

The current draft Community Land Act has recognized Women's rights, but, is not specific to their participation in land governance, despite the CSOs push for clear safeguards for women to be mentioned in the document

OPPORTUNITIES TO ENGAGE

To address these barriers, workshop participants highlighted emerging opportunities to engage, including: grassroots economic empowerment initiatives, changing socio-cultural norms, and engaging government and private sector actors.

Grassroots economic empowerment initiatives

Grassroots women's economic empowerment initiatives were highlighted as an important tool for women to organize and strengthen their leadership. Experiences from Liberia and DRC were shared of women working in informal cooperatives, developing rotating systems to support each other's agricultural activities, and so better maximize their revenues and efficiency of natural resource management. Such informal organizations and networks can be important to leverage for discussions on learning about and asserting their rights. Silas Siakor gave a powerful example of how the Ka Paa Kwa Geh Development Association in Liberia has not only strengthened women economically, but also helped to develop their self-confidence and leadership skills. In this association, women (including a limited number of men) have organized into 'savings clubs' comprising of between 25 - 30 members, whereby they save together weekly while also contracting their labor and depositing the income into their saving scheme. At the end of a one-year cycle they distribute the savings and interest, helping the women to contribute to both their family incomes and community development. Solange Bandiaky-Badji (RRI) suggested documenting successful cases of income-generating activities for women, such as women's shea butter production cooperatives in Burkina Faso. In conjunction with grassroots organizing, there are opportunities to share information about support from bilateral agencies, such as the new approach by Global Affairs Canada' (GAC) for direct funding for grassroots organizations.

Addressing socio-cultural norms

A fundamental opportunity to engage was on changing behavior and socio-cultural norms and practices, most especially by engaging with men on women's rights, empowerment and leadership.

> "We must teach men the importance of empowering women, because if society has not changed its behavior, and if men are not involved or told why empowering women is the right thing to do, they will not enforce the law." – Elvis Opong, Civic Response, Ghana

Engaging government and private sector actors

Several experiences were shared of opportunities to engage both government and private sector actors to address women's tenure rights. For example, Cécile Ndjebet shared REFACOF's recent strategy in Cameroon at the **national-level to engage seven key ministries**, whereby each Ministry has named a Gender Focal Point responsible for gender mainstreaming in their Ministry and in legal reform processes. Nadia Mbanzidi (Forest Peoples' Programme) urged RRI to consider obtaining **observer status with the African Commission on Human and Peoples' Rights (ACHPR)**. This would be an opportune area for advocacy at the regional level for RRI.

For the private sector, Maminah Carr shared the NRWP's experience in Liberia engaging private sector actors on large-scale land acquisitions (LSLAs). This opportunity arose due to a study the Platform conducted on the impacts of LSLAs on women, providing evidence for their argument; the report was shared with the private sector actors mentioned in the report, and they were invited to the launch of the report and contribute to its content.

MAPPING REGIONAL NETWORKS

Participants brainstormed together to map regional networks of rural women at the country, regional and global levels, indigenous women's networks, and broader resource rights networks, as shown below. While the meeting provided an initial opportunity to identify these networks, participants agreed that more work needs to be done to assess the networks, i.e., to determine each network's area(s) of focus, weaknesses, strengths and potential synergies with RRI's gender justice strategy.

Rural women's networks

Country-level

Kasa initiative (forests and extractives)	Ghana
Civil Society Coalition on Land (CICOL)	Ghana
Network for of Women's Rights in Ghana (Netright)	Ghana
Nigerian Women Initiative for Peace and Development (NWIPD)	Nigeria
Organisation de Défense des Droits des Femmes et des Enfants (GP / DCF)	Mali
Association des Femmes Africaines pour la Recherche et le Développement (AFARD)	Sénégal
Réseau des Femmes Rurales	Mali
Women's Manifesto Coalition	Ghana
Women's NGO Secretariat of Liberia (WONGOSOL)	Liberia

Regional

African Initiative on Agriculture and Mining

African Land Governance Forum

African Women's Development and Communication Network (FEMNET)

Climate and Agriculture Network for Africa (CAN Africa)

Coalition des Femmes Leaders pour l'Environnement et le Développement Durable DRC (CLFEDD)

Fédération des Femmes Rurales

Femmes Autochtones et Communautés Locales pour le Développement Durable en RDC

FIDA Africa

Kilimanjaro Initiative

Landesa Rural Development Institute

Niger Delta Women's Movement for Peace and Development (NDWPD)

Pan African Climate Justice Alliance

Platform on REDD+ and Climate Change in Central Africa, African Land Forum

Réseau des Défenseurs des Droits des Femmes en Afrique Francophone

Réseau des Femmes Africaines pour la Gestion Communautaire des Forêts (REFACOF)

Réseau des Femmes Africaines pour le Développement Durable (REFAAD)

Réseau des Femmes en Afrique Francophone

Réseau des Populations Autochtones et Locales pour la Gestion des Ecosystèmes Forestiers d'Afrique Centrale (REPALEAC)

Rural Women's Assembly

Women in Agricultural Production

WoMin: Africa Gender and Extractive Alliance

Global

Association for Women's Rights in Development (AWID)

WECAN Women's Earth and Climate Network International

Women in Climate Change

Indigenous women's networks

Although Indigenous women's networks are still nascent for a number of reasons, today an initiative is underway to construct a regional network with the Baka women of Cameroon, the Mbororos of Chad, and the Indigenous Women of the DRC.

Resource rights networks

Africa Community Rights Network (ACRN)

AfDB Network Center, working on guidelines for gender in land tenure in Africa

African Coalition for Corporate Accountability (ACCA)

African Land Governance Forum

African National Resources Center (ANRC)

Alliance for Food Sovereignty in Africa (AFSA)

Central Africa on Land Matters

Civil Society Forum for the African Commission Working Group on Extractives Industries, Environment and Human Rights

Civil Society Organization Coalition of the AfDB

ECOWAS

Environmental Justice Network

Housing and Land Rights Network (HLRN) / Habitat International Coalition

International Alliance on Natural Resources in Africa (IANRA)

International Federation of Women Lawyers (FIDA)

LPI Civil Society Organizations' Platform

Network of Women Ministers for Environment (NWMLE)

NGO Forum on the ACHPR

Réseau des Organisations Paysannes et des Producteurs Agricoles de l'Afrique de l'Ouest (ROPPA)

Roots

RECOMMENDATIONS

RRI's role

In discussing RRI's added-value, participants focused on RRI's role to:

- **convene** for experience sharing and exchanging with others across borders;
- **be a spokesperson** on issues and strategies, advocating and convincing partners and donors on the importance of women's rights to fight against poverty and climate change; promoting women's economic empowerment as a means to strengthen their social status and access more rights, advocate for women's issues in reform processes; connect with regional institutions such as the AU, and other partners in the region, mobilizing resources and building women's capacities;
- **initiate multi-stakeholder dialogues** with the private sector, governments, civil society organizations, local actors, men, traditional authorities, religious leaders, youth and any other emerging category;
- **produce evidence-based research** for country and regional level and using such research such as baselines and assessment studies and studies on lesser-researched issues such as intra-family and intergenerational dimensions of land tenure, to support local organizations in their advocacy, ensuring linkages with global policy processes such as COPs, SDGs.

Scope and issues

Based on the workshop's discussions, participants were careful to recognize the importance of **defining the "women"** targeted by RRI's strategy. RRI does not have an organizational definition of women, but rather targets Indigenous, rural and local women living within collective tenure regimes. In terms of issues to focus on, participants recommended that RRI's gender strategy going should include the following:

Economic empowerment and access to funding – RRI's strategy should design a means to leverage Indigenous and rural women's grassroots economic empowerment initiatives to strengthen women's leadership and support realizing women's tenure rights. SDG 5 on gender equality as well as national poverty reduction strategies can support this area of intervention. Similarly, the strategy should seek to increase access to funding for collaborators on securing women's rights in reform processes relating to land, forests and natural resources and REDD+.

Gender-specific engagement – RRI's strategy should develop and share best practices to engage women, addressing aspects such as participation (gender balance and/or quota at meetings, separate meetings with women), advocacy (traditional chiefs, multi-stakeholder dialogues, government monitoring), and access to information in appropriate languages and formats. The strategy should also highlight the importance of dialogue and engaging men, traditional chiefs, government and the private sector on gender-related issues as a means to address strong socio-cultural norms marginalizing women.

Legal and policy reform processes – RRI's strategy should include advocacy for gender-sensitive and gender-responsive laws tailored to the specificities of each sub-region, targeting countries with on-going reform processes. Such reforms should address women's inheritance rights, marital and joint property rights, as well as participation and leadership. Opportunities to engage include on-going constitutional review in some countries, land reforms and forest law review in most African countries, as well as ensuring women's tenure rights in REDD+ and FLEGT/VPA national frameworks, and the SDGs.

Gendered impacts of LSLAs – Given the significant gendered impacts of investments and LSLAs, RRI's strategy should include special measures to ensure Indigenous and rural women's protection in the context of investment and large-scale land acquisitions. Specific issues could include understanding the nature of women and men's rights in natural resource use, management, and access; international and regional commitments and guidelines; influence of decentralized and traditional structures.

ACKNOWLEDGMENTS

ANNEX: PARTICIPANT LIST

NAME	ORGANIZATION	COUNTRY
Alain Traore	TENFOREST	Burkina Faso
Mary Nyuyinui	Consultant	Cameroon
Teodyl Nkuintchua	Anthropologist (Independent)	Cameroon
Cecile Ndjebet	Réseau des Femmes Africaines pour la Gestion Communautaire des Forêts (REFACOF)	Cameroon
Nadia Bandzidi	Forest Peoples' Programme (FPP)	DRC
Marie Dorothee Lisenga	Coalition des Femmes Leaders pour l'Environnement et le Développement Durable (CFLEDD)	DRC
Hirut Girma	Land Policy Initiative (LPI)	Ethiopia
Claire Biason	Rights and Resources Initiative (RRI)	France
Jemina Opare	Civic Response	Ghana
Albert Katako	Civic Response	Ghana
Elvis Oppong	Civic Response	Ghana
Obed Owusu	Civic Response	Ghana
Lucy Owuso Darko	Youth Support Foundation	Ghana
Sarah Antwi-Boasiako	Ministry of Local Government and Rural Development (MLGRD)	Ghana
Esther Nwangi	Center for International Forestry Research (CIFOR)	Kenya
Silas Siakor	Independent Consultant	Liberia
Julie Weah	Foundation for Community Initiatives (FCI)	Liberia
Maminah Carr	Natural Resources Women's Platform (NRWP)	Liberia
Nana Sissako	Groupe Pivot (GP) and Droits et Citoyenneté des Femmes (DCF)	Mali
Aminata Niang	Initiative Prospective Agricole et Rurale (IPAR)	Senegal
Brigadier Siachitema	Southern African Litigation Center (SALC)	South Africa
Silene Ramirez	Rights and Resources Initiative (RRI)	USA
Stephanie Keene	Rights and Resources Initiative (RRI)	USA
Lien De Brouckere	Rights and Resources Initiative (RRI)	USA
Solange Bandiaky - Badji	Rights and Resources Initiative (RRI)	USA