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Women's Land Rights: Tenure, Organisational Issues, the Local and the Global

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This paper discusses women's relation to land and landed property through an examination of gender relations with regard to land rights and within agrarian reforms. Women's – especially married women's – relation to land often has implications for their status as members of a social and political collective. Moreover, land remains an important livelihood resource in many societies; its importance is likely to increase in time of economic crisis. The current global trend is for women to take more responsibility in agricultural production where they do not already predominate (FAO 2005).

Despite social and cultural variations, the difficulties women face in claiming land rights and entitlements are widespread. One obstacle is that landless or land-hungry rural women's claims are often marginalised by local peasant and populist movements, which are reluctant to confront gender discrimination within households and movements themselves. Land struggles are sometimes taken up by women's groups and movements, and this may be encouraged by some aspects of globalisation - but most women's movements are urban-based, and so land rights are not central for them. At the same time, economic globalisation often undermines people's livelihoods, particularly rural-based livelihoods as seen in recent widespread land 'grabs'. It is left to governments to formulate and to legislate for greater equity for women seeking land rights and control over agricultural production. However, even where gender-equitable legislation is 'on the books', this often remains unenforced (FAO 2011; Jacobs 2010). Thus the issue of women's land rights is caught between conflicting 'local' and 'global' trends.

In many societies, access to land (in communally-based societies) or else landholding (in societies in which rights are privatised) is emblematic of social belonging and is a marker of social status. This is a highly gendered phenomenon, since women are often excluded or marginalised from access to land on same bases as men within the same social groups. This is not universal but is particularly the case in patrilineal and patrilocal societies that exist, or have existed, in many parts of the world. Patrilineal and patrilocal societies existed or exist, for instance, in much of Africa, including southern Africa; in northern Africa and the Middle East; in west and much of southern Asia and in East and parts of southeast Asia, including China and Viet Nam. In these societies, neither unmarried men nor women usually held land; nor did married women hold land, although sometimes widows held land as a temporary basis on behalf of sons. Additionally, in customary law in sub-Saharan Africa, wives had (and sometimes still have) the right to a 'garden' plot for cultivation of food, but access to this was through the husband. In the contemporary world, for instance in China, Pakistan and in parts of South Africa, lineages are rarely corporate or property-holding bodies; nevertheless, lineage principles may still operate. Women's marginalisation from landholding may be reinforced ideologically, for instance through beliefs or taboos problematising their ability to cultivate land. Examples include taboos on women ploughing in India (Agarwal, 1994); or the belief in rural China that women's menses potentially pollute crops.

Even in non lineage-based societies, where kinship is bilateral, such as in Europe and Latin America, women often experience a secondary and contingent relation to land and property. This may be emphasised or reinforced through other means – for example, through domestic ideology, or emphasis on women’s domestic roles and on men’s roles as providers. Or, women as proprietors of enterprises may simply have difficulty in mobilising labour (e.g., Chant and Campling, 1997; Jacobs 2002; 2012; Mudege, 2008).

It is difficult to document the amount of land held by women globally, although it is now acknowledged that women are the majority of rural dwellers and the majority of the poor (IFAD, 2011). An often-cited figure from the United Nations is women’s ownership of only 1-2 per cent of the means of production, including landed property (Rai, 2002). This statistic, however, may be problematic: for example, the percentage of property that is owned by men versus the percentage that is communal may be unclear (Budlender and Alma, 2010). Rao cites south Asian studies indicating that, in a general context strongly favouring male landholding, women own and operate 10-15% of land (2011: 4). Different reports around the world yield similar figures. In Brazil in 2007, women were 57 per cent of the rural population and held 11 per cent of land; in Nepal, women hold just under 11 per cent of land and in Uganda, 7 per cent of women own land (cited in Action Aid, 2010:5). These are more realistic figures, but they still indicate a large discrepancy between male and female control and ownership. Additionally, this indicates an urgent need for sex-disaggregated data on landholding.

Land appears to act as a powerful symbol of male domination and of the social construction of women’s dependent status. Of course, this has effects that are not simply symbolic. Lack of access to land on a similar basis to men affects women’s livelihood security. This is evidently the case in mainly rural/agricultural societies, but access to land is often a ‘fallback’ position for food security even in mainly urban societies (Shackleton, Shackleton and Cousins, 2000; Jacobs 2002; Federici, 2005).

Agrarian and land reforms

The case of redistributive agrarian and land reforms exemplifies women’s secondary status and relative lack of rights. Redistributive land reforms offer the possibility of democratic transformations for the rural landless and land-hungry (FIAN, 2004), and they have often increased production and food security. However, across the world, women – again, particularly married women – have been marginalised. The main reason for this is the use of the ‘household’ as an undifferentiated unit for redistribution, so that land titles or permits are granted to the head of household. In most societies, where a husband or father is present, he is considered the household head. Many post-WWII land reforms, however, have made some provision for widows and other female household heads with dependent children, allowing them some access to redistributed land. Greater acknowledgement of widows’ situations and potential poverty is welcome, and likely to be the result of feminist agitation as well as increased recognition that many widows and divorcees would be left destitute without land. However, this leaves the situation of married women untouched.

A review of thirty-two empirical studies of gender and land reforms across Africa, Latin America and various parts of Asia (Jacobs 2009; 2010) indicates that there have been both beneficial and detrimental aspects of land reform for married women.[1] The main

aim of land reforms is to increase food security and household incomes, and where this has happened, single and married women often (although not inevitably) report that their lives have improved. Many land reform programmes have and continue to use a model of a nuclear family, and some wives experience this model as giving them more informal influence over the husband. This is partly because the couple may live in a new community and therefore rely more on one another, and also because of increased distance from the extended family or lineage relatives.

However, most of the studies I examined report a number of negative outcomes for the lives and livelihoods of married women. The main aspects can be summarised as:

- an increase in women's workloads and (often) pressure to bear more children;
- loss of existing land rights e.g., rights to 'women's plots' in African customary law;
- loss of income: reported in nearly all studies [2], due to loss of marketing niches, loss of opportunities outside agriculture to earn incomes, and lack of equitable redistribution within the household
- loss of some autonomy and lessened decision-making power. This is due to the relegation of women to the role of 'housewife' and due to increased surveillance by the husband, who is more likely to be constantly present.

An underlying factor is the designation of men as 'household heads'. This acts powerfully to marginalise married women. Agrarian social movements, often representing male interests, may not have interest in contesting this situation.

The situation of women-headed households has been ameliorated somewhat with regard to rights within land reforms, as indicated. But that of the majority of adult women who are married or live with male partners have not improved in any straightforward way, and may have deteriorated with respect to the ability to exercise rights or to make decisions with a degree of autonomy. Overall, within agrarian reforms husbands tend to gain materially and in terms of power and influence, but often at the expense of wives (Jacobs, 2009).

Women's land rights, titling and communal tenure, and neoliberalism

Interest in women's land rights has increased markedly in recent years. This has been due in part to feminist agitation in a number of countries, but the issue has also been highlighted by attention from the World Bank, which has advocated moves to title or to privatise land under the guise of women's empowerment (Williams, 1996; Fortin, 2005). Women's land rights have sometimes been linked to titling or privatisation, and a number of women's groups have taken up this campaign. In Andhra Pradesh, India, for instance, where land is already privately owned, the Deccan Development Society has organised Dalit women since the mid-1980s in thirty-two villages along with assistance from NGOs and with state government support. The aim is to take control of fallow lands (Agarwal, 2003; Rao, 2011). This means that a number of Dalit women have leased and purchased land. In Pakistan, a provincial campaign for the first time resulted in transfer of land to women (Budlender and Alma, 2010: xi). However, it is in sub-Saharan Africa where such campaigns are most prominent – mainly because much land is held communally (this is explained below). As Englert and Daley point out, African women's rights activists and gender-progressive NGOs were directly involved in 1990s

debates that led to formulation of new land laws in Tanzania, Uganda and elsewhere (Englert and Daley, 2008: 10). In Tanzania, the Gender Land Task Force favoured registration of land rights to combat the gender bias of customary law, thus pitting it against the Presidential Commission on Land Matters (Tsikata, 2003).

Increased attention to women's land rights is welcome. Nevertheless, a number of complexities are evident concerning the social and political 'results' of women's access to land. This section and the following explore two key (and related) questions:

- i) Would women's land rights automatically 'empower' women or improve their social and material conditions?
- ii) What form should land rights take?

This first question arises from optimistic views of the potential for land rights to transform women's lives, best known from Bina Agarwal's (1994, 2003) defence of land rights for women in south Asia and beyond (see also Deere and León 2001). Agarwal's first argument is on the basis of justice. It is well established that in sub-Saharan Africa women are in most cases the main cultivators; elsewhere, the global trend is also for women to take on more responsibility and more visible roles in agricultural production, both within smallholdings and in response to opportunities in commercial agricultural work (FAO 2005). Thus, women as the main 'tillers' should receive and be able to control land and proceeds from agriculture. Where women are not the primary agriculturalists, their contribution is usually under-recorded and undervalued, so they may contribute more than is acknowledged.

A second argument in support of women's land rights is that it would increase efficiency. Securing livelihoods and raising production are the main aims of land and agrarian reforms, and it is now often acknowledged that rural women's lack of decision-making power and access to resources often affects agricultural outcomes (Tripp 2004). According to a recent FAO report, productivity on women's farms could increase by 30 per cent if women had access to the same productive resources as men. This could raise agricultural output in developing countries by 2.5 – 4 per cent. The number of hungry people would drop by as much as 17 per cent (FAO, 2011).

A third rationale for women's land rights concerns family welfare (Agarwal 2003). A number of studies indicate that women's enterprise and incomes are often more explicitly oriented to food security than are men's. This is especially evident in Africa (Carr 1991) but is also the case elsewhere (Ghimire 2001; Menon, Rodgers and Nguyen 2013).. Greater food security is likely to occur because of the cultivation of 'women's' [food] crops such as groundnuts and sorghum, as well as women's greater propensity to reinvest in farm activities (Kidder 1997). This remains true even in circumstances of livelihood diversification. Other evidence indicates that food security does not necessarily increase under male direction of agriculture, even where incomes do (Blumberg, 1995). Notwithstanding these points, Englert and Daley (2008) rightly note that it should be a sufficient argument that women deserve land rights on a human rights basis, as individuals, rather than solely as family members: "Relying on their impact on household welfare as a justification only serves to perpetuate negative perceptions of women's inferior status and their lesser positions as human beings vis-à-vis men" (Englert and Daley 2008: 9).

Fourthly, land holding might permit women to take advantage of economic opportunities such as cash-cropping. Women as farmers face a range of constraints including lack of control over labour and lack of access to credit and to other agricultural supports such as extension advice (Davison 1988a; Momsen 2009). Additionally, women often bear a double or triple (Moser 1993) burden of work. Despite these constraints, in some cases women have been able to seize opportunities, either individually as entrepreneurs, or, in other cases, collectively. Spring (2009) notes great entrepreneurial activity among African women including in agriculture. A Bugandan study found that by the 1990s, female-headed households were more likely than male-headed ones to purchase land (Tripp, 2004: 14).

Fifth, access to land is likely to increase women's social and economic status within households and communities (Agarwal 1994b, 2003; Jacobs 1997, 2002, 2010). Wanyeki's conceptualisation of land rights indicates, for instance, that broader decision-making powers are entailed: "Land rights are not only rights to access and to control land as a productive resource but also [rights to] information and to decision-making" and, she argues, to derive benefits from land (Wanyeki 2003: 2).

In spite of these compelling arguments, women's benefits from land rights are best understood as a potential; they do not follow on automatically. A number of studies (e.g. Arun 2001; Casolo 2009) indicate that land rights on their own may not bring improvements immediately, or indeed, at all - and it would certainly be mistaken to assert that land rights or land holding would automatically 'empower' women/married women.

There exists, however, a danger of a 'straw woman' being set up in the literature on this topic. Although it is sometimes implied that authors make an immediate, direct connection between the acquisition of land rights and 'empowerment' (see e.g. Jackson, 2003), it is uncommon for writers to assert a direct, causal link in this manner. As with other economic rights – for example, the ability to work for wages or income outside the home – this is only *one* element that might contribute to raised status and household power. Additionally, any benefits might not manifest immediately. Certainly holding economic rights is preferable to being excluded from these, but outcomes will depend upon a range of other factors and on particular circumstances. In short, female subordination is many-faceted. It would, however, also be a mistake to view this subordination as so all-pervasive that any particular policy measure is doomed to failure.

Apart from in (most) matrilineal societies, it is not common for women to control land. In European settings, for instance, where women hold a number of legal as well as social rights and where lineages have ceased to exist, it is still much more common for men to hold land and to be viewed as 'farmers' despite women's large input into agricultural work (Holzner, 2008; Haugen, 1998). In a review of changing discourses on European family farming, Berit Brandth (2002) notes that despite some challenges, the dominant discourse remains that of the 'family farm'. Bolsø (1994) commented: "Even if a farm woman drives a tractor, she is not seen as a tractor driver." (cited in Brandth, 2002: 195). The discourse of family farming and male predominance within this survives despite women's increasing off-farm economic activity and at times, even where women own and manage farms.

Where women control land, evidence exists that land rights can bring a measure of autonomy and security (see e.g. Kelkar and Gala, 1990; Wanyeki, 2003). Land rights are not a panacea. But perhaps the very fierce resistance to women's landholding attested to in many accounts (Falk Moore 1998; Cross and Friedman 1997; Wiergsma 1991; Jacobs 2010) is an indication that this is an important area of women's contemporary women's and feminist struggles and warrants further attention.

Gender equitable land rights: communal and/or private?

The second and much debated question concerns what form women's land rights should take. As noted, much of this debate has taken place in the sub-Saharan African context, where land is often held under customary tenure. That is, land is held communally, usually under chiefly jurisdiction and on behalf of a lineage or clan group, but is cultivated individually.

A number of authors have argued that customary tenure and customary authorities attend to the claims of the poorest, including women (e.g. Cross and Friedman, 1997; Marcus, Eales and Wildschut 1996). Others feel that customary tenure in patrilineal systems so marginalises women's claims that tenure must be individualised in order to obtain equity (Wanyeki, 2003; see debates in Ikhdahl *et al.* 2006).

Many lawyers, women's groups and individual women at the grassroots level feel that women's land rights necessarily entail individual tenure. For instance, in research I conducted in South Africa (Jacobs, 2004), most NGO workers and 'grassroots' activists I interviewed dismissed the possibility that even joint title with husbands (as now exists throughout much of Latin America: see Deere and León, 2001) could benefit poor rural women. It was assumed that without sole title women would always be subject to male household power and could not exert any rights formally held. In Uganda, despite the full participation of women's groups in campaigning and formulating legal provisions, the struggle for full equality in land rights was not successful. The law dealing with ownership rights between spouses is known as the 'lost amendment' as it mysteriously failed to appear in the 1998 Land Act. Subsequent amendment of the Act in 2004 still did not make adequate provision for co-ownership (Englert and Daley, 2008; Manji, 2006).

In the fierce disputes over land titling in Tanzania (Tsikata, 2003) women lawyers leading the campaign for equal land rights became pitted against the (mainly male) 'agrarian' lobby and advocates of customary law: 'women's rights' were positioned against male-defined 'tradition'. Likewise, in an urban Mexican study Varley (2010) found that individual tenure (with regard to rights to residential property) empowered women, as otherwise women's property rights tended to be seen as secondary and to be subsumed under 'family' property – even in a situation with existing individualisation of property.

A related line of argument with regard to African customary law is that it is flexible and open to complex and overlapping tenure claims (Meizen-Dick and Mwangi 2009). This may be so, but within this flexibility powerful class interests continue to operate (Peters, 2004) and flexibility is usually less evident with regard to women's claims.

A number of authors (Walker 2003; Manji 2006; Jacobs 1997; 2010) have warned against linking women's rights too firmly to privatisation and titling. As previously noted, African systems often attend to the claims of the poorest, although at the same time, women may find it difficult to assert these claims. Of course, the poorest are usually disadvantaged within market systems as they lack resources and this is especially so for women, who face multiple forms of discrimination or disadvantage. It is quite possible – indeed likely – that women who gain rights may lose their land, particularly where it must be used as collateral (Fortin, 2005). This is because when land is privatised, it becomes seen as an asset under individual control. Land becomes 'property' can be used as collateral – for example, to raise loans for farm improvement or for other purposes. Those unable to meet credit repayments stand to lose their property, and in this situation, alienation of newly acquired land is not uncommon.

To summarise: perhaps no one answer exists concerning what type of tenure is 'best' for women, even where it is specified that the women involved are rural and land-hungry or landless. The answer will depend in part upon social circumstances (including those of the men to whom women are related), the legal framework and socio-cultural contexts. Likewise, possibly no one solution exists concerning how women can best gain land rights (see Palmer 2008). However, these complexities should not obscure the argument that women, regardless of marriage status, should be able to claim land rights on the same basis as men within their societies and social groups. Thus, if individual titling and full property rights exist as in much of the Western hemisphere, in South Asia and elsewhere, then women should be able to claim these.

Where tenure is customary or communal, it is preferable in socio-economic equity terms to preserve this, not least in the face of the extensive land grabs taking place and which especially target Africa (see below). Nevertheless, women must be able to claim as do men - although many feel that such claims would 'destroy tradition'. There are some signs that communal tenure can be reformed in a more 'woman-friendly' direction (see Logo and Bikie, 2002; Hanlon 2004; Englert, 2009 cited in Palmer, 2009). In one example, Budlender and Alma cite a Malawian village chief who, at a funeral, spoke about the detrimental impact of traditional land inheritance law for women. He said that this was an injustice against wives, mothers and sisters in the village and should change (2011: xi). The recent land laws of Uganda, Tanzania and Rwanda contain provisions about joint-titling of land, spousal consent clauses and stipulation of equality between men and women while retaining elements of customary law (Englert and Daley 2008).

However, there is also much other evidence of resistance to reforms of customary law that might undermine male dominance. Hence the dilemma faced by African feminists: there is little point in pretending that land rights are truly 'communal' when over half the community faces marginalisation and secondary rights. Lastly, if landholding and land access practices other than household-based forms prevail – for example, any still-existing collectives, production cooperatives – women must be full collective members. Collectives constitute forms which, historically, have incorporated women's rights more easily than individual family farming.

In the context of this discussion of neoliberalism, a note on recent land 'grabs' or deals is in order: discussion of women's land rights is predicated on availability of land. Land

deals since 2008 have been on an unprecedented scale, driven variously by speculation, to secure land for production of biofuels and particularly, to provide food and energy for wealthier, resource-poor countries (e.g. in east Asia and the Middle East) where there are worries about future food supplies. The accusation is that the land and water of poorer countries, particularly in Africa, are under threat (GRAIN, 2008). Alden Wiley (2010, cited in Behrman, Meinzin-Dick and Quisumbing, 2012) noted that 18 of 33-40 countries leasing land for Foreign Direct Investment were African. An International Land Coalition, IIED and CIRAD report (2012, cited in Kachingwe and Makombe, 2012: 3) estimated that 1345 m. hectares in Africa had been acquired in land deals. These land deals or 'grabs' constitute threats to the poorest, and particularly to rural women. Although investment is needed, the current users of land are rarely consulted, and any compensation (often inadequate) typically goes to men (Cernea and McDowell 2000). Given women's unequal status in terms of landholding and more generally, and their different (and unequal) rights and responsibilities in most rural contexts, they are likely to be affected detrimentally: that is, existing inequalities will be exacerbated (Behrman, Meinzin-Dick and Quisumbing, 2012). Women also retain responsibility for locating alternative food sources for households. Women's situations are likely to deteriorate even more rapidly than men's, since their land rights are usually secondary and uncodified, and so more easily lost or disregarded (Kachingwe and Makombe, 2012). In this situation, rural women are well and truly caught between patriarchal practices and institutions, and global market forces.

Ways forward

Rural women find it difficult to organise for a number of reasons including (amongst others), geographical isolation, domestic duties, husbands' and fathers' control over their mobility and deep-rooted beliefs discouraging their political participation. Moreover, unlike the situation for most other women, the economic unit for peasants/rural smallholders is predicated upon the unity of 'production' and 'reproduction' within the household/farm, so that their labour is (usually) essential to the economic unit. Yet it is almost completely invisible and unacknowledged. Peasant and smallholder women therefore often face heightened discrimination, including discrimination from local governments and states as well as from communities and peasant organisations. In this case, women's independent representation is seen as breaking up not only the household but the economic unit.

One issue of importance, then, is that women's economic and work contributions be made visible. For instance, one of the advantages (amidst the widespread failure of collective agriculture) of the widespread agricultural collectives that predominated in China, the ex-USSR, eastern Europe, northern Viet Nam and elsewhere in the 'Soviet' world in the past, was that women like men were rewarded through work-points. Women typically received fewer work points than men, but nevertheless this constituted explicit recognition of work, functioning similarly to wages. This means that it is more difficult to disregard or minimise women's work (as is common on peasant smallholdings). Thus, women's work in agricultural production (although not in the household) was publically recognised (Jacobs, 2010).

Stories abound about lack of enforcement of gender rights already enacted into law. These include accounts of lack of enforcement of legal land rights. But without legal change, little is possible (Engelert, 2009). Again, state enforcement of legal rights does

not *have* to signal individualised rights. The law could, for instance, codify a particular percentage of female participants in certain institutions or bodies (e.g. community assemblies), or else could detail ways that property could be jointly managed. One aspect of the importance of law sometimes overlooked is that its codification offers a public record (Varley, 2010).

The public recognition and backing of the state is of particular importance for women. A caveat is that the type of, or orientation of, the state is crucial; social democratic or welfarist states or (sometimes) state socialist societies have often promoted women's rights in various spheres –in particular, within marriage law. Although most states are male-dominated both in obvious respects (for example, in the percentage of women in parliaments and in ministries) and in less obvious ways (as in male bias in policy formulation), I argue that state action is crucial in order to move towards gender equity. And gender bias may in practice be less evident at the level of the state than in local communities. In the contexts discussed here, for instance, state backup is needed in order to mandate land titles or permits for both sexes, to prohibit forced and child marriage, to give women rights to divorce and property rights upon divorce or widowhood as well as rights to child custody, and – not least – to make effective laws against intimate ('domestic') violence. However, policies must be enforced to be meaningful – and state institutions cannot substitute for independent social groups, including women's movements. In particular, policies and movements for class/socio-economic inequalities are of import for women, who are overrepresented among the poorest, including the rural poor (IFAD, 2011).

In practice, relatively few rural women's organisations exist and these do not tend to have the strength of urban women's groups. Agrarian movements have proved highly resistant to mobilising women to gain rights within land reforms, as opposed to mobilising them for land occupations. This applies particularly to married women, even where movements highlight women leaders (Jacobs, 2010). Most of the historical literature on agrarian reforms has simply ignored gender issues and this remains the case for 'mainstream' writing on land matters.

This situation, evidently, is not a simple one that can be addressed in a straightforward way. I offer two suggestions here. That they are speculative indicates the intractability of the issues involved.

The first is that rural women turn to trade unions for organisation. In some situations – notably in Brazil – rural trade unions such as the left-oriented CUT (*Central Única dos Trabalhadores*) have been able to make more headway in agitating for women's land rights within reforms than have the movements dealing directly with the land reforms (Guivant 2003; Deere 2003). This is because trade unions treat landless women as workers rather than seeing them as intrinsically related to the household.

This is a radical suggestion, implying that agrarian social movements be circumvented in situations in which they have refused to take the issue of gender equity seriously in access to land and within households. This strategy would also encounter problems in that rural households are often geographically isolated or relatively remote, and (more importantly) because in this situation the 'employer' is the husband or other male household member. Nevertheless, given the long history of exclusion of women's claims within most agrarian movements (apart from explicitly revolutionary ones) this may be a useful way forward, especially in areas in which rural trade unions already

organise plantation and farm workers (e.g. Brazil, South Africa, parts of east Africa and elsewhere).

A second potential strategy refers to the need for strong women's organisations at various levels. As noted, rural women usually find it difficult to organise. In order for women to gain land rights with agrarian reforms, a convergence of circumstances have proved necessary. These include explicit state support, either through legal backing or other centralised direction as well as the assistance of local government or officials (e.g. Resettlement Officers in Zimbabwe before 2000: (Jacobs 1995; cadres in other settings). The most favourable situation would be one in which policies to minimise social class inequality (such as land distribution) exist alongside policies for gender equity, including protection from/ways to combat gendered violence. Violence against women often accompanies women's claims, including those for land (see Castells 1999). The conjunction of these factors is rare. (See Manimala 1983, however, for a positive scenario in Bihar; see also below.)

Even if situations with regard to land rights are of necessity local, effective responses cannot remain at this level. The turn to 'the local' is widely celebrated, perhaps particularly in countries still negotiating ongoing ramifications of colonialism, including colonial regimes' effects on land use. However, it has limitations in situations in which rural women's lack of rights is tied up with local and community norms, as is so often the case (see Beall, 2005; Khatigala, 2001; Jacobs 2004b; Judd, 1994; Bélanger, 2002; Bossen, 2002; Li and Bruce, 2005; Jaquette and Summerfield 2006). Women's groups are usually urban, but there have been some attempts by urban women (e.g., in Zimbabwe) to make links with rural women and women's groups. The issue of land rights has at times been taken up at the international level, particularly by NGOs (see the work of Action Aid, for example). While campaigning or intervention can be seen as a sign of international (or Western) interference, feminist organisation beyond the local and national is needed to underline and to publicise the need for access or rights to land for rural/smallholding women in ways that do not simply echo a neoliberal agenda. Ideally, these groups would be supported in this organisation by transnational agrarian movements (Borras, Edelman and Kay, 2008). However, agrarian movements have often proved resistant to recognition of gender inequities, which are often labelled a 'distraction'. Discussion of gender discrimination can set off a series of splits and disputes because of the deep-rooted nature of gender inequalities within rural households and farm units. It is notable, within this context, that the umbrella organisation for food sovereignty La Vía Campesina has adopted an official stance on violence against women (VAW) from 2008, and has prioritised the struggle against VAW as a key campaign (Martínez-Torres and Rosset, 2010: 167). This commitment sits somewhat uneasily however, with the parallel commitment to respect the autonomy of local organisations and strategies (Martínez-Torres and Rosset 2010). As recognised, gender inequalities tend to be entrenched and responses from local communities to initiatives 'from above' may be slow.

Thus the issue of gendered land rights continues to be fraught. Despite the difficulties, land and land rights are too important to be sidelined, as has been the case in the past. It is only very recently that agrarian movements have begun to acknowledge the issue of gendered rights: the failure to do so has meant in effect that many movements in practice have promoted the interests of rural men – themselves, often very poor and

exploited. Solutions are likely to lie in some convergence of local organising and transnational support. Land rights and land claims are always local, but the question of gender equity must go beyond local contexts. This posits a form of transnational allegiance that would go beyond ordinary citizenship claims but remain cognisant of local realities. 'Local realities', however, must not become another way to ignore gender inequality or further to entrench male domination within communities: without gender equity, there is no democratisation.

Notes:

[1] Jacobs (2009) reports on 29 studies.

[2] Jacobs' research in Zimbabwe (1989; 1995, 2000) as well as that of Allison Goebel (2005), however found that women's incomes in Zimbabwean Resettlement Areas *increased* rather than decreased indicating a degree of household redistribution and/or enough prosperity to 'trickle down' to wives. However, studies in most other countries reported a decrease.

Bibliography

Action Aid (2010) "Her Mile: Women's Rights and Access to Land: the Last stretch of the road to eradicate hunger"
www.actionaid.it/filemanager/cms_actionaid/images....

Agarwal, Bina (1994) *A Field of One's Own: Women and land rights in South Asia*, Cambridge, Cambridge University Press.

Agarwal, Bina (2003) 'Gender and land rights revisited: exploring new prospects via the state, family and market', *J. Agrarian Change* 3 (1-2): 184-224.

Arun, Shoba (1999) 'Does land ownership make a difference? Women's roles in agriculture in Kerala, India', *Gender and Development* 7 (3): 19-27.

Beall, Jo (2005) 'Decentralizing Government and Centralizing Gender in Southern Africa: lessons from the South African experience' UNRISD Occasional Paper 8, Geneva: UNRISD.

Behrman, Julia, Ruth Meinzin-Dick and Agnes Quisumbing (2012) "The gender implications of large-scale land deals" *J. Peasant Studies*, 39 (1): 49-79.

Bélanger, Danièle (2002) 'Son preference in a rural village in North Vietnam', *Studies in Family Planning*, 33 (4): 321-334.

Borras, Saturnino, Edelman, Marc and Kay, Cristóbal (eds) (2008) *Transnational Agrarian Movements confronting Globalization*, Chichester, Sussex: Wiley-Blackwell.

Bossen, Laurel (2002) *Chinese Women and Rural Development: sixty years of change in Lu village*, Lanham, Md.: Yunnan, Rowman and Littlefield.

Brandth, Berit (2002) "Gender Identity in European Family Farming: a Literature Review" *Sociologia Ruralis*, 42 (3): 181-200.

Budlender, Debbie and Eileen Alma (2011) *Women and Land: Securing Rights for Better Lives*, Ottawa: IDRC.

Busingye, Harriett (2002) 'Customary land tenure reform in Uganda: lessons for South Africa', Paper to PLAAS/Programme for Land and Agrarian Studies, Johannesburg.

Carr, Marilyn (1991) *Women and Food Security: the African experience*, London: Intermediate Technology.

Casolo, Jennifer (2009) "Gender Levees: Rethinking Women's Land Rights in Northeastern Honduras" *J. Agrarian Change* 9 (3), July: 392-420.

Castells, Manuel (1999) *The Power of Identity: Vol II: The Information Age*, Oxford: Blackwell.

Cernea, Michael and Christopher McDowell (eds) (2000) *Risks and Reconstruction: the Experiences of Resettlers and Refugees*, Washington, D.C: World Bank.

Chant, Sylvia and Campling, Jo (1997) *Woman-Headed Households*, Houndmills: Macmillan.

Cross, Catherine (1992) 'An Alternate legality: the property rights question in relation to South African land reform', *S. African Journal on Human Rights*, 305-331.

Cross, Catherine and Friedman, Michelle (1997) 'Women and land: marginality and the left-hand power', in S. Meer (ed) *Women, Land and Authority*, Oxford, Oxfam: 17-34.

Davison, Jean (ed) (1988) *Women, Agriculture and Land: the African experience*, Boulder: Westview.

Deere, Carmen Diana (2003) 'Women's land rights and social movements in the Brazilian agrarian reform', *J. Agrarian Change*, 3, 1-2.

Deere, Carmen Diana and León de Leal, Magdalena (2001) *Empowering Women: land and property rights in Latin America*, Pittsburgh: Pittsburgh University Press.

Englert, Birgit (2009) (cited in Palmer 'Securing Women's Land Rights in Africa, 2009)

Englert, Birgit and Elisabeth Daley (2008) "Introduction" to Women's Land Rights and Privatization in East Africa, Woodbridge, Suffolk and elsewhere: James Currey.

Falk Moore, Sally (1998) "Changing African Land Tenure: reflections on the Incapacities of the State" *European Journal of Development Research*, 10 (2),

December: 33-49? (special issue edited by Christian Lund: Development and Rights: Negotiating Justice in Changing Societies).

Federici, Sylvia (2005) "Women, Land-struggles and the Valorization of Labor" *The Commoner*, no. 10: 216-33.

FIAN (Face It Act Now: Fighting Hunger with Human Rights) (2004) leaflet, unpublished, distributed at FMRA World Congress, Valencia, Spain.

Food and Agriculture Organisation of the United Nations/FAO (2005) *Gender and Land Compendium of Country Studies*, Geneva: Food and Agriculture Organisation of the United Nations. Online. Available FTP: <<ftp://ftp.fao.org/docrep/fao/008/a0297e/a0297e00.pdf>>

Food and Agriculture Organisation of the United Nations /FAO (2011) *The State of Food and Agriculture 2010-11; Women in Agriculture: Closing the gender gap for development*, Rome: FAO
available at: <http://www.fao.org/publications/sofa/en/>

Fortin, Elizabeth (2005) 'Reforming land rights: the World Bank and the globalisation of agriculture', *Social and Legal Studies*, 14 (2): 147-177.

Ghimire, Krishna (ed) (2001) *Land Reform and Peasant Livelihoods*, London: ITDG.

Goebel, Allison (2005a) *Gender and Land Reform: the Zimbabwean experience*, Montreal: McGill-Queens University Press.

GRAIN (2008) "Making a Killing from Hunger" available at: <http://www.grain.org/article/entries/178-making-a-killing-from-hunger>

Guivant, Julia (2003) *Agrarian Change, Gender and Land Rights: a Brazilian case study*, Geneva: UNRISD Social Policy and Development Paper no. 14.

Hanlon, Joseph (2004) 'Renewed land debate and the 'cargo cult' in Mozambique', *Journal of Southern African Studies*, September, 30 (3): 603-625.

IFAD /International Fund for Agricultural Development (2011) *Rural Poverty Report 2011: New Realities, New Challenges*, Rome: IFAD
<http://www.ifad.org/rpr2011/>

Ikdahl, Ingunn; Hellum, Anne; Kaarhus, Randi; Benjaminsen, Tor A. and Kameri-Mbote, Patricia (2006) Human rights, formalisation and women's land rights in southern and eastern Africa, *Studies in Women's Law* no. 57, University of Oslo. Online. Available HTTP: <<http://www.ielrc.org/content/w0507.pdf> (accessed 30 January 2009).

Haugen, M.S., (1998) . "The Gendering of Farming: The Case of Norway". *European Journal of Women's Studies*, 5(2), pp. 133-153.

Holzner, Brigette?, (2008). "Agrarian restructuring and gender - designing family farms in Central and Eastern Europe". *Gender, Place and Culture*, 15(4), pp. 431-443. B-257.

Kachingwe, Nancy and Kudzai Makombe with Action Aid (2012) "From under their Feet: a think piece on gender dimensions of land grabs in Africa" Action Aid International.

Jacobs, Susie (1989) *Gender Relations and Land Resettlement in Zimbabwe*, D.Phil thesis, Institute of Development Studies at the University of Sussex.

Jacobs, Susie (1995) 'Changing gender relations in Zimbabwe: experiences of individual family resettlement schemes', in Diane Elson (ed) *Male Bias in the Development Process*, Manchester: Manchester University Press, 2nd ed.

Jacobs, Susie (1997) 'Land to the tiller? gender relations and land reforms', *Society in Transition* (formerly, *J. of S. African Sociology*) 1(1-4): 82-100.

Jacobs, Susie (2000) 'Globalisation, states and women's agency: possibilities and pitfalls', in S. Jacobs, R. Jacobson and J. Marchbank (eds) *States of Conflict: gender, violence and resistance*, London: Zed.

Jacobs, Susie (2002) 'Land Reform: still a goal worth pursuing for rural women?', *Journal of International Development*, 14: 887-898.

Jacobs, Susie (2004a) 'New forms, longstanding issues and some successes', *J. of Interdisciplinary Gender Studies* (Australia), *Special Issue: Feminist Organisations and Networks in a Globalising Era*, 8 (1-2): 171-94.

Jacobs, Susie (2004b) 'Livelihoods, Security and Needs: Gender and Land Reform in South Africa' *J. International Women's Studies* (Massachusetts), vol. 6, no.1, November, 2004, vol. 6 no. 1: 1-19. (available online at: www.bridgew.edu/SoAS/jiws/nov04/genderandlandSouthAfrica)

Jacobs, Susie (2009) "Gender and Land Reforms: Comparative Perspectives. *Geography compass*, 3, (5): 1675-1687.

Jacobs, Susie (2010) *Gender and Agrarian Reforms*, NYC and London: Routledge, International Studies of Women and Place.

Jacobs, Susie (2012) Interviews, Red River Delta, Viet Nam.

Jaquette and Summerfield, Gayle (eds) (2006) *Women and Gender Equity in Development Theory and Practice*, Chapel Hill: Duke University Press.

Judd, Ellen (1994) *Women's Work in Rural North China*, Stanford: Stanford University Press.

Judd, Ellen (2009) "Starting again in rural west China: stories of rural women across Generations" *Gender & Development* 17 (3), November: 441- 451.

Kelkar, Govind and Gala, Chetna (1990) 'The Bodghaya land struggle', in A. Sen (ed) *A Space in the Struggle*, Delhi: Kali for Women.

Khadiagala, Lynn (2001) "The Failure of Popular Justice in Uganda: Local Councils and Women's Property Rights" *Development and Change* 32 (1).

Kidder, Thea (1997) 'Micro-finance and women: how to improve food security?', *Links*, Oxfam/UKI Newsletter, October: 5.

Lee-Smith and Trujillo, Cataline Hinchey (2006) 'Unequal rights: women and property', in Jane S. Jaquette, and Gale Summerfield, eds. (2006) *Women and Gender Equity in Development Theory and Practice: institutions, resources, and mobilization*, Durham, N.C.: Duke University Press: 159-72.

Li Zongmin and Bruce, John (2005) 'Gender, landlessness and equity in China' in Peter Ho (ed) *Developmental Dilemmas: Land reform and institutional change in China*, Abingdon, Oxon: Routledge.

Logo, Patrice and Bikie, Elise-Henriette (2003) 'Women and land in Cameroon', in L. Muthoni Wanyeki (ed) *Women and Land in Africa*, London: Zed.

Manimala (1983) 'Zameen Kenkar? Jote Onkar!' The story of women's participation in the Bodhaya struggle', *Manushi*, 14(1): 2-16.

Manji, Ambreena (2006) *The Politics of Land Reform in Africa: from communal tenure to free markets*, London: Zed Books.

Martínez-Torres, Maria Elena and Rosset, Peter (2010) *La Via Campesina: the birth and evolution of a transnational social movement* *J. Peasant Studies* 37 (1): 149-75.

Meinzen-Dick, Ruth and Mwangi, Esther (2009) "Cutting the web of interests: Pitfalls of formalizing property rights" *Land Use Policy* 26 (1): 36-43.

Menon, Nidhiya, van der Meulen Dogers, Yana and Nguyen Hoang (2013) 'Women's Land Rights and Children's Human Capital in Vietnam' *World Development* 54. February 2014: 18-31 (online September, 2013).

Momsen, Janet Henshall (2004) *Gender and Development*, London: Routledge.

Moser, Caroline (1993) *Gender Planning and Development*. London: Routledge.

Mudege, Netsayi (2008) "Gender roles in agricultural knowledge in a land resettlement context: the case of Mupfurdzi, Zimbabwe" *Development Southern Africa* 25 (4): 455-468.

Palmer, Robin (2008) "Forward" to Birgit Englert and Elizabeth Daley (eds) *Women's Rights to Land and Privatization in Eastern Africa*, Oxford: James Currey.

Palmer, Robin (2009) "Securing Women's Land Rights in Africa" Notes of a Royal African Society meeting at SOAS, 29th January, 2009 (accessed on Oxfam landrights

website).

Peters, Pauline (2004) "Inequality and Social Conflict over Land in Africa" *Journal of Agrarian Change*, 4, 3 (July): 269-314.

Shackleton, Sheona E., Shackleton, Charlie and Cousins, Ben (2000) 'The economic value of land and natural resources to rural livelihoods: case studies', in Ben Cousins (ed) *At the Crossroads: land and agrarian reform in South Africa: into the 21st Century*, Cape Town: PLAAS: 35-67.

Spring, Anita (2009) "Empowering Women in the African Entrepreneurial Landscape" in Muna Ndulo and Margaret Grieco (eds) *Power, Gender and Social Change in Africa*, Newcastle-upon-Tyne: Cambridge Scholars: 293-326.

Tripp, Aili Marie (2004) 'Women's movements, customary law and land rights in Africa: the case of Uganda', *African Studies Quarterly*, 7 (4).

Tsikata, Dzodzai (2003) 'Securing women's interests within land tenure reforms: recent debates in Tanzania', *J. Agrarian Change* 3 (1-2): 149-183.

Varley, Ann (2010) "Modest Expectations: Gender and Property Rights in urban Mexico" *Law & Society Review*, 44 (1), March: 67-100.

Walker, Cheryl (2003) 'Piety in the sky? gender policy and land reform in South Africa', *J. Agrarian Change*, 3 (1-2): 113-148.

Wanyeki, Muthoni (ed) (2003) *Women and Land in Africa: culture, religion and realizing women's rights*, London: Zed Books.

Wiergmsma, Nan (1991) Peasant patriarchy and the subversion of the collective in Vietnam, *Review of Radical Political Economics*: 23 (3-4): 174-97.

Williams, Gavin (1996) 'Setting the agenda: a critique of the World Bank's rural restructuring programme for South Africa', *J. of Southern African Studies* 22 (1): 139-66.