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# OUTCOME DOCUMENT



# IGAD REGIONAL WOMEN'S LAND RIGHTS CONFERENCE OUTCOME DOCUMENT

**28<sup>th</sup> – 30<sup>th</sup> June 2021**

**July 2021**

**OUTCOME DOCUMENT OF THE  
IGAD REGIONAL WOMEN'S LAND RIGHTS CONFERENCE  
28<sup>th</sup> – 30<sup>th</sup> JUNE 2021**

***Beyond Policy: Accelerating Actions towards Achieving Women's Land Tenure Security in the IGAD Region***

- 1** We, the Member States representatives from the Ministries and Departments responsible for Lands, Gender and Women Affairs from the IGAD Region, Intergovernmental Organizations, Civil Society Organizations, Grassroots Women, Researchers, Development Partners and the IGAD Secretariat, have gathered in this Virtual IGAD Regional Women's Land Rights Conference convened by the Intergovernmental Authority on Development (IGAD) and International Land Coalition-Africa to review the status of women on land in the IGAD region and chart the way forward in accelerating actions towards the realization of women's land rights beyond policy. Our deliberations in this conference have taken account of the voices of national governments, grassroots women, researchers and practitioners in land governance and gender equality worldwide in terms of concerns, priorities, and strategies conveyed for closing the gender gap on land.
- 2** We gather with a sense of urgency and determination to accelerate the realization of the women land rights in the IGAD region as we move towards the Africa We Want. We renew our commitment to the AU Agenda 2063, SDGs and the international and regional instruments that provide for equal land rights for all, and we resolve to intensify actions and all efforts to achieve the set targets in these instruments.
- 3** We take cognizance and welcome significant and substantial advancements that have been made in securing women's land rights. These include gender responsive policy, legal and institutional frameworks, diverse levels of affirmative action and investments to empower stakeholders towards the realization of women land rights.
- 4** We note with concern the extant policy and legal gaps, gaps in the implementation and enforcement of laws, capacity and institutional challenges as well as knowledge and information gaps that have slowed progress toward closing the gender gap on land. In this regard, we have identified key issues and strategies to be addressed through a multi-stakeholder approach as individual nations and collectively as the IGAD region.

**Issues Impacting on the realization of Secure Rights to Land for Women in the IGAD Region.**

**5 Policy and Legislative Frameworks**

IGAD Member States have progressive laws that promote equality and nondiscrimination between men and women. However, we take note of the weaknesses and slowness in their implementation. It is imperative for the Member States and all stakeholders to establish national mechanisms to ensure effective implementation of equality and non-discrimination between women and men by (a) bringing customary, religious or indigenous laws systems in conformity with international human rights law and/or (b) providing opt-out clauses from such systems through strengthening gender equality and equity as well as non-discrimination in statutory law.

**Key Issues to address include:**

- *Five of the Seven IGAD Member States do not have National Land Policies. This makes it difficult to mainstream gender into implementation of land sector reform.*
- *Two of the Seven IGAD Member States have National Land Policies. There is need to review these policies and laws to strengthen women's land rights.*
- *Weak implementation and enforcement of policies and laws supporting women's land rights.*
- *Gender neutral housing policies and urban planning.*
- *Limited integration of gender equality in land use and management leading to increased land degradation and reduced productivity on land.*
- *Legal pluralism leaves women's land rights vulnerable, often undefined and unenforceable (i.e. Statutory, Religious, Customary).*
- *Inadequate awareness, of the legal and policy frameworks on women land rights at the grassroots level and among duty bearers.*
- *Need to strengthen inter-country learning*

## **6 Culture, Religion and Customary Practice**

Although Customary and/or religious systems may be more accessible for dispute resolution than the formal justice systems, particularly in rural areas, they are still subject to local power structures from which women are typically excluded. Adjudicators may still rely on traditional norms and not have the knowledge, skills or desire to apply the gender equality principles enshrined in the Constitutions of the IGAD Member States law.

Women are insufficiently represented in both formal and informal land governance institutions (i.e. land administration, dispute resolution, land use management, and communal land management, among others). This is largely attributed to unclear gender quotas in policy and legal frameworks, cultural norms and biases, women's lower level of education compared to men, and women's lack of confidence and 'voice' to engage on land matters.

It is not uncommon in the IGAD region to find that culture supports male inheritance of family land with women only accessing land through their relationships to men.

**Key issues to address include:**

- *Limited representation of women in land governance structures both formal and informal right from community to national levels. These structures span from land administration, land justice delivery institutions and land use and management institutions.*
- *Limited access to justice by women within the formal and informal justice systems.*
- *Persistent patriarchal customary land tenure systems that discriminate against women and girls in succession and inheritance, as well as individual ownership of land.*

## 7 Urbanization and Inclusive, Resilient and Sustainable Cities

Although women make crucial contributions to the prosperity of cities through their paid and unpaid labor, they remain at a disadvantage in terms of equitable access to work and living conditions, health and education, assets and representation in formal institutions and urban governance.

### *Key Issues to address include:*

- *Women have weaker housing, land and property (HLP) rights compared to their male counterparts in urban areas, limiting their social and economic opportunities.*
- *Women are less represented in land administration and management structures i.e. land use planning, policy and law enforcement as well as conflict management.*
- *Land valuation and taxation is often gender-neutral.*
- *Increasingly women are becoming the heads of households, requiring them to make day-to-day decisions affecting shelter, food access and household economics.*
- *Homelessness is on the rise in the IGAD region and it mainly affects women, youth and children including internally displaced persons as a result of climate change related causes as well as refugee communities.*
- *Upgrading of small and intermediate towns into urban areas and cities often leads to increased evictions, resettlement or regularization programmes that greatly impact on the well-being of low-income urban dwellers who are mostly women, girls, people living with disability (PWD), youth and older persons.*

## 8 Large Scale Land-Based Investments (LSLBI)

The negative impacts of Large-Scale Land- Based Investments (LSLBI) in Africa are disproportionately borne by women. Social disadvantages and the presumed subordinated position of women has led to a lack of their engagement, representation and participation in LSLBI negotiations and social protection programs.

### *Key issues to address include:*

- *LSLBI leads to forced evictions which disproportionately negatively impacts women's access, ownership and control over land.*
- *Women will be differentially affected by any major change in tenure regimes, such as land transfers to investors in a context where women's rights to land are derived through relations to their male relatives either as daughters, mothers, wives or sisters.*
- *Social disadvantages and the presumed subordinated position of women and lack of formal land rights leads to greater impacts for LSLBI in the face of evictions, compensation and or resettlement.*
- *Women are often excluded from opportunities to participate and voice their interests in the management and proposed allocation of community land to investors.*

## 9 Capacity and Coordination of Land institutions and actors

The gap between the law and its implementation is evident in all IGAD Member States for multiple reasons. One of the reasons is the inadequate coordination of land institutions and actors. Land institutions include those directly responsible for the governance of land tenure, such as the allocation and administration of land rights, land management and land use. Key land actors include Government, Civil society organizations. Weak coordination among these key agencies, limited collaboration and limited financial resources to implement land programs particularly on women's land rights are some of the key challenges. Across the region, land actors and institutions have inadequate expertise in deriving and implementing gender transformative approaches necessary for closing the gender gap on land. Expertise in conducting gender analyses, gender budgeting and mainstreaming gender in policy, law and programs is limited.

### *Key issues to address include:*

- *Key land sector actors have limited Institutional Capacity (human/technical & financial capacities) for gender analysis, gender responsive budgeting and gender mainstreaming in programming on land.*
- *Weak coordination and collaboration between land governance structures and key stakeholders on women's land rights*
- *Inadequate functional multi-agency/stakeholders platforms and forums for convening land actors, learning and sharing on bridging the gender gap on land.*

## 10 Lack of Public Awareness/Information on WLR

Implementation of positive laws in regard to gender equality on land is too often hindered by capacity and commitment of duty bearers and also exacerbated by women's lack of knowledge of their entitlements. Legal standards remain inadequate and complex, and the habitual use of statutory, religious, and customary laws concurrently and interchangeably complicates the whole situation.

### *Key issues to address include:*

- *Public is not aware of policy/legislative frameworks supporting women's land rights.*
- *Low literacy among women and lack of awareness of their land rights.*
- *Limited legal aid and legal education at community level.*

## 11 Women's Leadership and Participation in Land matters

In all IGAD Member states, it is recognized that participation of women especially grassroots women in land governance institutions and processes is quite limited. This contradicts international, regional and national commitments to women's leadership and empowerment. Their limited participation inhibits access to land information and land justice. It's important that women's participation is promoted in policy, law and program formulation processes including analysis, designing, planning, budgeting, implementation, monitoring and evaluation. The whole project management cycle must be inclusive.

**Key issues to address include:**

- *Limited participation and involvement of women in land governance processes in formal and informal systems.*
- *Limited accessibility of land information by women*
- *Limited capacity of women to participate and influence the land governance agenda at country and regional level.*
- *Low numbers of women leaders in land governance at various levels.*

## 12 Youth Agenda in Land

Obstacles to youth's empowerment and realization of their land rights include - unfavorable land tenure systems and customary practices that do not take cognizance of youth needs for land; over reliance on inheritance, which limits youth choices in terms of timing, size, quality and location of land for their personal advancement; lack of financial resources to buy or rent land for investment; inadequate access to information and lack of legal protection of land rights for the youth; and lack of provision for youth in state-sponsored land redistribution programs.

**Key issues to address include:**

- *Policies and legislation have not clearly articulated the land rights of the youth.*
- *Customary land systems offer few options for youth to control land while their parents are still alive.*
- *Rights for younger women are traditionally weaker, and customary institutions are ill-equipped to deal with the fact that younger women have increasingly become heads of households.*

## 13 Community/customary Land

Community/customary land have their own governance structure and customary rules which govern access to and use of these lands. These customary rules and structures often exclude women from rights to land that are available to men and from community- level decision making on land and property rights. At the same time, women's property rights under communal ownership are not properly defined and attaining equity is complex.

**Key Issues to address include:**

- *Gender responsive and conflict sensitive registration of community land rights is much needed in the IGAD Region.*
- *Lack of security of tenure for minority groups such as forest dwellers and hunter gatherer Communities found in reserved lands and or conservation areas requires attention.*
- *Lack of clear articulation of legal principles for the protection of women's rights within collectives and communal land holdings.*
- *Grabbing of common lands for large scale land-based investments leaves women, youth and children vulnerable.*

## 14 Limited sex and Gender disaggregated data on land

Some of the IGAD Member States have taken steps to generate land data, however gender disaggregated data on land remains scarce across the region. Data is a powerful resource for more informed decision-making and advancing the women's land rights agenda through design, implementation and monitoring of program, more so participation of women in collection, collating and dissemination of land data is critical as it enables women to track progress in realizing their rights.

### *Key issues to address include:*

- *Lack of sex disaggregated data and gender statistics on access to, use of and control over land and other productive resources is a glaring gap in the IGAD region.*
- *Limited involvement of women and other marginalized groups in collecting gender and land data.*

## Strategies for Accelerating Actions towards Achieving Women's Land rights in the IGAD Region

In order to address the above identified issues; We, as Member States representatives, intergovernmental organizations, civil society organizations, researchers and grassroots women commit ourselves to harness our efforts (individually and collectively) to address the above issues through the following strategies:

## 15 Policy and Legislative Frameworks

- Formulate Comprehensive National Land Policies that integrate gender equality and equity principles.
- Review/Repeal inadequate laws and policies and outlaw regulations, customs and practices that discriminate against women in relation to land.
- Implement and Enforce land policies and laws that promote gender equality.
- Promote Land Rights Awareness and community Education through the development of simplified and easy to read and understand policy and legal IEC materials.
- Promote intercountry learning between the Member States especially between the Member States that have developed and implemented policies and those yet to develop to learn from the experiences and lessons.
- Promote the need for spousal consents
- Promote intercountry learning to enable countries that are yet to develop their policy and legal frameworks learn from those that have them, have implemented and thus have experiences. Lessons can be documented and shared.

## 16 Culture, Religion and Customary Practices

- Recruit and train champions (including male champions) to advance the WLR agenda from grassroots to regional levels.
- Strategically engage with the custodians of culture and religion, to help change mind-set leading to social transformation toward gender equality in ownership, access to and control over land resources.

- Increase legal aid, awareness and literacy at community level.
- Strengthen male engagement for social norm transformation on traditional norms, practices and values that discriminate against women.
- Continuously engage with political leadership for support and commit in addressing women's rights to land.

## 17 Urbanization and Women's Land and Housing Rights

- Prioritise housing, land and property (HLP) rights for all in policies, programs and strategies; especially for women and marginalized groups, including raising awareness of their HLP rights
- Institute Gender Responsive Physical Planning Standards and guidelines, for preparation, submission and presentation of Physical Development Plans
- Strengthen women's economic and entrepreneurial capacities to enable them sustain themselves and their households, accompanied by awareness raising on tenure security, referral pathways, and legal aid services provision.
- Provide economic incentives including tax incentives/relief/credit arrangements for women's HLP rights in urban areas (land purchasing through Savings and Credit Societies, mortgages, payment of discounted land rates etc.)
- Address the challenge of homelessness –to reduce gender-based violence (GBV) mainly affecting women and girls' dignity and rights.
- Include women especially those living with disability in governance of HLP rights in urban and peri-urban contexts to ensure that programs and policy decisions are gender responsive.
- Collect accurate, reliable and timely sex disaggregated HLP data for policy decisions.

## 18 Large Scale Land Based Investment

- Roll out a gender impact assessment of LSLBI on food and livelihoods in the region.
- Make mandatory Gender Impact Assessment (i.e. Gender Analysis), compensations/benefits equivalent to Environmental and Social Impact Assessment (ESIA) before an LSLBI
- Strengthen the valuation and compensation laws to secure women land rights in the region.

## 19 Capacity and Coordination of Land institutions and actors

- Establish a fully operational Gender Unit in Ministries of Lands and Focal Points in related Ministries/ Land Structures with Technical and Financial Capacity to monitor progress on the implementation of the National Women's Land Rights Agenda.
- Build capacity of stakeholders in land justice and alternative dispute resolution mechanisms. The capacity building should focus on a broad range of stakeholders such as advocates, traditional leaders, religious leaders, judicial officers, local courts, civil society organizations, and for land administration and management structures at all levels.
- Support capacity-building and training on women's rights, gender analysis and gender mainstreaming for land professionals charged with implementing land policies and programming.

- Establish mechanisms to hold land authorities accountable for ensuring that gender is effectively mainstreamed into all programmes and policy processes.
- Adopt gender-responsive land budgeting for the implementation of existing land laws, policies and programmes as well as for the development of new laws, policies and programmes that are necessary for advancing gender equality on land.
- Strengthen coordination amongst stakeholder working on gender equality on land such as the Land Implementation Units, women's land rights committees/ working groups/platforms to embrace a multi-stakeholder approach drawing in academia, civil society and the private sector among others.
- Facilitate stakeholder engagement among actors, peer learning and support coordination of efforts at regional level to strengthen cross country learning and transnational gender transformative land governance programming.

## 20 Public Awareness/Information on Women's Land Rights (WLRs)

- Embrace a multi-stakeholder approach to public awareness/education for all, leveraging on the comparative advantage of land actors at country and regional level. This will facilitate better understanding of existing land policies, laws and commitments made to implement them.
- Sensitize women on their rights to land, mechanisms through which they can access land justice, and options available to empower them to utilize the existing systems to assert their rights to land.
- Institutionalize legal aid in policy and law to be provided at the lowest level of governance and provide community outreach through paralegal services, pro bono services and community courts.

## 21 Women's Leadership and Participation in Land matters

- Support participation and effective engagement of women and their organisations in the formulation of laws, policies and programmes of women.
- Ensure women's rights organisations are effectively represented on equal terms with men in all decision-making structures relevant to land, from community to regional levels
- Put in place mechanism to avail women and women's rights groups/ information on land governance, decision-making processes relevant to land, and ensure that different sections of women are able to benefit from capacity-building.
- Create quotas for women's participation in land governance.
- Establishing local forums that encourage and ensure meaningful participation of women and other marginalised groups.

## 22 Youth Agenda in Land

- Integrate youth needs for land in land policies and legislative frameworks.
- Create a stronger enabling environment for youth on land, which weighs policies, laws, and interventions specifically designed to address the unique challenges youth face.
- Mainstream youth and especially young women's needs as a priority in land programs.
- Make national and regional land sector strategies, youth responsive.
- Create an opportunity for the youth at every decision-making level in all the land governance structures.

## 23 Community Land

- Identify community lands and create security of tenure for all people including women through registration/documentation/recordation of land rights.
- Formulate gender transformative policies/laws for the governance of common lands
- Build capacity of women to lead and contribute to decision making processes in the management of community/customary lands, and **commons** – using best practices from Africa and the global south.
- Give women additional rights to individual plots as part of the communal land tenure system
- Establish quotas for women in community land governance structures

## 24 Limited sex disaggregated data on land

- Collect, collate & disseminate sex disaggregated data for monitoring, evaluation and reporting progress and commitments on women's land rights at National/Regional/Global levels.
- Encourage and support the effective participation of women in collection, analysis and validation of gender and land data.
- Document best practices in addressing women's land rights, for learning, replication and scale up.

## 25 Other crosscutting strategies

- Engage robust media strategies using community-based information channels to localize WLR agenda.
- Develop simple IEC materials on women and youth land rights in local languages
- Increase regional convergence on land through the development of regional gender transformative tools and training programs for national adaptation and implementation.
- Promote intercountry learning and sharing among Member States.
- Strengthen gender mainstreaming in land related sectors such as agriculture, migration, environment and natural resources management, water governance and infrastructure development.
- Continuously and sustainably engage with the political leadership in the IGAD region for support and commitment in addressing women's land rights.
- Foster joint resource mobilization for the IGAD Member States toward closing the gender gap on land.