

Bridging the Gap: The Realisation of Gender Equality through Land Rights in African Post-Conflict Society

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Executive Summary

As gender equality-based movements gain momentum around the world, land-centred human rights campaigns have highlighted global issues faced by women regarding accessing and enforcing rights over land. These effects derive from historically patriarchal societies and encompass discriminatory inheritance laws, leaving many women with little security over the land they use and cultivate. States emerging from conflict often prioritise land reform as land is often of central importance to involved parties.

Political tensions arising from conflict and surrounding such reform, coupled with changing post-conflict gender-dynamics in

part due to male casualties and mass displacement, further complicate attempts to realise gender equality and end discriminatory practices. [The International Land Coalition \(ILC\)](#) and its members have established innovative mechanisms to contribute to such reform and the realisation of women's rights. These mechanisms include for example the creation of maps and planting of trees along land borders, which reduce risk of conflict by creating concrete barriers.

The Relationship between Land and Gender

The World Economic Forum reported in 2017 that [women globally own less than](#)

[20% of land](#). Women have historically adopted domestic roles within family and society, and undertake the majority of unpaid labour, including agricultural work over land. In many nations emerging from conflict, [agriculture is the primary industry](#). This is intertwined with patriarchal cultures which are particularly prevalent in rural areas, where women are too-often excluded from clan or community meetings and resultantly have little contribution to developments. This in part has caused many campaigners to adopt the terminology of '[gender equity](#)' rather than gender equality, in the sense that women have fair – rather than equal – rights and opportunities over the land which they live on and primarily cultivate. Moreover, despite aims of statutory reforms to empower women, the reality is that women often lack access to relevant legal information and thus rights are not granted. This therefore means that the positive effects of statutory reform are limited unless there are also methods to address customary laws which often exist in parallel, leading to a situation of legal pluralism. Furthermore, the realisation of

such rights can often cause conflict with others asserting rights over the same land, and reports highlight that women are often met with violence, some ultimately [driven off land by male relatives](#).

Introducing Conflict into the Equation

The recent emergence of many states from protracted conflict creates a unique set of further issues related to gendered land-based rights. The primacy of land to accessing [second generation rights](#) such as food and shelter ensures its pivotal importance to conflict parties. During conflict, in addition to physical violence, mass displacement, destruction of property and devastation of useful land due to landmines and toxic chemicals, damage is furthered through indirect means such as land records being destroyed and qualified land administration staff killed or displaced. Moreover, given typically male-dominated combat roles during conflict, there are often mass male casualties, leading to a much higher proportion of women living in post-conflict settings.

Given that land distribution often overlaps with political objectives and has historical undertones of colonial oppression, communicating these rights must be carefully poised so as not to retrigger conflict. Reform must also delicately balance the objectives of peace – by not catalysing further conflict– with those of justice – by punishing those responsible for criminal and human rights violations. Studies have highlighted the potential for conflict to reinforce gendered social, political and economic inequalities. For example in Uganda, mass rape by the Lord’s Resistance Army caused many women to be [excluded from their former societies](#) and, by extension, from any land and associated livelihood. Assistance and protection for these women is vital at each stage of realising land rights to combat resultant atmospheres of fear and mistrust, which must extend far beyond statutory reform.

ILC Responses

The International Land Coalition (ILC) aims to address the political nature of many agrarian issues, which is often

intertwined with issues of women’s rights arising from conflict. It uses its position to advocate for nationally-focused change, through ‘greater accountability on laws, policies, and internationally agreed benchmarks, including by monitoring the rule of law,’ the latter of which is seldom enforced in rural areas. Another key aim is to provide organic development through the scaling up of good practices, thereby adopting a bottom-up approach. In light of this, the ILC also produces reference materials for good practice, such as the [Women’s Land Rights Toolkit](#). This document sets out a number of creative approaches, which have been adopted by many ILC members, such as planting trees, advocacy training and alternative reporting. Although the ILC does not presently disseminate specific strategies related to women’s rights in post-conflict societies, many of those adopted are deployed in these environments.

Planting Trees

The planting of trees and creating maps is pivotal in contributing to the realisation of land rights and the reduction of future

land conflict. One method advocated by the ILC is to create tangible land boundaries through the use of trees. ILC member [Land and Equity Movement](#) (LEMU) from Uganda notes that violations of land rights are gradual, for example by taking one field at a time. LEMU advocates for a land administration that (corroborates) clear boundaries of customary land and gives ownership documentation to the family, through map drawing and tree planting, of which it would be a criminal offence to cut down.

Various forms of land ownership exist in Uganda; customary land is owned as a trust, with the head of family acting as trustee and the rest of the family as beneficial owners. This leaves women particularly vulnerable in two situations; firstly when the beneficial ownership is ignored and the legal trustee acts to sell the land for personal benefit, and secondly, when the woman is at risk of losing her right to become head of the family, which can arise at either widowhood or at divorce or separation. These barriers cannot be underestimated given the post-conflict situation of

Uganda, and so this method provides security of tenure as well as clear and transparent boundaries, reducing the potential for further conflict over disputed land.

Advocacy Training

Advocacy has been a vital part of the work of the [Uganda Land Alliance](#) (ULA) – another ILC member – in empowering women leading to increased realisation of their rights. Its training allows women advocates to realise where knowledge gaps are in their communities regarding land rights, and to better articulate issues surrounding their rights. This training has led to innovative new approaches, such as the engagement of head teachers to convey to parents the importance of nutrition and good health to education, in a society where this is mainly provided through farming by women. The ULA reports that this has had a positive ripple effect where these advocates become reference points within communities. Other successes by ULA include successful lobbying of motions. This has led to husbands including their wives names on

legal titles to new family assets, and the attendance of women at typically male-dominated clan meetings where there has historically been no recognition of women's land rights.

Alternative Reporting

A third method promoted by the ILC is that of alternative reporting, in which a report produced by an NGO or civil society organisation supplements or criticises an official state report. ILC member, the [Rwanda Initiative for Sustainable Development](#) (RISD), jointly produced a parallel report to the United Nations Committee on the Elimination of Discrimination Against Women, concluding with recommendations to the Rwandan government.

The leaders of the 1994 genocide 'promised land to those who killed as an incentive to murder their fellow Rwandans'. Thus, land reform was a primary focus of post-genocide reconciliation. Gender equality was encompassed as a priority, partially due to shifts in gender dynamics as there were

many more households headed by orphans and widows as [the genocide targeted mostly men](#). The implementation of ambitious statutory reform, although exemplary in its aims for equality, has led to intra-family disputes which have disproportionate negative effects on women. The report asserts that rather than removing inequality, it has instead created circumstances which allow new forms of inequality to emerge. It recommends increased protection for the many women who are not in official marriages or are in polygamous marriages, asserting that the current lack of legal protection 'creates a perverse incentive for men to avoid formal marriage.' The significance of this method is that it creates a bottom up advocacy method and empowers those who have not had a voice in the main discussions to report recommendations based on their extensive experience.

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