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**Women’s Role in Agriculture and in Rural Welfare:
Access to Land and Resources**

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1. INTRODUCTION

One of the major globalization trends with regard to rural land is the privatization of property rights. International donor agencies and governments have modified their objective of promoting equitable access to land to that of privatizing property rights, rationalizing that private ownership of agricultural land facilitates access to factor markets thus increasing agricultural production. Improved agricultural production, it is reasoned, will eventually result in the efficient allocation of landed resources among producers, including smallholders. Land redistribution programmes are now called market-assisted land reform. This privatization trend is also reflected in the numerous projects and programmes to title and register land rights and to create or activate land markets. Titling and registration programmes are often accompanied by legislation that regularizes private land rights and/or extends individual private property rights for previously public, state, or customary land.

This paper will focus on the impact these trends have had on women's land rights and tenure security, and their ability to produce. Has privatization, through either tenure reform or titling, protected or enhanced women's rights to land? If privatized land rights increase access to factor markets such as credit for smallholders, have women also been able to access these markets?

An examination of the privatization process in a number of regions reveals that where previously different rights to land were distributed among different groups and individuals, privatization tends to concentrate most of these land rights in the hands of a minority. Because of economic and cultural factors and the influence of powerholders, this minority tends to exclude women.

This paper will first explain briefly why gendered relations around property rights are an important development and welfare issue. Then it will explore what has happened to women's rights under agrarian reforms, titling and registration programmes, and land privatization programmes in general. The paper will then briefly describe how women have attempted to respond to threats on their rights. The final section will explore the relation between property rights and access to factor markets, a crucial relation in agricultural production for the market.

2. WHY GENDER? EQUITY, EFFICIENCY AND WELFARE ISSUES

Systematic differences in land tenure rights between men and women contribute to structural inequality and to poverty for women. Access to land and control over its use are the basis for food and income production in rural areas, and, more broadly, for household wellbeing. Access to other productive resources such as water, irrigation systems, and forest products is tied to land tenure as well (Meizen-Dick et al. 1997). Women who become heads of household are particularly vulnerable: when their access to land is through their husbands and fathers, they often lose their property rights as a consequence of widowhood, divorce, or desertion.

Differences in property rights of women and men, and lack of direct access to and control of land, may place constraints on women's productive roles and diminish their power and influence in the household and the community. In many societies, property rights reflect, if not determine, a person's citizenship status or degree of inclusion in the group. In Mexico's *ejidos*, for

example, only persons who have *ejidal* rights to land are considered *ejido* members with the right to vote on community issues. Often, denial of property rights is used as an exclusionary mechanism for certain ethnic or racial minority groups. When women are denied equal property rights, they also experience reduced social, economic, and often political status.

Women provide a large proportion of the labor that goes into agricultural production, even though official statistics based on census and survey instruments that underestimate women's work indicate otherwise.¹ More importantly, the trend is for women to become increasingly involved in agricultural production. One trend is that more rural women are working off the farm as agri-business enterprises contract them both as field workers and processors (Lastarria-Cornhiel 2006). Another trend is that women assume responsibility of the family farm when men take on wage work. Economic production theory would indicate that if smallholder women are to produce efficiently, they should have control over the resources they need to produce not only for themselves and their families but for local and regional markets as well.

Women in most regions tend to be ultimately responsible for children and other dependents, whether there is a male reference person present in the household or not. Female-headed households, both *de jure* and *de facto*, are on the increase² because of migration and male parental abandonment. But even when a male spouse is present, in some societies the norm is that women feed and clothe their children. Women's increasing responsibility in reproducing and maintaining the family has increased over the last decades for a number of reasons:

- people are simply more mobile, and when men migrate away from their families women are often left with sole responsibility for their families;
- societies and resource-poor households become more economically vulnerable to global market forces as traditional foods become less economical to produce, rural incomes decline, commercial agriculture becomes more input intensive, and productive resources are dominated by agri-business;
- local and regional crises such as civil war and AIDS affect men and women, but it is the women who are often left to care for orphaned dependents.

Food security and family wellbeing are thus important reasons for protecting or enhancing women's rights to land. Studies have shown that resources controlled by women are more likely to be used to improve family food consumption and welfare, reducing child malnutrition and increasing overall wellbeing.³

¹ Women have always worked in the production of food and other products in rural areas. Official statistics, both governmental and international, reflect the fact that how agricultural work is officially defined and recorded tends to exclude women's agricultural activities, in spite of efforts to improve gender-differentiated data in agricultural census and household surveys (see, for example, FAO 1993).

² The feminization of agriculture and rural areas is demonstrated in the increasing number of rural households in which a woman is the head or the reference person. Regional statistics show that in Southern Africa such households represent 42 percent of the total and in the Caribbean they represent 35 percent (United Nations 2000: pp 42, 46-50).

³ Some of these include Blumberg 1991, Von Braun et al 1994, Hirschmann 1984.

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Along with the fact that women increasingly participate in agricultural production and assume more responsibility for families, rural societies are changing; social norms, values, and practices are being modified. The traditional safeguards—or safety nets—that customary systems offered women are being disregarded, often leaving women vulnerable with regard to access to resources.

When a customary tenure system is able to ensure that households in the community have sufficient resources to provide for its subsistence needs, lower status persons such as women are also assured the means to provide for themselves and their families—though their access to land and land-based resources is indirect and often dependent on a male relative (Guyer 1987). The reality today, however, is that many of these customary tenure systems are no longer capable of assuring households (and the women of these households) access to sufficient land. A number of factors, including a growing market economy, increasing poverty, and commercial agriculture convert land into an asset resulting in land scarcity and in rights to land becoming more individualized.

Since women often do not have direct control over resources, they tend to lose their indirect rights when societal changes occur because those who have traditionally controlled resources are able to increase their own rights, often at the expense of those with secondary rights. In part this occurs because of market forces, but also because of social and economic upheaval. As land becomes a marketable asset, family and community members, who in the past would have respected a woman's access rights to land, may violate or ignore those rights, particularly in the case of vulnerable widowed and divorced women.

3. LAND POLICIES AND REFORMS

Policies and reforms that affect land rights and structures have occurred under different conditions, depending on national and international political and economic circumstances. Alain de Janvry (1981) made a useful typology of land reforms distinguishing between those that redistribute land (generally in areas where ownership or control of land has become concentrated and smallholders do not have control over sufficient land to reproduce themselves) and those that seek to change the type of property rights that holders have over land—tenure reform. This latter type of land reform may involve conversion of customary rights by either giving customary holders private property rights, or making the state the owner of land (Bruce 1989). Another, more recent, reform of tenure rights is the conversion of collective farms, agricultural production cooperatives, or state farms into private enterprises with individual property rights. These two types of land reform are not confined to particular geographical areas.

The agrarian reforms of Latin America during most of the twentieth century can be characterized as land distribution programmes. Initially land was redistributed from large landowners to estate workers and tenants, either as members of cooperatives or as individual farmers. More recently, however, redistributive-type reform has been replaced by either legalizing the tenure of those already possessing land (through titling and registration programmes) or by facilitating the purchase of land (through land banks/funds or market-assisted

land reforms). Currently, land distribution in Latin America depends on the ability of the land-poor to pay for it.

Regardless of the form these agrarian reforms have taken in Latin America, few women have been direct beneficiaries (Deere 1987; Deere y Leon 2000, 2001). The main reason would seem to be that reform programmes in the great majority of cases granted land to the household head under the assumption that all household members would benefit. Contributing to this assumption is the patriarchal norm that men are the heads of household and are more capable of managing household assets.

In Eastern Europe and Russia, agrarian reform at the end of the 19th century and for the first half of the 20th century has also had its objective the de-concentration of land ownership. Often, smallholders and estate workers were given indirect rights to land as cooperative or collective members, or as state farm workers. Since the late 1980s and the early 1990s, reform has involved mainly privatization and the change of tenure rights. Lands that were previously collectives, cooperatives, or state farms have been privatized into individual and corporate farms. Reform has either returned land to pre-socialist era owners or parcelized collectively farmed lands to ex-collective or state-farm workers. Sometimes, privatization has been radical as in Albania where practically all agricultural land (with the exception of a small number of state farms) has been given in private ownership to individual rural households. In other countries such as Russia, the use and management of land has been privatized while ownership rights, such as the right to buy and sell land, has been restricted.

Although land reform in this region has taken diverse forms, in part due to the level of land collectivization previously achieved under communist governments, what has been similar across most of Eastern Europe is that as private property became the predominant form of land ownership, new property owners have been mostly men. There appear to be several reasons for this gender bias in the transition from collective to private ownership. Distribution programmes and the titling programmes that accompany them generally grant the male head of household ownership rights to land parcels. In addition, it appears that in rural communities where customary tenure and patriarchal values are still strong, de facto property rights in land and inheritance practices will conform to patrilineal custom, regardless of formal legislation that espouses gender equality of rights.⁴ Another possible factor contributing to this reversion to customary values is a rejection on the part of the population of the socialist state and its policies, including policies that imposed gender equity from above.

In most of Asia, land reform during the last half of the 20th century has been characterized as both redistribution and change of tenure rights. Most of them have focused on converting tenants into smallholder owners such as the Indian reforms of the 1950s and those of Japan after World War II. China, of course, has recently followed a different model: the household responsibility system. Collective farms were disbanded in the 1980s and use rights to agricultural land were distributed to community households to be farmed individually. While

⁴ For an example of this dynamic see Lastarria-Cornhiel and Wheeler (2000) on Albania and Giovarelli (2000) on Kyrgyzstan.

ownership rights to agricultural land remain in the public domain, the right to exploit farmland has been privatized. Once again, patriarchal values have given men control rights over household land parcels (Li 1993).

In Sub-Saharan Africa, reform has often sought to transform customary tenure land into state property or individualized private property. During privatization, men (and particularly male heads of household) acquire complete and legal ownership of land (Davison 1988). Individualized and private ownership transfers the few rights, such as cultivation rights, that women and minority groups may have to land under customary rules to those men who are able to claim all rights to land (Lastarria-Cornhiel 1997). More recently, there is the trend to recognize customary tenure and land authorities. There is a strong debate on the implications of this devolution trend for women's land rights.

One characteristic these different land reform programmes in different global regions have had is the tendency to ignore gender. As a result, most land policy and agrarian reform programmes, whether they are redistributing land or reforming tenure rights, have granted land rights overwhelmingly to men.

4. TITLING PROGRAMMES AND TENURE SECURITY

Since the 1980s, there has been a wave of titling programmes globally as government and international agencies promote the privatization of public and customary land and the formalization of land rights as the optimal means for securing tenure rights. The landholder experiences tenure security in two ways: as an objective condition/circumstance of risk and opportunity (verified, for example, when a land conflict occurs or when the owner attempts a land transaction) and as a perception or subjective appraisal regarding her/his hold on the land. In the former dimension, titling legally and formally states who holds property rights to a particular piece of land, eliminating risk of alienation by a third party and ensuring the right to enter into land transactions.

Formalization of land rights has been promoted for a number of reasons: titling not only protects a person's access to and control of land but may benefit them in other ways as well. Documented land ownership may contribute to access to credit, agricultural resources, and services. Formal titling and registration of land has thus been advanced as the best mechanism for ensuring tenure security for landholders, with expected positive development effects that include increased agricultural production (and consequently higher income for smallholder families) through improved access to factor markets (Feder et al. 1988).⁵ These benefits can accrue to women if they become titleholders. In addition, recent research suggests that property ownership increases a woman's bargaining power within the household and her status as a citizen in the community (Meizen-Dick et al. 1997).

⁵ There has been evidence that titling and registration do not always provide tenure security nor deliver expected positive effects and outcomes (see for example Atwood 1990, Barrows and Roth 1990; Carter, Wiebe, and Blarel 1994; Platteau 1992; Carter, Fletschner, and Olinto 1996; Stanfield 1990).

The titling process grants legal ownership rights over a land parcel, usually to an individual; in the great majority of cases this individual has been the male head of household. In statutory legal terms, titling gathers and deposits into the hands of the title-holder the different rights, including use and access rights, once held by different persons in the household and the community. Thus, while different persons may have held different rights to a piece of land, titling usually gives just one of those persons (near) absolute and exclusive rights to that land, in other words private ownership.

A principal criticism, therefore, of titling programmes and property rights institutions (such as property registries), therefore, is their tendency to grant title for family/household property (land or housing) to just one person in the family/household, usually the head of household who in the great majority of cases is male. While titling programmes are generally gender-neutral in the sense that they usually do not have gender requirements or exclusions, they are in practice gender biased because they do not take into account constraints, particularly those based on social and cultural norms, faced by women in claiming their legal rights. The result is that women are not perceived as property owners by those implementing the programmes and consequently very few women are given title to land. In addition, women's customary rights (access or use rights for example) to land are not legally recognized, and women may therefore run the risk of losing those rights in practice.

The tendency not to title women as property holders is seen as problematic for both equity and efficiency reasons. Granting women title as property owners would contribute to gender equity in that it recognizes women's fundamental human rights to equality and freedom from discrimination (UN Economic and Social Council 1998: pp15-16). Recognizing women's property rights is said to heighten women's status within the household and the community, and improve women's sense of security⁶. On the efficiency side, given that women are economic actors, the right to own property and to legal title can increase their access to factor markets and their effectiveness as producers.

5. IMPACT OF PRIVATIZATION ON WOMEN

It might be expected that one impact of the privatization of property would be the elimination of gender as a determinant of land rights. In other words, a tenure system based on freehold tenure, private property, and market forces should be gender-blind and gender-neutral. The experience in various regions, however, seems to demonstrate that gender bias is not so easily eliminated. On the contrary, it would appear that in the privatization process, certain groups are able to strengthen their control over land to the detriment of women and some minority groups. This seems to be the case whether privatization of land is the consequence of economic changes and dynamics or the result of state policy and programmes.

⁶ Sen (1998) maintains, moreover, that granting access to resources is not sufficient; that in order to retain control over a resource, use it, and benefit from it, a person's self-perception and self-assurance must also change in order to not lose these rights.

While gender bias is often not explicit in the privatization legislation nor in programmes regulations, it appears that cultural and social norms at all levels contribute to the exclusion of women as property owners. In addition, patriarchal attitudes regarding women and property rights deny daughters and wives their legal inheritance rights. The increasing proportion of female-headed households in rural communities means that many families are left essentially landless.

As societies move toward a market economy, family or household land becomes an asset and land transactions become common. Women (and young, unmarried sons) may find it difficult to influence decisions in the family and to protect their rights in family property. They often find themselves at a disadvantage and dependent on those (mainly family heads) who are able to participate in the land market. In addition to possible bias against women owning land, privatization and market-oriented policies have tended to benefit larger farmers and increase inequalities between them and smallholder producers (Bryceson and Jamal 1997).

Thus, it would seem that women, particularly smallholder women, are at risk in the transition to private property and unable to fully participate in the market system. Whether these women fare better in a market-based property system depends on several circumstances:

- how land is privatized and distributed,
- how land reform programmes designate beneficiaries,
- how ownership rights are registered and titled,
- how effectively land-grabbing is controlled,
- what inheritance and marital property rights (both legal and in practice) women have to property,
- what opportunities women have for accessing credit and other production factors.

6. WOMEN'S RESPONSE

Women do not remain passive while their rights are being eroded; they fight to protect and regain them. Women have successfully formed informal groups, associations, or cooperatives to secure their rights, protect or acquire more land, or mobilize labor and inputs.⁷ Individually, women have also utilized whatever social and political influence they can muster to protect their rights to land, sometimes becoming involved in long and complicated judicial processes.⁸

While still unusual, some women are acquiring direct rights to land, either from their families or by simply purchasing land. Once a private property system and a market economy are functioning, some women are able to accumulate money (such as urban women who have employment, or women in peri-urban areas who grow food products for city markets) and can

⁷ See for examples Thomas-Emeagwali (1991) on Nigeria; Linares (1992) on Senegal.

⁸ Mackenzie (1995) in Kenya, Bruce (1994) in Tanzania, and Ngaido (1995) in Niger cite cases of women claiming customary rights to family land.

buy land in their own name with full property rights. In general, however, most women are unable to fully participate in the market system because of low monetary income, lack of capital, low social status, little political power, little or no education, and imperfect factor markets.

7. LEGAL RIGHTS AND ACCESS TO FACTOR MARKETS

Legal property rights enhance a landholder's feelings of tenure security. When legal and equal property rights are given to women and men, the issue of equity is addressed. Just as important as tenure security and equity, however, is that legal rights are supposed to facilitate access to factor markets. These markets include credit and labor, and influence the possibilities of investing in technology, inputs, and land improvements. The existence of private landed property, however, does not necessarily ensure that other factor markets are functioning.

EFFECT OF LEGAL RIGHTS ON PRODUCTIVITY

Titling of ownership rights to land, it has been argued, increases productivity on land because: (1) increased tenure security provides incentives to invest time, labor, and capital in the land (making improvements) and agricultural production (e.g., through increased use of inputs); (2) titled land can be used as collateral to secure credit (capital) for investment, thus making credit more abundant; and (3) titling facilitates land transfers, resulting in land moving into hands of more productive farmers.

The impact of titling and tenure security on credit availability and agricultural productivity can be broken down into supply and demand effects. Demand effects occur when the acquisition of land title increases the farmer's security and certainty that he/she will be able to maintain possession of the land and benefit from investments improving the productive capacity of the farm. Increased security is hypothesized to enhance investment incentives and increase the demand for capital and variable inputs complementary to capital and, thereby, raise agricultural productivity. Supply effects result when provision of secure and legal land title improves a farmer's access to cheaper and longer-term institutional credit because land can be pledged as collateral for loans. Output on securely (that is, titled) owned parcels is consequently expected to be greater than on untitled farms because of increased use of inputs, technology, and other variable production factors, and of potential shifts to more capital-intensive crops. Thus, the combined demand and supply effects, it is hypothesized, cause higher farm productivity on titled land and also raise the price that titled land can command in the land market.

CREDIT MARKETS

The most commonly recognized benefit from legal titling of land is the use of those secure ownership rights as collateral to solicit credit (Feder and Feeny 1991). Formal lending agencies, such as banks, often require that property being used as collateral be titled and registered. In fact, the rationalization for the cost of titling and registration programmes is that they put capital into the hands of persons with little wealth and low income, leading to increased investment and productivity by these families. Women whose names are not included in land titles cannot use

that land as collateral to secure credit, thus reducing their access to capital and investment opportunities.

ADOPTION OF TECHNOLOGY

Tenure security is hypothesized to increase technology adoption because landowners are assured the opportunity to benefit from the increased production, particularly if the payback period of the technology investment is medium or long-term (Feder and Feeny 1993). For this reason, persons without secure land rights, such as women who have only use rights, may lack the incentive to undertake long-term investment in agricultural production and in the land (Place and Swallow 2000).

TITLING EFFECT ON THE LAND MARKET

It is expected that titling facilitates land transfers, stimulates the land market (both sale and rental), and increases the supply of land on the market; thus, it can be a mechanism for redistribution of land, making land more accessible to landless and land-poor farmers. Feder et al. (1988) argued, based on studies in Thailand, that land titles reduce the uncertainty over the entitlement of owners to maintain or transfer land rights and in turn affect the price and scope of land transactions. They hypothesized that greater security of ownership raises farm productivity and, as a result, the market value of land is higher for titled land than for an identical parcel that is not titled. Carter et al. (1996) found in Paraguay, however, that titled but capital-constrained smallholders were more likely to participate in the rental market, not in the sale market. This suggests that the impact of title on the land market is segmented, not undifferentiated, and not always positive for resource-poor (with regard to capital and land) households.

It is difficult to hypothesize the participation in the land market of women with legal rights to land. An argument sometimes made against joint titling, for example, is that it may reduce land market transactions because if there is more than one owner of a land parcel, the decision-making process and the land transaction itself is cumbersome and less efficient. This may be true, but it could also be the case that joint titling may protect the family/household's attachment to property by preventing one person in the household from unilaterally disposing of land needed to provide food and income for its members.

8. CONCLUSIONS

This paper explores the impact of privatization of land on gender. The tendency to privatize and individualize land rights is one of the realities of globalization. The impact on women of the privatization process experienced in land reforms and in titling and registration programmes is reviewed, concluding that privatization has not given women legal and equal rights to land. The effect of this bias on women's ability to produce is also reviewed by looking at how women's access to factor markets may be affected. The empirical research that confirms the positive effects of private property and market forces for women's ability to secure household welfare, however, still needs to be done.

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