

# What makes and breaks achieving women's tenure security

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## Introduction

Over the past decade, the gender gap in land rights and therewith the importance of women's tenure security has gained increasing awareness and momentum in many parts of the world. Land reforms have incorporated measures to support gender equality in accessing land and countless communities have been sensitized.

Yet, rural and urban women continue to face numerous obstacles in accessing land whether through inheritance, transfers, or leases. Notably, women are disadvantaged by often-discriminatory practices of customary law and by their underrepresentation in decision-making positions because of patriarchal views, lack of knowledge and confidence, as well as high workloads.

However, there is little empirical data on how women access and manage land on family and community level under customary law.

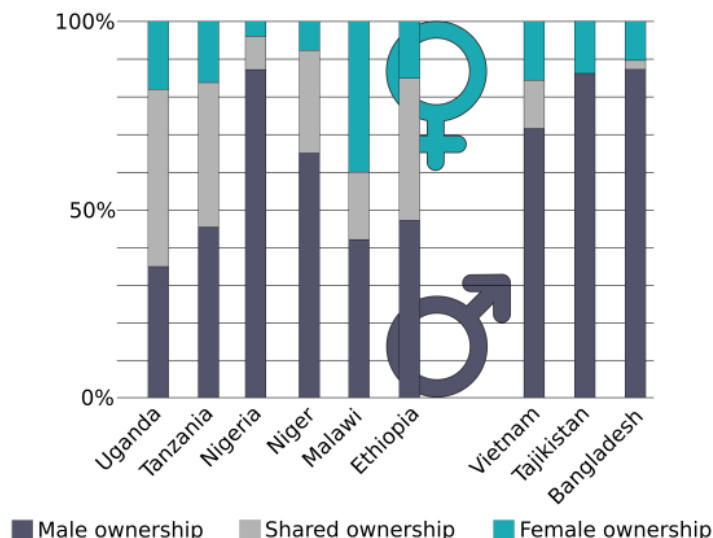
With the intention of filling this gap, this data story explores new findings from West Africa and notably Sierra Leone that provide intriguing insights into female perceptions of tenure security.

It draws attention to the various forms of women's insecurity in accessing land under customary law. To develop this data story, we used the results of a recent household level survey conducted by Green Scenery, Resource Equity, and the University of Groningen.

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*Photo: Women working on a field in Yangambi, DRC*

Distribution of agricultural land area owned by sex



## A global view on women's tenure

Before jumping into the specifics of women's land tenure situation in West Africa, it is worth examining the data about land ownership at the global level.

Although women are largely considered breadwinners who are responsible for providing food for their families, studies show that globally, less than 15% of all landholders are female.

Women do not only own less land but are also less likely to have legal documents as proof of their ownership. This is particularly problematic when investors and governments claim, lease, or buy land to set up plantations, mines, or infrastructure, for example.

Women also tend to own smaller plots of agricultural land, as FAO's report on the gender gap in land rights highlights.

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*Graph: Distribution of agricultural land area owned by sex, by FAO 2018*



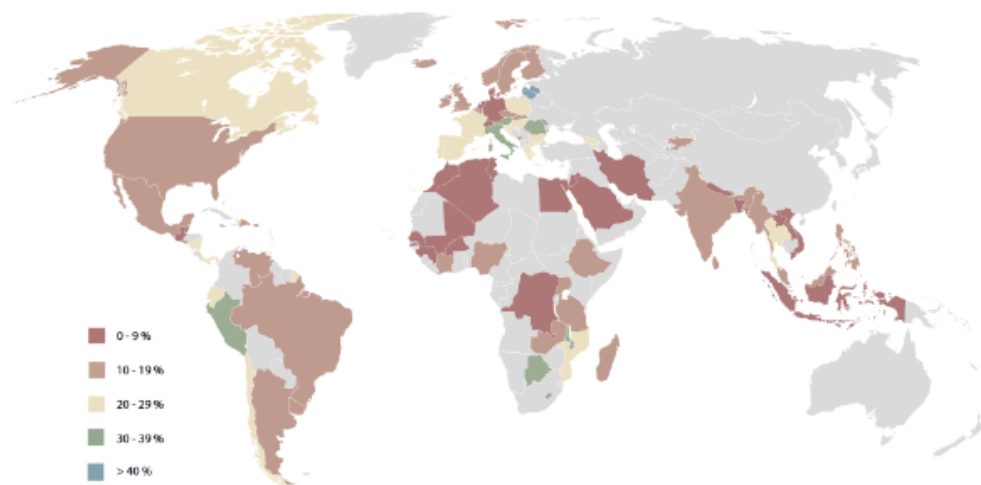
In an attempt to achieve gender equality, the issue of women's land rights became part of the Sustainable Development Goals.

Two indicators are crucial here. They measure:

- the proportion of the agricultural population with ownership or secure land rights over agricultural land by sex, and the share of female owners and right bearers of agricultural land (5.a.1)
- the countries with legal frameworks that guarantee women's equal rights to land ownership or control (5.a.2).

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*Animation by FAO*



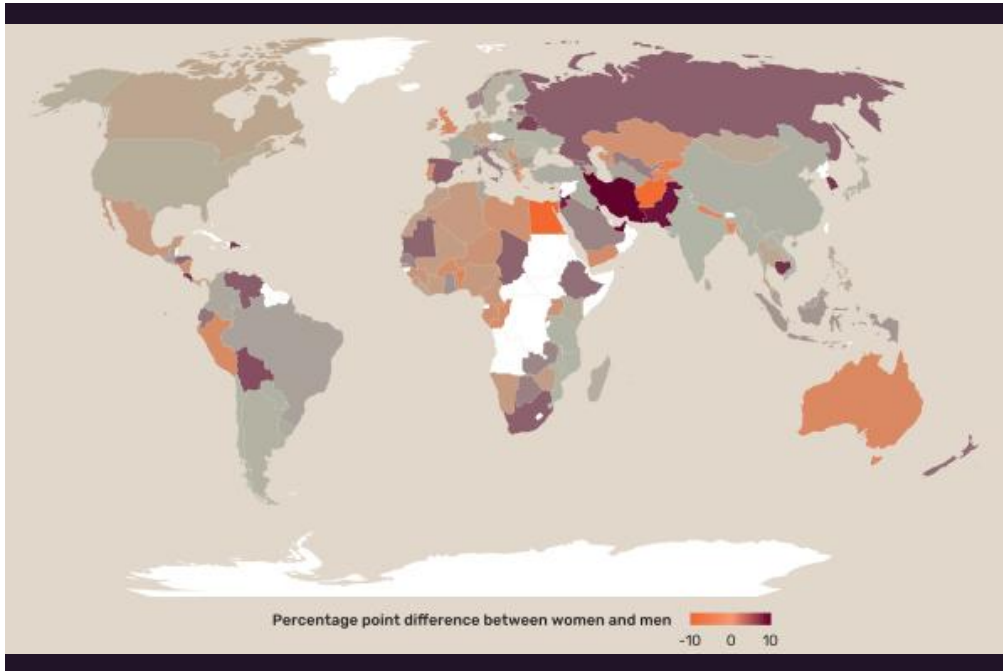
As of now, only a few national governments have collected sex-disaggregated data in the land sector and if so, they have been oblivious to differentiating between landholders, landowners, and rights to manage or control economic output from their land.

Despite numerous initiatives aiming to improve the reliability of gender disaggregated data, the overreliance on household surveys continuously excludes women as interviews usually refer to the male household heads.

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*Map: Distribution of agricultural landholders by sex, source: FAO Gender and Land Rights Database. Statistics are based*

on 104 countries for which data were available



**Let's have a closer look at how women perceive their own tenure security.**

The world's first global survey on women's perceptions of the security of their land and property provides comparisons across 140 countries. Prindex' findings support the widely held assumption that women tend to be more tenure insecure than men.

**One in five women think it is likely or very likely that they will lose access to their land within the next five years.**

In addition, many women worry about their property rights in the event of divorce or widowhood when disputes may arise over the division of family assets. Notably, almost every second married woman in sub-Saharan Africa feels tenure insecure in the event of divorce.

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*Map: Global map of the percentage point difference between the rates of women's and men's perceived tenure insecurity, source: Prindex, 2020*



## Women's Access to Land in Sierra Leone

More than 95% of Sierra Leone is under customary rule - with the exception of the capital Freetown and the surrounding Western Area. Like in other West African countries, there is a strong belief that land is closely tied to family lineage.



According to customary rule, land is held by land owning families whose ancestors originally founded or conquered a chiefdom. Paramount chiefs act as custodians of the land. Any member of the family must obtain the permission of the – usually male - head of the family to use and access land.

In a report from 2022, Sierra Leonean NGO Green Scenery states that the gendered division of tasks in households not only poses a challenge to women's involvement in land management but also impedes female claims.

For instance, traditionally male tasks, including clearing forests, planting cash crops, or building a dwelling, are regarded as developing the land which increases the value of the plot and legitimizes future claims to this plot.

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*Photo: Community members attend a briefing by a social mobilization team in Lester Road, Freetown, by United Nations Photo, 2014 (CC BY-NC-ND 2.0 license)*



## **Land Reform in Sierra Leone**

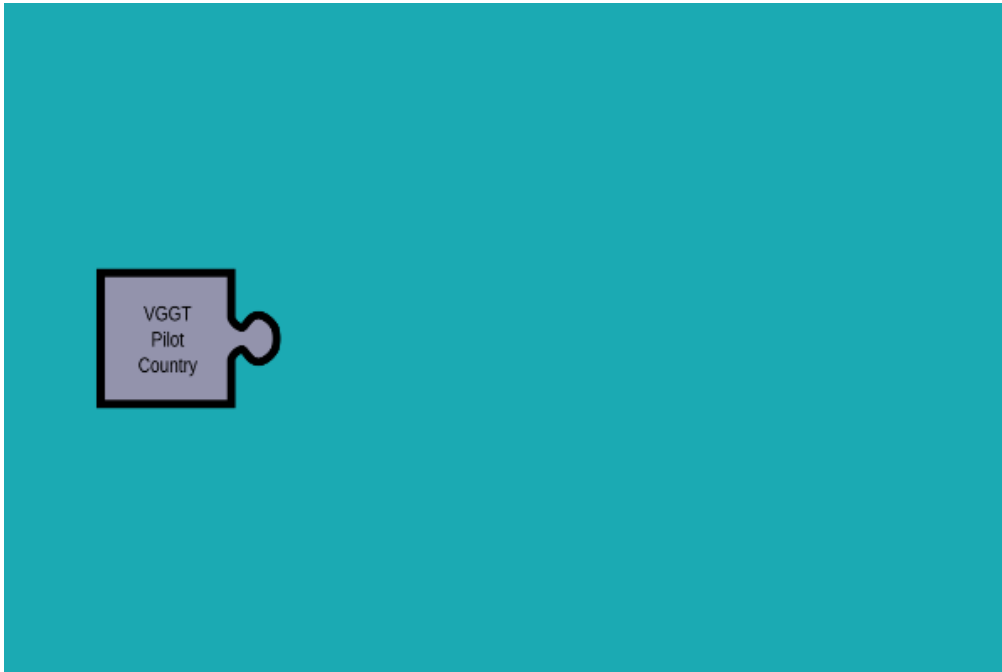
For the first time since independence Sierra Leone's land legislation has been reformed.

The new National Land Commission Act and the Customary Land Rights Act, adopted by the Sierra Leonean Parliament in August 2022, follow a new paradigm of formalizing customary and collective land tenure in Africa.

Below we present a timeline of key events that culminated in the new legal framework to govern land in the country.

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*Photo: Woman walks on a rural road in Sierra Leone, by jbdodane, 2013 (CC BY-NC 2.0 license)*



**February 2014-2019:**

Sierra Leone is selected as pilot country for the implementation of the VGGT.

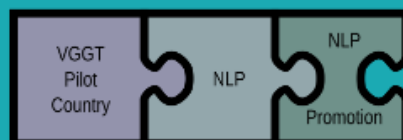
It received support from FAO for the country level implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT).





### **1st August 2015: Adoption of the National Land Policy**

The Final National Land Policy (NLP) of Sierra Leone provides the vision, principles, and policy components to give direction to and define the roles and responsibilities of various government and customary authorities, as well as other non-state actors, in land management.



### **2017-2018: Promotion of the National Land Policy and sensitization campaign in all districts**

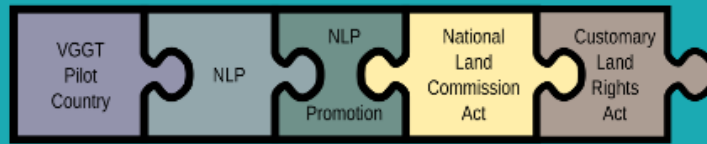
The Ministry of Lands Housing and Country Planning promotes the NLP in all districts, including paramount chief conferences as well as town hall meetings with local residents, women's and youth groups.



### **8<sup>th</sup> August 2022: Adoption of the National Land Commission Act 2022**

Aimed at securing effective and holistic land administration, this Act establishes two key bodies, namely the National Land Commission and the District Land Commission.

At the local level, the Act also establishes Chiefdom Land Committees and Town or Village Area Land Committees.



### **8<sup>th</sup> August 2022: Adoption of the Customary Land Rights Act 2022**

This Act explicitly provides for the protection of customary land rights, the elimination of discrimination under customary law, and the management and administration of land subject to customary law.



### **17<sup>th</sup> November 2022: Adoption of the Gender Equality and Women's Empowerment Act 2022**

The Bill aims to address the gender imbalances by making provision for:

- increased elective positions for women;
- the promotion of gender equality in employment and training;
- the implementation of gender mainstreaming and budgeting;
- financial institutions to prescribe procedures for the improvement of women's access to finance.



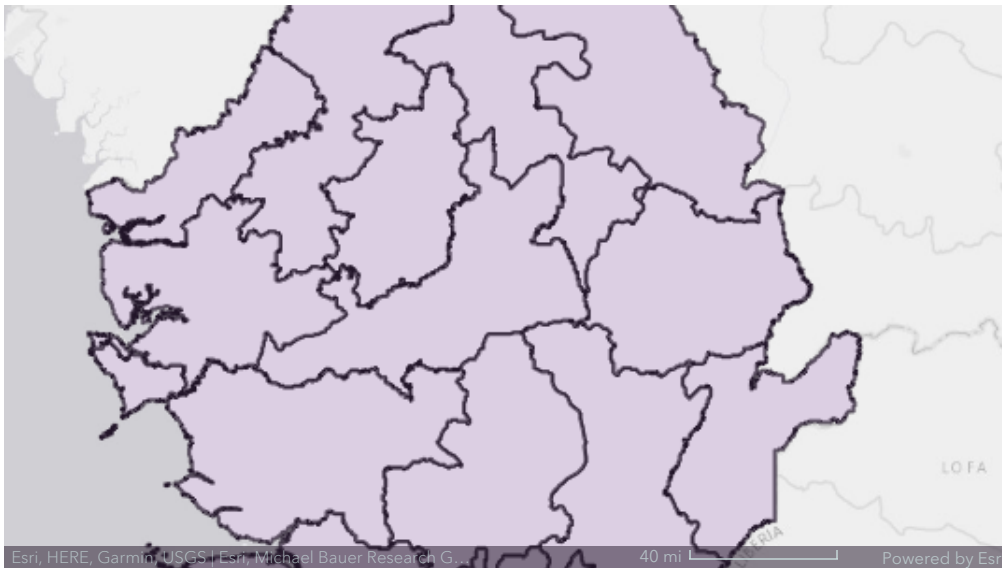
This development stands in contrast to past attempts of “modernizing” land tenure through individual land titling and registration.

Part III of the Customary Land Rights Act, 2022, is directly dedicated to gender equality, providing equal rights for men and women in decision-making, ownership, and use of land.

Despite the envisaged inclusion of women into decision-making structures, scholars and African women lawyers criticize this approach as customary systems are deeply patriarchal.

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*Photo: Members of NMJD and Green Scenery who organized a walk to parliament in Sierra Leone in support of the new land bills, by Green Scenery*



To get a better understanding of women's perception of tenure security, Green Scenery in partnership with Resource Equity and the University of Groningen conducted a survey in Sierra Leone in 2022, namely in the districts of

[+](#) \_\_\_\_\_, [+](#) \_\_\_\_\_, [+](#) \_\_\_\_\_, [+](#) \_\_\_\_\_.

More than 400 women and men in rural and semi-rural areas were interviewed for the Women Tenure Security Research Database, which is currently under development by Green Scenery.

The survey followed the leading question: **What are the factors that affect perceived tenure security of women in Sierra Leone?**





## What the numbers tell us

To begin with, it is essential to understand how men and women access land in Sierra Leone in general.

Since belonging to a clan and family is important in accessing land in many West African countries, it is not surprising that most land is acquired through one's own or the spouse's clan.

**More than 80% of the male respondents acquired land through their own clan while only one quarter of the female interviewees did so.**

On the other hand, 59% of the women acquired land through their husband's clan.



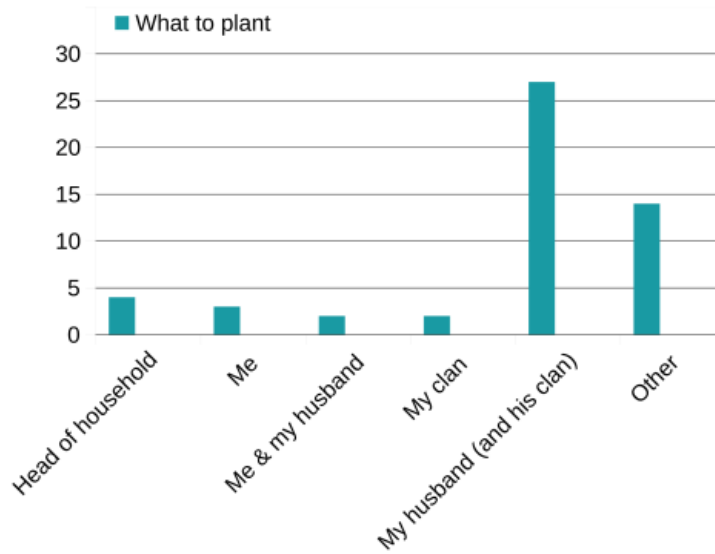
In the following, we will gain insights into how women access and manage land and the monetary benefits of cash crops – the only income-generating activity in rural Sierra Leone apart from artisanal mining.

The survey draws on the idea that land tenure is understood not only as access to land and respective user rights but as a “bundle of rights” in land. Accordingly, individuals or groups may have rights to occupy, use, cultivate, sell, bequeath, mortgage, rent, transfer, manage, or control the economic output from their land.

The more of these rights individuals or groups hold, the more tenure secure they are. However, as researcher [Cheryl Doss](#) and her colleagues point out, ownership and control may be interpreted differently in different settings. With that in mind, let us take a closer look into the decision-making power and limitations of women planting cash crops in rural Sierra Leone.

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*Photo: Woman in the fields, Sierra Leone, by Steve Evans, 2012 (CC BY-NC 2.0 license)*

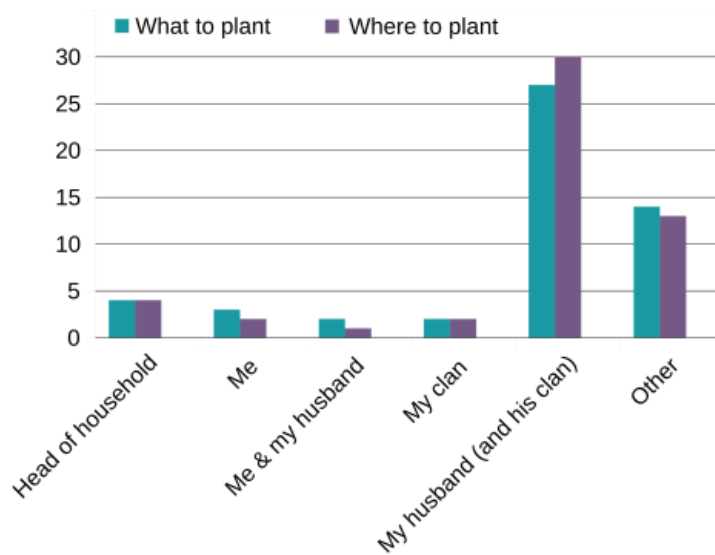


## 1.

First, the interviewees were asked: **who decides on what cash crops to plant?**

More than half of the women answered that it is their husband's and/or his clan's decision, while less than 6% responded that the choice is theirs.

In addition, fewer than 4% stated that it is a joint decision between them and their spouses.



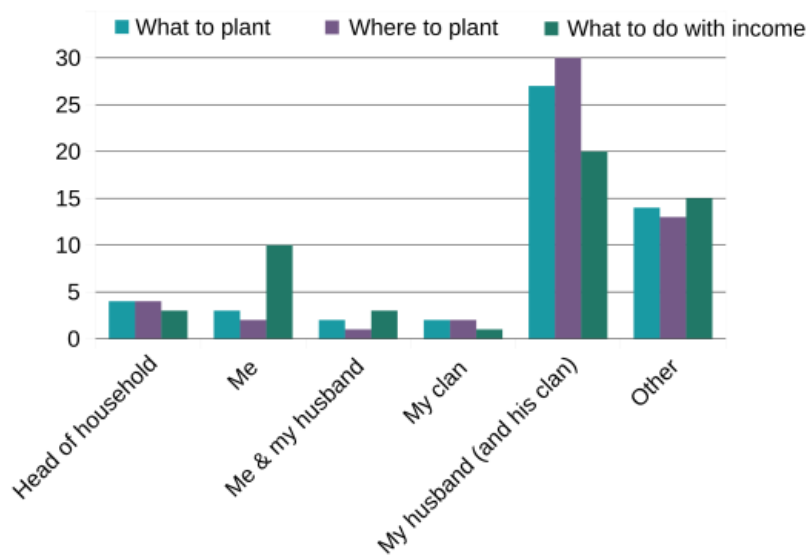
## 2.



## Second, **who decides where to plant cash crops?**

The findings of the Women Tenure Security Research Database confirm what is commonly observed in other case studies. The decision-making power in deciding over plots and access to this land largely lies with their husbands, their husband's clan, and/or the household head (66%).

Less than 4% answered the choice is theirs or that it was jointly decided with their spouses.



### 3.

## Third, **who manages the money from the sale of the cash crops?**

This economic aspect is often overlooked in land tenure surveys and, as in this case, can offer surprising results. Considering the low level of female decision-making power demonstrated by the previous survey questions, it is striking that nearly one fifth of the female respondents stated that they manage the monetary benefits.

Furthermore, 5% answered that they manage the sale's benefits together with their husbands.



One explanation for this gap can be found in the deeply male-dominated land tenure system in which the decision-making power of who utilizes which plot of land in which way usually lies with male spouses, (male) household heads, or the husband's clan.

At the same time, women in rural Sierra Leone seem to have – even though limited – leeway in managing the financial benefits of the crop sale as this does not challenge the status quo or impact on the authority domain.

Nonetheless, this should not obscure the fact that the survey data strongly indicates a generally low level of female decision-making power in land access and management.

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*Photo: Woman inspecting a cassava field in Sierra Leone, by CIAT/Neil Palmer, 2010 ([CC BY-NC 2.0 license](https://creativecommons.org/licenses/by-nc/2.0/))*



## Where do we go from here?

Unraveling the nuances of (perceived) tenure security of women, the necessity of a more differentiated view on women's access to land and management rights come to the fore. To start with, we need to better understand what works for women on collective lands in terms of governance, management, and economics.

We also need to examine new seemingly progressive land laws carefully. The analysis of the Women Tenure Security Research Database seconds Prindex' findings that in some contexts, social norms and customs can exclude women no matter the legislation context.

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*Photo: Rural landscape in Sierra Leone, by jbdodane, 2013*

*(CC BY-NC 2.0 license)*



In the case of Sierra Leone, for example, the new land law is not only a widely celebrated “bold step” but also entails hidden risks for women.

The Customary Land Rights Act (2022) dedicates several sections and articles to gender equality and strengthening women’s land rights. The Act states that the “rights to own, hold, use, inherit, succeed to, or deal with land under customary law shall be guaranteed to women and men equally”. It makes provisions for joint registration, the rights of divorcees and widows, as well as a 30% female quota for land committees.

Despite these important achievements, the formalization of customary practices and collective ownership is also a continuation of an inherently patriarchal tenure system in which formal ownership lies with the family head and women are not considered full family members. This in turn, can undermine female tenure security in the long run. As FAO has shown, simply issuing formal documentation of land ownership may not – as long assumed - prevent women from tenure insecurity that stems from intra-family discrimination and exclusion.

Finally, in a step to further advance women’s rights to land and female tenure security, more

reliable and differentiated data is necessary. Household, agricultural, and other surveys need to capture rights to transfer land through sale, bequest and rental; land management; and economic rights over land.

More detailed sex-disaggregated data will help developing context-specific measures and policies, as well as monitoring progress towards achieving female tenure security.

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*Photo: Girls in school in Sierra Leone, by Direct Relief, 2013  
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### **Suggested citation**

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#### **Design & Maps**

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