

# Discrimination in Women's Access to Land and Property: Responses and Realities



**A**cross the developing world, rural women are among the poorest and most disadvantaged groups. They face gender-based discrimination, which is reflected in inequalities in their rights and access to resources — especially land, technology and social services like education and health. Their voices are sel-

dom heard as they are underrepresented in decision-making at all levels.

In the last decade, the international community has recognized the importance of pushing for issues that advocate women's rights in the international agenda. Proof of this is the initial effort to formulate a bill of rights for women. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the only human rights treaty that comprehensively covers women's civil and political

The situation of rural women has been on the agenda of international conferences and is highlighted in the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women (1995) and World Food Summit Plan of Action (1996). The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly in 1979.

## Source

Sissel Ekaas, Rodney D. Cooke and Bruce Moore, Rural Women's Access to Land and Property in Selected Countries, FAO, IFAD, ILC: June 2004.

*E-mail:*  
sissel.ekaas@fao.org  
r.cooke@ifad.org  
b.moore@ifad.org

The CEDAW defines discrimination against women as follows:

*“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”* (Article 1)

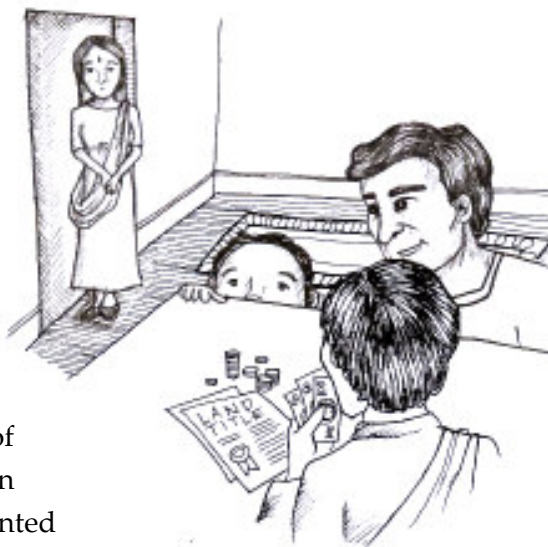
rights, as well as their economic, social and cultural rights. In Article 14, the Convention affirms the rights of rural women to equal access to resources and basic social services. It also stresses that women should participate in the elaboration and implementation of development planning, and in all community activities. This includes their active participation in policy development and decision-making affecting their lives.

The reporting procedure under CEDAW, in particular the preparation of an initial or periodic report and its presentation to the Committee on the Elimination of Discrimination Against Women, provides a unique momentum in a country to take stock of *de jure* and *de facto* gender equality. It should therefore be used as an opportunity to investigate the discrimination that still persists in various areas. NGOs are already taking advantage of regular reports to the Committee to lobby for the empowerment of women.

## Access to Property and Inheritance

Equal access to property remains one of the most disputed issues with regard to gender equality. In India, for instance, child marriage, widowhood, and property rights were identified as the three major problems faced by women. Whereas the Government has taken action on the first two issues, property rights are still far down on its agenda. The matter is further complicated by the fact that land distribution and equal access to land are often not just gender issues, but also social class and ethnicity issues. Not having access to land or full legal capacity is a particular disadvantage for women household heads, who make up a substantial share of total rural households in certain areas. Many of these women are single parents, widows, divorcees, wives of migrant workers, older women or women with disabilities.

In many countries, inheritance and property laws and practices are sources of serious discrimination against women. They may cause widows and daughters to inherit a smaller share of their spouse's or father's property at his death than would widowers and sons. Often, women are granted limited and controlled rights, and only receive income from



the property of the deceased. Moreover, inheritance rights for widows frequently do not reflect the principle of equal ownership of property acquired during the marriage. Customary practices such as levirate (the obligation of a man to marry his brother's widow) infringe on a woman's right to inherit in countries such as Cameroon. In Guinea, a childless widow's inheritance, if there are child heirs or other widows with children of the deceased, is calculated every five years of a marriage based on the "dignity and devotion" demonstrated by the woman.

In Ecuador, 21.3 per cent of families in rural areas are sustained by women alone. In Zambia, customary law does not allow women to own land, and very few do. Women, therefore, represent the majority of persons without title deeds, and 10 per cent of woman-headed households seek title on inheritance.

## Land Reform

The right to own, manage, enjoy and dispose of property is central to a woman's right to financial independence, and is critical to her ability to earn a living for herself and her family. In countries undergoing redistribution of land among different ethnic groups, the right of women, regardless of marital status, to share such land on equal terms with men is not always observed. Countries that have undergone or that are introducing land or agricultural reforms often make an effort to take gender equality into consideration. However, many obstacles arise, the first being the non-participation of women in decision-making.

**South Africa.** South Africa acknowledged that the domination of men in decision-making structures and positions contributes to women's lack of involvement in the land reform program. In Zimbabwe's Commission of Inquiry into Land Tenure, a body established to resolve the problem of unequal access to land, especially for the disadvantaged (mostly women), only one of 12 members is a woman.



The Department of Land Affairs also recognizes that women are largely ignorant of the Land Reform Program and what it has to offer. Information does not reach them because they are not regarded as potential heirs to land.

If women have no knowledge of their rights and the administrative procedures to apply for land, they cannot benefit from land reform.

As regards the right to hold land and the right to use it, many South African rural women cannot legally hold land titles. Although they may be given the right to till the land and build a home on it, legal acquisition of land is still a farfetched scenario. In most rural areas, households generally use communal land that belongs to the people of that area. Under common

African law and customary law, women are not entitled to own property. The homestead head, husband or male relative has to act on their behalf. Territorial legislation and numerous regulations also prevent women from owning land. Not holding a title becomes an obstacle when women apply for credit. To address this problem, the South African Department of Land Affairs is concentrating on legislation that would grant all married women the right to use property registered in their spouses' names as loan collateral.

**Vietnam.** In Vietnam, 90 per cent of households using agriculture land have been awarded land-use certificates. As a measure to protect women's interest in case of divorce, local administrations have advised families to register family property in both the husband's and the wife's name. Customarily, however, land certificates are issued in the husband's name, he being the household head. And because land-use certificates are seldom issued in their names, women cannot use them to apply for a mortgage or credit. Legally, a woman cannot use jointly owned property certificates issued in her husband's name in a civil transaction or as collateral for a bank loan.

Interestingly also, a survey showed that over 76 per cent of urban women and 51.2 per cent of rural women said that they had full independence and had entered into civil contracts (particularly contracts to borrow capital from a bank, mortgage property, etc.). However, 23 per cent of urban women and 46 per cent of rural women voluntarily renounced this right in favor of their husbands and children.

## SECURING WOMEN'S RIGHTS USING CEDAW

This paper presents information gathered from varied countries with specific reference to women's access to land and property, and their inheritance rights and legal capacity. It may serve as a valuable tool for all those who wish to engage in advocacy and policy dialogue in favor of rural women and to support joint effort to achieve compliance with the convention. The following recommendations can be made to support and strengthen reporting under the Convention and maximize its use:

1. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a legally binding agreement, so women can expect to benefit from the rights established in the convention once their governments have ratified it.
2. CEDAW is the **only** human rights treaty that deals specifically with rural women. It is therefore a powerful tool to use in advocacy for rural women and in rural development programs that involve them.



**Brazil.** In Brazil, the agrarian reform program guarantees that land titles and concessions are granted to men or women, or both, irrespective of their marital status, but preferably to the household head. In practice, however, 85 per cent of the total agrarian reform beneficiaries are men. Women hold only 12.6 per cent of all land titles and concessions.

Secure access to land by women is a basic factor in food security. However, customs and common practices often prevent women from gaining or sharing household rights to land. It is therefore important to foster an understanding of the benefits that women's secure access to land can bring to the population as a whole. In particular, support should be given to the Committee to increase its focus on the situation of rural women.

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# Women and Property Rights in Eastern, Central and Southern Africa



**W**omen are the mainstay of African small-scale agriculture, comprising 30 to 80 per cent of the agricultural labor force. However, they have a more difficult time than men in gaining access to land, credit and extension services due to restrictions in customary and prevailing legal systems. Such legal obstacles exist in East, Central and Southern Africa.

An aggravating factor is a plural legal system that recognizes both customary and indigenous laws, as well as the legal system of the colonial governments. The two systems interact differently in the various countries, and results in conflict and confusion over the actual status and rights of women.

## Source

*"AFRICA: The Women's Perspective of Food in Eastern, Central and Southern Africa", International Rural Women's Workshop on Food Security: A Workshop Report, Rome, Italy, 6-9 November 1996, ISIS International-Manila People Centered Development Forum, Via Campesina, Women, Food and Agriculture Working Group.*

*E-mail:*  
Mari Santiago <mari@isiswomen.org>

## GETTING MARRIED IN AFRICA

Marriage establishes two types of property regimes: one is the “marriage **in** community of property”; and the other, “marriage **out** of community of property”.



Women married **in community of property** are in theory automatically entitled to half of the joint estate but still have no say in the administration of the estate. However, upon the dissolution of the marriage, she, or her heirs, is entitled to half of the property. This law is enforced in Lesotho, Swaziland, Namibia and South Africa.

Women married **out of community of property** are not automatically entitled to property belonging to the husband. Under this regime, both retain their separate estates which increase or decrease according to the transactions of each. Upon the dissolution of the marriage, each of the spouses retains his or her property. In Zimbabwe, all marriages are the “out of community of property” kind.

## Property Rights

The limitations on women when it comes to owning property are due largely to exclusive male ownership of property under customary laws. Central to these limitations are issues concerning marital rights, inheritance laws and child support.

## Land Tenure

The basic socioeconomic unit in the African agricultural economy is the smallholder agricultural family or household. Despite women’s significant contribution to food production (*i.e.*, 60 to 80 per cent), women acquire land use rights primarily through their relationship to male members of the household. Land tenure rights can be inherited or offered to a widow only when there is no son or no husband’s brother, and depending on whether she remains in the same family or not.

Customary land tenure systems give women fewer rights than men over land and valuable livestock. Customary and religious laws often prohibit women from inheriting real property or allow them to inherit only a much smaller share than male heirs.

## Access to Credit

There are also legal restrictions against women applying for loans. Women who are also minors, and those who do not have property or sufficient collateral, cannot qualify for loans. They are also often subject to discriminatory practices by lending institutions because of their sex or marital status. Unless they are widows and legal heads of households, women cannot apply for agricultural loans or credit in their own names.



## Feminization of Agriculture

East, Central and Southern Africa have a history of male out-migration to towns, mines, commercial farms and plantations within the country and abroad. This has led to the feminization of smallholder agriculture, as the women who are left with the responsibility for the household as well as for farming are nevertheless barred from entering into contracts to acquire farming equipment or hire labor to aid her in farming operations. Legal rights to land are vested in the husband, and only he has legal capacity to administer the property. A woman must wait for the husband, in case he lives somewhere else, to make the decisions about important farming operations.

The role that women play in agriculture has always paralleled that of men. Women also account for more than half of the labor force. This is now widely recognized, thanks to gender awareness. However, in recent years, women have had to take over more and more farming operations as a result of increasing male migration into cities and peri-urban areas.



Women are often left to take charge of farming operations — a role traditionally held by men.

### RURAL WOMEN AND CHANGES IN THE ENVIRONMENT

- Land degradation in the East and Southern African regions has resulted in increased siltation and sedimentation of major rivers and dams, as well as depletion of soils, rangelands, forests and water resources currently available to poor women.
- Droughts are a recurrent phenomenon in Africa and women have become increasingly responsible for drought response and recovery. Since the mid-1980s, Southern Africa has been experiencing dry spells resulting in severe food and water shortages.



## Policy Recommendations and Proposals for Action

A comprehensive understanding of the traditions and changing situation in East, Central and Southern Africa is important in crafting policies that would promote women's rights in Africa. The survival of African families and households largely depends on how significant changes can be made to the traditional reproductive and productive roles of women, vis-à-vis the prevalence of male-oriented ownership patterns and gender-biased property regimes.

Some proposals for legislative action include the following:

### ***On property rights***

- That the laws on interstate succession treat female and male heirs equally;
- That legislation be enacted to protect widows against disinheritance of their deceased husband's estate;



## DEVELOPMENTS IN THE POLICY ENVIRONMENT LANDSCAPE OF EAST, CENTRAL AND SOUTHERN AFRICA

*Since 1996 there have been a number of policy and legal development processes within these regions in an attempt to broadly address the land question, and more specifically, women's land rights:*

- The 1998 Uganda Land Act and the Land Amendment Act of 2004 now guarantee security of tenure for women. The country is in the process of developing a National Land Use Policy.
- Rwanda has both a Land Law and a National Land Policy and a draft National Land Use Policy that clearly provide for women's land rights, and an enforcement mechanism that guarantees these rights.
- Tanzania has a Land Policy, Land Law and Village Land Act that provide for and protect the interests of both women and men.
- Kenya is developing a Land Policy and conducting a review of its current Constitution which has been criticized as being not gender sensitive.
- In Zimbabwe, there is no substantive Land Law, only fragmented laws.
- Lesotho is in the process of Land Policy development, and has a Land Bill pending in Parliament.
- Mozambique has had a Land Law since 1997.
- South Africa has a White Paper on land issues.
- Angola and Botswana both have Land Policies and Zambia is in the final stages of developing one. Botswana's policy is that all persons upon reaching a certain age are given land, thereby guaranteeing land rights for all.

### **Lorna Juliet Amutojo**

Uganda Land Alliance

*Extracted from a Sub-Regional Reflection Meeting of Landnet East Africa*

- For married women to have equal rights with their husbands to administer joint property of the marriage;
- That the legal definition of "head of household" or "head of family" be changed to "coheads" of family, whereby both partners in monogamous marriages and partners in common law unions have equal rights and responsibilities.

### **On land use and ownership**

- That individual land titles and land use rights be distributed to women and men on an equal basis. In cases where the ownership and use rights are based on family units, titles should be distributed to husband and wife, or to partners in common law unions, as joint property;
- That land reform legislation require that women receive a certain percentage of distributed land, based on the extent of female participation in agriculture.

### **On access to credit and loans and other services**

- That government regulations for agricultural credit lending institutions require that a certain percentage of loans be made to women;
- That legislation be enacted to prohibit discrimination based on sex or marital status by both public and private lending institutions;
- That public spending be reallocated to prioritize agricultural extension and research on crops and technologies used by smallholders and women farmers; and to improving skills and productivity of the same.

### **On full participation**

- That legal obstacles to women's full membership and voting rights in cooperatives and other collective organizations be removed.

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# Women's Land Rights under Customary and Formal Tenure Systems



**T**he lopsided control over property is probably the most severe form of inequality between men and women today. Despite its prevalence, however, it is one of the most poorly documented aspects of gender inequality and is reflected in few statistical systems.

In attempting to address this imbalance, however, an important policy issue to consider is which tenure system (*i.e.*, customary or formal) can provide women with greater and more secure access to land. Central to this debate is the question of whether human rights, including rights to land, should be viewed as universal or as relative to cultural, religious, and national rights. While no clear answer exists, a simplified comparison of the two types of tenure system reveals key challenges for policymakers aiming to improve women's land rights.

## Source

Eve Crowley, "Land Rights", Brief 2 of 12, 2020 Vision Focus 6 (Empowering Women to Achieve Food Security), August 2001. Reproduced with permission from the International Food Policy Research Institute.

*E-mail:*  
Eve.Crowley@fao.org

## Customary or Formal?

Land rights, in both statutory and customary tenure systems, roughly correspond to degrees of power. The entitlements a woman holds determine where she fits in the spectrum--from full ownership with all the entitlements, at one end, to landlessness without entitlements at the other. In both systems, most women are located somewhere between these two extremes.

Both customary and formal tenure systems evolve and can accommodate short-term changes and opportunities. In customary systems, access to resources is based on membership of a lineage, community, or household. These systems operate most effectively where land is relatively abundant and where most land users know one another and have regular and direct contact. Formal systems are most effective where land values are high and land transactions among strangers are frequent, requiring transparency and public records to reduce information asymmetries.

Even in formal tenure systems, unwritten rights often coexist with the limited number of rights that are actually recorded in registries or titles. In practice, however, customary rights have often strengthened and concentrated the land rights of individual, senior, male household heads over multiple other interests. This results in only a small percentage of the population, and strikingly few women, holding land certificates or titles in developing countries. Joint titling appears promising, but its application is, as yet, too limited in time and scope to judge.



## Securing Rights

There are essentially two ways to enhance women's land rights. One is to *protect or increase the security of existing rights*. The other is to *create new rights or increase the range of rights over which women have control*. The comparative advantage of customary tenure systems is an institutional capacity to support existing land rights, while for formal systems it is the capacity to create new rights.

A woman's rights are secure when she can use or manage land for a defined length of time. Security of tenure consists of three dimensions.

1. **Definition** refers to clarity in the duration and content of rights. Customary rights can be ambiguous since they are established through oral contracts, which are frequently modified and interpreted. A promising area for policy development is the clarification and

registration of women's customary use rights by establishing contracts protecting widows and children from eviction. Developing leasehold contracts, with clearly defined duration and scope of women's land rights, permits effective planning and management of land and income use.

2. *Independent control* involves continued access to land with the right to negotiate a constantly changing set of obligations and expectations defined by the men who hold the rights. For most women, land rights are derived from their relationships to men: fathers, husbands, or brothers. The difficulty in distinguishing the rights of different household members also contributes to the false assumption that women in landed households share these rights and that women's specific land rights need only be defined when they eventually head their households. But in most cases, unlike men, women cannot liquidate, trade, or retain derived land rights when the male link is lost.
3. *Enforcement* talks of women's ability to defend and enforce their land rights. Tenure security depends on women's capacity to lobby for and promote their interests. It points out whether the formal and customary authorities, vested with the power to protect women's land rights, share these interests and have a strong imperative to uphold them.

## Operationalizing Tenure Security

For improvements in tenure security to be operational, certain issues have to be taken into consideration.

- They need to be *socially acceptable* to formal and informal governing bodies with different norms and values. Policymakers need to identify partners capable of influencing the attitudes, priorities, and incentives that govern political and group decisions.
- Proposals for improved tenure security need to be *administratively viable*. Customary land institutions are familiar and convenient to rural women as they reduce transaction costs compared to formal land administration services. But this social and physical proximity can also be repressive. Government offices and land registries can introduce new principles, maintain public land records, and offer a neutral forum in which women can effectively press their claims, but require transparent and consistent procedures and affordable transaction costs. In many countries, these institutions are inefficient, corrupt, time-consuming, and complex.
- Few women have the political connections, know-how, money, or physical proximity needed to secure land rights. A challenge for government planners is to develop capacity in land administration in order to make land transfers more efficient than customary inheritance systems.

- Another challenge is to develop a robust, affordable and accessible dispute resolution procedure. Such a procedure needs to have a quasi-judicial footing, consistency in its operation, impartial and informed officials, a court-based appeals process, and the support of both men and women.
- Where there is political will, formal tenure systems can be better suited than customary ones to rapidly creating new land rights for women. However, two major formal mechanisms - land reform and land markets - have not resulted in positive change.

## Areas for future policy attention

An examination of these experiences has brought forth significant areas for policy attention.

- Land reforms associated with new political regimes and government- or project- based land redistribution have induced significant changes to landholding patterns, poverty, and inequality, while adversely affecting women almost universally. To improve women's property rights, land reform policy must focus political will on favoring women in redistribution through stable and capable institutions.
- Changing policies that regulate land markets is a second formal mechanism for creating new rights. However, where women can legally purchase land, only wealthier women and women's groups have the income to compete in the market. Nepotism, preferential treatment, and complex and expensive procedural requirements restrict their entry to land markets. Policy should focus on reducing the administrative transaction costs and barriers faced by poorer buyers and women.
- Coalition-building through cross-sectoral alliances, unions, and lobby groups can build a shared awareness of common positions among women, encouraging joint action. Civil society groups or cooperatives have, on a small scale, succeeded in negotiating reforms and purchasing land. Coalition-building has also increased their capacity to leverage relationships of power and manipulate public opinion and legal contexts. These shifts in public attitudes are critical for creating the convergence of values that support changes in tenure systems.

Only an estimated four to 25 per cent of the beneficiaries of Latin American land reforms in the 1960s and 1970s were women. Similarly low percentages continue to characterize donor-driven resettlement and irrigation projects.

In the end, enhancing women's land rights requires that they become a political priority and a legal possibility. It also requires administrative viability, social acceptability, and moral legitimacy. Complementary policies must address women's limitations in exercising and enjoying their land rights. Even with assured land rights, investments in property require access to

financial markets and information, extension, and other services. Policymakers should be aware of the complexity of tenure systems and how legal principles associated with land rights can be subverted when put into practice. To bring about substantial progress, integrated joint action is required of each category of stakeholder noted below, in keeping with their distinct objectives.



- Women must know what rights to land they can claim and how to claim those rights.
- Formal and customary land administration officials and services must develop the administrative capacity and discipline to process records and claims in support of women.
- National governments/parliaments must approve of regulations that create the fertile ground where positive change can take root.
- The general public must recognize and accept that women's rights to land are ultimately in the interest of a broader populace, and create the popular support needed for political change.

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# Gender and Resource Rights: *Policy in Social Context*



**W**omen generally have less control of private property, and have had to depend more on common property or open access resources to support themselves and fulfill their obligations to their families. However, a more careful assessment of the extent of women's rights to common property resources is needed before embracing "the commons" as a means to reduce the gender gap in property rights.

Establishing the extent of the gender gap in property rights is complex. It depends on whether one looks only at formal "ownership" of resources or at who holds particular bundles of rights. For instance, control rights — including management, exclusion and alienation (ability to transfer rights to others) — are stronger than use rights of access and withdrawal.

## **Women's Access To Water**

Women's access to and control of water is a case in point.

### **Source**

Margreet Zwartveen and Ruth Meinzen-Dick. "Gender and Property Rights in the Commons: Examples of Water Rights in South Asia". *Agriculture and Human Values* 18: 11-25, 2001. Kluwer Academic Publishers, Netherlands.

*E-mail:*

Margreet.Zwartveen@users.tct.wau.nl  
r.meinzen-dick@cgiar.org

While women are free to use water in common property systems, it is not because of defined rights but because of the general lack of strict management rules and regulations. Strengthening rules for the use of common resources may be necessary for the effective management of common property but it could reduce women's access unless women are explicitly included as right-holders and decision-makers.

On the other hand, a woman's lack of access to water cannot simply be ascribed to the fact that she is a woman but should be analyzed in the broader framework of class and social relations of power — and even the physical structure of access to the irrigation infrastructure system.

## Putting Gender Policy in Context

The linkages between women's access to water and their rights to it requires a careful analysis of laws governing water allocation and distribution and the institutions enforcing these laws, as well as the relations of dominance and the division of labor in households.

Cases from Nepal show that women have access to water and are actively involved in irrigated agriculture but not often in the management of irrigation. Formal "ownership" — management and alienation — are vested in men as farmers or household heads, and women access water through their relationships with males. At the same time, women are not bound by the rules of irrigation associations. They can "steal" water with impunity as non-members. As female members, they can plead exemption from heavy canal maintenance work.



The linkage between assuring water rights for women and gender equality can not be simply assumed. Water reform is not a substitute for land reform and the effects of changes in water rights must be seen in relation to land tenure systems. Women may not consider water to be a primary strategic issue. At the same time, gender is not necessarily the primary determinant of access to water.

Creative thinking to devise options for achieving greater gender equality in rights to water is important to the formulation of effective policy. Merely

designing a legal framework will not by itself improve women's water use or control rights unless there are institutional enforcement mechanisms to support it. After all, laws are always assimilated by individuals operating within specific social relations of power, standards of conduct, value and interests. If women do not perceive a need, and if they are not willing to actively demand that conditions change, no amount of policy making and practice will make much difference.

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# Water Rights and Women's Empowerment



**E**mpowering poor rural women with adequate rights to water means strengthening their access to this resource for both domestic and income-generating uses. Better access to water improves women's health and incomes and liberates them from the daily drudgery of fetching water. Income-generation through gardening and farming, livestock, aquaculture, forestry, and other water-based enterprises is the mainstay of rural livelihoods, but women's opportunities for water-based income generation are still too limited.

Women's greater access to water can be negotiated relatively easily when new water resources are opened up. However, when available water sources remain the same, the competition for water becomes intense. Worldwide concerns, such as growing populations (with their increased demand for water resources), extensive water consumption, and pollution further delimit equal access to water.

## Source

Barbara van Koppen, "Empowering Women to Achieve Food Security," Brief 3 of 12, 2020 Vision Focus 6 (Empowering Women to Achieve Food Security), August 2001. Reproduced with permission from the International Food Policy Research Institute.

*E-mail:*  
Barbara.vankoppen@USERS.TCT.WAU.NL

## Water Uses, Issues and Concerns

### *Water for Household Consumption*

A pressing concern that should be seriously dealt with is the often steep cost of poor quality service and low-quality sanitation water resource. Addressing this basic human right to safe drinking water and sanitation has yet to be concretized, and financial support remains necessary. In any case, water supply projects become considerably more effective where the perspective of both men and women as well as their complementary intra-household roles are incorporated in project design and implementation, and decision-making.

### *Water for Income-Generation*

In order to increase women's incomes from water-based enterprises, access to water and water infrastructure are important factors. However, access to land, markets, skills, and credits, among others, also critically determine the ultimate profitability of women's enterprises.



For instance, in dual-managed or female-managed farming systems, where women make up about half or the majority of farm decision-makers, irrigation agencies need to target both men and women farmers on the same footing. However, ample evidence has shown that irrigation agencies, whether State or non-governmental, have tended to interact exclusively with male farmers, and mostly with the local administrative and political elite. Women farmers (and poor male farmers) are excluded from these negotiations, resulting in the erosion of the resource rights of these groups. Conversely, agencies (*e.g.*, irrigation institutions) that included both women and men empowered both women and men farmers, thus tapping the productivity of both. In the end, men, women and the project all gained.

### **Constraints Under Growing Water Scarcity**

In rural areas in developing countries, a single water source is typically used for multiple purposes, such as irrigation, livestock-raising, fisheries, washing, and even for drinking. Communal rules for water access are set and implemented through highly complex interactions among the various user groups and local authorities. However, technical, institutional, and legal interventions by outsiders may strongly impinge upon such local arrangements. Upstream water-takers and polluters who share the same river basin further affect local water availability, use and regulation. From local to basin level, large-scale water users and the administrative, political, or economic elite tend to dominate these interactions, thus

## SOME CASES OF WOMEN'S EMPOWERMENT



In India, small schemes that irrigate women-cultivated homestead lands have been successfully constructed for and managed by women's groups. A major challenge today is to develop and widely disseminate affordable, small-scale land- and water-management technologies, such as treadle pumps, bucket drips, and water harvesting techniques. By then, more poor rural women and men can obtain access to larger quantities of water. Synergy with marketing, input provision, and other rural development efforts should foster more productive use of the water.

On the other hand, in male-dominated farming systems, such as the large-scale canal irrigation schemes in Pakistan and India, women are primarily unpaid family laborers who do the transplanting, weeding, and harvesting. At best — when husbands are absent — wives can help to irrigate the land or maintain irrigation canals. Thus, the local farming system excludes the majority of women from decision-making positions in the household enterprise. Women's exclusion from community-level, male-dominated irrigation institutions, is virtually uncontested.

excluding the weaker segments of society. Poor women's needs for water are often and blatantly overlooked.

New opportunities have emerged to redress this neglect. The last decade has seen substantive efforts worldwide towards integrated water governance in order to address the growing competition for adequate, clean water. This has been accompanied by new, formal, legal frameworks and new water management institutions at basin level that call for genuine representation of all water users' interests. Community-based integrated water management institutions and local water tenure arrangements in rural areas will henceforth be linked with these new basin-level institutions. Hopefully, poor women's water needs would get utmost priority from local to basin level.

In sum, the agenda for gender-inclusive and pro-poor water governance in rural areas entails:

- ➔ Abolishing the excessive labor and cash costs incurred by poor women and men in meeting basic domestic water needs, while fostering equitable sharing of costs between men and women;

- Developing and disseminating affordable technologies to more poor rural women and men in order to improve their collective and individual access to more water;
- Collaborating with other gender and rural-development initiatives to foster women's independent entrepreneurship and make the range of water-based, income-generating activities more profitable;
- Informing poor women and men about new water-governance initiatives from local to basin level and including them effectively in the design of new institutions; and
- Ensuring that water is reallocated from large-scale users to small-scale users, to meet both women's and men's water-related basic needs for health and income.



This Resource Book is produced by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) [angoc@angoc.ngo.ph](mailto:angoc@angoc.ngo.ph) and the International Land Coalition (ILC) [coalition@ifad.org](mailto:coalition@ifad.org).