

A review of long-term impacts of land registration on Women's Land Rights

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SUMMARY

The nexus between land registration interventions, tenure security, and women's land rights have diverse contributions in literature. Although land registration is the most dominant land intervention tool, it has received criticisms in many studies as not being the golden solution to increased tenure security, particularly for women. Over the years, efforts to safeguard women's land rights in different country contexts through land registration interventions have yielded mixed results, especially in the longer term. This scoping study reviewed existing land registration interventions and the resulting long-term transformative impacts on women's land rights. Focusing on Sub-Saharan Africa, Latin America, and Asia, the study relied on academic and grey literature as well as interviews with experts and practitioners. It was found that there are few studies on long-term impact assessment of land registration interventions because many projects are evaluated in the short term. Among the evidence of transformative impacts in the short term, the results observed that: women have increased perceived tenure security; increased investment in agriculture; improved socio-economic status and empowerments. Some identified threats to the sustainability of transformative impacts include socio-cultural norms and practices, supply-driven interventions, and costly land registration processes. The study uncovers that different categories of women have diverse land tenure needs and each land registration intervention tool used, whether individual, joint, or collective, has its benefits and disadvantages on women's tenure security. Thus, it is important not to follow a 'one size fits all' approach, but rather conduct efficient baseline evaluation studies to align the contextual women's land needs to the selected interventions tools or strategies, in order to realize the expected transformative impacts.

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1. INTRODUCTION

Women-focused land interventions remain highly prioritized on the global agenda. Of course, gender and good land governance underlie the achievement of most Sustainable Development Goals (SDGs 1, 2, and 5) and therefore require great attention. The interventions aim to bring transformational impacts on the gender imbalance regarding access, ownership, and control of land and other productive resources. Particularly, they are poverty alleviation strategies to strengthen land tenure security for all and to improve livelihoods through gender equality. Inclusive and fair land governance with gender dimension is, thus, central to the land communities as a global effort to safeguard land rights of the vulnerable. Over the years, efforts have been made to improve women's land rights and tenure security through land registration interventions, but evidence on the long-term transformative impacts remains inconclusive.

Globally, women, especially in the developing world, are more disadvantaged regarding their land rights and tenure security than men, irrespective of the criteria used (FAO, 2018). Even where a country's laws guarantee equal land access, many women are faced with restrictions in exercising their land rights due to gender-biased intra-communal practices. Thanks to the VGGT (Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests) and similar global initiatives, gender-responsive land governance has increasingly been incorporated into land tenure reforms and titling programs in recent years. A review of empirical evidence from Ethiopia, Peru, Nepal, India, and Rwanda reveals how land registration projects emphasized joint land ownership for spouses or women as individuals (Choudhury et al., 2016; Holden, 2021). Other programs implemented to improve women's land access include strengthening legislations, women's capacity building at grassroot level, and land leasing to women in collectives (Choudhury et al., 2021; Santpoort et al., 2018). Despite the success stories, the long-term sustainable impacts on women's tenure security remain challenging.

Some studies argue that land titling per se does not always necessarily result in high land tenure security (Salcedo-La Vina, 2020; Zevenbergen & Van Westen, 2022). However, since land registration is an essential tool for good land governance, it is critical to understand the constraints and success factors of these interventions to improve gender-equitable governance. The insights from a synthesis of existing evidence form the entry points for sustainable programs that positively impact women's tenure security. Notably, many land projects lack gender-disaggregated data in the monitoring and evaluation reports to help understand the extent of effects on women. Amidst the growing body of literature on land interventions, longitudinal studies are also limited. It leaves a research gap on how the gender aspects of land interventions can be sustained in the long term and how the barriers to success can be mitigated. Against this background, the study summarized insights from land registration interventions in

literature and from experts and practitioners to answer these questions for future policy recommendations.

2. METHODOLOGY

This scoping review employed desktop studies and interviews. Data collection followed a qualitative approach and analyzed using thematic and narrative analysis. It relied on grey and academic literature from electronic databases such as Scopus, Science Direct, Google Scholar, and Research Gate. Useful information from the webpages of some land communities such as World Bank Group, IFAD, FAO, Land Portal, ILC, Resource Equity, SIDA, and IFPRI were also sourced through hand searching. In addition, global experts and practitioners from institutions in the land governance network representing the various geographical study areas were engaged in semi-structured interviews via Microsoft Teams. All the selected literature are project reviews and case studies on women's land rights, land registration interventions, and gender-focused land projects that correspond to the defined inclusion criteria. The selection for inclusion was undertaken by a review team of three members in Rayyan software. A summary of the inclusion criteria are land interventions that are land registration related, such land projects and studies must have been undertaken between the years 2000 and 2022, and falls within Sub-Sahara Africa, Latin America, Asia, or the Arab region. Fundamental to the inclusion are gendered projects and studies in favour of women.

3. DATA ANALYSIS

Typically, in many developing countries, women's land rights are embedded in socio-cultural constructs of customary or communal land tenure systems. It is often regulated by the prevailing norms and practices, which usually are gender-biased. The potential benefits of formalizing these land rights with the aim to attain tenure security have varying opinions in literature. Some researcher's argue that individual titling breaks the collectivity in communities and undermines women's secondary land rights (Knight, 2010). Others interrogate what benefits land titling could have on women without first ensuring good governance as the enabling environment. On the contrary, other communities increasingly opt for interventions to keenly assert women's pre-existing rights over land. The study acknowledges these ongoing debates. From the different contexts in literature, this section analyzes the tools for land registration interventions, the transformative impacts on women, sustainable factors and the observable gaps and contradictions.

3.1 Tools for Women's land rights registration and their effects

Land registration is the most common land intervention tool. Before recent times, land registration programs tended to be silent on gender. Both baseline and endline evaluation studies lacked gender focus or indicators for women's inclusion. Over the last two decades, land laws, policies, programs, and innovative practices have increasingly inculcated gender-responsive strategies to ensure equal treatment of rights held by women. Among others, the forms of land registration that integrate women's rights include individual, joint, or collective land titling.

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3.1.1 Individual land titling

Individual land titling has produced high tenure security results in developed countries (Knight, 2010). However, in developing countries, the approach has been criticized as potentially detrimental to women's rights if not properly implemented. Rabenhorst and Bean (2011) indicated that many land titling projects in Africa which focused on individualizing rights in communally held lands resulted in the exclusion of women's customary rights held over parcels owned by men. A good example is the individualization of Kenya's Maasailand among group ranch members. Large proportions of the hitherto collective lands ended up being allocated to committee members and wealthy cattle owners, while vulnerable groups such as widows and poor livestock herders received smaller land sizes (Mwangi, 2007).

During the first level land certification in Ethiopia between 1998 and 2004, lands in regions such as Tigray were registered to only men as household heads (Ziade et al., 2019). Several documents also had only men's photos affixed. Early land reforms in parts of Latin America and South Asia, such as Vietnam, also focused on male household heads per the existing norms and customs (Rabenhorst & Bean, 2011). The trend presupposes that where land registration and reforms target household heads, it disadvantages women since men represent households in many cultural settings around the round. Women, however, benefit from this approach if the individualized formalization is registered in their names. The land titling project in Laos ensured that the land titles were registered in women's names. With their equal participation and inclusion, women in Laos have greater access and control of land than in other parts of East Asia and greater chances of inheriting land than men (World Bank, 2014).

3.1.2 Joint Titling Land

Joint certification or land titling has shown promising results on women's tenure security, socio-economic status, and livelihoods. The tool has been recognized as a 'good practice' that enables women to have tenure security through equal entitlements to matrimonial properties without necessarily being the de facto or de jure household head (Basnet et al., 2014). With joint titles, women are protected from following stressful procedures to claim their inheritance of marital properties during vulnerable situations such as widowhood or divorce (Namubiru-Mwaura, 2014). Also, husbands cannot sell joint properties without the initial consent of their wives. Basnet et al. (2014) noted other far-reaching benefits of joint ownership evidenced in women's increased investments, high self-esteem, and protection from marital violence. Other evidence reveals that joint land titling increases agricultural yields (Girma, 2021). According to Deininger et al. (2006), joint titles have proven to be a booster in the socio-economic status of women.

An important enabling condition for joint titling is legalized marriages. The laws in some Latin American countries, such as Brazil, and in Africa, Rwanda, provides legal backing on joint land titles for couples in registered marriages. However, in the Philippines, the family law was revised such that joint ownership included domestic partnerships to protect women in informal marriages (Pedragosa, 2010).

3.1.3 Collective or Community Land Titling

Estimates suggest that communities hold about 65 percent of the world's total lands under customary and collective tenure systems (Rights and Resources Initiative, 2015). Though held collectively, community lands may often be allocated to individual households and managed as such. Researchers interrogate the likely disproportional benefits and tenure security between men and women on collective lands. Namubiru-Mwaura (2014) noted that collective tenures could potentially exclude or exploit poor and vulnerable groups who may not have their own land. Filling the gap on how women's land rights could be protected within collective arrangements, Meinzen-Dick et al. (2021) suggest that both the community and the women as individuals must have tenure security. That requires good governance to recognize women's land access and control within the collective.

Some studies perceive collective titling to protect and recognize all the rights in the social tenure, including overlapping or secondary rights which women often exercise (Knight, 2010). Ruth Meinzen-Dick pointed out in an interview that individual and joint titling tend to concretize and concentrate the bundle of rights to only the title holders while it weakens the rights of other family members, such as girls and young men. Collective titling, however, leaves no one behind. Other evidence from Liberia, Mozambique, and Uganda in the IDLO's study revealed community land titling is more efficient in protecting rural households and land claims than individual and family land titling (Knight et al., 2012). In Tanzania, a group Certificate of Customary Rights of Occupancy (CCRO) is considered a valuable tool for strengthening the land rights of vulnerable people such as women and children (Lekaita et al., 2014). Constructive lessons from Salcedo-La Vina and Giovarelli's (2021) study show that when collective lands have legal recognition and enforcement, women can enjoy secured access, equal benefits, and participation in governance. In Kerala, India, to enhance access to land and credit for collective women in agriculture, the Kudumbashree farming initiative provided great support through collective land leasing and access to other agricultural entitlements (Choudhury et al., 2021).

3.2 Transformative impacts of land registration interventions on Women's land rights

In many country settings, legal pluralism of formal and customary laws co-exists with some discrepancies in practice. A social acceptance of equal land rights within the customary practices provides significant impacts for transformative results, but that seems the most difficult to achieve (Giovarelli & Richardson, 2016). Transformative change and sustainability of impacts in land interventions lie in addressing the harmful norms and social structures as the underlying root causes that undermine gender equality to land rights. Ultimately, tenure security is enshrined in obtaining both societal and legal recognition of land ownership. Thus, beyond legislation and women's inclusion in land registration interventions, community cooperation and good land governance creates the enabling environment to realize transformative results on women's land rights.

To realize gender transformative impacts in land registration programs, it is essential to understand the Gender Equality Continuum Tool developed by the Interagency Gender Working Group (IGWG) in the context of land governance. The concept advocates the integration of gender transformative approaches as a cross-cutting theme in program

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implementations with clear gender indicators. Along this continuum are gender blind, gender-sensitive or gender-aware, gender-responsive, gender transformative, and gender equality as the ultimate goal. Figure 1 illustrates the gender equity continuum tool through the lens of land interventions.

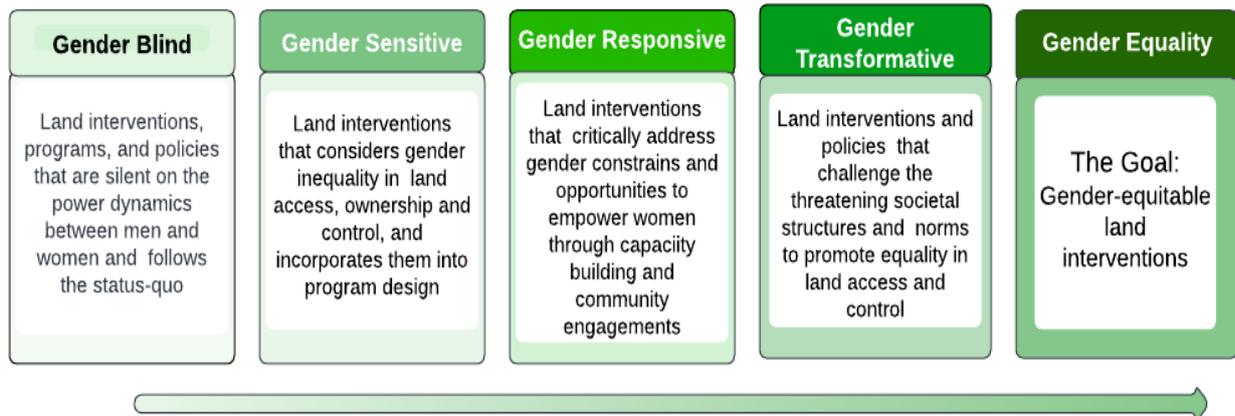


Figure 1: Authors construct of Gender equity continuum in the context of land interventions (Adapted from https://www.igwg.org/wp-content/uploads/2017/05/FG_GendrIntegrContinuum.pdf)

3.2.1 Evidence of transformative impacts from land registration interventions

Transformational impacts are central to development projects. However, in many land intervention programs, the monitoring framework lacks indicators for reporting on gender-disaggregated information. Often, the project reports are descriptive and generalized, with few comments on gender and women. Many projects are also evaluated soon after implementation and never revisited to report on their long-term transformational impacts. From the available short-term studies, this section discusses insights on the evidence of some impacts realized from land registration interventions on women’s land rights.

- **Perceived Tenure security:** Evidence on increased tenure security resulting from land registration interventions vary in literature. Assessing the impacts of the Certificate of Customary Ownership (CCO) project in Uganda, Burke and Kobusingye (2014)) found that CCOs have increased tenure security for women resulting from reduced encroachments and dispossession of land. Through the certification project, women gained certainty and societal recognition of jointly acquired marital properties, which would not leave them vulnerable upon losing their marriages. On the other hand, Kamusiime and Ntegeka (2019)’s study found that the CCO project has not created, or is yet to create, increased tenure security for women based on the Women’s Land Tenure Security Framework, measured by completeness of rights.

In Wonago District of Ethiopia, a survey by Adam and Abay (2019) revealed that the tenure security of about 96.8% rural women had advanced after the issuance of the land certificates. However, a recent study by Alvarado et al. (2022), 12 years after the

certification program, found a decline in the perceived tenure security due to fear of likely land redistribution by the Government in future.

- **Economic Impacts:** Rwanda's Land Tenure Regularization induced well-entrenched land markets (Ali et al., 2014). In Thailand, titled lands had high market values with high productivity. Early impact evaluation of Benin's rural land formalization by Goldstein et al. (2015) found that the project gave rise to long-term land investments and exogenous tenure security change for women. In terms of renting out in Ethiopia, a high probability was noted among female-headed households with certificates, increasing from 2.3% in the first year to 14.4 % after 12 years (Alvarado et al., 2022).
- **Food Security:** Evidence from the Microplot Allocation and registration of homestead land Program in India indicated that the program laid the foundation for food security (Santos et al., 2014). Women were empowered with higher perceived tenure security which they optimized to access credit facilities to invest in agriculture to improve household and intrahousehold food security. Also, the Landesa synthesis study on MCC-funded projects in Benin, Lesotho, Mali, and Namibia reported that female-managed lands for which the women had certificates were more likely to be left fallow, which is essential for improving soil fertility in agricultural investments (Giovarelli et al., 2013). In Ethiopia, significant impacts were recorded on agricultural investment and soil conservation among female-headed households. This increased significantly even in the long term, especially among households headed by widows (Alvarado et al., 2022).
- **Socio-Economic Status:** For jointly registered lands where women's photos were attached to the land certificate, evidence from Ethiopia revealed that it increased women's bargaining power (Deininger & Feder, 2009). They were more assertive in using, controlling, and making decisions on the income from their investment in land as a result of the certification. Alvarado et al. (2022) observed that this achievement had been sustained in the long term, however, wives in polygamous marriages had been negatively impacted. Examples from land titling projects in East Asia, particularly Vietnam, found that women's exclusive land rights, either held jointly or individually, increased their self-employment and expenditure, and reduced their chances of poverty (World Bank, 2014).
- **Women Empowerment:** Generally, empowerment of women becomes well-noticed in land interventions that emphasize on women's participation. It was observed from the IDLO's community land titling initiatives in Liberia, Mozambique, and Uganda, that women's land rights were strengthened through their involvement in the project. The women were empowered to challenge the existing gender-discriminatory customs and practices that affected their inclusion in land management and inheritance (Knight et al., 2012). Adam and Abay (2019)'s study in Ethiopia also showed that the certification program enhanced women's participation and involvement in household and community-level decision-making.

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3.3 Threats and Success Factors of Land registration Interventions

This section unpacks some threats and success factors on the long-term sustainability of land interventions from a synthesis of literature.

3.3.1 Some identified threats to sustainable land interventions for gender equity

- ***Social norms and cultural practices:*** Studies have shown that women who have access to land through purchase feel more secure than those who access through family relations or inheritance (Burke & Kobusingye, 2014). The insecurity emanates from competing interests within the household relations. Strong legal enactments could protect women's land rights from external threats such as grabs and encroachments, but with internal threats such as family relations, the legal protection might be limited.
- ***Supply-driven versus demand-driven interventions:*** Paradza et al. (2020) noticed that the supply-driven nature of land interventions undercut their long-term sustainability. Projects become more sustainable when the push factor emanates from the beneficiaries, and driven by local knowledge and solutions. Local actors may not always have the requisite techniques, capacity, or skills to maintain sophisticated land registration approaches or cadastral registers, preferably designed by the project donors. Without further capacity training, such projects suffer continuity after the development agency or sponsors have leave. The SaLAR project reported that, in Uganda, low women's participation was initially recorded due to the use of the STDM tool and other computer applications, which the women had little or no skills to use (ANGOC et al., 2021).
- ***Costly and lengthy registration processes:*** Long winding and costly land registration processes discourage full participation of beneficiaries. Mechanisms should be implemented to ensure the documentation processes are well streamlined. Also, for sustainability, costs should be prioritized by introducing incentives such as subsidized registration fees, charging flat fees for subsequent transactions, and waiving certain fees such as stamp duty charges. For joint land registration, single fees should be charged instead of separate payments from each partner in order for registrations to benefit women.

3.3.2 Success factors to sustainable, transformative land interventions

- ***Continuous research, monitoring, and evaluations for policy guidance:*** One main success factor behind Nepal's land titling is periodic data collection for policy formulation and amendments. The ~~Nepali~~Nepal's NES (National Engagement Strategies) has been researching and analyzing impacts on joint land ownership, women's land rights, community land tenancies, and policy gaps from time to time (ILC, 2020). The results serve as a guide for subsequent policy formulation.
- ***Multiple Stakeholder Engagement:*** Women's land rights must be recognized as a complex issue that requires involving multiple stakeholders across multiple levels. Engaging the local actors of change such as community leaders, national government, indigenous groups,

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etc., is a major facilitator for successful and sustainable interventions. From shared experiences in the HakiMadini project, it is advised that locally trusted people should front project implementation for effective impacts. It involves training and development to strengthen the local power structures.

- **Awareness, capacity building, and legal literacy on gender:** Awareness campaigns, capacity building for community members, and legal education for grassroots feminine movements are key ingredients for sustainable gender transformation. Advocacy for equal-gender land access and proportional representation of women in community leadership roles is also crucial. As Girma (2021) indicated, “*Women’s ability to exercise their rights to land depends on awareness of their land rights, their ability to invoke the rights, and social acceptance of those rights*” (Girma, 2021, pg. 9). Experiences shared by representatives from HakiMadini, Tanzania, disclosed that through the continuous training and awareness programs, men who initially resisted women’s land access, especially traditional leaders, now support women to acquire land. Others have even released portions of their land to their wives and mothers.

3.4 Gaps and Contradictions

Gaps and contradictions remain on the long-term impacts of land registration projects on women’s land rights. Towards gender transformation in land registration interventions, some areas have received little attention or have been overlooked. Addressing the complexities surrounding women’s land rights and tenure security requires multifaceted mechanisms and actions. Figure 2 summarizes some gaps as the enabling areas of concern for achieving gender transformative impacts on women’s land rights. Overall, good land governance plays a central role.

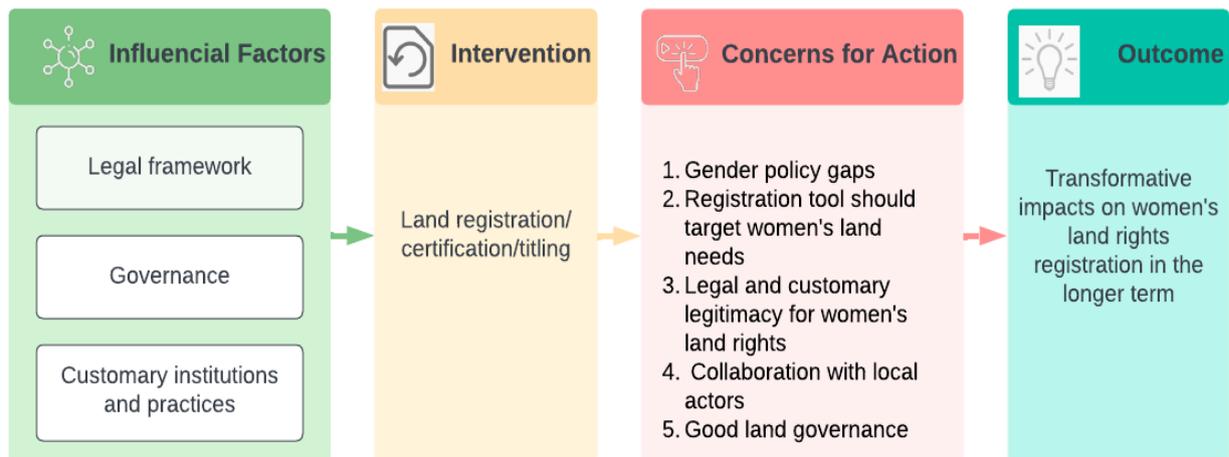


Figure 22: Author’s construct, Action areas of concern for transformative impacts on women’s land rights registration

Other identified gaps are discussed below:

- ***Gaps in protection of women's inheritance rights:*** The gaps in statutory laws and traditional practices can hold back women's land access and tenure security. The intersection of the two overlapping systems with gender should be scrutinized to find out what contradictions exist in terms of women's inheritance rights protection. Legal systems must be well-equipped to protect women against discrimination. For instance, the legislative frameworks in many countries are weak on inheritance, leaving room for the gender-biased customary or religious arrangements to dictate for women and girls. The SIGI report noted that only 55 out of 160 countries legally recognize and practice equal inheritance rights for both men and women (Kolev et al., 2014).

In other cases, statutory laws may be unambiguous on equal land access and inheritance, but its enforcement and practicality may still be counteracted by cultural or religious laws. A typical example is the case in India where inheritance is influenced by the different religious laws although the statutory law: Indian Succession Act of 1925, grants equal inheritance rights to both genders. Christian sons and daughters enjoy equal inheritance rights while Muslim sons enjoy twice as much inheritance than daughters, according to the Shariah law (Choudhury et al., 2016; Tong, 2022). An amendment in 2005 to the Hindu Succession Act of 1956 ensures equal inheritance, but practically as found in Tong (2022)'s research, some families circumvent the law and cause daughters to forgo their portions of inheritance. To this, a detailed review of legal frameworks religious laws, and customary practices is needed to identify the gaps and contradictions that need to be addressed.

- ***Gaps in addressing women's different land tenure needs:*** Different categories of women face different challenges in accessing land rights. Chigbu et al. (2019) investigated and found eight situations that categorize women and how that influences their need for land access and tenure security. These statuses include different economic classes – poor, middle, or high income; marital status; educational level; health conditions; age categories; women subject to different inheritance systems; women in political leadership and those in no leadership; and women with different land tenure holdings. The lessons from Chigbu et al. (2019)'s study which was conducted in Ghana, Nigeria, and Zimbabwe, suggest that it is critical to recognize the different challenges, needs, and status of women when designing land interventions. Putting all women in a general pool will have little, or even negative, impact on poor and vulnerable groups and rather benefit the literate, married, healthy, or women with power and affluence in society. Overlooking the women-to-women differences and their tenure security challenges could jeopardize the expected impact in the long term. These should be well investigated and incorporated into baseline studies of interventions.
- ***Incremental improvement of land intervention programmes:*** The impacts of land registration projects are mostly reviewed in the short term. Lessons from the evaluation reports are also often undermined in subsequent projects. Many land intervention projects appear to address gender, but the monitoring indicators lack gender implementation guidelines, while the evaluation reports also lack gender-disaggregated data. These

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instances prevent proper articulation as to what the effects of certain land registration strategies, both administratively and technically, have been on women in the long run. Land registration projects should incorporate plans for endline studies after 10 to 15 years of a project's lifespan to assess the impacts over a longer period. Ideally, as Girma (2021) noted, gender transformation requires revisits, iterative processes, and periodic adjustments. Development organizations have different assessment frameworks for measuring gender impacts in land governance. These include for instance, the gender evaluation criteria (GEC) by GLTN/UN-Habitat, the five dimensions of female empowerment index by USAID, and the guidance tool for women's land rights data and statistics by UN-Women. The applicable context-specific indicators should be used to measure the progress of gender transformation in land registration projects on women's land rights for incremental improvements.

4 CONCLUSION

There is a pool of literature on lessons, barriers, and sustainable factors of land interventions, and land registration in specific, on women's land rights. A gap remains on the long-term impacts of these interventions on women's land rights since many projects rarely conduct periodic reviews and longer-term evaluations on land projects. This study synthesized lessons from literature and interviews to find out what the long terms impacts of land registrations have been on women's land rights, as well as what the factors for sustainable benefits, or threats are for future policy formulation. Among others, it was found that different land registration tools are often implemented, but critical analysis of which approach works best where and under what conditions is often overlooked. Also, the interrelationship between a country's legal framework and the customary land practices, and how well the people embrace the existing cultural norms, is vital to understand whether land interventions will receive a good reception from the beneficiaries towards transformational change.

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