



# A stronger voice for women in local land governance: effective approaches in Tanzania, Ghana and Senegal

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## Acronyms and abbreviations

CCRO	Certificates of customary rights of occupancy
CLDC	Community land development committees
GIE	Groupement d'intérêt économique (Economic Interest Group)
GPF	Groupement de promotion <i>féminine</i> (Women's Advancement Group)
GSF	Grassroots Sisterhood Foundation
ICS	Industries chimiques du Sénégal
IED Afrique	Innovation Environnement Développement en Afrique
IIED	International Institute for Environment and Development
LSLA	Large-scale land acquisition
NETRIGHT	Network for Women's Rights in Ghana
SIDA	Swedish International Development Cooperation Agency
TAWLA	Tanzania Women Lawyers Association
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WRI	World Resources Institute

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## Abstract

Pressures on land have been on the rise over the past two decades across sub-Saharan Africa, notably due to increasing commercial interests fuelled by global demand for agricultural commodities. In Tanzania, Ghana and Senegal, such pressures have exacerbated tenure insecurity for rural populations and resulted in numerous cases of dispossession and displacement.

In many cases, rural livelihoods are being undermined: increased competition and reduced access to land impact communities' economic development, sometimes threatening food security, and bear significant impacts on wellbeing and socio-cultural identities. Communities with fragile and exclusionary governance structures are more likely to lose out. Although important progress has been made in terms of legal empowerment – including women's empowerment –, local land governance systems across the three countries studied remain weak and gender-discriminatory. Vulnerable members – in particular women – often hold little to no control over land and are significantly under-represented in decision-making processes, although situations can vary across areas. As a result, they tend to be more severely affected by the impacts of commercial pressures on land.

This highlights a need to address exclusion and gender-discrimination in local-level governance structures. The rationale underlining this idea is that increasing social cohesion and making decision-making arrangements more participative and gender-equitable will strengthen a community's capacity to collectively discuss and deliberate on land-related matters.

This report focuses on initiatives that have been taking place in Tanzania, Ghana and Senegal since 2016, and that aim to reinforce governance structures to make them inclusive and gender-inclusive in response to the challenges aforementioned. The approaches they developed aim to support women in entering the political space and participate meaningfully in land governance.

In Tanzania, where village authorities play a key role in local land governance, the Tanzania Women Lawyers Association (TAWLA) has been working with village councils across several districts to support the adoption of gender-sensitive village bylaws promoting more inclusive and participative land governance.

In Ghana, the Network for Women's Rights (NETRIGHT) and the Grassroots Sisterhood Foundation (GSF) have overseen the establishment of local, gender-sensitive governance committees in nine communities. These advise traditional authorities in land-related decision-making processes, reflecting a local context where customs play a key role in land management.

In Senegal where customary land tenure has been abolished and land management has been devolved to the municipal level, Innovation Environnement

Développement en Afrique (IED Afrique) has piloted the reform of a local government body responsible for land management. The aim is to promote the inclusion and participation of women and the adoption of a local land charter.

The report presents each initiative and associated outcomes and lessons, and then reflects on their broader implications for the future of work on gender and land rights.

## 1. Introduction

In many rural areas in sub-Saharan Africa, the way land is accessed derives from long-standing socio-cultural norms combined with statutory laws introduced by successive political regimes. As a result, land relations across the continent take many forms. This report focuses on Tanzania, Ghana and Senegal, where land has traditionally been considered a collective good that can be used for a number of purposes, from subsistence to socio-cultural and spiritual practices. In each of these countries, land has historically been held collectively by clans, families or lineages, with individuals accessing it through their affiliation to these groups. In most cases, these customary tenure systems have been characterised by gendered tenure practices, whereby women predominantly access land indirectly through a male relative. In such traditional systems, women tend to be largely excluded from decision-making and inheritance processes (Akinola, 2018; Dancer, 2017; Kuusaana *et al.*, 2018; Magawa and Hansungule, 2018; Sall, 2012), although matrilineal systems also exist.

Since the colonial era, multiple socio-economic and political processes have influenced land governance systems and land relations across sub-Saharan Africa (Cotula, 2007, 2016; Hall, 2011). Statutory law has been introduced in most countries – including Tanzania, Senegal and Ghana – alongside the concept of private and individual ownership. In response to women’s rights movements, the majority of African states have ratified international conventions on gender equality, as well as adopting policies and legislation reflecting these principles, notably in regard to defending women’s land rights. Contemporary land relations in sub-Saharan Africa are thus the result of this complex history. In the three countries examined in this report, gendered customary tenure systems remain widespread in rural areas,<sup>1</sup> overlapping in sometimes uncoordinated ways with statutory systems, the implementation of which remains challenging. As a result, the control over land and input into land management decisions most rural women enjoy remains limited. As pressures on land are rapidly increasing due to important socio-economic changes – including commercial interests and the commodification of land – this is leading to growing tenure insecurity for women.

Commercial interest in land has increased sharply across the continent since the mid-2000s. Under pressure from global economic trends, the majority of African countries have liberalised their economy (Hall, 2011), with Tanzania, Ghana and Senegal being no exception. Coupled with legal frameworks that are primarily geared towards protecting access to land for commercial operators (Cotula, 2016), these trends have facilitated the acquisition of large areas of land for commercial agriculture, mineral extraction and infrastructure projects. This has in turn resulted

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1. Customary land rights are legally recognised in Tanzania and Ghana, but not in Senegal.

in widespread land dispossession, infringement of rights, and inadequate compensation for local communities (Hall, 2013; Makki and Geisler, 2011; Nhantumbo and Salomão, 2010; Sulle and Nelson, 2009).<sup>2</sup>

While greater investment has the potential to create new livelihood opportunities, many ventures are in practice undermining local livelihoods. Increased competition and reduced access to land are impacting communities' economic development and, in some cases, threatening food security (Doss *et al.*, 2014), as well as affecting wellbeing and socio-cultural identities (Verma, 2014). In these situations, communities with fragile and exclusionary governance structures are more likely to lose out overall. Although important progress has been made in terms of legal empowerment (including women's empowerment, see Tsikata, 2004), overall local land governance in Tanzania, Ghana and Senegal remains weak, exclusionary and gender-discriminatory. Vulnerable members, particularly women, often hold little to no control over land, and are significantly under-represented in decision-making processes (Ndi, 2019). As a result, they tend to be affected more severely by the impacts of commercial pressures on land (Behrman *et al.*, 2012; Verma, 2014), which also often lead to a reconfiguration of roles, dynamics, economic strategies and property rights at the household level (Behrman *et al.*, 2012).

As well as reinforcing national legislative frameworks and enabling their proper implementation to safeguard the land rights of rural people, exclusion and gender-discrimination also need to be addressed in local-level governance structures. This report argues that by increasing social cohesion and ensuring decision-making arrangements are more participative and gender-inclusive, a community's capacity to collectively discuss land-related matters will be strengthened, notably when an external interested party comes in. This notion of participatory and inclusive land governance is particularly important at a time where securing land rights in the Global South is a priority within development and human rights communities. Thus, a necessary first step to securing land rights is understanding the political, economic and socio-cultural dynamics at a local level, while at the same time increasing vulnerable community members' confidence to participate in decision-making processes. In addition, such decision-making structures must be made more accessible and inclusive.

Since 2016, IIED has been working with partners in Tanzania, Ghana and Senegal to strengthen rural women's voices in local land governance; the long-term goal being to allow them increased control over their livelihoods options. Women are important agents of change, and the approaches presented in this report aim to support their meaningful participation in land governance, notably in local decision-making processes pertaining to land allocation and use. Such increased participation will hopefully lead to women's interests being more fully taken into

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2. Although the rate of large-scale land acquisitions (LSLAs) for agribusiness plantations has now slowed down (Cotula and Berger, 2017), commercial pressure on land continues to be a major issue, often aggravated by natural and socio-cultural phenomena such as climate change, urbanisation and population growth (Cotula, 2007).

account and defended by governance structures, thereby contributing to producing fairer land relations.

In each country, one or more national organisations have been working with communities of rural people grappling with commercial pressures on land. These organisations are developing, strengthening or upscaling tailored approaches to addressing local needs, while taking into account the opportunities and gaps associated with each country's land governance framework.

In Tanzania, where village authorities play a key role in local land governance, TAWLA has been working with village councils across several districts to support the adoption of gender-sensitive village bylaws promoting more inclusive and participative land governance. In Ghana, NETRIGHT and GSF have overseen the establishment of local, gender-sensitive governance committees in nine communities. These advise traditional authorities in land-related decision-making processes, in a context in which custom plays a key role in local land governance. In Senegal, where customary land tenure has been abolished and land management devolved to the municipal level, IED Afrique has piloted the reform of a local government body responsible for land management. The aim is to promote the inclusion and participation of women, as well as the adoption of a local land charter.

These approaches all differ in design, but share a number of similarities. In this report, we present each experience in detail, highlight key outcomes, and draw lessons for replication. In the concluding chapter, we build on these lessons, reflecting on how enabling women's greater, meaningful participation in land governance paves the way for fairer land relations, as well as how this should be considered in programmes aimed at securing land rights.

## 2. Tanzania: gender-sensitive village bylaws

### 2.1 Background

Land governance in Tanzania has been reshaped a number of times since the pre-colonial era, when customary tenure was predominant. Following independence in 1961, a legal framework based on the African socialist model was set in place (Arikawei, 2015). Under this system, tenure for all land was vested in the president on behalf of the people. Customary law was legally recognised, provided it did not contradict statutory law.<sup>3</sup>

By the 1990s, mounting land disputes, land tenure insecurity and a new economic development agenda led to major land reform. The adoption of a national land policy in 1995 led to the enactment of the Land Act (1999) and the Village Land Act (1999), which today remain the two key texts overseeing land governance in the country. Between them, they devolve a number of land management responsibilities to local government bodies and include specific provisions defending women's equal rights to land access and ownership.

Based on this system, land occupied and used by rural communities is classified as 'village land'. Currently estimated to cover approximately 70 per cent of all land in Tanzania (Massay, 2016),<sup>4</sup> village land usually includes areas designated for communal use as well as plots allocated to individuals or groups of individuals (see Box 1).

Through the existence of local government bodies, gender quotas and democratic processes, the Tanzanian legislative framework holds great potential for ensuring that community-level decision-making regarding land is participative and inclusive.

In practice, however, the implementation of the Village Land Act has been a major challenge, largely due to the limited financial and technical capacity of local governance institutions (Kessy, 2009; Pederson, 2010). Village councils and village assemblies often have a limited knowledge of land governance processes, meaning decisions can be made without a real understanding of their consequences (see Box 2). The issuance of CCROs nationwide is still at an early stage, as a village can only issue land titles once it has received its village land certificate and established a land-use plan. This requires technical expertise and funding, which is currently beyond the reach of a large number of rural villages due to limited capacity. The result is tenure insecurity for community members, as the land they use is often not demarcated and registered.

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3. Judicature and Application of Laws Act, 1961, article 11.

4. Although this figure is likely to have declined since the latest estimation, as village land is increasingly being converted into general or reserve land, a required step before it can be leased out to potential investors.

### Box 1. How is village land managed in Tanzania?

Under the decentralised land governance framework adopted in the 1990s, management responsibilities are assigned to local government bodies, namely, the village council and village assembly.<sup>5</sup>

The **village council** is the village's executive body, and is composed of 15-25 democratically elected members, including the village chairperson. The council regulates its own procedures, while the quorum for validating decisions requires that half its members attend meetings. The Local Government (District Authorities) Act requires that **a minimum of one-fourth of members of the council be women.**

The **village assembly** is the highest decision-making body in the village, and includes all villagers over the age of 18 who are ordinarily residents in the village. The assembly meets on a quarterly basis.<sup>6</sup>

The village council is responsible for managing all land within the village's boundaries. Specifically, it designates and administers areas for communal use, and is responsible for issuing land titles – called Certificates of customary rights of occupancy (CCROs) – to individuals or groups occupying or using land under customary law. It also makes recommendations to the village assembly regarding the transfer of village land to general land so that it can be allocated to an investor. The council is accountable to the village assembly, which oversees land management and allocation procedures (Schreiber, 2017).

From a gender perspective, although quotas for village council members are usually implemented, women members do not always attend meetings. This low participation is rooted in social cultural norms that dictate gender roles and divisions of labour. Women are expected to perform more caregiving tasks than men, which takes up much of their time, thereby limiting their participation in community forums (Kisambu, 2016). Even when they do take part in meetings, this does not guarantee active participation (Misafi, 2014). In practice, women remain largely absent from decision-making, and are rarely actively involved in land administration.

### Commercial pressures weaken women's fragile access to land

Village land is a critical resource for the rural Tanzanian population, which heavily depends on it to sustain their livelihoods, as well as for socio-cultural practices. Despite a progressive legislative framework, women's access to land remains largely informal and indirect, depending primarily on marriage or kinship for individual access for farming activities<sup>7</sup> (Duncan, 2014; Kempster, 2011; UNA Tanzania, 2017), and on communal areas for collecting firewood and fetching water (two activities traditionally carried out by women). This makes women more vulnerable to land dispossession and more prone to economic poverty (Kempster, 2011).

5. Both institutions were created under the Local Government (District) Authorities Act, 1982.

6. Local Government (District) Authorities Act, 1982, sections 55, 103 and 141.

7. It should be noted, however, that where land tenure regularisation processes have taken place, the issuance of joint CCROs seems to be on the rise (Schreiber, 2018).

Across the country, numerous cases of large-scale land acquisitions (LSLAs) for agribusiness and other commercial purposes have resulted in tracts of village land being converted into general land and leased out to investors (see Box 2). The losses of land linked to these investments often result in negative impacts for communities. Women are more severely affected as the land they use is more easily given or taken away due to their weak individual land rights and greater reliance on communal areas. Women's marginalisation in these processes is also closely linked to their lack of participation in village-level decision-making processes (see section above and Salcedo-La Viña and Notess, 2017). This was the case in the district of Kisarawe, in the coastal Pwani region (see Box 2 and Figure 1). In cases of dispossession, women tend to have fewer alternative livelihood options than men, as they spend a disproportionate amount of time on domestic work, own little to no economic assets, and might not possess the skills or confidence to engage in other income-generating and acceptably remunerated activities (Salcedo-La Viña and Morarji, 2016).

### Box 2. The impact of LSLAs on women in Kisarawe

Kisarawe comprises 71 villages. The livelihoods of the majority of the district's inhabitants consist of small-scale crop farming – maize, cassava, cashew nuts, coconut trees – and pastoralism. Consequently, villagers are highly dependent on land access and use to guarantee their economic and food security. The majority of villages in the district are yet to receive village land certificates, meaning they are currently unable to issue CCROs. Land access is thus defined informally in most cases.

Like other areas in Tanzania, Kisarawe has been affected by an LSLA: in 2009, a UK-based large-scale jatropha producer was offered a 99-year lease on 8,200 hectares of land to set up a jatropha plantation, affecting land held by 11 villages (Salcedo-La Viña and Beohm, 2018). The project never became operational, but the acquisition nonetheless had long-term implications for local communities. First, the company cut down parts of the existing forest to make room for its upcoming plantation, hindering a number of livelihood activities (Wise, 2014). Second, upon its allocation to the company, village land was permanently transferred to general land,<sup>8</sup> meaning rights of access, use and control by community members was revoked. This latter point was not properly communicated to the villagers who attended negotiations, and who had assumed the land would remain accessible. Despite some community members being formally consulted, it seems they were not provided with this information and therefore not in a position to give free, prior and informed consent. While compensation was given to expropriated land users, it was deemed insufficient and unfair.<sup>9</sup> After the failure of the project, land was not returned to villagers – instead, a national company involved in cattle raising took over the lease. The land is now guarded by armed staff and villagers are still prohibited from accessing it.

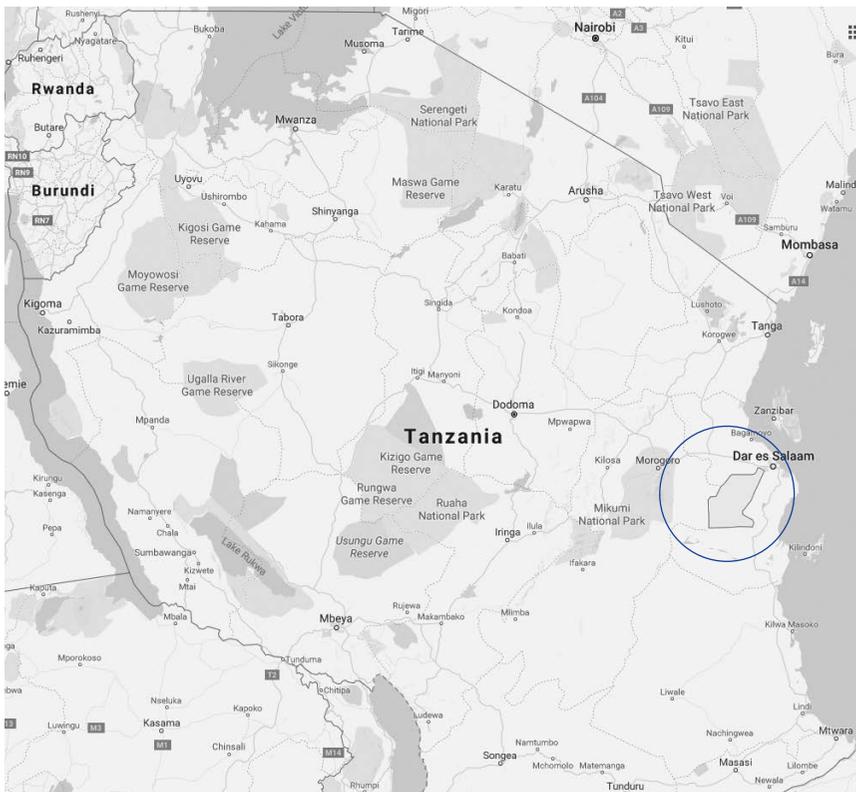
Following the acquisition, many women found themselves negatively affected by the process, having been banned from accessing formerly communal land they had used

8. As per national legislation.

9. The compensation did not take into account the value of improvements made on the land.

for farming, worship practices and woodfire collection. A preliminary investigation by TAWLA into two villages affected by the acquisition (Vilabwa and Kidugalo), revealed the acquisition had come as a surprise to many, especially to the majority of women, who had been excluded from discussions about the deal, and in some cases were not even aware of it.

**Figure 1. Location of Kisarawe district**



Source: <https://maps.google.com>

## 2.2 The approach

While the Tanzanian land governance system holds great potential for ensuring that all village members – including women – actively participate in community-level decision-making on land, solutions need to be developed to bridge the implementation gap.

TAWLA sought to harness the opportunity provided by gender-inclusive provisions in the national legal framework to ‘bring the law home’ by supporting the participatory adoption of gender-sensitive village bylaws (see Box 3).

### Box 3. What are village bylaws?

Bylaws are subsidiary rules enacted at the local level. They consist of locally defined agreements regarding the use and governance of natural resources, and encompass social and cultural relations (Granier, 2010; Williams *et al.*, 1999). In Tanzania, bylaws are legally recognised once approved by village and district authorities, as stated in the Local Government (District) Authorities Act (1982). A number of experiences suggest that bylaws are an effective tool in addressing local conflicts related to land and natural resources management, promoting peace-building, addressing gender inequalities, and strengthening rural communities' voices, as was the case, for example, in Zambia (Ajayi *et al.*, 2012) and Ethiopia (Yami *et al.*, 2013). Bylaws can support gender-sensitive local governance through a consensual, written and legally recognised framework that promotes women's participation in village governance, clarifies land and natural resources governance rules, and increases the transparency of local government activities. Their adoption gives women and men the means to participate in, and claim ownership of, land governance processes.

TAWLA's approach consists of providing technical support to villages towards developing and adopting local rules promoting gender-inclusive land governance, notably by enhancing women's participation in decision-making processes. The approach is based on all community members being actively involved in the process, as well promoting community dialogue regarding women's access to land.

### Content of the bylaws

Village bylaws can potentially cover a wide range of issues depending on the local context and specific needs of a given community. Common provisions include rules addressing the accountability and transparency of local government activities, the governance of land and natural resource use, agricultural practices, livestock herding and grazing, and the inclusion of vulnerable community members – elders, youth, disabled, women – in decision-making.

### A participatory adoption process

The method proposed by TAWLA to develop village bylaws is based on a bottom-up, participatory process. This includes four key steps that have to be followed by the village before the bylaws legally come into effect (see Figure 2). Key actors involved include district and village authorities, who lead the process.

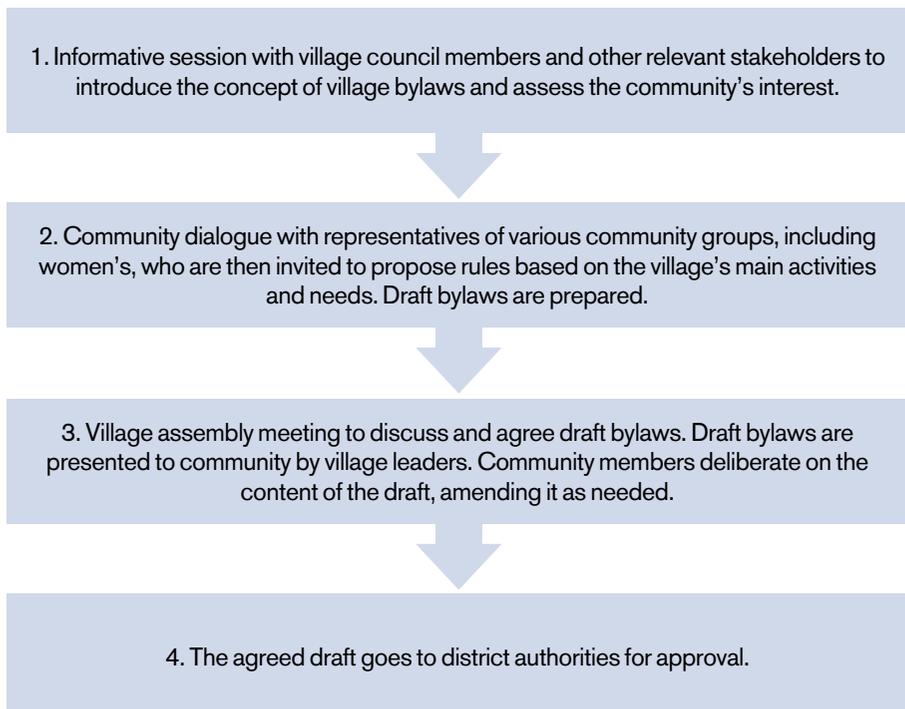
The process begins with a preliminary session to introduce the concept of bylaws to local government authorities, and explain their purpose and associated benefits. This includes district authorities, the village executive officer, and members of the corresponding village council. Ownership of the process by these actors is crucial, as they will be the entry points into villages, acting as intermediaries between the technical team (TAWLA in this case) and villagers.

Second, a community dialogue takes place to discuss the content of the bylaws. This conversation involves the technical team, village council members and representatives of a number of community groups, such as women, youths, elders, religious leaders and disabled people. This exchange serves to familiarise these actors with the provisions the bylaws can cover, and gives them a chance to propose draft provisions based on the local context and needs. A draft version of the bylaws is prepared.

Third, a village assembly is organised to present the draft bylaws to the wider community. It begins with an awareness-raising session on issues that can be addressed in the bylaws, with a focus on gender equity and land governance. This is followed by a participative conversation on the content of the bylaws, with each draft provision read aloud by a village council member or villager, and then deliberated. This session allows villagers to amend and remove existing provisions, and propose new ones. Provisions are adopted when at least half of the villagers in attendance approve.

Fourth, the amended draft has to be approved by district authorities to become legally enforceable. Once this approval is granted, a printed version is prepared and distributed to villagers.

**Figure 2. How TAWLA facilitates the participatory adoption of village bylaws**



## Making the bylaws gender-sensitive

With technical support from the World Resources Institute (WRI), TAWLA developed model provisions promoting women's inclusion in decision-making processes to serve as a foundation for their approach (Kisambu, 2016; Massay, 2016; Salcedo-La Viña and Morarji, 2016). The model provisions reiterate a number of rules already existent in national law, as well as including new rules on community-wide participation in decision-making processes, with a particular emphasis on the inclusion of women at the village level (see Box 4). They also provide for the creation of a gender committee, the role of which includes advising the village tribunal in land administration and management. Gender thus becomes an element embedded within broader governance mechanisms and rules. The provisions are proposed to community members and discussed during step 3 of the adoption process (see Figure 2).

### Box 4. Key gender-sensitive model bylaw provisions proposed by TAWLA

- Women shall constitute at least one-third of the village assembly quorum for ordinary meetings, and one-fourth of the quorum for extraordinary meetings;
- Women shall constitute at least one-third of the members of the village council;
- The quorum for village council meetings shall be 15 where there are 20 or more members, and 10 where there are less than 20 members;
- Whatever the required quorum for village council meetings is, women shall constitute not less than one-third of those present;
- Decisions of the village council shall be made by a simple majority where not less than half of the council members present arrive at that decision;
- A gender committee shall be established to – amongst other things – conduct women-only meetings prior to village assembly decision making meetings.

## 2.3 Implementation and outcomes

The adoption of gender-sensitive village bylaws was initially piloted in 2014 and 2015<sup>10</sup> in six villages in Kisarawe, where communities' access to land had been affected by an LSLA (see Kisambu, 2016 and Box 2). After successfully supporting this initial phase, TAWLA was asked by local authorities to facilitate the adoption of bylaws across all 71 villages in the district.

The approach has since gained momentum across the country, with TAWLA recently undertaking to replicate it in 50 villages in the districts of Kilombero and Ulanga,<sup>11</sup> both of which face significant commercial pressures on land. They have

10. With support from WRI and IIED.

11. With support from the Swedish International Development Cooperation Agency (SIDA).

also started the process in 15 villages in the Tanga, Mwanza and Arusha regions.<sup>12</sup> At the time of writing, bylaws have been adopted in 97 villages across 6 different districts in Tanzania, and the process is currently being finalised in another 40 villages.<sup>13</sup>

The popularity of the approach is explained by the wide-ranging benefits it brings. Initial requests by district authorities to replicate it across Kisarawe stem from positive impacts on local governance and social cohesion being rapidly observable from phase one, and from a desire to harmonise legislation and governance practices across the district. Having witnessed a high level of community engagement, authorities recognised the value of inclusive decision-making as part of wider governance strategies, notably in addressing issues linked to natural resource destruction, health and sanitation. When attempting to 'pitch' the idea to new villages, district authorities would present the positive outcomes already witnessed at previous sites. The introduction of bylaws thus followed what could be characterised as a 'spill-over' effect, whereby authorities and villagers in nearby villages would rapidly get on board once made aware of the benefits brought to their neighbours.

Since early 2018, follow-up visits have been conducted in the villages of Mhaga, Vilabwa, Marumbo and Kidugalo, where bylaws were adopted during the piloting phase. The aim of these visits was to ensure that bylaws were being implemented and to get a sense of the approach's impact four years on. The following outcomes were observed during those visits:

- **Women are more present and vocal in village meetings.** At the beginning of the initiative, women rarely spoke during meetings and would generally sit separately from men. Four years on, it was observed that men and women were sharing the same space and mingling during meetings. Women now actively participate in decision-making assemblies, and report that their ideas are being listened to by men. A bylaw provision stipulates that village assemblies can only take place when at least half of the women of any village are in attendance, and villagers reported that this had been respected thus far, notably through arranging meetings at times when women can attend.
- **Women have their own committee to discuss relevant issues.** The adopted bylaws provide for the creation of a women's committee in each village, and it seems women have actively been making use of these new platforms. This enables them to come together to freely articulate relevant issues they might be facing. Women then feel more confident voicing their concerns at village assemblies in front of men, knowing they have the support of a significant segment of the community.

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12. With support from donors such as We Effect and the Foundation for Civil Society.

13. Villages that have already adopted bylaws are in the following districts: Kisarawe (Pwani Region), Ulanga and Kilombero (Morogoro region), Muheza (Tanga region), Magu (Mwanza Region), Arumeru (Arusha Region). Villages where the process is being finalised are in Ulanga and Kilombero (Morogoro region).

- **Women have an increased knowledge of their land rights.** In Marumbo, members of the village council have reported that women have made more claims to individual plots of land through village authorities. While these claims amount to an informal form of registration rather than a formal title, given CCROs cannot be issued yet,<sup>14</sup> they most likely stem from women perceiving that they might secure their land in an official manner in the near future. This rise in women claiming land is a positive development, reinforced by the fact that most of these requests were approved by village councils.
- **Land-related conflicts have decreased.** The chairperson of Marumbo village, the village executive officer, and women of the community have all reported a decline in land-related conflicts, linked to better understanding and practice of land governance. Villagers' increased knowledge means they are now able to resolve land disputes in accordance with clearly set-out procedures, providing for more effective outcomes.

Some villages, such as Mhaga in the Kisarawe District, have passed provisions to demarcate farmland boundaries using fruit trees or fences, in order to clarify land use and access patterns within village land. Such provisions resulted from lively debates within the community during the adoption process, and instilled in people a greater sense of awareness concerning land distribution within the village. The process that followed enabled the resolution of several intra-community disputes.

The findings above suggest that the participatory adoption of bylaws contributed, through increased dialogue between and among men and women, to improved social cohesion. Furthermore, the participatory process provided a starting point to initiate new forms of intra-community social and political relations. At the time of writing, the upscaling process has just been finalised, limiting the possibilities of evaluating the medium- and long-term impacts of this phase of the project. However, the following positive effect was observed in the majority of villages where interventions have been carried out:

- **Bylaws and conversations around land instil in people an understanding of the value of land.** In villages that, to date, have not been affected by land acquisitions, there is increased recognition that the land they hold is valuable, but also that external actors being interested in their land can potentially have negative implications for them. It is difficult to prepare communities for the potential threat of land acquisition, and this in itself is a separate technical exercise that should take place with the assistance of government regulations. However, increased awareness of the value of land suggests that villagers, knowing the risks, will ask more questions and put more effort into the negotiation process.

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14. The village is yet to secure its village land certificate.

## 2.4 Lessons learned and reflections

Through being rooted in the national legal framework, gender-sensitive village bylaws present strong potential for being adopted more systematically across the country. The following lessons were identified through the piloting phase, and further refined during the upscaling and replication process:

- **Having community members in the driver's seat is time- and resource-intensive, but it is paramount.** The pilot phase of bylaws adoption in Kisarawe was particularly successful thanks to strong leadership from community members. Gender-sensitive bylaws were adopted in all six villages, and two years prior to the end of the process, evidence gathered from qualitative interviews suggests that the bylaws are well known and implemented in most villages, and that both men and women have changed their perspective on gender relations. This was achieved thanks to extensive engagement from the outset (see also Kisambu, 2016). Addressing deeply rooted, discriminatory socio-cultural norms requires an approach that engages communities progressively, and that can be sustained over time. While TAWLA might eventually retreat from this project, key actors, such as district and village authorities, will work to ensure that bylaws are implemented in the long term.

During the upscaling phase in Kisarawe, the project team was not in a position to ensure the same level of engagement in each village due to the scale and limited timeframe of the intervention. Engaging with communities at the village level is incredibly time- and resource-intensive. Villages are often located in remote areas and it can take hours to travel from one village to another on dirt roads. Organising community meetings also requires that key actors – such as district officials, village government representatives, and villagers – are all available on a specific date. This can be challenging and needs to be timed well in order to accommodate seasonal village activities. Nevertheless, the strong role played by local authorities and the spill-over effect (see p. 11) seem to have enabled local ownership of the process in the remaining villages in Kisarawe. While it is too early to draw definite lessons, it seems safe to say that changing attitudes is a long-term process that requires sustained engagement efforts in order to overcome these obstacles.

- **Local rules that provide community-wide benefits contribute to greater local ownership.** One of the key factors behind the success of gender-sensitive village bylaws in Kisarawe is that they do not follow a women-centric approach. While they have been used to promote women's participation in land governance, their adoption has also been an opportunity to clarify a wide variety of governance issues – such as land use and access, natural resource use, livestock grazing, health and sanitation; hence providing benefits to all community members. Their wide-ranging and inclusive benefits explain why the bylaws were so well received, and why the Kisarawe local authorities requested they be replicated throughout the district.

- **Bylaws need to be adapted to each local context.** The upscaling of bylaws across Kisarawe and beyond shows that the heterogeneity of contexts across villages needs to be taken into account, and that adaptation should be favoured over mere replication. Communities will have different concerns based on their socio-cultural arrangements, livelihoods strategies and economic situation. Pastoralist communities have different needs from farming communities when it comes to land and natural resources governance, and intracommunity relations and organisation differ from one village to the next. Some areas also encounter more pressures on land than others, due to commercial interests as well as conservation issues. This diversity of contexts has led to various versions of the bylaws being adopted, with each village accepting, amending, adding or deleting certain provisions.
- **Strong collaboration with local authorities is essential.** It is vital to engage with district and village authorities to ensure that the process is led from the inside. Facilitating organisations such as TAWLA are not always 'well-established' in the villages they work in, and need intermediaries to approach communities. Local authorities – particularly the district council, district legal officer, village chairperson and members of the village council – also play a key role in the adoption process and in ensuring local ownership. District authorities can also play a key role in replicating and/or upscaling the process. For example, in Kisarawe, the approach was replicated across the whole district following a request from district authorities – a process which would have been extremely challenging to achieve without their support. Since district and village authorities play such a central role, progress will largely depend on their willingness to see the process succeed. Anecdotal evidence shows that in one village in Kisarawe, the village chairperson did not seem actively involved in the process. During follow-up visits it was noted that women from this village were much less engaged in community conversations than in other villages in the district, and that all the villagers seemed to have limited knowledge of the bylaws.
- **There is a need to engage traditional authorities in communities where customary norms are strong.** While the process has generally been well received in most villages in Kisarawe, it has encountered some resistance in districts where customary authorities hold a greater amount of power. Engaging with community members, in particular men and traditional leaders, proved to be particularly challenging in the district of Arumeru in northern Tanzania, where pastoralist communities prevail. The power of traditional Maasai authorities remains strong in those communities, and they sometimes constitute a parallel government body to the village council, which itself tends to hold less legitimacy in the eyes of community members. This makes the first step of making contact with community leaders more difficult, as the perceived authority of both district and village representatives collides with local political arrangements. For example, there have been two instances where the bylaws adoption process took almost two years from start to finish, due to a substantial amount of engagement activity and awareness raising being necessary. This experience suggests that

engagement approaches in pastoralist communities need to be adapted in order to ensure that traditional authorities are properly included in the process.

- **In the initial phase, women and men should be engaged separately.** TAWLA found that talking to women separately during the initial engagement made them feel more comfortable and increased their likelihood of opening up. This enabled TAWLA to gain a greater understanding of the issues they were facing and to adapt their strategy accordingly. Having separate conversations also enabled the women to build up their confidence over time, encouraging them to speak in front of men during public meetings. Simultaneously, adapted messaging was addressed to men, encouraging them to recognise that women had an equal right to own land and participate in governance. This included providing information on laws related to women's land rights and participation in local governance, and highlighting the positive impacts that derive from implementing the law, notably in terms of food security.

### 3. Ghana: community land development committees

#### 3.1 Background

Land governance in Ghana is highly heterogeneous, reflecting the ethnic and cultural diversity of the country.<sup>15</sup> The country is characterised by a pluralistic legal system in which customary and statutory systems overlap. Customary tenure remains the predominant system of land governance, accounting for approximately 80 per cent of all land (Kidido *et al.*, 2017). There are currently over 166 laws governing land in Ghana, in addition to unwritten customary laws regulating stool, skin<sup>16</sup> and family land.

Customary land is usually collectively owned and controlled by communities – stools or skins, clans or families – and governed according to traditional norms and practices. Under these systems, land is held in trust on behalf of these groups by chiefs or traditional authorities, who are responsible for fulfilling relevant judicial, governance and land management functions (Boamah, 2014). Chiefs have the power to allocate land under an allodial title. This includes allocation of land to an individual, group or family within the community, or to an external party.

#### Women and commercial pressures on land

Although the constitution provides for equal rights, including with regard to property,<sup>17</sup> Ghanaian women remain significantly marginalised in land relations. This is despite their central contribution to the agricultural sector (Bugri, 2008).<sup>18</sup>

Land tenure organisation across Ghana varies greatly. In southern parts of the country, land is primarily held by skins or families, with matrilineal tenure systems – whereby inheritance is promoted through the mother’s lineage – prevalent (Dery, 2015). In the North, land is usually held by stools, and primarily follows patrilineal systems, whereby land is inherited through the father’s lineage. Despite this diversity in governance arrangements and inheritance systems, women tend to experience difficulties in securely accessing and inheriting land in all regions of the country. They also have little if any say in decision-making processes, particularly in relation to land, both at a community and household level, and this greatly restricts their ability to defend their interests and bring about change (Apusigah, 2004; Ganle *et al.*, 2015). Consequently, women experience very limited tenure security.

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15. There are over 100 dialects spoken and 40 ethnolinguistic groups in Ghana, each with its own customs and cultures.

16. Stools or skins are ethnic groups. Their names refer to symbols of power. In southern parts of Ghana, chiefs sit on a stool, whereas in northern parts of the country, chiefs’ power is symbolised by skins.

17. The Constitution of the Republic of Ghana, 1992, article 18.1.

18. Women represent a little over half of the country’s agricultural workforce, and a disproportionate 70 per cent of agricultural production (Send Ghana, 2014). They are also responsible for approximately 90 per cent of agro-processing and produce-distribution activities (Send Ghana, 2014).

Over recent decades, demand for land in Ghana has increased considerably due to population growth,<sup>19</sup> urbanisation<sup>20</sup> and commercial interests<sup>21</sup> (Bugri and Yeboah, 2017; Schoneveld *et al.*, 2011), exacerbating women's vulnerability regarding land tenure (Tsikata and Yaro, 2014). Large swathes of land have been acquired by investors and developers, fuelling speculation and driving up prices. As a result, land transactions in some areas have progressively moved away from traditional community-based methods towards commercial, market-based transactions (Yaro, 2010). This has led to cases of local communities being dispossessed and expropriated – with direct impacts on livelihoods and food security (Aha and Ayitey, 2017).

A growing number of sources report the negative effects on rural communities of corruption, bribery and a lack of transparency in the context of land deals. The impacts of these on productive, domestic and reproductive tasks are disproportionately significant for women, given their tenure security and participation in governance, notably around land-related discussions, are weak to start with (Boamah, 2014; Schoneveld *et al.*, 2011; Tsikata and Yaro, 2014; Yeboah *et al.*, 2017). This has the effect of exacerbating “*gender-differentiated landlessness, squeezed livelihoods and environmental degradation*” (Yeboah and Kakraba-Ampeh, 2016).

As the majority of land in Ghana falls under customary tenure, land management and its associated transactions is primarily the responsibility of traditional leaders. Unlike in Tanzania, therefore, there are no institutionalised arrangements giving community members the space to influence land-allocation decisions. This limits opportunities for incorporating women – or indeed any members of the community – into already established decision-making institutions. The largely unchallenged authority of traditional leaders, the lack of arrangements ensuring broad-based participation in land-allocation processes, combined with gender-discriminatory customs, means there is little room for gender-inclusive and participatory decision-making in relation to land.

### 3.2 The approach

In light of the challenges outlined above, promoting women's participation in land-related decision-making requires navigating local customs and engaging traditional authorities, while at the same time creating inclusive and participatory forums for community engagement. The approach developed by NETRIGHT and GSF in the Nanton Traditional Area builds on these two key principles. This involves the

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19. Ghana's population has increased by around 38 per cent in the last 15 years.

20. Urbanisation is placing further demands on agricultural land, as land that was previously used for agriculture is being acquired for urban development. An estimated 52 per cent of Ghanaians live in urban areas, 7 per cent higher than the average for West Africa, and 14 per cent higher than the average for sub-Saharan Africa.

21. Notably export-oriented agriculture.

establishment of strong community land development committees (CLDCs),<sup>22</sup> the purpose of which is to facilitate greater involvement by community members – and in particular women – in land governance, combined with the adoption of a model tenancy agreement aimed at strengthening women's tenure security.

### The project area

The initiative was implemented in an area covering nine peri-urban communities in the Tamale Metropolitan district (see Figure 3), in the northern region of Ghana: Dufa, Parishe, Cheko, Wamale, Jerigu, Lahagu, Duuyin, Bagliga and Sanzirigu. All of these are within the Nanton Traditional Area, one of the largest traditional areas in the skin of Dagbon.

Farming constitutes the main source of livelihood in the Nanton Traditional Area, and much of the land surrounding the city of Tamale was historically used for agricultural purposes.

Since the late 2000s, pressures on land have increased sharply. This is linked to urbanisation<sup>23</sup> and commercial development, particularly agribusiness, such as mango and jatropha farming, and shea butter processing, as well as other industries, such as brick and textile factories. Large swathes of land have been given away with the consent of chiefs, often without adequate prior consultation of community members. These have often been areas of prime importance for communities, historically used by women for farming, while men would work lands further away from home. The acquisition of these lands by public and private groups has forced women to look further away from their place of residence for available farmland, putting additional pressure on their already heavy workload due to having to walk long distances.

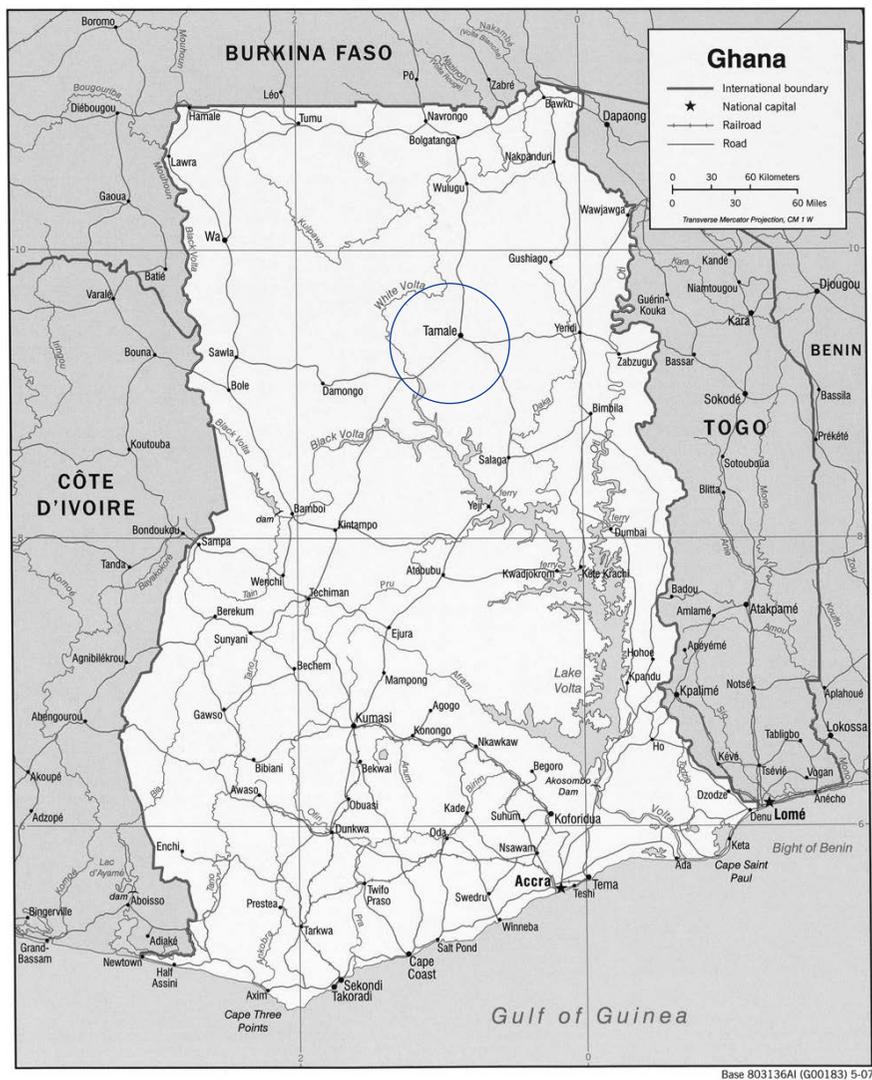
This is particularly the case in Sanzirigu, Wamale and Lahagu, closer to Tamale, which are now considered urban areas, and where the majority of women farmers need to travel to other villages to farm. The scarcity of farmland also means that men and women are now competing for what little land is still available, leading many – especially women – to abandon farming altogether. About 60 per cent of farmers have turned to agro-processing and petty trading to compensate for the loss of income brought about by land acquisitions. Additionally, approximately 80 per cent of youth across these nine communities have left for urban centres, such as Accra, Kumasi and Tamale, to engage in menial jobs, thus contributing to the depopulation of rural areas.

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22. CLDCs were initially developed by GSF in 2013 as part of their Women's Land Rights and Good Governance initiative which aimed at improving women's access to land, as well as ensuring transparency and accountability in land administration and management. The initiative was implemented between 2007 and 2013 and spanned two projects: the Women Land Link Africa project, supported by the Huairou Commission, and the Mwananchi Project, supported by Participatory Development Associates.

23. Including the building of educational institutions, government buildings and private housing projects.

Figure 3. Location of the Nanton Traditional Area



Source: [legacy.lib.utexas.edu/maps/ghana.html](http://legacy.lib.utexas.edu/maps/ghana.html)

In a context where available land is declining and women are traditionally excluded from decision-making processes and often unable to claim access to land on their own, they result disproportionately vulnerable to losing the basis of their livelihoods. The creation of participative and gender-inclusive decision-making structures at the local level provides an avenue to address this.

## Community land development committees

CLDCs are community-level advisory bodies established to assist traditional authorities with land-related decisions, as well as to act as intermediaries between community members and traditional chiefs regarding land governance issues. Similar approaches have been adopted in other areas of Ghana in order to promote transparency, inclusivity and accountability in land governance. For example, in areas affected by LSLAs, the Land Resources Management Centre piloted the establishment of land management committees, which served a similar purpose to CLDCs (Yeboah and Kakraba-Ampeh, 2017).

The aim of CLDCs is to facilitate greater involvement by community members – notably under-represented and/or vulnerable groups such as women and the youth – in land management, and bring their voices into decision-making processes. By promoting women's participation in land management, it is hoped that women-favourable land-allocation decisions will be promoted, thereby strengthening women's tenure security. CLDCs thus provide a means of bringing democracy, transparency and accountability to governance practices.

The CLDC is thus not a land-allocation committee. Rather, its purpose is to protect the community's interests in the face of growing pressures on land, particularly land farmed by women and other vulnerable community members. CLDC members can negotiate with chiefs for relocation in cases of encroachment, and can also advise authorities on land-allocation processes (without, however, overseeing these transactions).

CLDCs include representatives of groups traditionally excluded from land governance, and have between five and nine members, of which at least 30 per cent must be women. Members include traditional leaders, a 'women's leader' (*magazia*) and also a women's representative, one or two (male or female) youth representative(s), and one or two (male or female) opinion leader(s). The women's and youth representatives are elected by the groups they represent. The committee is expected to meet at least quarterly, more often if needed, and can adopt internal written rules, updating them when necessary. It is expected that local government representatives will be incorporated once the current committee's mandate expires. In the meantime, they are often invited to take part in meetings when issues arise.

CLDCs are rooted in existing local customary arrangements in order to facilitate endorsement and perceived legitimacy by both community members and leaders. Committee members are responsible for liaising with the rest of the community on land issues, assisting members with land-related requests, as well as sensitising traditional leaders regarding the need to safeguard community members' interests and supporting the leaders in decision-making instances. The CLDCs of the nine communities who took part in the project form a network through which they can support each other, and have a mandate to build consensus in cases of conflict through a conflict-resolution committee that comprises a women's leader, a youth representative and an opinion leader.

### Model tenancy agreement

In order to improve the clarity and security of local land transactions for women farmers in the Nanton Traditional Area, NETRIGHT and GSF complemented their approach by supporting the adoption of a model tenancy agreement. The approach builds on earlier experiences in other parts of Ghana, such as the initiative led by the Land Resources Management Center, as part of their involvement in the IIED-led 'Securing Land Rights in West Africa' project (see Kakraba-Ampeh, 2014).

Women farmers in the Nanton Traditional Area would often request access to a plot of land without negotiating terms or formalising the agreement, leaving them vulnerable to dispossession by landowners or chiefs. Tenancy agreements formalise the relationship between a lessor and a tenant, and serve as evidence of the right to occupy and use a designated plot of land for a given period of time. The lessor is anyone who possesses the right to lease their land, and can be any individual or group holding a freehold or a title through the land commission. Tenants can be an individual or group of individuals, and women are free – indeed, encouraged – to enter into tenancy agreements separately from their husband in order to avoid conflicts and ensure they are personally compensated in the event their access to land is revoked. A tenancy agreement usually needs the approval of chiefs to come into effect.

Supporting and advising women who wish to enter into a tenancy agreement is a key role of the CLDC. In the case of the present initiative, the model tenancy agreement was introduced primarily for the protection of farmland. For this reason, the duration of the agreement is an important element, as some crops can take a significant amount of time before they are ready to be harvested. Entering a tenancy agreement for a longer period of time, based on the type of production, might thus be a necessity to protect a woman and her family's food security. Women can negotiate long-term agreements that are subject to renewals and are transferable to their next of kin in cases of incapacitation or death.

### 3.3 Implementation and outcomes

CLDCs were first introduced by GSF in the Nanton Traditional Area in 2013 as an exit strategy for their Women's Land Rights and Good Governance initiative.<sup>24</sup> While beneficiaries agreed that CLDCs provided an opportunity to reinforce participation and inclusiveness in decision-making processes, the committees lacked technical capacity and community-wide engagement at the time, and so went dormant. In April 2016, at a national policy dialogue organised by NETRIGHT with support from IIED, the approach developed by GSF was singled out as a powerful tool to promote women's participation in local land governance. It was

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24. See footnote 22 for more information.

therefore agreed that CLDCs should be strengthened in order to promote more inclusive and gender-equitable land governance.

A scoping study was undertaken to provide a better understanding of the situation and local dynamics around land governance in the project area, as well as to assess what tools and skills would be needed to help the CLDCs fulfil their role. A trainer's manual on land-related laws and policies was subsequently developed to serve as a guide for CLDC members attempting to create community awareness on gender-equitable land governance. The manual was test-piloted with 60 CLDC members during a two-day capacity-building workshop in August 2018.

The workshop was organised in order to enable CLDC members and women farmers to engage duty bearers on matters of equitable land governance and investments. Innovative participatory methods and role-plays were used during sessions to encourage the active involvement of participants, promote first-hand experience of issues, and promote behavioural change.

Following the workshop, CLDCs were supported to develop and implement action plans, and quarterly field visits were carried out to monitor their progress. Success stories have been documented to demonstrate how CLDCs can promote conflict-free, gender-equitable land governance in the project area. This will serve as evidence to support the replication of the CLDC initiative in other communities. According to their action plans, CLDCs are expected to meet quarterly, with emergency meetings called as and when it is deemed necessary.

CLDC-led community conversations were subsequently carried out to engage communities in the design and development of the tenancy agreement template. This involved bringing together community members and actively encouraging them to participate in various informational activities, as well as promoting community conversations on land tenure security and land-allocation processes. Community members were also consulted on the types of provisions the tenancy agreement should include.

Having an internal governance body, rather than an external practitioner, introduce the idea of entering into tenancy agreements to the community proved to be very effective in gaining people's attention and ensuring perceived legitimacy. Many community members, men and women alike, welcomed the introduction of a model tenancy agreement, seeing it as providing long-term protection of their access to land in a context where urbanisation and commercial pressures were considerably reducing available surfaces. For this reason, many recognised the importance of allocating and securing land for women and other vulnerable members of the community.

Throughout the process, GSF and NETRIGHT have been making use of local media platforms, notably radio programmes, to promote public debate on women's access to land and publicise the CLDCs and their role.

The following outcomes have been identified based on observations and interviews with beneficiaries during follow-up visits to the project area:

- **Women are increasingly aware of their rights and making more claims to land.** GSF has observed that women now have a greater understanding of land governance systems and procedures, as well as of their land rights. A number of women have taken advantage of their newly acquired knowledge to request larger plots of land from their family heads. In several cases, this has come into effect at the onset of the 2019 farming season.
- **Women have become more vocal and confident.** GSF observed that some women now felt confident enough to speak in village fora, adding their voices to debates concerning the tenancy agreement, as well as land-related matters more generally. Additionally, it was observed that the women's public-speaking skills had improved, and that they are becoming more assertive when speaking in front of men and making claims to defend their interests.
- **Women are more economically enterprising.** The CLDCs have not only given women a voice, they have also impressed upon them the need to save and invest in their farms. A village saving and insurance scheme has been created through one CLDC with support from GSF, enabling women to save as well as borrow. The reactivation of this CLDC encouraged many women farmers to join the scheme in order to make savings prior to accessing farmland. At the time of writing, the scheme has enabled a number of women to borrow in order to pay for ploughing services.
- **Women join forces to defend their rights when they are not respected.** The following anecdote illustrates how women are becoming increasingly organised in order to protect their interests. In the Bagliga community, the farm of the women's leader was allocated to an external investor. The women of the community responded by coming together to demand fair compensation, as well as a new plot of land. The first demand was unfortunately not met, but the second was, and the women's leader was subsequently allocated a larger plot of land. The youth representatives also supported the protest, and then helped the women's leader clear her new land in order to enable her to farm in time for the new season.
- **A growing number of men and chiefs are supportive.** Although NETRIGHT and GSF have encountered pockets of resistance, positive changes have been observed in the attitudes of some men, who are increasingly paying attention to land distribution and want to ensure that women have access to land. Communities are 'competing' to see who gives more land to women, and women are being encouraged by their spouses to seek more land outside their community in order to increase production and incomes. Some men reported understanding the value of including women in land-related discussions, especially in a context of rapid land acquisition, and claimed that this had great positive impacts for the community.

Chiefs have also committed themselves to preserving community lands, and are increasingly allocating them to women for vegetable, cereal, soya bean and potato farming. The communities of Lahagu, Parishe, Duuyin, Jerigu and Cheko have offered between five and ten acres of land to six women's groups, each of which consists of some 25 women. At the time of writing, more groups of women are in the process of making demands and waiting to be allocated land.

- **CLDCs are making use of their intercommunity network to protect women's economic interests.** Recently, community members reported that estate developers had encroached on five acres of land farmed by women, where a dam and water reservoir were also located. Intensive water use by the developers resulted in women being unable to tend to their crops. In response, the local CLDC sought support from the network of CLDCs, which then reported the case to the king (*Ya-Naa*) of the Dagbon Traditional Area, of which Nanton is part. The *Ya-Naa* intervened and put an end to the encroachers' activities, declaring the area as reserved farmland for women and asking the community chief to relocate the developers.
- **The model tenancy agreement has been tested and new tenancy agreements are expected to be formalised in the very near future.** The tenancy agreement was tested in the nine communities of the project area to ensure that it is widely accepted. The introduction of this tool was welcomed by men and women alike as, on top of strengthening women's tenure security, it will help protect community land from external pressures. According to GSF, about 70 percent of the persons who tested the tool have agreed to enter into a tenancy agreement by the end of farming season provided that the paramount chief of Nanton give his consent.

### 3.4 Lessons learned and reflections

The establishment of gender-inclusive participatory governance bodies such as CLDCs, coupled with the adoption of a model tenancy agreement, has created space for empowering vulnerable community members in the Nanton Traditional Area, notably women. It also holds the potential to strengthen tenure security for women, as well as men. The following factors facilitated the success of the intervention and should be taken into account for potential replication:

- **New initiatives should understand and build on existing arrangements.** The Ghanaian legislative framework provides ample room for locally defined governance structures, where leadership structures are specific to each village, clan or family. Therefore, prior to introducing participatory governance bodies such as CLDCs, it is necessary to fully understand intra-community political dynamics, and this requires preliminary mapping of key stakeholders. Developing a context-specific approach that was sensitive to local socio-cultural and political arrangements played an important role in fostering community members' active engagement at the onset of the initiative. This approach builds on existing

governance structures. Including traditional leaders in the composition of CLDCs improves the project's likelihood of success, as their authority is recognised and respected among community members. It is likely that creating a parallel governance body would have hindered its recognition and perceived legitimacy. It is thus necessary to understand local dynamics and integrate them into proposed approaches, rather than attempting to make radical changes.

- **Local ownership of the process is paramount.** The bottom-up approach used to strengthen the capacity of CLDCs and develop a model tenancy agreement promotes local ownership of the process. The development of the model tenancy agreement was led by CLDC members, who also played an instrumental role in introducing it to community members across the nine villages. That it was an internal governance body, rather than an external practitioner, presenting the project to the community proved to be very effective in ensuring its perceived legitimacy.
- **Awareness raising, capacity building and getting men on board is vitally important.** Women who are well-informed about their rights are more able to question local socio-political structures, and are more likely to speak up to defend their interests. In parallel, men also benefit from training sessions helping them understand the issues at stake and assist women in their empowerment. However, the strategies used during the two-day workshop on land governance highlight that it is often useful to frame information differently for women and men. For example, men were asked to consider issues from the perspective of their sister, daughter or mother, rather than their wife, as this might be more conflictual.

There is a need to challenge the idea that men will 'lose out' if women have stronger rights. Instead, a narrative promoting men and women as 'partners in progress' should be adopted. Both the establishment of CLDCs and the introduction of the tenancy agreement were preceded by awareness-raising and training sessions for women, traditional leaders and the broader community. The training sessions included role-play activities, for example acting out the negotiation process between the chief and community members regarding a woman's access to land. The sessions impacted the ways community members received and interpreted information, with NETRIGHT and GSF finding that visual and interactive activities can be more effective in rural areas, where many cannot read.

- **Complementary approaches can be more impactful.** The introduction of the model tenancy agreement to formalise land tenure arrangements, combined with the creation of inclusive and participative committees, offers an additional level of protection for vulnerable land users, particularly in contexts where corruption and dispossession are common. It is possible that a lack of such practical guidance when CLDCs were first introduced contributed to their delayed buy-in. Tenancy agreements provide a concrete means of implementing CLDCs' commitment to strengthening women's tenure security, and more broadly to securing community land.

- **Replication in a customary land context requires careful scoping.** The CLDC initiative was well received in the nine communities where it was piloted, and NETRIGHT has been exploring the possibility of replicating it in other regions of Ghana. In particular, a scoping study has been undertaken in Somanya, in the Yilo Krobo district of southeastern Ghana, where commercial pressures on land are significant due to the soaring involvement of agribusinesses, such as mango plantations. Here, though, land is owned by families rather than clans or ethnic groups, and is held in trust by family heads. As a result, CLDCs could not be replicated as such, and the approach would need to be adapted to suit local arrangements. Thus, while replicating CLDCs in other communities across Ghana would be a welcome move, the approach would need to be adapted to suit different regional contexts.

## 4. Senegal: extending land commissions to women

### 4.1 Background

Senegal's current land governance framework has been shaped by successive historical transitions. In precolonial times, land was held collectively by families and lineages. Then, in the colonial period, a new tenure system based on French law was introduced. This included elements such as recording, registration and publication of state-sanctioned rights. After gaining independence in 1960, Senegal adopted the 1964 Law on National Lands,<sup>25</sup> which today remains the key reference with regard to land legislation (see Box 5). The law did not recognise customary tenure, and as a result about 95 per cent of land was classified as 'national domain,' to be administered by the state (Faye, 2008). Only use rights can be formally granted to this land, on the basis that rightsholders make productive use of it.

#### Box 5. Local land management in Senegal

'Home Territories' – the category of land within the national domain used to sustain rural livelihoods – is administered by the state and managed locally by municipal councils, supported in turn by land commissions.

**Municipal councils** are the lowest level of local government.<sup>26</sup> They are elected bodies representing a specific community, with the number of municipal councillors varying depending on the size of the community. Municipal councils have devolved jurisdiction over several matters, including finance, planning, and land- and environment-related questions. They have the power to allocate land-use rights to individuals or groups from their community, as well as to external parties. They can also withdraw rights when the land is not productively used.

**Land commissions** are technical bodies established to support municipal councils in land-allocation processes. Their mandate is to investigate land-allocation requests and make recommendations before the municipal council reaches a final decision. The investigation process involves field visits to collect relevant qualitative and quantitative data.<sup>27</sup> Land commissions are presided over by one of the municipal councillors, with members including the mayor, the chief of the village where the land object of the request is located, as well as representatives from local authorities and technical services.

25. Loi No. 64-46 du 17 Juin 1964 sur le Domaine national.

26. Code Général des Collectivités Locales, 2013.

27. This includes consultations with the village chief and community members, surveyance and demarcation of the plot, and identification of potential conflicts.

A combination of a lack of detailed regulation on land-allocation processes, restricted technical and financial capacities from local governments, limited understanding of the legal framework, and the persistence of customary practices despite their non-recognition have thus far severely hampered the implementation of the land management system (Fall and Ngaido, 2016). In practice, land often remains exploited without any formal rights being granted, as users consider their permission to use it is guaranteed by customary practices (Toure *et al.*, 2013).

### Commercial pressures weaken women's fragile access to land

The Constitution of Senegal provides equal rights to land for men and women, with gender equality principles reiterated in several laws and policies.<sup>28</sup> In practice however, most women do not benefit from a secure access and control over land (Kebe Diouf, 2016). As in Tanzania and Ghana, rural land in Senegal remains primarily in the hands of men, whether formally or through customary arrangements (Sall, 2012; Toure *et al.*, 2013). The majority of women who have access to land therefore tend to access it indirectly through a male relative without any formal rights.<sup>29</sup> As a result, they have little security in case their tenure is threatened.

In certain areas such as the Senegal river valley and the Niayes region, commercial pressures on land due to rising demand for agricultural, mining and extractive products have drastically increased over the past fifteen years. LSLAs by domestic or foreign investors have led to cases of dispossession, displacement and conflicts (e.g. Bagnoli *et al.*, 2015), reducing land available to local communities and undermining local livelihoods (Cotula and Berger, 2017; Fall and Ngaido, 2016). The growing land scarcity resulting from these commercial pressures combined with women's weak land rights is severely threatening their tenure security. The phenomenon is aggravated by their *de facto* exclusion from associated land allocation processes (see Box 6).

Although important concerns remain regarding women's lack of understanding of the land management system and of the need to apply for user rights in order to secure formal access to land, in areas where commercial pressures are high and land scarcity is growing women appear to be increasingly aware that they are entitled to formal land allocation. Even so, they remain wary of challenging social norms and the number of them willing to submit formal applications to the municipal council is low. The requests of those who do undertake the procedure are generally ignored, or rejected for being incomplete or ill-formulated. Women reported feeling

28. E.g. Loi n° 15/22004 d'orientation agro-sylvo-pastorale du 25 mai 2004; National Strategy for Gender Equality and Equity (2005–2015); Loi n° 2010-11 du 28 mai 2010 instituant la parité absolue Homme-Femme (men-women parity).

29. It should be noted that alternative ways of accessing land for women have emerged. In many areas of Senegal, rural women have been joining forces to establish legally recognised local women's groups (*groupements de promotion féminine*), created to support their economic activities. These groups have increasingly managed to secure formal access to land. However, such allocations do not take into account the number of members per group, and women often end up farming incredibly small plots (Toure *et al.*, 2013).

that the lack of procedural transparency, combined with the absence of women on land commissions (see Box 6), were important obstacles to the formal allocation of land to their peers.

#### Box 6. Women's lack of participation in land-allocation processes

Despite a relatively progressive legal framework promoting gender parity at all levels of governance,<sup>30</sup> women struggle to meaningfully take part in local-level land-allocation processes (IED Afrique, 2016). The laws requiring gender parity in all government institutions have been well implemented at the local level, with the percentage of female municipal councillors now at around 47 per cent, as opposed to 15.9 per cent prior to the 2014 local election (CAEL, 2015). However, (quasi-)equal representation does not necessarily amount to meaningful participation, particularly at the lower levels of governmental structures (Ngaidé and Chambaz, 2007). Female municipal councillors interviewed as part of this initiative reported that land allocation processes remain heavily dominated by men. This was attributed to the fact that the technical aspects of such processes are led by land commissions, which do not fall under the gender parity law and primarily include male members, as well as to a lack of transparency in how land commissions work. Female municipal councillors also reported that due to socio-cultural constraints, they were unlikely to challenge or vote against the commission's recommendations.

Women's growing marginalisation in land relations has in turn contributed to their economic, social and political marginalisation, exacerbating inequalities between men and women. This was the case in Darou Khoudoss, where the initiative discussed in the rest of this chapter was implemented (see Box 7).

#### Box 7. How phosphate and zircon mining has been undermining local livelihoods and increasing gender inequalities in Darou Khoudoss

Darou Khoudoss is a municipality in the Niayes area in the Thiès region (see Figure 4). Its coastal location has enabled the development of important fishing and tourist industries. It is also a significant farming centre, producing most of the fruit and vegetables sold in local markets in the urban areas of western Senegal. It encompasses 66 villages, and approximately 80 per cent of its 40,963 inhabitants<sup>31</sup> are smallholder farmers, livestock farmers or fishermen.

Darou Khoudoss has been renowned for its extractive sector since the mid-1950s. By the 1990s, several large-scale projects had been granted land concessions in the area. This led to the progressive relocation of numerous villages and the eviction of local

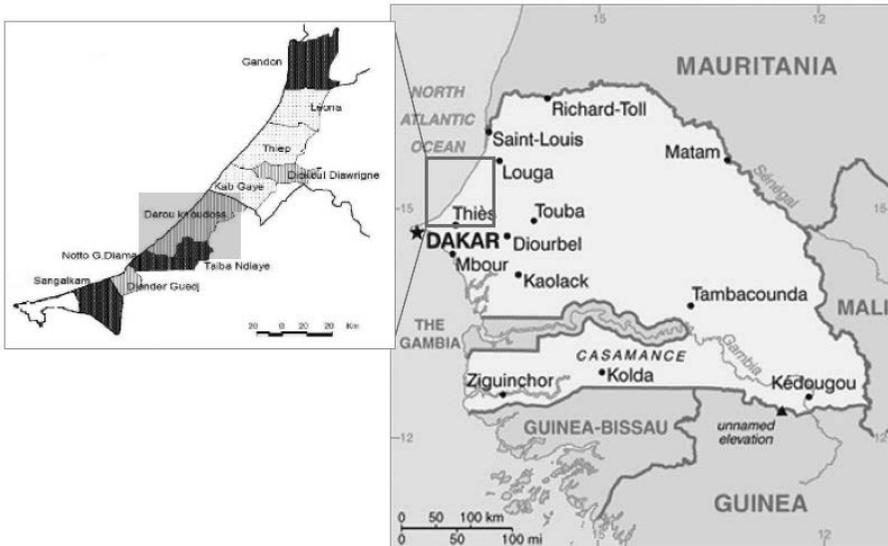
30. A 2010 law on gender parity requires an equal number of men and women to sit on government bodies at all levels.

31. Last population census, 2013 (ANSD).

communities from the land they had been using (Diallo, 2017).<sup>32</sup> For those who made a living from farming activities, this situation has put them in a precarious position. Several communities, either already displaced or threatened with displacement, have asked that the company provide employment for young people, in order that they can feed their families. This request has, however, been largely ignored (SenewebNews, 2016). Additionally, the presence of extractive industries has been linked to a number of environmental and health issues (Observers, 2018; Le Quotidien, 2018).<sup>33</sup>

In this context of fierce competition over land, with no local strategies put in place to assist former farmers, livelihoods have been severely undermined (Diallo, 2017). Women's economic activities in particular have been severely impacted, as their access to land is hampered due to their weak land rights. Many women have joined forces by establishing *groupements d'intérêt économique* (GIE – economic interest groups) through which they have secured joint access to land. However, the plots are tiny and do not allow them to be financially independent.

Figure 4. Location of Darou Khoudoss



Sources: [bit.ly/2WzVI3E](http://bit.ly/2WzVI3E) (left) and [bit.ly/2wQhaak](http://bit.ly/2wQhaak) (right).

32. Under the 1964 Land Law, the state can allocate and grant rights related to land use in the name of public interest.

33. These include: a decline in vegetation cover linked to deforestation to free space for extractive activities; generation of large quantities of solid waste in the preparation phase, linked to the removal of trees and the clean-up of sites; and a large quantities of drill cuttings produced by excavations of the landscape.

## 4.2 The approach

In light of the challenges presented above, IED Afrique developed an approach aimed at promoting women's participation in local land-allocation processes in Darou Khoudoss and increasing local government accountability towards women. The initiative is based on two complementary components: the appointment of women to the local land commission and the development of a local land governance charter to support the process.

### Extending land commissions to women

This approach draws on a strategy previously piloted under an FAO-funded initiative aimed at implementing the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). The pilots consisted of including representatives of different social groups – such as youth, pastoralists, farmers and religious leaders – on land commissions, in order to increase transparency and inclusiveness in land-allocation processes and provide additional support and capacity. Following promising results, IED Afrique built on this model to include women members on the land commission of Darou Khoudoss (*commission domaniale élargie aux femmes*, or CDFs – land commissions extended to women).

The approach is based on the assumption that having women participate in the commission will promote more gender-equitable land governance, and ultimately result in fairer land-allocation processes. The strategy not only consists of appointing women to the commission, but also ensuring they are actively involved in the technical aspects of land-allocation processes, in particular field investigations. This is done in order that their understanding of such processes is strengthened, allowing them to contribute to any final recommendations made. Ultimately, it is hoped that women's increased participation in the process will result in more allocation decisions being made in their favour, thereby strengthening their tenure security.

### Land governance charter

The inclusion of women in the local land commission was supported by the development of a land governance charter. A land governance charter is a participatorily-developed local governance tool negotiated between community members and local authorities, the purpose of which is to clarify local land governance processes while strengthening local government accountability. It usually consists of a set of ground rules defining how local government bodies are to perform their responsibilities in relation to certain land governance processes, with the content varying depending on local needs. In the present case, the aim of the land charter was to formalise women's participation in land-allocation processes, as well as clarifying the mission and prerogatives of the CDF and the selection process for women.

The approach builds on an earlier initiative under which IED Afrique and IIED supported the development of local land charters in order to promote accountability in allocation processes to investors (Fall, 2017). The development of local land charters is rooted in long-standing experience with developing local conventions for the shared management of common property resources in Senegal and elsewhere in the Sahel (see Box 8).

#### Box 8. Developing a land governance charter

The distinctive feature of the local land charters approach is that communities negotiate and adopt the rules contained in the charter, thereby giving them social legitimacy. At the same time, the rules are designed to comply with applicable laws, and in effect fill in the gaps of the national legal framework. The process of developing land charters can vary but usually entails four main steps:

- **Conducting a local land governance diagnostic.** A local land governance diagnostic is undertaken to identify problems and possible solutions. This generally entails a scoping study, incorporating interviews with the various stakeholders (including representatives from traditional authorities, women, youth, the government administration and elected local government officials).
- **Organising local consultations and negotiations.** Stakeholder meetings are organised to gather inputs and negotiate solutions. Meetings are held with community members to build support for the process and unpick the more difficult issues. Local government is closely involved throughout the process.
- **Elaborating the charter and validating it at the community level.** The project team discusses with the community the outcome of the consultation and its resultant recommendations. A draft outline based on these recommendations is prepared by the community, with support from the project team, and this is then expanded into a more detailed document. The draft document is then subject to multiple revisions and iterations, taking account of further discussion with the community, input from legal experts, and review by the government administration in order to ensure the charter's provisions comply with applicable laws and can be implemented in practice. Again, local government closely supports implementation.
- **Finalising and formally approving the charter.** Local government authorities review the final drafts and comment on them. The ultimate aim is for these authorities to approve the charter, and submit it to the *préfet* – who represents the state in the department – for final approval.

### 4.3 Implementation and outcomes

The process followed by IED Afrique to strengthen women's participation in land-allocation processes builds on the method presented in Box 8. A light-touch scoping study was undertaken to get a clear picture of the situation. The study was followed by a consultative phase, during which IED Afrique engaged key

stakeholders – including municipal councillors, the mayor, village chiefs and local authorities – to promote dialogue on women’s land rights and participation in land governance, build a consensus on the need to promote more gender-inclusive land governance, and agree on potential tools and approaches to achieve this.

Efforts to reach out to local women were assisted by local women’s groups (*groupements de promotion féminine*, or GPFs – women’s advancement groups),<sup>34</sup> which were involved from the start and played an instrumental role in the project. This initial phase included visits to and meetings in villages across the municipality in order to engage women, promote dialogue, and raise awareness about the existence of the initiative. Members of the municipal council, social commission and land commission were also present during those meetings. While village chiefs were notified about the organisation of such meetings and were generally the ones opening them, male community members were not invited. IED Afrique provided technical support and guidance throughout the process.

As a result of this initial phase, a broad consensus was built among stakeholders about the benefits of including women on the land commission, and of adopting a local land charter to support the process.

- **Participatory selection process.** Once the approach was agreed upon, IED Afrique worked with GPFs and village chiefs to elaborate the selection criteria used to appoint five women to the CDF. Darou Khoudoss was split into five geographic zones, with each one being responsible for selecting a representative through its local GPF. Criteria were elaborated in a participatory manner to ensure that those selected would be best placed to represent the interests of the municipality’s women, and would have a good understanding of the economic issues encountered. Five women were then selected based on the agreed criteria.
- **New functions for the land commission.** Additional functions were allocated to the CDF as a means of strengthening the committee’s weight in land governance. These responsibilities consist of implementing the municipal council’s directions related to land management, and include demarcating boundaries for pastures, livestock migration routes, safety zones for the protection of specific resources, and water access points and boreholes. These new functions have not yet been provided for institutionally. Instead, they were proposed as a way of taking the project forward and contributing to the instigation of fairer, more gender-equitable forms of land management. These additional duties reinforce the CDF’s position in land-related decision-making, with the plan being they would be specified in the land governance charter.
- **CDF established.** The inclusion of women on the land commission was approved by the municipal council in late 2018, and a first meeting of the commission took place in February 2019. The aim of this meeting was to take

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34. GPFs exist across the whole of Senegal, and are part of a region- and nation-wide federation.

stock of new land-allocation requests, which are now under investigation. At the time of writing, the commission has not yet met again to review the requests and make recommendations to the municipal council.

Regular meetings between the women's groups of Darou Khoudoss and the women on the CDF have been planned in order to enable discussions on land-related matters, and ensure the accountability of CDF members towards women. GPFs will continue to play an instrumental role and act as intermediaries between them.

- **Training.** Representatives of the municipal council, the land commission, the social commission and newly selected CDF members all attended awareness-raising sessions on women's land rights and gender issues in land governance.

The following outcomes were identified through observation and interviews with beneficiaries during follow-up visits:

- **Women's interest in and understanding of land management has increased significantly.** Women involved in the project are much more aware of the ways established structures marginalise them, and as a consequence are more motivated to challenge them.
- **Land-allocation requests by women have increased and women are feeling more confident.** The municipal team and women members of the CDF reported that the number of women making claims to plots of land has increased following the February meeting. This is attributed to the fact that women are feeling more confident about their demands being approved when the land commission deliberates in its new configuration. Women now also have a better comprehension of the technical requirements involved in the application procedure, increasing their chances of being allocated land. Some women have even requested that a rule on parity in allocation processes be introduced.
- **Adoption of the land charter has been challenging.** The introduction of the land governance charter has, however, been more challenging. Negotiations between women and the municipal team over what it should contain have proven difficult, notably in relation to the proposal made by women to establish a minimum quota for land allocation to them. To date, no agreement has been reached and the charter is still being discussed.

#### 4.4 Lessons learned and reflections

In terms of the initiative in Darou Khoudoss as it has so far progressed, the following lessons can be identified:

- **Approaches should build on existing governance structures.** The rationale behind the initiative was to build on existing institutional structures in order to promote more equitable, inclusive and participative land-related decision-making

processes. This allows for the promotion of local ownership and facilitates potential replication.

- **Filling in the gaps of the national governance framework offers the possibility of institutionalisation.** The initiative used local government bodies already established under the national framework as a foundation to promote gender-equitable land governance. This integrates and brings together a number of elements inscribed in the law, such as the existence of a decentralised land governance system, land commissions and gender parity laws. The design of the initiative is thus in accordance with existing laws, indicating the possibility of institutionalising it further down the line.
- **Local ownership is vital, and a women-focused rather than gender-sensitive approach can encounter resistance.** Engagement with key stakeholders built on established relationships, and was conducted in such a way as to ensure local ownership of the initiative. Gender-equitable land governance can be a challenging and divisive issue, especially in communities such as Darou Khoudoss where land is scarce and men may perceive women's request for formal land access as a threat. Engagement – in particular with municipal council members and other relevant local government actors – included ongoing and in-depth dialogue to ensure they remained in the driving seat. Initial discussions covering the initiative's aims and benefits provided opportunities for local government members to express their views. The engagement method enabled a general consensus to be built among key stakeholders that, given their significant contribution to agricultural production, transformation and trade, women should be able to gain better access to land. Overall, the introduction of the CDF concept was well received, and resulted in the inclusion of women on the land commission being approved. However, the matter became more divisive when the land governance charter was discussed; in particular the introduction of a provision stating that 30 per cent of land-allocation processes should go to women sparked animated debates and resulted in deadlock. In this case, it proved more challenging to ensure local ownership of the process. Discussions on the content of the charter are still ongoing at the time of writing.

Contrary to what occurred in Tanzania and Ghana, the approach developed in Senegal ended up being more 'women focused' than 'gender sensitive'. The Tanzanian and Ghanaian approaches, while clearly promoting women's participation in land governance, also led to the clarification and strengthening of land governance processes as a whole, ultimately benefitting all community members. In Tanzania, bylaws can potentially include any provision that community members deem useful, and in Ghana, the CLDCs aim to promote greater transparency in all land-allocation processes. In Senegal, however, the focus was almost exclusively on women's increased participation in land governance and promoting women's access to a minimum percentage of land. It seems that this resulted in men perceiving the approach as a threat to their own rights without any mitigating benefits for themselves. This is perhaps a

reminder that commercial pressures on land affects the secure access to land of all community members. Thus, the approach might have benefitted from greater ownership across the community if it had been more inclusive and provided clear benefits to men as well as women.

- **The existence of women's groups facilitated the reaching out to of a great number of women.** The initiative made use of pre-existing social platforms (GPFs) to engage with a wide range of women, and devolved the core elements of the project to them in order to ensure its sustainability and promote local ownership of the process. The use of local intermediaries as entry points to introduce proposed changes is extremely helpful in gaining the trust and interest of communities, and in the present case, it seems that GPFs are actively working to sustain women's engagement. Building on existing foundations and integrating them into the design of the approach is thus important in securing people's participation in a project.

## 5. Conclusion

This concluding chapter highlights commonalities between the three approaches presented in this report, as well as drawing wider lessons for future work promoting gender-equitable land governance.

In each country, partners have developed context-specific approaches, responding to different local needs and regulatory arrangements. Even so, the work undertaken in all three countries indicate that embedding solutions within already established governance structures, while at the same time empowering women through capacity-building activities, increases the likelihood of positive outcomes. Lessons gleaned from each initiative also highlight the value in developing approaches that strengthen (and, just as importantly, are *perceived* by both local men and women as strengthening) land governance arrangements as a whole. The resulting community-wide benefits in turn contribute to greater and more sustainable impacts. Finally, commonalities in the engagement strategies is a reminder that interventions solidly grounded in their local contexts and led from the bottom up are more likely to bring about long-term change.

### 5.1 Gender-equitable governance should be promoted through combined institutional and capacity-building work

All three approaches rely on the same rationale: the inclusion of female members on local governance bodies as a means of strengthening women's voices in relation to land. Although this is not sufficient *per se* to ensure that land is governed in a gender-equitable way, it appears a valuable starting point. The underlying theory of change in all three countries is that enabling a limited number of women to take part directly in land governance can provide a more favourable forum to voice land-related concerns and claims to women within a given community. In addition, by opening up for discussion a conversation on gender-equitable land governance with all community members, it is deemed to transform gender relations.

In order to put this theory into practice, the approaches rely on complementary activities. To start with, they build on existing governance arrangements and established institutions, while at the same time harnessing gender-equitable provisions within the national legislation to create space for women's voices to be heard. In Tanzania and Senegal, decentralised governance systems have established local governance bodies with clear mandates on land. Such local institutions provide clear avenues for promoting women's participation. In Tanzania, the fact that village bylaws are legally recognised provides an additional opportunity to root the approach in the national legal framework, thereby granting it greater legitimacy. In Ghana, meanwhile, the fact that decision-making powers on land are devolved to customary authorities, combined with the lack of institutionalised

arrangements for ensuring broad-based participation in decision making on land, required the development of a more ad hoc solution. This involved the creation of entirely new CLDCs. Despite such distinctions between countries, the fact that the approaches were rooted in existing arrangements and established institutions not only helped promote local ownership, it also created favourable conditions for potential replication and upscaling. It is worth noting, however, that greater adaptation in the approach is potentially required in Ghana due to customary land governance arrangements varying from one area to another.

Another common feature key to all three approaches is capacity building work. Initial scoping studies revealed that women often lacked the confidence and knowledge to act as their own agents of change. Key activities therefore included strengthening women's confidence through raising their awareness of land rights and land governance processes more widely. In Tanzania and Senegal, this component targeted all women within relevant communities, while in Ghana it primarily focused on members of the CLDCs. Awareness-raising sessions took on different forms depending on the country, but all relied on participatory methods which were key to their success. In Tanzania, this included community-wide conversations embedded in the bylaws adoption process, while in Ghana it involved the organising of a training workshop. In both countries men were also involved in the process. Despite differences in the methods used, evidence from all three countries shows that women's awareness of their rights, as well as their confidence, increased following these activities; ultimately leading to more requests for land. This highlights the fact that, with the requisite knowledge and confidence, women can become active agents for change, progressively working to claim more space in governance practices and in the community more broadly.

## **5.2 Strengthening existing governance arrangements for community-wide benefits leads to greater impacts**

In Ghana and Tanzania, the approaches developed aimed not only to incorporate a gender dimension into local governance practices, but to improve these practices more widely. In Tanzania, the adoption of village bylaws helped clarify local governance questions regarding resources management and land use more generally. In Ghana, meanwhile, the creation of CLDCs contributed to greater transparency and participation in allocation processes. In both cases, the implicit recognition that existing institutions lacked capacity and allocation processes lacked transparency enabled fairer outcomes for both men and women, with all community members aware they faced marginalisation as a result of such weaknesses. In Senegal, where the community-wide benefits of the approach were less prominent, men appeared to take weaker ownership of the project, thereby jeopardising its impact.

This suggests two key, inter-related lessons. Firstly, it is important to acknowledge that local governance arrangements often remain weak and require strengthening.

Secondly, approaches that benefit all community members – both men and women – improve social cohesion and are therefore more likely to lead to greater impacts. Focusing exclusively on women can be perceived as a threat by male stakeholders, or worse, result in intra-community tensions. These lessons are particularly important in a context where heightened urbanisation and commercial pressures are threatening rural land across large portions of sub-Saharan Africa.

The experiences discussed in this report also suggest that initiating a community-wide dialogue around land can both create a better sense of its value and reinforce social cohesion. Community members in areas where IIED's partners have worked seem to have become more open to coming together and discussing land-related decisions, and consequently are more likely to act as a united front in the face of external pressures on their land. A greater understanding of the value of land has been an unanticipated outcome that comes alongside and favours fairer land management.

### 5.3 Engagement strategies matter as much as approach design

An important lesson arising from the implementation of the initiatives is that in addition to the design of the approach (the 'what'), engagement strategies (the 'how') are just as important, and can make a significant difference in terms of impact and sustainability. The following bottom-up strategies were identified in all three cases – although perhaps to different extents – as playing an important role:

- **A strong understanding of the local and national contexts is essential.**

This includes understanding social, cultural, political and economic relations both where an initiative is implemented on the ground and at a national level, providing a better sense of how the broader political economy impacts local outcomes. Approaches in Tanzania, Ghana and Senegal are inscribed into the national legal framework of each country, taking advantage of existing elements while filling in gaps that hinder the realisation of inclusive participation. The approaches also take into account local dynamics and politics to ensure local ownership. In addition, understanding the national context can influence the ease with which a process can be upscaled and replicated. The willingness of national government to take things forward, as well as the existence of a favourable national legal framework, can be enormously helpful. In Tanzania, for instance, a clear and detailed local governance framework combined with the adoption of bylaws inscribed in national law creates strong potential for replicating the process on a wider scale. In Ghana, the prevalence of customary laws means that upscaling (by national government) might be more of a challenge. This is due to a weaker sense of governmental legitimacy, combined with the fact that the approach would need to be tailored to local customary arrangements (for example, the CLDCs approach would not be adapted to areas where land is held and governed at the family level). In any case, upscaling or replication will always require tailored approaches depending on context, necessitating a certain degree of flexibility.

- **Local ownership is paramount.** Communities should be enabled to own the process in order to ensure they collectively take the lead with implementation. For this to happen, the use of participatory methods is essential. This also requires that community members clearly understand the benefits and aims of the initiative and work towards their realisation.
- **Bringing local government authorities and/or traditional authorities on board** and working closely with them is also key. These actors serve as crucial entry points into communities, and the sustainability and success of the initiative will depend on their level of engagement and support.

Recent observations in pilot sites across the three countries suggest that a combination of these elements have had positive effects on relations between men and women, and have opened new spaces to discuss land-related matters.

#### 5.4 Wider implications for national and international practitioners

In all three countries, there was a strong emphasis on influencing gender relations by reinforcing women's agency and confidence to speak in public (in particular in front of men). Community dialogue on the role of women in land governance, and also indirectly at the household level, has been at the heart of each initiative.

Redefining the role of women in land governance involves understanding gender dynamics in relation to land, but also within the broader socio-cultural and political landscape. The marginalisation of women in land relations is actually a reflection of broader discriminatory practices. 'Land' and 'gender' issues are merely pieces of a larger puzzle, and cannot be considered in isolation. There is a need to think in a systemic manner, and interventions must thus aim, through reshaping socio-political space and making it more sensitive to social differentiation, to influence the dynamics, norms and processes perpetuating the marginalisation of women.

TAWLA, NETRIGHT and IED Afrique are also actively pursuing work at the national level in parallel to the local-level initiatives discussed above. As mentioned earlier, understanding the wider political economy in which practitioners operate is a prerequisite to developing bottom-up approaches. At the same time, it is necessary to engage with national policymakers in order to ensure that new land laws and policies promote gender-equitable solutions. In each country, partners are pushing for national-level reforms in order to protect the rights of all community members, as well as to ensure the continued success of the local-level governance structures they have helped implement.

Ultimately, strong institutions, clear and detailed processes, legal awareness, participation and inclusiveness, as well as social cohesion and confidence are all necessary elements in fostering stronger tenure security for men and women alike across rural regions. Development practitioners, governments, funding agencies and other actors involved in land rights must consider all these elements and work to reinforce them in order for land interventions to be successful.

## References

### Introduction

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## A stronger voice for women in local land governance: effective approaches in Tanzania, Ghana and Senegal

In many rural areas across sub-Saharan Africa, the way land is accessed is shaped by long-standing norms, often characterised by patrilineal inheritance systems that exclude women from decision-making processes. Lack of tenure security for women has been exacerbated by rising commercial pressure on land, and further aggravated by climate change, urbanisation and population growth. As a result, rural livelihoods are being undermined, with potentially dire consequences for communities' economic development and food security.

Since 2016, IIED has been working with partners in Ghana, Senegal and Tanzania to engage with rural communities. While the initiatives have been tailored to the local context, all three share a common vision – that of strengthening rural women's voices in issues of local land governance. This report presents in clear and concise detail the approach used in each case, as well as the key outcomes and lessons learned. From this, recommendations for replication and upscaling are made, providing a much-needed pathway for improving rural women's access to land, as well as the control they exert over their livelihood options.



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