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Land, Women and Socio-Economic Development in the Arab Region

**A Literature Review within a Study on the Evidence-based Linkage
between Access to, Use of and Control over Land and Women's
Empowerment and Socio-economic Development in the Arab Region**

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Background

- ▶ **The** scope of this review pursuit to offer new dimensions to the already-existing policy such as; theoretical definitions of land access, use, control and tenure, socio-economic related indicators, key factors that enhance women's access to land
- ▶ contribute to the realization of human rights and to the empowerment and participation of women in decision making."
- ▶ provide a faithful impression of the what literature exists and what gaps remain on the region

Interrogating Assumptions for Gaps

Possible reasons for gaps and the need to fill them include the historic indifference to land as a subject of curiosity and inquiry in connection with women in the Arab region

- ▶ .One of those assumptions may be linked to the common believe in the world that land is not—or should not be—a subject of women’s concern..
- ▶ In addition to states’ binding obligations and voluntary commitments, the evolution of the development-related disciplines also has given way to econometric findings that argue for an economic incentive in gender equality that projects to add \$12 trillion to the global economy

The subject of women and land appears to have remained in the shadows

For following factors factors:

- ▶ The dominant patriarchy in every region retains an assumption that material discrimination against women is “normal” and, therefore, unremarkable(apparent in the context of generally lower wages , inferior inheritance of land and other productive resources)
- ▶ The pattern of the denial or dismissal of such a relationship that explicitly targets women for deprivation and dispossession because they are women.
- ▶ where rural conditions prevail and food production is the dominant economic activity, violations against women’s economic relations, social and cultural human rights (ESCHR) to adequate land are especially overlooked because they are rural.

The subject of women and land appears to have remained in the shadows

- ▶ the conditions of women food producers and providers, fall outside the typical purview of reporting, including by the press and human rights monitors.

Over decades, monitoring, documentation and reporting have typically focused on instances of large-scale deprivations such as widespread disasters and mass evictions - overlooks the incremental nature of deprivation, complicating the purview of the diffuse cases of inheritance denial, lack of access to credit and the grinding deprivation of daily wage discrimination that accumulate to alienate women from land.

Impacts overlooked

majority of reports omit essential details such as :

- ▶ the number of affected persons and/or households and the value of homes, lands, incomes, biodiversity and other criteria of human habitat, wealth and wellbeing are at stake.
- ▶ the grave impacts of violent displacement and dispossession imposed on rural and urban women caught up in conflict and war, as in Syria and Yemen as well as women under occupation in such cases as Palestine, the Syrian Golan and Western Sahara. Even in the best examples of monitoring,
- ▶ The resources available reflect no compilation of women's land-related losses, costs and damages arising from unequal inheritance.

Discrimination in Process

Due to social constructs a further assumption works against woman's place as an owner in the context of land.

- ▶ The traditional dependence of a woman on the husband as provider
- ▶ Even in matrilineal systems, as in the Comoros a woman may be the nominal owner, but lack access to credit and other resources
- ▶ The lack of consensus in the literature on any one causal factor of the low labour force participation of the region's women reflects the multiplicity of issues at work, the complex interactions of many factors for example, the role of oil and religion, two of the primary explanations for women's low participation
- ▶ Rightfully, a woman's human rights to participation in public life and decision making meaningfully and with respect for her equal dignity and value in the Arab region does not substantially differ from those of women in other parts of the world.

Human Rights

- ▶ The development of the UN Committee on Economic, Social and Cultural Rights (CESCR) poses an opportunity to bridge that outdated estrangement in its current effort to develop a General Comment for state parties on the subject of land under the International Covenant on Economic, Social and Cultural Rights (ICESCR). At this juncture, CSOs are advocating that CESCR consider issuing a recognition of a “human right to land” (HIC-HLRN 2020).
- ▶ Neither of the two Human Rights Covenants enshrine the human right to property, as contained in the Universal Declaration of Human Rights (UDHR, Art. 17).
- ▶ the UDHR version of the right to property speaks only of the human right to “own property individually or in association with others.”

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- ▶ The literature on women and land in any region, let alone the Arab region, has yet to catch up to this universal perspective of human relations with land and its various implications, much more literature and other efforts are needed to respect land as a universal human need before treating it as mere property to be exploited and exchanged for other values

Universality

In a related observation, the potential role of international human rights law in bringing about social change in any society remains controversial, but this controversy is by no means unique to the Arab region.

- ▶ Pragmatists argue that Islam, other religions, traditional value holders and international human rights must engage with, and inform each other through dialogue.
- ▶ ‘change must be decided on, and initiated, by those whom it affects, rather than by outsiders’

Inheritance

- ▶ The bulk of the literature treats land primarily as property to be distributed and/or exchanged. The overwhelming majority of works intersecting on the subject of women and land in the Arab region is immersed in the matter of inheritance of land and its transfer, bequeathed under a will and testament, or adhering
- ▶ despite the literature's overwhelming focus on Islam-inspired inheritance laws, their interpretation at the expense of women in the region is often due to other mitigating condition
- ▶ Later findings show only 5% of agricultural land in Egypt owned by women, In Tunisia, the Islamic criteria are not always followed, especially in rural zones . In Somalia, one report describes how Xeer laws denying women ownership of land, camels and other assets in order to protect the property of the patriarchal line

Emphasis on Access

- ▶ Much of the literature also refers predominantly to a women's relationship to land as a matter of "access."
- ▶ However, from a human rights methodology, "access" is only one among a bundle of the holder's entitlements, which would be complemented by availability, quality, acceptability, effective use, cultural appropriateness, affordability, location, control and secure tenure over the land in question.
- ▶ the region has lowest level of women's land ownership in the world (5%). A progressive measure in Egypt has 20% of land titles . In Oman, the government encouraged women to apply for land from the government and put in place implementation strategies

Tenure

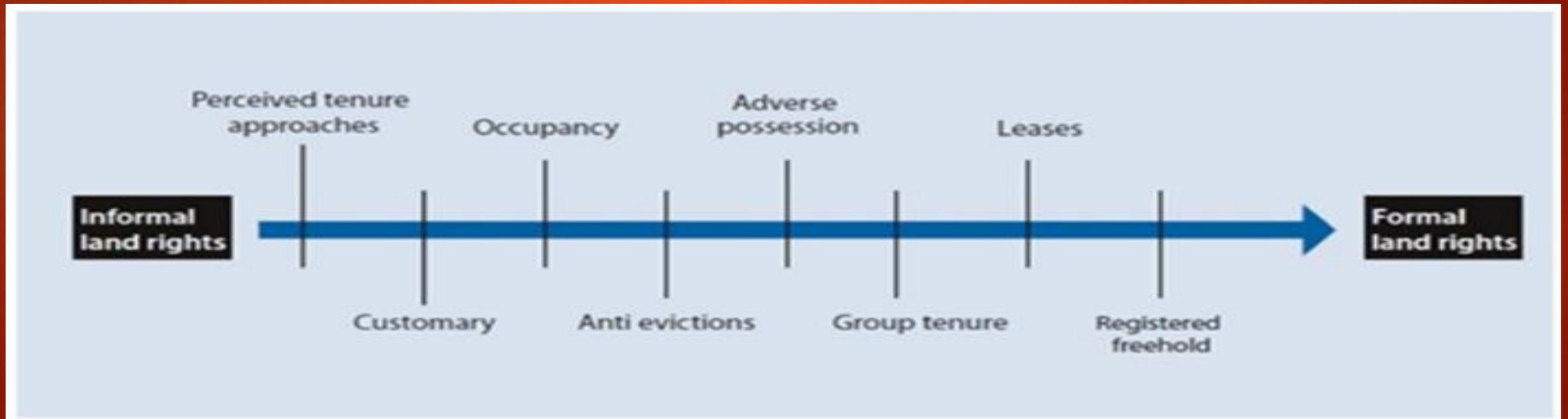
- ▶ The definition offered by the UN Special Rapporteur on adequate housing echoes the interpretive guidance of CESCR, namely:

A set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one's home in security, peace and dignity. It is an integral part of the right to adequate housing and a necessary ingredient for the enjoyment of many other civil, cultural, economic, political and social rights. All persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats (Rolnik 2013).

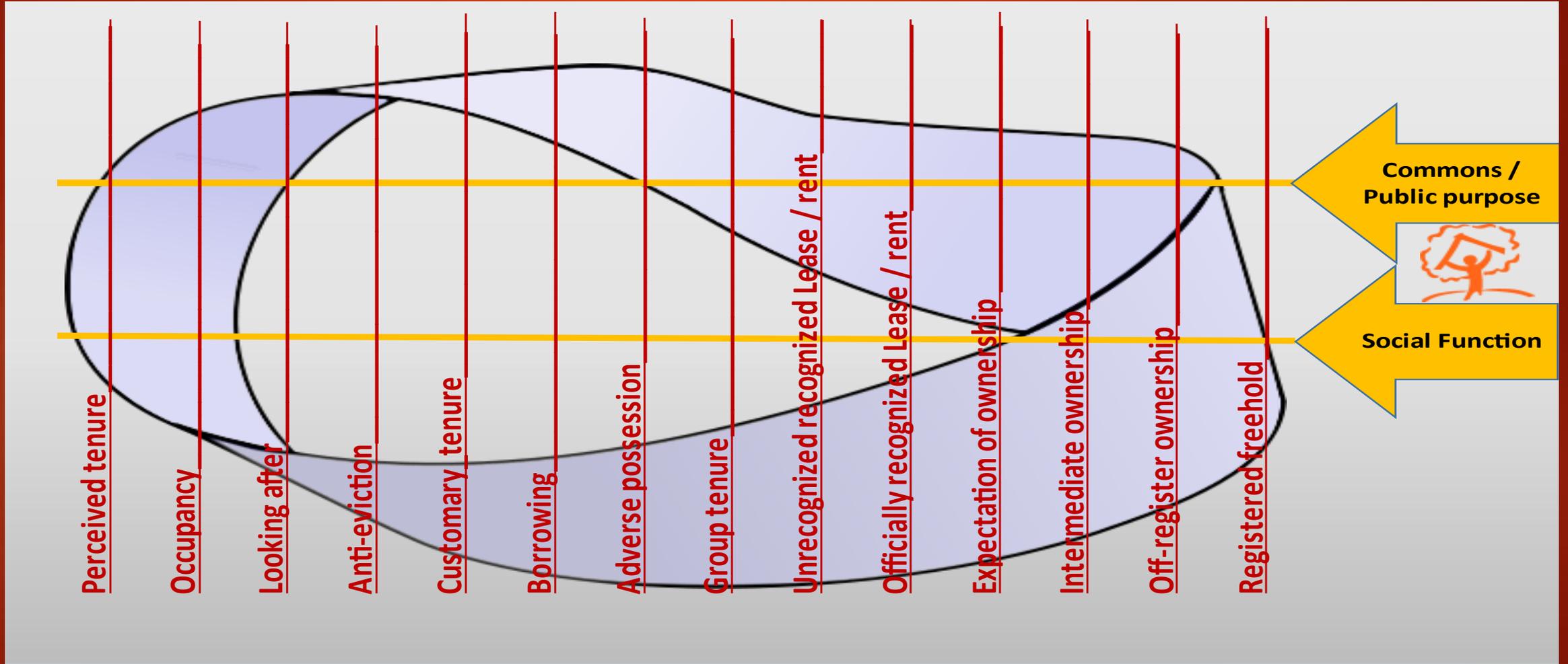
“Continuum of land rights” (CoLR) concept

Tuner is identified as a system of thought in which diverse practices of land access and use patterns coexist

- ▶ recognizes that, the various rights do not actually lie on a single line, but may overlap with one another;



The CoLR's : posed an alternative illustration by replacing the single line with a strip and add tenure types presented in the literature.



Within the states of the Arab region, the violations that may take place under more than 50 contexts



Deprivation and Violations: Contexts and Impacts:

Activities of national investors	Armed conflict and war	Land reform	
Activities of transnational corporations	Colonization	Marriage (formal or informal, with or without prenuptial agreement)	
Agricultural investment	Development or infrastructure project	Political corruption Political violence	
Annexation	Forced eviction	Punitive action (by state)	
Foreign occupation	Refuge (refugee status)	Repatriation after displacement	
Widowhood	Urban planning schemes	Urban land tenure insecurity in informal settlements	

Impacts



Autonomy/dignity loss	Social capital loss	Security of person violated
Denial of livelihood	Inability to produce food, or other means of sustenance and livelihood	Privacy lost or degraded
Discrimination against the entire gender	Inadequate housing and/or homelessness	Social relations loss
Dispossession of property/material loss	Lack of protection	
Economic status diminished	Power loss over household decisions	

Women at Risk:

The literature portrays women, as a class, to be vulnerable or subject to negative discrimination . however, at the there are categories of women who are particularly vulnerable to dispossession such as women who are: part of a disadvantaged (e.g., minority, impoverished, widow not allowed to stay in their matrimonial land/home ; divorcée

Factors hindering access to land for women

Patriarchy and Violence

- ▶ Male domination over public policy and, in certain families, over domestic decision making is a phenomenon overarching all groups and categories of women everywhere.
- ▶ A country-specific study finds that 95% of women in Bahrain experience violence against them at home or at work (Ghanim 2013), while another reports that 93% of Saudi women experience violence from their husbands, 30% of which cases involved economic violence

▶ **Subservience and Dependence**

- ▶ Receiving a less-than-equal—or greater—share of inherited land is, at its core, an outcome of self-interested patriarchal interpretations of inheritance arrangements

▶ **Political Will and Policy**

- ▶ A critical survey concluded that patriarchal governments across the region hide behind religious laws, or cite culture and/or tradition, when, in reality, women's rights are being systematically denied their rightful tenure of housing and land often by use of force and violence prohibited in statutory law
- ▶ Even historically, the modernist land reforms initiated across the Middle East did not achieve much and women's integration policies seemed superficial

Women in Agriculture

FAO estimates that women comprise 43% of the agricultural labour force in developing countries

In the NENA region, the percentage has risen sharply over the last decades, from about 30% in 1980 to 45%

- ▶ women only represent a small minority of farm managers, data from the early 2000s for Morocco, Tunisia and Algeria indicate that only between 4 and 6% of women were farm managers .
- ▶ Less than 14% of landowners in Tunisia are women; less than 10% of women run farmlands (Tarhouni 2008). In Lebanon, the share of female agricultural holders is 7.1%, whereas it is only 0.8% in Saudi Arabia

Women and Land Grabbing

- ▶ Land grabbing has important international dimensions, in part because land grabbing is seen as a strategy to offset food insecurity. For example, “Persian Gulf states invest [in] countries such as Ethiopia, where the Saudis own tens of thousands of acres, Brazil, where the Qataris are producing sugar, and Sudan, where the UAE owns 700,000 acres of farmland”
- ▶ Israel’s separation Wall grabbing land and ground water

Tools

- ▶ Other land tools include those that GLTN identifies as any means applied at any scale to realize the land governance principles of a nation, community or group.
- ▶ This encompasses relevant laws, policies, plans, guidelines, operational manuals, training modules, land tenure instruments, land records databases, monitoring and evaluation instruments..etc

Tools

- ▶ FAO has produced numerous policy tools such as *Taking Action: Achieving Gender Equality and Empowering Women*, produced by the Task Force on Education and Gender Equality (FAO 2005). It urges action to invest in infrastructure to reduce women's and girls' time burdens
- ▶ In 2013, FAO produced a technical guide to support the achievement of responsible gender-equitable governance land tenure
- ▶ UN Habitat is a guide for policy makers on *Women's Land, Property and Housing Rights across the World* (UN-Habitat 2007a) seeks to raise awareness about a repertoire of gender dimensions of land policy and legal issues.
- ▶ A core instrument in GLTN's repertoire is the *Gender Evaluation Criteria* tool, a set of gender-evaluation criteria for large-scale land tools that poses 22 questions to determine how to judge if a land tool is responsive to both women and men's needs
- ▶ Several references designed for training purposes include *Designing and Evaluating Land Tools with a Gender Perspective: A Training Package for Land Professionals*

Policy Instruments

- ▶ policy instrument in the UN System :the Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, also known as the Right to Food Guidelines, adopted by the FAO in 2004
- ▶ Especially relevant to the Arab region is the treatment of land in the 2015 *Framework for Action for Food Security and Nutrition in Protracted Crises* (FFA), which is a deliberated policy instrument of CFS.
- ▶ Two recent FAO instruments of regional policy advice are the 2017 *Study on Small Scale Family Farming (SSFF)* and another, in 2019, “Towards a new generation of policies and investments in agricultural water in the Arab region: fertile ground for innovation”. And *mall-scale Family Farming in the Near East and North Africa Region* is published as a synthesis document, with accompanying country-specific applications for Egypt, Lebanon, Mauritania, Morocco, Sudan and Tunisia, none of which has appeared in Arabic.

Gaps

- ▶ The literature reflects little effort, experience or methodological guidance at the important task of quantifying real or potential losses, costs and damages, in particular, women's values for evidence-based inquiry, whether in monitoring, litigation, in the case of renunciation of inheritance (تنزّل/تخرّج) or other violations of women's land rights and related
- ▶ The need emerges for a more-wholesome approach to the subject of "land rights," especially while it is still rooted in the mono-dimension
- ▶ Much of the policy advice and land tools across the UN System seem delinked from the UN Charter,
- ▶ The contrast between the Arab region and the wider Muslim community in approaches to *shari`a* and Islam-inspired laws and practice and their interpretation with regard to women and land, in particular, in heritance, reveals a yawning gap between human rights defenders and other secularists and believers. One seems to operate in one valley, and the counterparts in another.

Thank you all