

Expert Group Meeting

Good practices in realizing women's rights to productive resources, with a focus on land

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Women's access to land and productive resources

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Framing the Issues

1. While the background note recognizes land as a productive resource, the strategies and recommendations list suggests that land is mainly seen as private property. This view is useful when thinking of land in terms of property transfers, inheritance, and ownership. It might be important to recognize that women's groups, in general, many of whose members do not directly work on the land, tend to frame these issues mainly in human rights terms. From the experience of the Program on Women's Economic, Social and Cultural Rights (PWESCR), a broader frame resonates with women who actually work on the land and with natural resources. This note will mainly draw insights from PWESCR's work.
2. A purely human rights approach tends to treat access to land as mainly an issue of issue of discrimination, highlighting legal instruments including Human rights treaties such as CEDAW to make a case for women should have equal ownership of land/property. This from PWESCR perspective is an overly narrow framing of the issue. Access to land is not just a women's issue but part of a larger issue of livelihood, productive resource and food security, including food production and food sovereignty for life with dignity. These issues are matters of life-and-death in local rural areas but also concerns everyone especially people in the global south. There are several social movements around the world talking about land rights. Within these larger issues connected to land there are gender dimensions. Property and inheritance is a small part of it. The issue of land is not just an issue of discrimination and equality. It is an issue about the right to life, and right to food and therefore an issue of dignity. In most human societies, women play a key role in this arena, often referred to under the umbrella term of "social reproduction."
3. On the ground, women already play a critical role in using land for providing for families, communities; recognizing this is an important and much needed paradigm shift. From a legal frame, women are victims of discrimination and violence that need to be protected and taken care of. But women are also economic actors and agents, providing the means of life to everyone. Introducing and engendering this consciousness on women's actual role in all societies locates private property ownership properly – as a charge against production in the means of life and as an instrument for configuring the shape of personal relationships and social arrangements.
4. As in other economic spheres, women working on the land have a double burden and participate in production on an unpaid basis – the ultimate form of low wages. Changing property assignments is important and could subsequently "change" the social structure. It is important to start with changing women's role in decision-making in production and sharing arrangements.

Right to Livelihood as a Starting Point

5. The right to livelihood is crucial to women and men around the world. It is a right that is fought for and defended by farmers, workers, peasants and the urban poor. Conceptually, it is much more than the right to work or the right to property to income earning assets. It is the right to pursue a dignified life. In its essence, the right to livelihood offers people the

opportunity to realize other rights with dignity. Particularly, it is a right that is embraced by women around the world, who frequently encounter obstacles to livelihoods and seek equal opportunities to realize their rights. Yet, despite its importance, the right to livelihood is not an internationally recognized human right. As a result, there is no consensus at the international level regarding its definition. However, conceptualizations of the right to livelihood are now developing from the ground.

6. Access to the use of land is an important element of the right to livelihood. Beyond land, access to water, to other inputs to land, to credit and so on is part of the right to livelihood. In Western economies, stable property ownership opens access to other inputs. Campaigning for equal access to land ownership for women is important but it is not enough. In first place, it is only analytically tenable in neoliberal economic systems; only in such situations will the hoped-for credit flow on the basis of property collateral actually occur, for example. Since truly neoliberal economies do not exist (in part because dominant subpopulations reserve for themselves the power to discriminate), it will not be surprising that organizing campaigns around equal access to private property does not tend to elicit the hoped-for mobilization.
7. Organizing campaigns around the right to livelihood and the power to exercise stewardship and control over local natural assets is the more promising and viable approach.
8. While it applies everywhere, a right to livelihood approach is particularly relevant in the case of indigenous communities. In many parts of the world, the state development agenda uproots and destroys traditional forms of livelihood. Legal rights to land are seldom sufficient. “Despite legal entitlements to land, women’s ownership, access, control, and management have all been compromised. Although agricultural operations have become increasingly feminized, women are not seen as farmers as they are not land owners and hence denied state support for their invisible, largely unpaid, yet crucial agricultural pursuits. Issues of displacement are also critical from women’s perspectives. Women seldom get a fair deal in resettlement and compensation packages. Women’s access to forests and natural resources is continuously being impeded at an alarming rate because of unscrupulous and reckless exploitation of forests and natural resources” (Bazooka, 2011).
9. In India, under its program to distribute land, very few Dalit women have received land, under joint titles or as individuals. Access to water has also been discriminatory, despite government plans for irrigation for all lands/plots owned by Dalit’s. However, this programmer should include an incentive that such lands/plots are given joint titles, and that female-headed households/single women are given priority. The other programmers include short-stay homes and help line services to be arranged by the Central Social Welfare Board, although no clear monitoring mechanisms are spelled out.

The concept of dignity

10. PWESCR’s experience suggests that “to advance and make real the vision of a world in which all human beings enjoy all their human rights in peace, we must engage the concept of dignity. We have seen dignity, which underlies all human rights, become invisible. The ‘floor’ – the core minimum standard of a dignified human life to which each person has equal

rights - is sinking and disintegrating. People, in particular women, children and groups traditionally discriminated against, are surviving with less every day, in the face of the devastating impacts of globalization and mounting environmental challenges” (Phillips 2011, pp. 5-6).

11. The concept of human dignity stands in sharp conflict with the recent relentless social trends towards commodification which associate a price with elements of human life, making them susceptible to being traded in private markets. Historically, the current globalization is the second time in human history in which such a social process has been dominant; the first globalization process which peaked in 1914 culminated in two world wars and the slaughter of millions of people. Commodification or marketization has the potential first of all of permitting private markets to allocate the use of resources, relieving public mechanisms and authorities of the complexity of undertaking this task. Second, marketization offers the potential of releasing private investment to potentially increase the supply of those things traded in markets.
12. If the objective is to improve social outcomes and accelerate social development, marketization is in many cases either a grand illusion or an evasion of social responsibility. If markets are to allocate resources properly, the underlying distribution of income, resources, skills, and political participation must be equitable to begin with. Until such equality is a starting point, public mechanisms will be required. The eliciting of private investment to increase the supply of things traded in markets has most often required either public resources and regulation because the private sector finds such investment too risky or the explosion of financial investment for its own sake which often ends in financial busts which causes greater losses in jobs than jobs created during the boom period.
13. Recent examples highlight the extremes to which commodification is being carried out. The commodification of life forms through patenting is one example. Some forward looking governments have banned the possibility of patenting of life forms. In response to the looming climate change crisis, there are many proposals to price the emission of carbon, which would put poor populations at a distinct disadvantage.
14. Land has become recently an important asset class, joining gold, rainforests, stocks, bonds, insurance instruments, and so on. Both private companies and government corporations are amassing ownership titles to land through a global investment market.
15. The right to dignity, the right to livelihood, and the right to food must in the first place involve the regulation of the sale of land, reducing the power of money to allocate who can own and use land. Because national governments are still politically responsible for ensuring sufficient food for their populations, these regulations must involve regulations of the sale of land and resources to foreigners.
16. It is also important that regulation about access to land not be completely defined as being one of equal access among private parties, very often a trap that human rights approaches fall into. Land has many specificities – for example, how much rainfall, how close to water, how close to other inputs, what kind of neighboring crops, planting seasons, and so on.

Devolving decision-making to local communities, strongly supported by technical inputs and enforcement of equitable access to all members of the community by outside agencies, is critical. Permitting land to be used more collectively to exploit locally available efficiencies must be accompanied by mechanisms to allocate inputs and outputs equitably. This underlines the importance of women's decision-making and the creation of activities at the local level to promote progress in such decision-making where it is now inadequate because of ownership laws and inherited cultural norms. (Economic, social, and cultural rights require that women have equal right to participate in the development of the culture in which they live.) Gender concerns must be at the heart of devolution and decentralization of agricultural support activities but the support for local women's organizations is also critical.

17. The increased reach into agricultural production, in terms of commodity demand, standards, and financing by large supermarket chains and restaurant franchises is another important gender arena. With large capacity to shape or even distort agricultural production, these buyers of agricultural output represent a centralizing trend, with very strict timing and standard requirements that could undermine food security at the local level. Integrating gender and local food concerns, for example the provision for household plots and the inputs they need, into these operations is critical. The regulation of the practices of jobbers, traders and middlemen in agriculture will be required to protect local livelihoods; this area could even require greater public sector involvement in setting of prices, the provision of storage facilities, and the control of monopolies.

Bridging with the grassroots

18. Land of importance to women is located in a specific place in Earth and has specific characteristics. Working at the local level with women's organizations is indispensable. The issue of intervening in women's access to land and productive resources immediately raises the question of the feasibility of a centralized approach.
19. What is most useful is deriving a set of guidelines and building a knowledge network on **good** practices and coupling this with strategic resource support for local areas where knowledge can be distilled and shared. The phrase "good practice" as opposed to "best practice" is important here. There is no one approach that applies in all areas. Good practices are practices that have worked. Understanding how and why they have worked is critical because these are the conditions by which they could work in other areas.
20. Activities and organizations that bridge between local conditions and national-international activities must also be supported, and where missing, promoted. Most human rights organizations can be classified as belonging to the national level. The experience of PWESCR is that standard human rights formulations, especially if they focus on individual rights, are incoherent and not very useful in local work.
21. As elaborated above, access to land must be seen as a part of an interrelated set of rights to access to resources and decision-making arising from the right to livelihood and the right to a dignified life.

References

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