



Center for Women's
Land Rights



The Global Initiative
for Economic, Social and Cultural Rights



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Women's Land Rights and Climate Change

Written Submission by

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Introduction

Women in the regions of the world most affected by climate change bear the brunt of increased natural disasters, displacement, unpredictable rain fall, decreased food production, and increased hunger and poverty. UN-Women has highlighted that “women are more vulnerable to the effects of climate change than men—primarily as they constitute the majority of the world’s poor and are more dependent for their livelihood on natural resources that are threatened by climate change.”¹ Efforts to address climate change must therefore place women at the core of strategies related to mitigation, adaptation, technology development and transfer, and capacity building.

A critical missing piece in climate change strategies is the importance of women’s land rights. Securing women’s land rights could enhance resiliency to climate change and strengthen communities’ ability to respond well to shifting circumstances. While the 2015 Paris Agreement on Climate Change does not explicitly mention land rights, global and national plans of action will benefit from an enhanced focus on land rights, and particularly women’s land rights. In both law and practice, women’s rights to land, including the right to access, use, control, manage, and make decisions about land and land-based resources, are often diluted or denied.² Yet, emerging evidence suggests that when women hold secure rights to land, efforts to tackle climate change are more successful, and responsibilities and benefits associated with climate change response programs are more equitably distributed. Conversely, without effective legal control over the land they farm or the proceeds of their labor, women often lack the incentive, security, opportunity, or authority to make decisions about ways to conserve the land and to ensure its long-term productivity.

Secure rights to land and natural resources prove an incentive to invest in conservation and sustainable land use, and make women (and their communities) more resilient and capable of adapting to and recovering from climate change impacts. Equipped with clearly defined, recognized, durable, stable, documented rights to access, use, control, manage, inherit, and, if relevant, own and transfer land, women and families are better able to cope and recover following climate-related disasters, including through access to services and compensation tied to land ownership or use.

This written submission highlights three key principles to guide climate change strategy and interventions:

1. Secure women’s rights to land and natural resources, including within communities;
2. Ensure women’s meaningful participation in decision-making and dispute resolution related to access, use, control, and management of land and natural resource; and
3. Identify and support research and sex-disaggregated data collection related to climate change and women’s land rights.³

¹ UN-Women, ‘Fact Sheet: Women, Gender Equality and Climate Change,’ 2009.

² Women’s land rights are generally considered secure if they are: 1) clearly defined, 2) socially and legally legitimate and recognized, 3) unaffected by changes in women’s social status that would not affect men in the same ways (such as dissolution of marriage by divorce or death), 4) long-term, 5) enforceable and appropriately transferable, and 6) exercisable without an additional layer of approval that applies only to women, but not to men. See: Landesa Issue Brief, Land Rights and Food Security, March 2012.

³ This is based on a recent call by Landesa, endorsed by GI-ESCR, ILC, CGIAR, IWMI, and Namati, entitled ‘Women Gaining Ground: Securing Land Rights as a Critical Pillar of Climate Change Strategy’ (December 2015).

The submission will focus on four areas of opportunity for States to apply these principles: (1) addressing the multiple threats posed to women's land rights by climate change; (2) ensuring climate change strategies do not undermine women's land rights; (3) recognizing and incorporating the positive impacts of women's land rights into climate change mitigation and adaptation; and (4) promoting women's participation and leadership in tackling climate change. We hope that the principles, background and recommendations provided in this submission, will help to inform the development of the General Recommendation on the Gender-related Dimensions of Climate Change and guidance by the Committee to States parties regarding women's land rights in the context of climate change.

Addressing the Multiple Threats Posed to Women's Land Rights by Climate Change

Women's land rights are threatened directly by climate change through desertification, soil degradation, and increased contestation over and demand for arable land in many parts of the world. In addition, "land grabbing" for investment, large scale industrial agriculture, biofuel production, or as a result of market-based carbon schemes further undercuts women's land rights. Indeed, a major impact of climate change is increased land-grabbing due to greater demand for energy⁴ and to shrinking supplies of arable land.

Because women's land rights are already often tenuous and insecure due to both *de jure* and *de facto* gender discrimination, within the context of climate change they often come in last. This puts rural women at particular risk given their substantial reliance on land, and their indispensable role in agricultural and food production. In this regard, UN-Women and OHCHR have highlighted that:

*... in an era of climate change, studies have pointed to increased desertification and a marked decrease in land suitable for farming. Unpredictable rainfall and unseasonal temperatures already present a major challenge to many farmers, especially small landholders who have little capacity to adapt through technology or diversification. In Africa, the proportion of women negatively affected by climate-related crop changes is reportedly as high as 73 per cent in the Democratic Republic of the Congo and 48 per cent in Burkina Faso. Because of increasing land pressures around the world, the phenomenon of land-grabbing, and the ever increasing commodification of land, some scholars have noted that "the issue of women's land rights is not only important today, it is likely to become increasingly so over time."*⁵

Over the long run, climate change therefore threatens to marginalize women further, deepening their poverty and exclusion, making it harder for them to access, control, and make decisions about land and vital natural resources. In contrast, when women hold secure rights to land, positive social and ecological consequences tend to flow. These include improved nutrition, education, resiliency, and greater investment in soil conservation and sustainable land use.⁶

⁴ International Institute for Environment and Development, 'Land grabbing' in Africa: Biofuels are not off the hook,' 16 October 2013.

⁵ UN-Women/OHCHR, 'Realizing women's rights to land and other productive resources,' 2013.

⁶ See e.g., Landesa, A better world: strengthening women's land rights, 2014, at <http://www.landesa.org/resources/womens-land-rights-and-the-sustainable-development-goals/>; Land Rights, Climate Change and Environmental Stewardship, 2015 at <http://www.landesa.org/resources/climate-change/>. E.g., the 2011 Human Development Report found that "greater equality between men and women and within populations may have transformative potential in advancing environmental sustainability," and in relation to land degradation specifically, data analysis for that report covering some 100 countries confirmed that greater equity in power distribution, broadly defined,

To address these threats, the differential impacts of climate change and related disasters on women must be considered in the planning and implementation of climate and disaster management strategies. States parties should be encouraged to:

- a) Recognize and uphold women's secure rights to land at all levels, both in law and in practice, as well as territorially and abroad, addressing legal and social barriers;
- b) Document, research, report on and account for gender-specific climate-induced harms and their multilayered relationship to women's rights to land and natural resources by collecting and disseminating gender-disaggregated data;
- c) Collect, document and make public comprehensive data on the *de jure* and *de facto* enjoyment of women's secure rights to land, and track changes in land tenure and rates of land concentration.
- d) In line with CEDAW's gender-equality provisions for rural women, promote the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, adopted by the Food and Agriculture Organization of the United Nations, with the directive to operationalize the guidelines at the local, district, regional, and central government levels.

Ensuring Climate Change Strategies Do Not Undermine Women's Land Rights

Climate change strategies and interventions can, in and of themselves, deepen gender inequalities and violate women's human rights, undermining secure land rights for women. For example, market-based carbon schemes, such as the Reducing Emissions from Deforestation and Forest Degradation Plus (REDD+) programme, has been heavily criticized for land grabbing in order to capture carbon through agro-forestry and selling carbon credits (aka 'carbon-grabbing'), with potentially negative consequences for those with insecure land tenure rights, including women.⁷ Moreover, absent secure land rights women are often all together excluded from any potential benefits of such schemes.

To minimize adverse impact on women's rights from climate strategies, States parties should be encouraged to ensure that:

- a) Global and national climate change strategies adopt a "do no harm" principle in regard to women's land rights, and proactively advocate for securing women's land rights, including within communities; and
- b) The potential impacts of climate change strategies on women's land rights are effectively assessed, both territorially and abroad, for example through the use of participatory gender-impact assessments.

is positively associated with better environmental outcomes, including less land degradation. UNDP 2011 Human Development Report: Sustainability and Equity: A Better Future for All, at p. 65.

⁷ See: Rights and Resources Initiative, 'Status of Forest Carbon Rights and Implications for Communities, the Carbon Trade, and REDD+ Investments,' March 2014.

Recognizing and Incorporating the Positive Impacts of Women's Land Rights into Climate Change Mitigation and Adaptation

Securing women's land rights will be essential to mitigating predicted climate change impacts on food insecurity and water scarcity. Robust research links secure land rights for women to increased agricultural productivity and improved food security.⁸ This can have significant impacts at a global level because in poor rural regions, food security is often dependent on women's role in agricultural production to feed the population.⁹ About 70% of rural women in South Asia and more than 60% in Africa are farmers.¹⁰ By some predictions the yields of rain-fed crops in certain African countries will be cut in half by 2020 due to climate change.¹¹ Households where women have land rights report greater yields and increased food security.¹²

Similarly, secure land rights can be instrumental in addressing climate-induced water scarcity. UN-Water highlights that "lack of access (ownership) to land may be the underlying cause of women's limited access to water and a key reason for the greater poverty of female-headed households In many countries ... land ownership is a precondition for access to water."¹³ IFAD also highlights the importance of land rights in facilitating access to water.¹⁴ Gender-blind land allocation policies can therefore determine water rights and distribution, while local norms can further curtail women's rights to access and control water resources.¹⁵ Land "grabs" and takings, even when such schemes endeavour to compensate communities, can likewise ignore women's water access and use rights.

Where women have secure rights to use and access land, evidence suggests that they use resources sustainably. Research shows that many women practice "traditional conservation methods such as 'managed' fallow, crop rotation, intercropping, and mulching," and "[b]ecause of their particular household responsibilities for obtaining food, fuel, and water, women who get these products directly from natural resources have a vested interest in protecting them."¹⁶ The benefits to the environment and climate change are thus enhanced when women have secure land rights and as farmers can make good long-term land use decisions and use ecosystem-based approaches to land management. Land-tenure security provides an incentive for landholders to invest in adaptation measures, such as soil conservation, sustainable pasture use, growth of drought-resistant crops, and

⁸ Food and Agriculture Organization (2011), *The State of Food and Agriculture 2010-11, Women in Agriculture, Closing the Gender Gap for Development*, Rome. See also: Swedish International Development Cooperation Agency (2010), 'Quick Guide to What and How: Increasing Women's Access to Land,' Women's Economic Empowerment Series.

⁹ UN-Water, 'Gender, Water and Sanitation: A Policy Brief,' June 2006.

¹⁰ Food and Agriculture Organization, 'Men and women in agriculture: closing the gap' (last visited 18 Feb. 2016) at <http://www.fao.org/sofa/gender/did-you-know/en/>.

¹¹ The Inter-Governmental Panel on Climate Change, 'Climate Change (2007) Impact, Adaptation, and Vulnerability,' at https://www.ipcc.ch/pdf/assessment-report/ar4/wg2/ar4_wg2_full_report.pdf

¹² Landesa, Issue Brief, *Land Rights and Food Security*, March 2012, at <https://www.landesa.org/wp-content/uploads/Landesa-Issue-Brief-Land-Rights-and-Food-Security.pdf>.

¹³ UN-Water (2006), *Gender, Water and Sanitation: A Policy Brief*, June 2006, p. 4.

¹⁴ International Fund for Agricultural Development (2010), *Gender and Desertification: Expanding Roles of Women to Restore Drylands*, Rome. See also: International Fund for Agricultural Development (2012), *Gender and Water: Securing Water for Improved Rural Livelihoods: The Multiple Uses Systems Approach*, November 2012.

¹⁵ Ibid.

¹⁶ Mehra, R. (1995). *Women, Land and Sustainable Development*. ICRW Working Paper No. 1, 24.

development of alternate water sources.¹⁷ Yet without secure land rights, women know that if they work to irrigate their field or plant border trees, there is a good chance that they will not be the ones to reap the benefits.¹⁸

States should therefore be encouraged to reflect principles of gender equality and ecological sustainability (particularly agroecology¹⁹) in development and climate change strategies, affective both both territorially and abroad, with specific acknowledgement that that women's land rights are central to tackling climate change.

Promoting Women's Participation and Leadership in Tackling Climate Change

Laws and social norms often limit or ignore women's land and property rights and routinely exclude women from decision-making on land and natural resources. Women are thus excluded, much of the time, from planning for adaptation and mitigation that could improve sustainable use of land in response to climate change.²⁰ As the Georgetown Institute for Women, Peace and Security highlights:

Although women are forced to bear the brunt of the consequences of climate change, they have been systematically excluded from decision-making mechanisms and denied agency in deciding when and how to overcome the vulnerabilities they face. This is a serious omission that undermines the potential and compromises the effectiveness of even the best-intentioned efforts to address climate change.²¹

Women's right to participate in the design and implementation of climate change mitigation and adaptation strategies is critical; not only is participation a right in and of itself, but as highlighted above women also have much to bring to the table in terms of resilience strategies, knowledge and expertise which would aid local (and global) communities in addressing climate change. In earlier supplementary submissions to the CEDAW Committee on Tuvalu (2015 review) and Maldives (2015 review) – two countries at the front line of climate change– the GI-ESCR and partner organizations from both countries highlighted how women are often excluded from formal decision making, and are also at times discriminated against at the level of the community when it comes to land rights. In both cases, the CEDAW Committee emphasized the importance of ensuring women's rights to participation in climate change policy, disaster management, and natural resource governance.²²

These themes should also be emphasized within the General Recommendation and States parties should be encouraged to:

¹⁷ Mitchell, D., *Assessing and Responding to Land Tenure Issues in Disaster Risk Management: Training Manual*, at 34 (Food and Agriculture Organization 2011) at <http://www.fao.org/3/a-i2115e.pdf>.

¹⁸ Landesa, 'Women Gaining Ground: Securing Land Rights as a Critical Pillar of Climate Change Strategy,' 2014.

¹⁹ Agroecology is concerned with the maintenance of a productive agriculture that sustains yields and optimizes the use of local resources while minimizing the negative environmental and socio-economic impacts of modern technologies. For more information, please see: <http://agroeco.org/>

²⁰ A. Davis, L. Roper & U. Miniszewski, *Climate Justice and Women's Rights: A Guide to Supporting Grassroots Women's Action*, at 8 (2015).

²¹ Georgetown Institute for Women, Peace and Security, 'Women and Climate Change: Impact and Agency in Human Rights, Security, and Economic Development,' 2015.

²² UN Doc. CEDAW/C/MDV/CO/4-5 and UN Doc. CEDAW/C/TUV/CO/3-4.

- a) Ensure women's representation, meaningful participation and decision-making at all stages of climate change-related strategies and interventions; and
- b) Ensure educational and awareness-raising about gender aspects of climate change and land rights among community members, including information about gender-specific impacts.