



Voice, Agency and Participation
Consultation during World Bank Land and Poverty Conference, Washington DC
April 9, 2013

Jeni Klugman presented an overview of the voice, agency and participation report and solicited feedback from those in attendance (attendance list included in annex A). Lead discussants Elisa Scalise of Landesa and Jan Peterson of Huairou Commission led off the discussion and set up key focus areas for the discussion, including the importance of secure land tenure and the importance of working collectively with grass roots organizations.

General feedback and key messages included the following:

Secure land tenure: Focus should be on land tenure as it is broadly understood. This approach demands a focus on the relationship between and among land, people and institutions, and requires looking at land and land regulations in the context of the broader system. Landesa has been working to develop a framework for understanding whether tenure is secure or unsecure, this requires testing: (1) the social and/or legal legitimacy of the land holder's rights; (2) the ability to enforce those rights; and (3) the durability of those rights. Within those considerations is also the question of whether men and women experience the same enjoyment of those rights. A number of projects were highlighted that are testing this framework and which may be useful for the report – girls in India, women in North Uganda and women in Kenya. (Refer to: <http://landesa.libguides.com/inheritance>)

Scaling up/ scaling out: There was broad ranging discussion about the importance of scaling up and scaling out. The process of advancing women's land tenure requires social changes alongside institutional and legal changes, and these social changes/interventions are very contextual. Because of this the transferability of specific interventions may be questionable. In this context it is useful to think about the different ways in which women engage with one another and with institutions – this takes place through webs of influence, and it is through these webs of influence that long term change can emerge.

Marriage and rights upon marriage: The importance of differentiating between property rights of married, de facto unions and unmarried women was raised as these all present their own challenges. In many African countries for example, women actually lose rights upon marriage, notwithstanding that women's rights to independently own land when married is protected under Article 6 of the Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Women in Africa. In some cases whether a woman is married or not is more important in determining her land rights than her level of education, income etc. In Kenya, for example, the gender divide exists across all classes as a result of discriminatory laws and institutions.

Collective action: There was significant emphasis placed on the idea that women's empowerment is often local and is based on collective processes. In this context it is critical to include and engage grass roots women and grass roots women leaders in the process and into the research - providing the opportunity for

them to express their voice. This will also help to bridge the gap between research and its use/application in practice.

The importance of bringing in multiple groups during the report preparation process is also critical – for example Huairou Commission, Landesa, Groots etc – as these groups can help to bring the wider constituency of women’s movements and actors together. This is critical for achieving real changes on the ground and for translating policy messages and dialogue into real progress. This also reflects the importance of recognizing local structures, and the strength of collective voice in promoting changes to those structures. In this sense the participation and voice focus needs to be much broader than parliamentary participation – for only a very small portion of women is elected participation possible or even desirable.

Local links: A recurring theme was the importance of working with local researchers will help to draw out some of the country or region specific challenges. Similarly a number of participants noted the fact that often we only hear the voices of educated or elite, and they are often the only ones who receive our messages also. Similarly illiteracy also means that women often don’t understand their legal rights and protections. So the challenge is really about getting to the voices of those at the grass roots level and ensuring they are also made aware of the rights they have. Various examples were given in Latin America, specifically in Recife, Brazil. It was suggested that leveraging local knowledge could help fill the gaps about what’s working, what’s not working, and where attention is most needed.

Informality: A number of participants raised the theme of informality and the various associated challenges – including informal domestic relationships, informal settlements, informal employment etc -- all of which critically impact the rights, remedies and recourses available to women. It was suggested that informality should be included as one of the cross-cutting issues being explored. The idea is not that everything should be formalized, but rather that informality needs to be recognized within the system.

Positioning within debates about land: The issue of different schools of thought was raised – the traditional school of thought is based around the more traditional land administration systems, while another emerging school is focused more on land governance as a process. It will be important for the report to bridge those schools and to help start asking the hard questions about where/how the Bank should be positioning itself, and in particular to explore the different gender relevant aspects.

Implementation experience: Large investments have been made in land titling programs, but in many cases people are not then registering transfers of property upon death, marriage etc. This is possibly due to taxation penalties, challenges to inheritance etc, or lack of awareness, or constraints due to norms. This can have major implications for urban development. The issue of deceased estates was recognized as a critical issue in many cities in Latin America for example, and the lack of clear titles stymies development of infrastructure such as sanitation, roads etc.

An example was provided by Groots Kenya where women’s groups are pushing to increase the numbers of women working in land governance – including as surveyors, administrators etc. Having more women involved in the land reform process at all levels (not just in senior leadership, but also on the ground) should improve the outcomes for women.