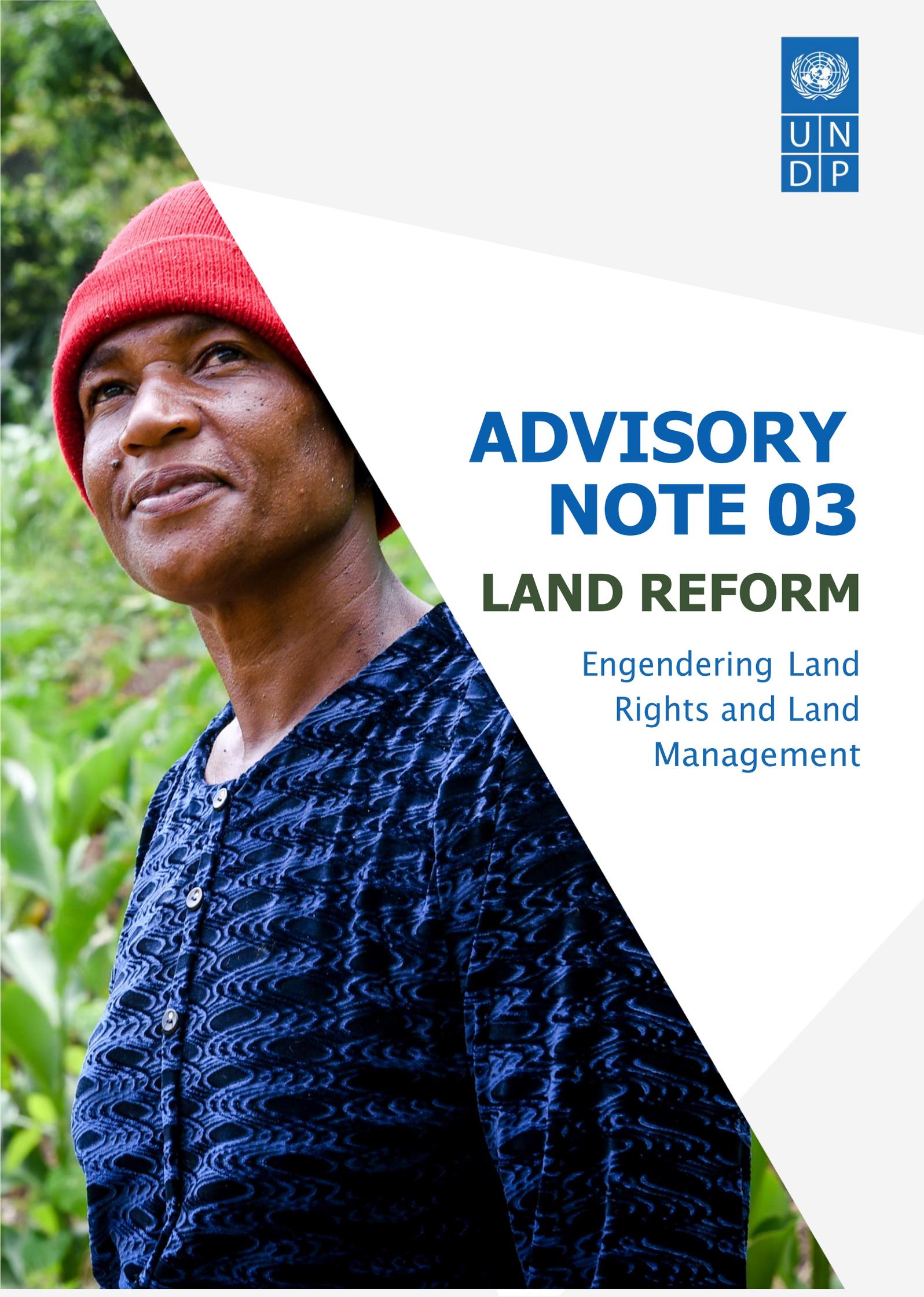




ADVISORY NOTE 03

LAND REFORM

Engendering Land
Rights and Land
Management



Land Reform

Engendering Land Rights and Land Management

Background

Ensuring equitable land tenure and rights can contribute to improved land management and sustainable development.

The dialogue on land policies in most countries is driven by three overlapping and sometimes conflicting objectives:

- The development of a vibrant land market, with the aim of increasing productivity and investment, through secure, documented, and transparent land titles.
- The elimination of poverty, through equitable access to land and other natural resources and the provision of security of tenure to poor households, allowing them to transform their land assets into sustainable livelihoods.
- The conservation of the natural environment and improvement of the built environment, through land use planning and environmental regulations.

The challenge is to find the legal, institutional and policy measures that balance these three overlapping objectives.

Access to land, security of tenure and land management all have significant implications for livelihoods, development, land degradation reduction, and investments in Sustainable Land Management (SLM). Land tenure security is, moreover, central to agricultural production and sustainable use of natural resources. These are all crucial elements to consider in view of the challenges faced by humanity today, which include climate change, the provision of adequate and equitable housing, food security, disaster risk reduction, and peace and security.

Land rights and land tenure arrangements

Secure property rights are a critical component of economic development and social stability. Inappropriate property rights, policies, and institutional structures, poorly synchronized with economic, political, and environmental realities, can undermine growth, erode natural resource bases, and catalyse violent conflict.

Insecure property rights limit economic growth and democratic governance, throughout the developing world. Conversely, strong property rights systems, which are viewed as legitimate, and transparent can lead to increased investment and productivity, political stability, and better resource management.¹

Despite constitutional provisions, all citizens are not equal in practice before the law. Many people have inadequate information, limited resources, and poor contacts within the administrative system.

Land law and policy reform are essential elements in the effort to empower the poor and promote equitable and sustainable development; they should be seen as essential means of securing the broader objectives of social justice, stability, and economic development.

Land tenure arrangements can be classified as **nationalized**, **freehold** or **customary**.

Nationalised land tenure

Under these conditions, full ownership of land rights lies in the hands of the Government and generally government, regional and local authorities or parastatals claim the ultimate competence for the distribution and use of land resources.

Under nationalised land tenure:

- Potentially discriminated groups often lose the land resources required for securing their

¹ Emmanuel Kasimbazi. 2017. Land Tenure and Rights for Improved Land Management and Sustainable Development. GLOBAL LAND OUTLOOK WORKING PAPER



“Systems of land ownership as well as tenure and business arrangements which do not provide security to the farmer” are held to be “major obstacles to conservation” (FAO, 1983).

livelihood by Government mismanagement (e.g., mobile livestock keepers and forest users).

- Paternalistic governmental restrictions for individually or communally used land often cause damage, even if they were planned for the modernization of agriculture.
- Associated with large farms which often contribute to the destruction of the ecological balance by cultivation of monocultures and by excessive pesticide use.

To mitigate this, government can consider adopting land development instruments such as the Agrarian Structural Development Planning (ASDP) approach, an instrument used for planning and decision making for rural regional development, land consolidation and land readjustment.

These policies can be applied for development of rural areas, the elimination of deficiencies in the agrarian structure considering existing ownership, matching the land use pattern with the land tenure structure, and helping to take autochthonous (traditional) land tenure into consideration in national legal systems.

Freehold land tenure

Under these conditions absolute ownership rights are envisaged, implying the right to own, control, manage, use, and dispose of property. Such land rights, while being held in perpetuity, may however be sequestered through Government intervention when land is targeted for expropriation in the case of eminent public interest.

Generally, these conditions give landowners the right to use the land within the limits of the law (land use plans, environmental protection restrictions) and offer **high tenure security** which encourages sustainable investment.

“Systems of land ownership as well as tenure and business arrangements which do not provide security to the farmer” are held to be “major obstacles to conservation” (FAO, 1983).

Landowners receive all revenues due from their investment exclusive of others, which is another incentive towards sustainable use, while land leases are subject to a higher level of control and security.

At the same time, freehold land tenure can be associated with fragmentation of land which can accelerate land degradation and leaseholders may

lack incentives to invest in long-term land improvement.

To address these issues, it is recommended to:

- Use land tax and production incentives to guide production and land use. In Brazil, Chile, Guatemala, Panama, and Thailand, a “penalty tax” was raised on fallow land or land used in an undesirable way
- Encourage long-term leases.

Customary land tenure

Under these conditions land is owned by indigenous communities and administered in accordance with their customs; this is opposed to statutory tenure, introduced during the colonial period.

Ownership, in this form of tenure, is vested in the tribe, group, community or family and land is allocated by customary authorities, such as chiefs.

Customary land rights are location-specific and often flexible, overlapping, and include individual as well as group rights to use local land resources. They typically include dispute resolution mechanisms, e.g., they are handled by local chiefs, and access to land is typically restricted by kinship or ethnicity, excluding outsiders and restricting land sales. Individuals belonging to the group may be allocated land for individual (family) use, but if they leave the land unused it may return to the community.

Generally, customary land tenure offers long term social control and sanctions on land use and customary land rights offer access to land to many poor, women, pastoralists, and others.

At the same time, some challenges can arise in that customary land tenure can involve:

- complex management systems,
- limited access to formal credit and input markets and to sales outside the group; opportunities for productive exchange and access to credit are limited due to non- registration,
- low incentives for individual investments in resource protection as no one is hindered in using the revenues of the resource.

To mitigate these challenges, the following recommendations may be considered:

- supporting institutional arrangements and capacity building for decision making and enforcement.

- Recognizing and formalizing indigenous systems which contribute to sustainable use of land through legislation, and
- Shifting towards titling and registering customary land rights to boost the possibilities for land transactions in both formal and informal markets and access to formal credit institutions.

Land rights and gender

It is widely acknowledged that women play a pivotal role in maintaining and strategically using land and natural resources.

Several countries have recognized women's land rights in their constitutions and laws. For example, in Laos, the Lao PDR Constitution and national laws promote equality by entitling a married woman to one half of any property acquired during marriage. However, challenges arise when it comes to enforcing land rights due to gender relations being governed by prevailing socio-political structures and religious ideological value systems.

In the five countries under this project, the predominance of patriarchal systems relegates women to minority positions, ensuring that women only have access to land and related natural resources through their spouses or male relatives.

This division between primary (male) and secondary (female) access to land - causing rural women to suffer land tenure insecurity - can impact the way men and women manage their small-scale farms, enterprises, and natural resources.

Land is a particularly critical resource for women in the event of becoming *de facto* heads of household, which may occur through male migration, abandonment, divorce, or death. In both urban and rural settings, the existence of effective property rights for women can, under these circumstances, mean the difference between dependence on family support and the ability to form a viable, self-reliant female-headed household. Equally, ensuring women's land rights during marriage may afford them greater claims on the disposition of assets in the case of divorce or death of their husband, as has, for example, been shown in rural Ethiopia. (Fafchamps and Quisumbing, 2002).

Migration to urban centres has resulted in a rapid rise in the number of rural families that have women as the heads of households. The percentage of women headed households in the selected countries are considered very high (44.02% in Antigua and Barbuda, 47.5% in Barbados, 39.2% in Dominica, and 43.6% in St. Lucia). Many of these women are those with the least social power (i.e., single parents, widows, divorcees, wives of migrant workers, the aged). They are largely without effective decision-making powers and increasingly without security as individuals under traditional law. Attempts to assert their rights can cause conflicts at the family and community levels. Too often, women are left holding whatever rights they have at the will of male relatives. Single, divorced, or widowed women can end up dependent on the goodwill of distant family members.

At the same time female-headed households are faced with the responsibility for food production for not only for households' consumption, but also for sales at the community and national levels. Even in male-headed households, women often have prime responsibility for food production while men commonly concentrate on cash crops. After the harvest, rural women in the countries are almost entirely responsible for storage, handling, stocking, marketing, and processing.

Making access to land more equitable does not mean addressing only the quantity of rights allocated. To make use of the rights and opportunities, access to land must also be enforceable or secure (for example, against seizure). Equitable access to land must also be effective, i.e., by including equitable access to transportation, credit, markets, etc. The support of legal, customary, and family institutions is fundamental if more effective access to land is to be improved for men and women.

In many Asian countries, under traditional law and customary practice, women's access to land has been mediated through men, and traditional systems of inheritance and property, especially of agricultural land, have been predominantly patrilineal. As men are traditionally seen as the household breadwinners, inheritance of farmlands is often devised as a father-to-son affair. Especially in South Asia, cultural norms often dictate that women "voluntarily" forego their shares in parental land in favour of brothers or uncles; often women's names

are not on land-use-right certificates, which means they cannot use them to apply for mortgages.

Scenarios like these, which cause tenure insecurity for women, have the unfortunate side-effect of encouraging unsustainable land use practices, since - without tenure security - there is insufficient incentive towards sustainable land management.²

Land tenure and distribution in the 5 countries

Land in the five countries reviewed is generally, heavily concentrated in the hands of a few holders (see **Table 1.**). As can be observed from Table 2, although the overall percentages of women farmers in the countries ranged from a low of 19.2% in Dominica to a high of 29.7% in St. Lucia, they are represented in much higher percentages where small farm sizes are concerned (i.e., less than 1 as well as 5 acres). In addition, and as can be gleaned from Figure 1, female headed households operating on farm holdings of less than 2 acres are much more vulnerable to income and food and nutrition insecurity than the male headed households because of the burden of higher average household sizes.

Disaggregated information available for Barbados and presented in Figure 2 shows the average size of

household by sex in male and female headed households by size of holdings. The Figure confirms the dominance of females in Female headed households.

A biased distribution of land ownership is an obstacle to economic, social, and political development, as well as providing a constant reminder of historical injustice. It may also impede productivity, since large landowners invest little in land, all the while practicing very extensive land use.

Inequitable land distribution may also spur rural migration of landless farmers into environmentally vulnerable areas. In the case of highly polarized rights, and unequal access to land, where land is underused by large owners, or when historical injustices need be addressed, land redistribution emerges as a pivotal issue.

Table 1: Land Distribution in the Region

Size of Land Holdings (Acres)	Antigua & Barbuda		Barbados		Dominica		Grenada		Saint Lucia	
	# holdings	Acres	# holdings	Acres	# holdings	Acres	# holdings	Acres	# holdings	Acres
	Cumulative %		Cumulative %		Cumulative %		Cumulative %		Cumulative %	
Landless	9.1	0.0	24.2	0.1	8.2	0.0	1.5	0.0	5.3	0.0
< 0.50	47.4	3.7	69.1	2.6	29.6	1.3	32.2	2.8	29.6	1.5
0.50 – 0.99	63.8	9.3	89.9	7.2			52.3	7.5	43.0	4.0
1.00 – 1.99	77.3	18.4	95.0	10.0	74.5	21.0	71.2	16.7	60.5	10.9
2.00 – 4.99	91.2	37.1	97.8	13.0			88.9	36.8	83.1	32.4
5.00 - 9.99	95.6	50.3	98.7	14.8	90.1	39.0	96.0	55.0	94.7	56.5
10.00 – 24.99	98.3	68.6	99.2	16.9	97.7	58.2	99.2	72.6	99.3	76.5
25.00 – 49.99	99.5	86.0	99.2	18.6	98.7	63.8	99.6	78.8	99.8	82.3
>50.00	100.0	100.0	100.0	100.0	100.0	100.0	100	100.0	100.0	100.0

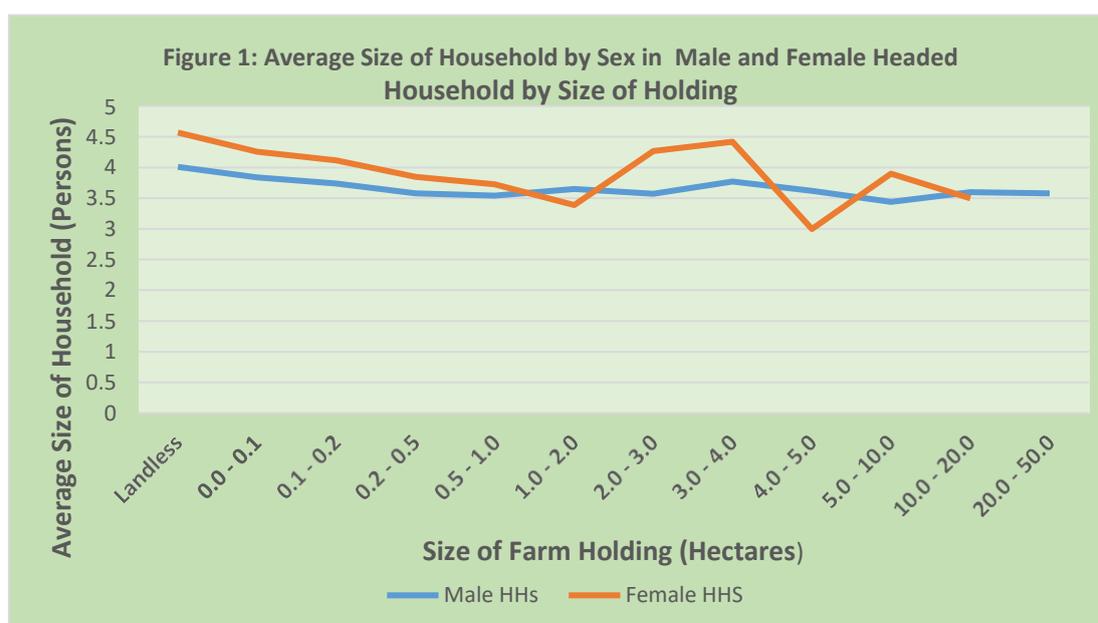
Source: National Agricultural Censuses

² Ibid.

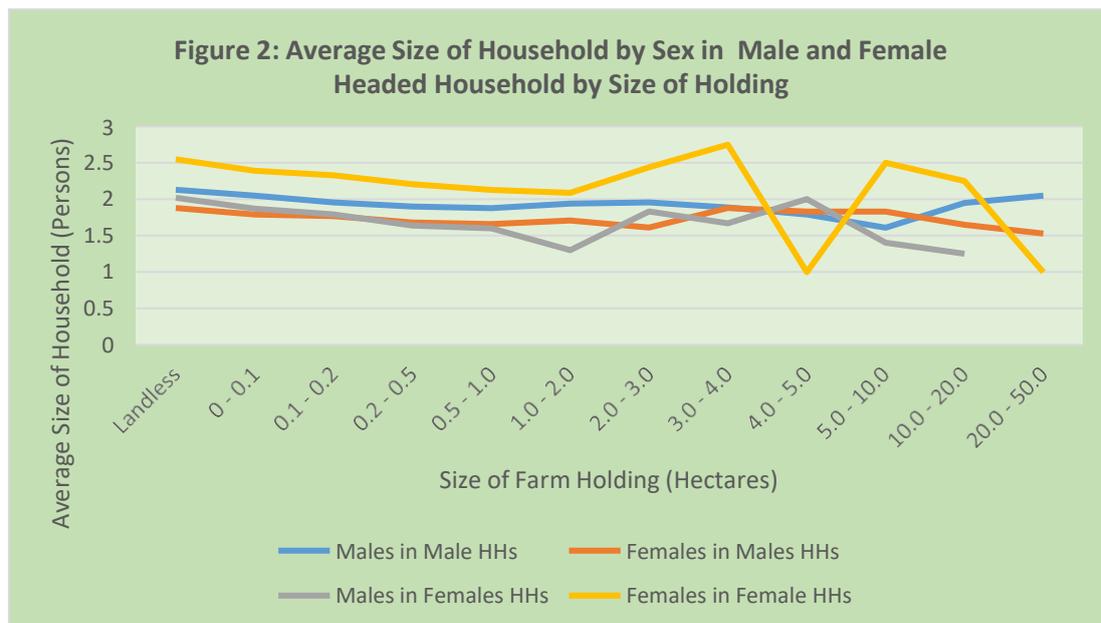
Table 2: Sex of Farmer by Size of Holdings

Size of Land Holdings (Acres)	Antigua & Barbuda		Dominica		Grenada		Saint Lucia	
	Male	Female	Male	Female	Male	Female	Male	Female
	(%)		(%)		(%)		(%)	
Landless	9.1	9.7	15.1	37.6	1.3	2.1	4.7	5.9
< 0.50	34.4	49.6			27.3	39.4	33.7	48.5
0.50 – 0.99	16.6	16.8			19.1	22.8		
1.00 – 1.99	13.2	12.8	54.2	49.8	19.5	17.8	17.1	19.0
2.00 – 4.99	16.4	6.8			20.0	11.7	24.7	17.3
5.00 – 9.99	5.2	2.3	19.0	7.6	8.2	4.2	13.7	6.5
10.00 – 24.99	3.2	1.4	9.3	3.2	3.8	1.6	5.3	2.3
25.00 – 49.99	1.3	0.3	1.1	0.9	0.5	0.2	0.6	0.3
>50.00	0.6	0.3	1.3	0.9	0.3	0.2	0.2	0.2
Total	100.0	100.0	100.0	100.0	100	100.0	100.0	100.0
% Distribution	70.7	29.3	80.8	19.2	71.3	28.7	70.3	29.7

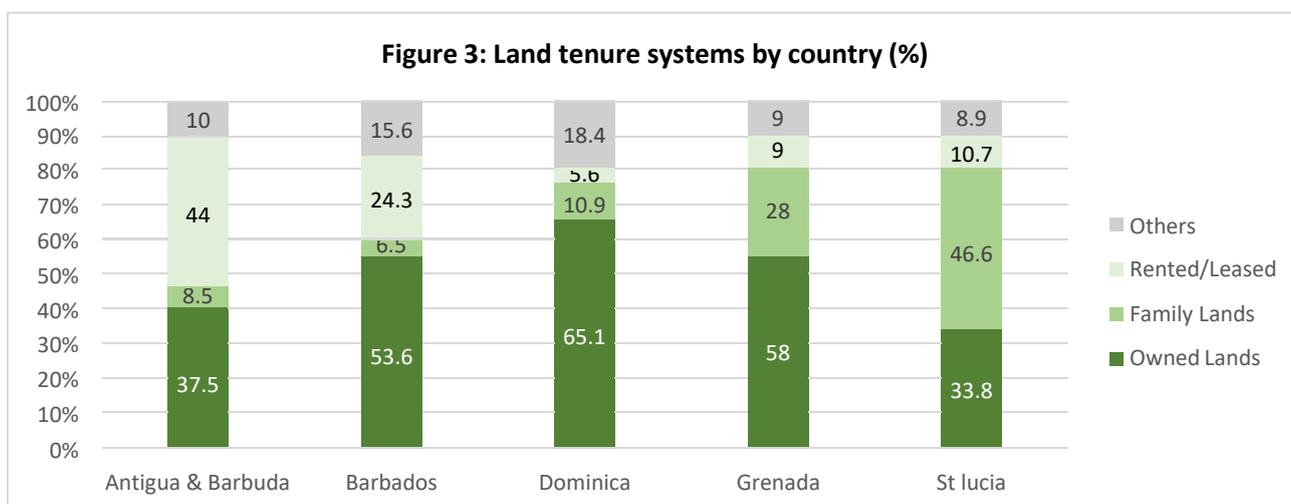
Source: Agricultural Census of Antigua & Barbuda (2007), Dominica (1996), Grenada (2012) and St. Lucia (2007)



Source: Barbados Agricultural Census 1995



Source: Barbados Agricultural Census 1995



As can be observed from Figure 3 above, land tenure arrangements vary across the five countries, which can have implications in how best efforts to balance and address inequitable property ownership and/or utilization might need to be carried out.

It is important to note that productive investment in agricultural land via fertility improvements, irrigation, drainage, terracing and so on, should increase output. Better land use via intensification on land which is capable of being productive, and

conservation on land, which is not, will enhance sustainability.

In the urban context, the formalisation of informal rights to land and housing should increase the willingness of the occupants to make investments in these assets. To the extent that “informality” of rights to land is more prevalent amongst poor or otherwise disadvantaged groups, the benefits of “formalisation” of rights should be relatively more beneficial for these groups.

Also, direct action must be undertaken to redistribute assets if land policy is to provide long-term improvement for disadvantaged groups e.g., poor women, ethnic minorities, and young people.

This can be achieved by improving the functioning of land markets, ensuring this is done in an equitable manner. The principal indicators of effective land markets are:

- Increased volume of land transactions;
- Increased value of land;
- Reduced transactions costs; and
- Improved access to credit.

Land transactions should transfer land to people who are likely to use it better, considering all groups of the population. Increased land values should be a signal to owners that they should use it more productively. Reduced costs (in both money and time) will facilitate transactions. Improved access to credit – for men and women alike - will facilitate investment.

How does one encourage these processes? The standard model argues that the principal contributor to the process is improving security of tenure: more secure property rights for men and women landowners and users of land.

Land policy must therefore address the issue of security head-on, as it affects all members of the population. There are a broad variety of tools available to improve security and stimulate the land market, some of which are: Cadastral surveys, Land titling, Land registration, Land law development, Land funds, Land purchase/sale programmes, Credit guarantee schemes, Land taxation, Land use planning, Land consolidation, and Land market regulation. In all cases, it is essential that these tools be engendered to capture and accommodate men and women landowners as may be relevant.

All these programmes can influence the degree of security, both objective and subjective, that men and women landowners and users have in reference to property which they possess. Some of them can also have direct impacts on the way land markets work: for example, credit schemes directly influence the ability of landowners to borrow funds against

collateral, and land purchase/sale schemes directly affect the volume of transactions.³

In guaranteeing security and certainty of property rights, several factors should be taken into consideration.⁴

- Appropriateness of design and implementation.
- Local political environment.
- Local cultural environment.
- Appropriateness and enforcement of legal system.

It is common in the country that the interventions recommended by international donors and experts for the adjudication of rights and the description of boundaries tend to be based on their experiences in other countries. Projects that are attempting to improve security of tenure are governed by detailed legislation and norms of professional practice by lawyers and surveyors. These tend to render land titling and registration expensive and time-consuming.

If there is no national consensus on the appropriate division of the bundle of property rights amongst individuals of different gender, age, ethnicity, etc., families, legal persons, and governments, then there is likely to be constant political debate about a programme to adjudicate rights, which will reduce landowners' perceptions of tenure security.

It must be recognized that property rights are not universal concepts, but rather steeped in culture and history. In this context, a principal challenge is how to deal with socio-cultural practices that deviate from individualised private property with clearly defined rights and responsibilities. The most pervasive form of "non-standard" tenure is generally termed "family land", an undivided parcel, titled and registered or not, which is held in common by all or many descendants of an ancestor whose claim to the parcel is backed by acceptable evidence.

There is also the need for a transparent, accessible legal system that protects property rights for men and women equally. All too often the courts and legal profession are weak, poorly financed and thereby subject to manipulation by individuals or groups with

³ Bloch, Peter, 2003. Economic Impact of Land Policy in the English-speaking Caribbean

⁴ Ibid

financial or political power. Also, legislatures are frequently dominated by the land-owning elites.

In the post-colonial Government-led agrarian reform era of the 1960s and 1970s efforts were made to increase medium- and small-scale private holdings of agricultural land, mainly through Government acquisition of large e-Governments and the re-distribution of land to the peasant sector. These programmes have now largely been abandoned and replaced to a large extent by activities related to land tenure regularisation, land titling and property registry modernisation. Parallel efforts are under way to establish agricultural and environmental zoning, promote eco-tourism, manage urban expansion, protect coastal zones, and control deforestation. These efforts have often meshed poorly with the trend towards marketisation of individual rights.

Government ownership of land remains important in the region, as well as a variety of mechanisms for encouraging the private use of the land through leases and other arrangements. As land managers become more subject to private land market pressures and opportunities, but also increasingly responsible for planning, implementing, regulating, and evaluating societal values in land, the institutions of land administration must also change.

The institutional transformation of land management has been significant, through programmes of privatisation, individualisation and (in some cases) internationalisation of land tenure. This evolution of land management calls for the redefinition of the land administration functions of public agencies to respond to the new needs of private and public, men and women managers of land. The region needs the creation of new or reconfigured institutions to effectively administer the private and public interests in land in a market economy context.

The small-island status of the five countries poses particular problems for Land Administration and Management.

- Land/marine interactions are of crucial importance to the environment and economy of most Caribbean Governments and decisions about land management onshore can have serious implications for coastal zones.

- Tourism development and issues of access to beaches and other coastal resources has become a central issue in many islands and has the potential to create social disruption and conflict.
- The opening of property markets to foreign investors has led to significant increases of property prices in certain localities, forcing local investors out of the property market. At the same time, the large-scale out-migration of citizens to the United States, Canada, and the United Kingdom results in frequent cases of absenteeism amongst landowners and creates complications, with respect to the widely encountered “family land” phenomena.

The challenges for equitable land management and administration are thus rapidly growing. Awareness of these challenges in the context of market-led economies has made land management and land administration a much broader and complex locus of endeavour than ever before, where legal institutions, political agendas, economic development planning, environmental management techniques and information technology intersect, often uneasily.

Land administration system

The land administration system, represents that set of structures and institutions which implement land policy, affect rights, deliver titles and deeds, and manage information systems. It can be composed by Government, local government institutions, sometimes, customary institutions perform some land administration functions. Proximity, accessibility, and accountability of land administration institutions are key issues which are also relevant for good administration.

Addressing conflicting claims is a pre-requisite for any land registration programme, to avoid repeated challenges and disputes. Formal conflict resolution mechanisms are often weak, overburdened, and inaccessible to rural people and/or marginalised groups, with a poor understanding of local land rights. There is growing appreciation of the need to recognize and strengthen mechanisms for resolving disputes, using alternative dispute resolution techniques that could be based on local structures and practices. The creation of specialized land tribunals is being increasingly explored.⁵ Special

⁵ Ibid



There is a need to address the lack of up-to-date information on different land uses, such as agriculture, forestry, wildlife, water, and infrastructure

mechanisms to help women voice their complaints and obtain fair and just support should also be explored.

There is a need to address the lack of up-to-date information on different land uses, such as agriculture, forestry, wildlife, water, and infrastructure; this complicates effective planning, zoning, and overall management of land. In addition, land information is currently held mostly in paper form and managed manually. This is inefficient, time consuming and incompatible with timely decision making. Other deficiencies of the existing Land Information Management System (LIMS) include expensive cadastral surveys, centralization of cadastral processes, and slow, cumbersome procedures. Also a non-integrated approach where landed professions follow a “go it alone.”

Implications for land policy in the 5 countries

There are several guiding principles upon which the planning and implementation of land policy for land rights and better land administration in the country should be based:

- The context in which an equitable land policy is to be developed and implemented matters a great deal: each country, each situation is different. This means that there is a great deal of preparatory work to be done — research, compensatory programmes, and to anticipate the different challenges facing men and women and devise appropriately gender-responsive strategies to reduce their negative impacts.
- This also means that land policy and the programmes to implement them cannot operate in a vacuum but must be developed in co-ordination with other sectoral and thematic initiatives. It is increasingly recognised, for example, that the best system of registration of rights to real property is comprehensive rather than limited to a single sector such as agriculture. Similarly, a land policy that banks upon increasing investment in land will not work well if there are not simultaneous efforts to broaden access to credit.
- Sustainable implementation is more likely if there is broad participation at all stages, from establishing the goals to determining the means of implementation.

- Transparency is imperative. In other words, there should be an easily accessible information system about property ownership, transactions, valuation, taxation and use that would encourage the formalisation of property transactions and discourage bureaucratic tendencies, informal transactions costs and favouritism in valuation (and hence in taxation). These latter factors, as is well known, have strong negative effects on land markets and on government-people relations.
- Parallel with these efforts to make investments in land tenure administration more effective, resources should also be directed to monitoring the actual results obtained from these investments. This monitoring requires that there be a reasonable consensus about what success means in land tenure administration, and that there be clever methods used to detect successful and unsuccessful outcomes.

The real world is complicated, and the hypothesised linear relationship between policies and outcomes in fact has many curves and intersections. Ignoring reality may facilitate the establishment of a land administration and management system, but it will doom the system to increasing irrelevance.

Considerations for decision-makers

Based on the review, the following recommendations are made:⁶

- **Policy and legal frameworks:** Policy and legal reform should ensure equitable security of land tenure for smallholder farmers and rural communities, ensuring women and other vulnerable groups are recognised and treated equitably in relation to land ownership, entitlements, and rights. This requires developing pro-poor and gender-responsive land policies and laws that ensure land tenure security and empower men and women smallholder farmers to make use of the law, and to make informed decisions about their land. In other words, improving land rights for the poor, rural women, and men. Autochthonous rules (traditional rules) ought to be included within national legal systems, so that land policies are founded on detailed knowledge of land tenure systems and practices already accepted by the local people, ensuring however that traditional practices that

⁶ Ibid

may contribute to inequitable practices are duly acknowledged and addressed.

- **Conflict or dispute resolution:** The nature and scope of conflicts must be characterized before intervention occurs. Decisions must be enforceable, and adjudications must be provided. Resolution mechanisms must be viewed by citizens as legitimate. Means of accommodating the “losers” of the dispute or conflict must also be provided.
- **Redistribution:** Equitable access and allocation patterns must be identified. Sources of available land must be identified if distribution is an option. Rental markets should be unfettered to provide access to all, and efforts must mainly consider indigenous peoples and women. Redistribution should accompany distribution with secure tenure. Land purchase and redistribution should be undertaken by government, directly by beneficiaries or by land trust funds or other intermediary bodies. Funds should be provided for compensation of landowners facing expropriation. The provision of rural infrastructure should be planned. Support to services and production should include the support to marginalized groups.
- **Land administration:** There is a need to improve the efficiency and gender-responsiveness of land administration systems, specifically:
 - Establishing equitable and gender-responsive systems for registration and titling of existing rights, providing cadastral services, improving land surveying to be gender-sensitive, and capacity building in local communities to support identification and management (including registration) of customary rights as they may relate to men and women equally;
 - Formalizing and securing land transactions to protect the interests and rights of men and women (and/or any other vulnerable groups), and regulating land markets;
 - Establishing simple and fair procedures for land transactions and their formal registration whose application applies to both men and women and is duly enforced; developing mechanisms for regulation of land markets (giving priority to local communities, allowing local bodies to define rules regarding land sales outside the community provided they are equitable and

protect the rights of all parties, etc.); maintaining gender-sensitive land information systems and undertaking regular land valuation exercises.

- **Land use management and conservation of natural resources:** There is a need to develop a new, integrated approach to planning the land use and conservation of natural resources. This requires making informed choices regarding the optimal future uses of land, and the conservation of natural resources. This can be achieved through interactions and negotiations between planners, stakeholders, and decision-makers at national, provincial, and local levels. The planning should be based on efficient, comprehensive gender-sensitive data gathering, and processing in an appropriate storage and retrieval system, through a network of nodal institutions. The planning should enable all stakeholders – including men and women at local levels - to decide jointly on the sustainable, equitable and economic use of land and natural resources, and follow their decision through to successful implementation.

The recommendations aim to add value to the work being undertaken by the Australian Government through Australian Agency for International Development (AusAID) in supporting the Organization of Eastern Caribbean States (OECS) to implement a project to improve land policies and land management in OECS Member States.

One key component of the support is the *Successful piloting of Social Tenure Domain Model (STDM)*, a pro-poor land rights recording system, in collaboration with local agencies involved in land records; this will be piloted in parallel with existing systems while assessing its viability to operate full-scale. This could be upgraded to provide the necessary platform for information collection and the development of indicators for women’s advancement.

This is important because although advancing women’s land rights is a priority for the international development agenda, there is as of yet, no consensus on which rights should be monitored and reported. Three indicators of women’s property rights are widely used in the literature. Each captures a different aspect of women’s land rights, but a recent

paper⁷ explores the extent to which these different rights are held by the same person, using data from six African countries.

The first indicator considers *who owns the land*. In surveys, this information may be collected by asking one household member to identify all plots of land and their owners or by asking individuals within the household about their land ownership. This self-reported ownership is not necessarily what would be legally considered ownership. A variation on this indicator is documented ownership – in other words, identifying whose name(s) are on any ownership documents, such as titles, registration papers, or sales receipts. This may be closer to legally recognized ownership, although the documents referred to may not be legal titles.

Who manages the plot is the focus of the second indicator. This would be the person who makes the decisions about what to grow and what inputs to use. This indicator is now widely used in analyses of gender gaps in agricultural productivity.

The third indicator concerns *who controls the use of the output*. In contrast to the plot manager, who is focused on *the production decisions*, this is the person who has control over the *outputs* and thus the revenues generated from the land. It is now more frequently collected than in the past because it tends to be seen as the most direct measure of control over the economic benefits from agriculture.

It is worth noting that agricultural surveys and censuses collected by the Food and Agriculture Organization (FAO) typically focus on the agricultural holder, who is described as the person with the technical and economic responsibility for the *whole* farm (FAO, 2015). FAO's concept of the agricultural holder picks up on the two last indicators, but it is at the household farm level and does not capture intra-household distribution of decision-making and rights over different plots or agricultural activities.

⁷ Doss, Cheryl and Vanya Slavchevska, 2021. Beyond Ownership: Measuring Land Rights