



HIGH LEVEL POLICY FORUM LAND BASED FOREIGN DIRECT INVESTMENTS IN AFRICA: Making investments work for African Agricultural Development Nairobi, Kenya, 4 - 5 October 2011

Rural Women and Corporate Investment in African Land

Joint Oxfam and ActionAid paper prepared by Nidhi Tandon, Marc Wegerif and Catherine Gatundu. The views in this paper are not necessarily the positions of the organisations involved.

"While this new scramble for Africa is often discussed primarily in the context of valuable mineral endowments, the concept has become more widespread, as demonstrated in relation to demand for land for a wide range of investments in timber, tourism, commercial development, and lately food production for consumption abroad. The question to be asked is whether these foreign demands can be met while observing sustainability guidelines and without marginalizing the land rights of African communities." (Section 2.7.4, Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods, AUC-ECA-AfDB Consortium, 2010)

"Better and more productive use of land requires that the land rights of women be strengthened through a variety of mechanisms including the enactment of legislation that allows women to enforce documented claims to land within and outside marriage. This should come hand in hand with equal rights for women to inherit and bequeath land, co-ownership of registered land by spouses and the promotion of women's participation in land administration structures." (Section 3.1.4, Ibid)

Oxfam's research has revealed that residents regularly lose out to local elites and domestic or foreign investors because they lack the power to claim their rights effectively and to defend and advance their interests. Companies and governments must take urgent steps to improve land rights outcomes for people living in poverty. Power relations between investors and local communities must also change if investment is to contribute to rather than undermine the food security and livelihoods of local communities. (Oxfam Briefing Paper Land and Power: Sept 22 2011)

I. Preamble – when rural investments become land grabs and the exploitation of women

Forced evictions off land¹; 'displacement by market forces'; the fencing off of common lands and water for private use - are all manifestations of a deeper entrenched development problem on

¹ Land tenure rights submissions received by the UN describes cases in which small-scale farmers, rural communities, indigenous peoples, pastoralists, women and children are affected by land disputes in which they have lost or risk losing access to productive resources and their means of livelihood. Most cases affecting indigenous peoples were reported from the Americas, while most cases in Asia and in Africa concerned small-scale farmers. A common trait of

the African continent. These problems arise from a continuum of power relationships that perpetuate inequity and injustice.

One dimension of these power relationships is rooted in the *power relations between men and women* - where rural women who already start from a relatively weak negotiating position, run the risk of losing what little they have altogether when faced with external stresses and powerful interests. Often, women will find that they are abruptly excluded from access to the public commons, forest areas and water sources by the very men in their immediate communities – with no consultation, no recourse and no room for maneuver.

Large land deals have been characterized as “land grabs” – a term² that the ILC³, of which Oxfam and ActionAid are members, uses to refer to deals that are:

- In violation of human rights, and particularly the equal rights of women;
- Not based on free, prior, and informed consent of the affected land users;
- In disregard of social, economic and environmental impacts, including the way they are gendered;
- Not based on transparent contracts that specify clear and binding commitments about activities, employment, and benefits-sharing;
- Not based on democratic planning, independent oversight, and meaningful participation.

Continuity of role of women from era of slavery and colonialism (settler and non-settler).

Slavery stripped Africa of its best human resources, with the women left behind having to sustain their communities. Settler colonies forced mostly men into labour on farms and mines to produce for the metropolises giving an inadequate income to care for families leaving this and other costs of ‘reproduction’ with women who had to work the land to sustain the family. Non-settler colonies involved direct extraction of natural resources from Africa often assisted by various forms of forced labour.

Now women face another set of similar risks either losing all economic opportunities or becoming underpaid labour or exploited out growers (often the unpaid labour of male small farmers) with no options or negotiating power. Women will still carry the burden of ‘reproduction’ on even more marginal land while the corporate plantation takes the better land, the water and male labour.

The **African Union Framework and Guidelines on Land Policy**⁴ (section 2.5.2) has made it clear that women face an enormous and insidious obstacle in the *system of patriarchy* which dominates social organization which has systematically discriminated against women when it comes to ownership and control of land resources. “This has been re-enforced, first, by imported land law that has tended to cement the system of patriarchy by conferring title and inheritance rights upon male family members on the theory that women, especially married

reported victims of evictions and of threats to their livelihoods is that they generally belong to the poorest and most vulnerable groups in society. United Nations Special Rapporteur on the Right to Food (2010) United Nations Special Rapporteur on the Right to Food (2010) [Pressures on access to land and land tenure and their impact on the right to food: A review of submissions received \(December 2009-March 2010\) and of Letters of Allegations and Urgent Appeals sent between 2003 and 2009 by the UN Special Rapporteur on the right to food](#)

² Land grabbing has also been defined as “land loss by rural populations due to large-scale land acquisition by foreign business (be it by purchase, lease of other forms of control over land such as long-term contract farming) for industrial agricultural production.” Source: *Foreign land grabbing in Africa*. 2009 Monitoring report by European Civil Society Organizations of European Commission’s proposal for Advancing African Agriculture (AAA)

³ The International Land Coalition (ILC) consists of 116 organizations, from community groups, to Oxfam, to the World Bank. At its Assembly in Tirana, Albania, on 26 May 2011, the ILC agreed to this definition of a land grab.

⁴ The Framework and Guidelines on Land Policy is a joint product of the partnership and collaborative effort of the African Union Commission (AUC), the UN Economic Commission for Africa (ECA) and the African Development Bank (AfDB) to promote Africa’s socioeconomic development, through agricultural transformation and modernisation <http://www.au.int/fr/dp/rea/sites/default/files/Framework%20and%20Guidelines%20on%20Land%20Policy%20in%20Africa.pdf>

women can only access land through their husbands or male children and second by “clawback” clauses in many African constitutions and the African Charter on Human and Peoples Rights (ACHPR) permitting discrimination on matters of personal law which often operate against women’s right to equal treatment before the law.”

The industrial nature of agricultural investment often goes beyond the visible immediacy of land grab to the *destruction of land* itself. The ‘occupation’ of land, via inorganic fertilizers and synthetic pesticides and herbicides, increased landscape homogeneity, the threat of exotic species to local biodiversity, reduced fallow periods, the wholesale drainage of water systems and decimation of ecological diversity lasts long after the ‘occupiers’ have left. The system of farming promoted by corporate agro-investments is tending to be extremely damaging to soils and to eco-systems. This adds to the already precarious agrarian situation in which many African countries find themselves and works against local food security programs that rural women might benefit from.

The immediate and devastating effects of land grab for farmers and national economies must be simultaneously addressed through systemic *policy and implementation improvements* and through long term *community empowerment*. Longer term solutions will need to include but also go beyond land reform, land audits or regulatory codified procedures. At the core of the land grab manifestation are several intersecting systemic issues - all of which have gendered impacts. One is the international trade and investment regimes and in particular how these relate to the failing food system⁵ with its increasing concentration of power in the hands of a few international companies. Another is the target of energy security and renewable energy. On the other hand we have the notion of the right to food⁶. These systems often work at cross purposes. To effectively protect land and women’s rights, we need to examine how trade and investment agreements are too often undermining food sovereignty⁷ and rights to nutrition and affordable food.

II. What land grab and investment trends mean for rural women – key points

Jeremy Rifkin wrote prophetically twenty years ago: “As nation after nation has moved to enclose the land commons, traditional pastureland and subsistence agricultural practices have given way to the raising of commercial livestock and cash crops for export markets. The commodification of lands and resources and the rush for profits has destabilized traditional rural communities and overtaxed the carrying capacity of the soil”.⁸ It is this ever-quickenning trend in the *commodification* not just of land, but now also of nature and water - that have essential environmental, social, and even survival functions - that cannot be simply available to the highest bidder that is cause for grave concern.

Across the African continent, the invisibility of women as farmers is compounded by the dearth of accurate and available information and data. Field research, anecdotal reports and meetings with rural women however, paint a desperate picture.

⁵ Oxfam report “Growing a better future”, 2011. <http://www.oxfam.org/sites/www.oxfam.org/files/growing-a-better-future-010611-en.pdf>

⁶ See www.rtfm-watch.org for information on the right to food and nutrition and the FAO’s manual on the right to food: <http://www.fao.org/righttofood/KC/downloads/vl/docs/AH291.pdf>

⁷ Food sovereignty puts the right to sufficient, healthy and culturally appropriate food for all individuals, peoples and communities at the centre of food, agriculture, livestock and fisheries policies, rather than the demands of markets and corporations that give priority to internationally tradable commodities and edible components. It focuses on local food systems and values the knowledge and skills of small-scale food providers, and works in harmony with nature. For more information on food sovereignty, consult the documents from the Nyéléni World Forum for Food Sovereignty held in Mali in 2007 at: www.nyeleni.org. See also FIAN (Oct. 2010)

⁸ Jeremy Rifkin (1991) Biosphere Politics: A New Consciousness for a New Century

Heightened competition for land has immediate impacts on women's land-use options, on their income and livelihoods, on food affordability and related costs of living, and ultimately, on their ability to afford the price of farm or grazing land. These are 'only' the economic impacts.

Other long-term impacts threaten the heritage and *legacy of women's knowledge systems*, their socio-cultural relations with land and nature and with the *stewardship and care for the land* and its inhabitants. The combinations of these factors threaten the already narrow confines within which rural women operate. Trends from the last few decades and the renewed interest in corporate investment in lands in Africa point to the following:

Squeezed out of resources:

- When land pressure escalates, women are subjected to exclusionary pressures by their male relatives or community members, they are pushed further and further into marginal lands;
- As soon as a natural resource gains commercial value on the international commodity market, local control and decisions over that resource passes swiftly away from women into the hands of men;
- Fencing corporate land denies women rights to gather fuel, fruits, and water
- Women who are already in a vulnerable situation are at risk of further marginalization through land speculation and costly land rights transfer systems;
- When food prices go up, women have to find the money to buy food, compromising their nutritional intake most, and sacrificing other necessities in order to feed the family;
- When and if compensatory measures to peasant farmers are enforced, women are less likely to be the direct recipients of financial compensation because they are not recognized as land rights holders.
- Commercial agriculture investments are water intensive compromising access to safe water by women.

Silenced in voice and control over decisions:

- Even within farmer movements and producer or pastoral associations women are at the bottom of the rung facing numerous obstacles to claiming leadership positions and continued resistance to putting their issues on the agenda even when in leadership;
- With the exclusion of women from access to land and the destruction of their control over food production, an enormous body of intimate knowledge, practices, techniques that for centuries safeguarded the integrity of the land, water, seed, soil and the nutritional value of food is lost;
- At the same time, new economic values and pricing on biodiversity⁹ place dollar values on ecosystems and forest carbon. International climate change policies systematically legitimize these processes, monetization and value propositions – often to the detriment of women (and their value systems). In other words, their values do not count any more.

Dependent on and scrambling for income:

- Women, young and old, are driven into more compromising and risky situations, including illegal activities (e.g. cattle raiding, prostitution) and younger marriages, to secure an income;

⁹ See for instance: TEEB (2009) TEEB Climate Issues Update Pavan Sukhdev et al The Economics of Ecosystems and Biodiversity

- While the number of necessities (including food) that can only be met with money is increasing, the activities which generate cash are few for women. This is further compounded by a rural banking infrastructure that often does not cater to this group of clientele which also means that women cannot generate savings or credit from the little that they earn or own, but are at the mercy of moneylenders;
- Thirsty exotic tree and plant species draw down on the water table, and women who are dependent on collecting water from nearby water sources (streams and rivers) may have to travel further to meet their needs or may have to purchase water;
- Contract labour or seasonal employment for women is difficult to secure when they are effectively competing against men in the formal labour market while maintaining all their family and community-based responsibilities. Women tend to only get employed in the lowest paying positions in large agro-enterprises and that when they are willing to work at extremely low wages and with no job security.

States are required by Human Rights conventions to ensure that women have equal access to and control over land, water and other natural resources, be it through collective or individual tenure systems. They have the duty to implement existing international human rights conventions, including the CEDAW, as well as the Final Declaration on the Convention on Agrarian Reform and Rural Development (ICAARD). Any relevant policy in terms of access to and control over land, water and other natural resources should integrate specific measures in this regard. As a consequence, the Guidelines should include strong provisions to ensure women's equal access to and control over land and other natural resources.

III. Seeking solutions

A legal solution to an economic/political issue

Why is it, that in the face of the *economic* exploitation of land and labour in the corporate investment context we focus so much on the legalities of land rights as a key solution for poor women?

- Because land tenure security; equitable access to land; and the protection of natural resources; are central tenets to maintaining the *economic* assets of the silent majority in African countries.
- These economic assets form the production backbone, the basis for most livelihoods and the framework of socio-economic relations of most of the world's populations and as women are central to rural development, their rights to land and natural resources must be secured.
- Because until recently, safeguarding the land assets of rural women has not gained much political support. Political will has to be translated into *formal legal statutes* - without formal statutes in place; people have nowhere to turn to for redress. With legal rights people and organizations have a peaceful means to struggle for justice.
- Because those sections of society least able to defend their rights to these assets now face heightened threats and more intense pressures from those in power; *they are most likely to lose out entirely if left to face the competition on their own.*

In its newly released **World Development Report**, the World Bank states in no uncertain terms that "*Strengthening women's land and ownership rights can help female farmers and entrepreneurs*"¹⁰. The main constraint that needs to be addressed is the restriction on women's

¹⁰ Extract from the report: "Experience from India and Mexico shows that equalizing provisions of inheritance laws between women and men increases asset ownership by women. Discriminatory land laws, which lie at the root of agricultural productivity gaps in many countries, also need to be reformed to provide, at least, for joint ownership in marriage, increasing women's ability to use land in accessing economic opportunities. An even better way to secure married women's land rights (especially in the case of divorce or death of a spouse) is mandatory joint land titling. In two regions in Ethiopia where land certification involved the issuance of joint titles to both spouses, women's names appeared on more than 80 percent of all titles, four times the 20 percent in the region where the certificate was

ability to own and inherit assets and to control resources. With this in mind, we need to consider how land rights and food/energy security can be protected and strengthened at the community level in the context of corporate investments at the national and international levels.

Beyond legalities - enabling rural women to determine for themselves

At the same time, focusing solely on the legal issues around land is no guarantee that women's legal rights will be upheld – most of the terms and conditions of the land investment agreements are in effect “legal” and would be upheld in a court of law – perhaps even to the loss of women's legitimate rights. The issue is about legality and also about *legitimacy*.

Rural women's movements cannot afford to miss this opportunity to question the legitimacy of these land deals and also bring a strong equity perspective to empower men and women to mobilize and act on their land, food and water security – which are cross cutting issues that affect all rural communities. A number of questions need to be addressed to enable rural women, and especially women farmers and pastoralists, to be more proactive and empowered in determining their choices and solutions. To these can be added broader questions such as:

- What are the ways in which women's needs, priorities and decision-making can be supported to enable them to take appropriate decisions for their livelihoods, their communities as well as for the long term stability of the planet's health?
- How can women reclaim autonomy over their farming, pastoral, fishing and other land use choices and make *both* food and fuel considerations central to their farming? How can their choices be valued and supported?
- How can women farmers be supported in striking a balance between growing for local consumption, local community and local biodiversity and growing for national and export markets?
- How should women participate in the discussions and decisions around the new agro-fuel agro-economies that could divert their livelihoods (or even displace them) away from food production?
- If women continue to be left out of investment and international aid targets, how can women combine forces to secure income and other funds independently for their fuel and food objectives?
- At the same time, as climate patterns shift, farming knowledge (which is never static) needs to evolve with more intense and nurturing interaction with natural resources, production systems, intelligent technologies and livelihoods to ensure that women who are in the front line of dealing with climate disasters, can manage and plan for climate. How can this be done?
- How can women be empowered to hold representatives of government accountable for their actions?
- Rural women at lower income levels generally welcome income earning opportunities. An assessment needs to be made with and by women farmers to weigh the opportunity costs of becoming labourers on a corporate plantation or growing cash crops such as jatropha as additional to or instead of other crops; they need a fully-weighted set of choices for them to make a decision. If women are interested to diversify their income sources then they need to understand the opportunity costs of growing fuel feedstock instead of food.
- Women need to be part of the land governance structures and be able to make decisions that focus on women's rights.

The collective voice of rural women's groups is being developed to enable them to understand what is at stake and to articulate and prioritize their own needs, perspectives and solutions. The

World Bank's 2012 World Development Report¹¹ calls for *global action around the increase of women's voice and agency in the household and in society*. The institution recognizes that women's *collective* action is crucial.

An appeal for political leadership and a re-commitment to rural women's priorities

Gender equity and direct and equal access to land, water and other natural resources must be ensured for women

States are required by Human Rights conventions to ensure that women have equal access to and control over land, water and other natural resources, be it through collective or individual tenure systems. They have the duty to implement existing international human rights conventions, including the CEDAW, as well as the Final Declaration on the Convention on Agrarian Reform and Rural Development (ICAARD). Any relevant policy in terms of access to and control over land, water and other natural resources should integrate specific measures in this regard. As a consequence, the Guidelines should include strong provisions to ensure women's equal access to and control over land and other natural resources.

PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

Article 15 a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;

Article 19 c) promote women's access to and control over productive resources such as land and guarantee their right to property

Land is, first and foremost, a national *political* issue. The response to and the management of large-scale land investments is ultimately a political decision by government. Government needs to distinguish between those investments that will benefit the local economy and rural citizenry and those that will further exploit the country's natural assets to the detriment and loss of both nature and its peoples. It needs to weigh up the costs and benefits of conditions and terms established in investment agreements – from bilateral trade treaties all the way down to farm contract agreements. It will need to stipulate guidelines and accountability processes that shape and frame land investments of all sizes.

African decision-makers need to develop a position on the interlinking issues of land investments, food security, and negotiations with trading partners and investor interests, and bilateral agreements on agriculture, fuel and natural resources. The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests*¹² could serve African government needs in ensuring best practice on African soils if these guidelines respect and reflect African priorities and concerns.

The challenge is for African governments, as duty bearers, to ensure the improvement of the position of African women and through this the advancement of their societies as a whole. This will require a willingness of government working individually and collectively through the AU to act to shift power relations. A starting point is to fulfill the progressive aspirations of the *Framework and Guidelines on Land Policy in Africa* such as ensuring "*these issues be addressed through comprehensive people-driven land policies and reforms which confer full political, social, economic and environmental benefits to the majority of the African people*" and acting to give effect to the "*need for a fully gendered, informed and participatory mobilization and continuous engagement of all stakeholders in the land and related sectors at all stages of policy development, implementation and review*" (Section 7).

Within this political framework, the African Union and its member governments have the duty, the responsibility and the mandate to prioritize women's rights to land and security of

¹¹ World Development Report 2012 *Gender Equality and Development*

¹² See <http://www.fao.org/cfs/cfs-home/land-tenure/en/>. The drafting process resumes 10-14th October 2011

communal land tenure in order to secure the future of food and the economies of the region. Corporate agricultural investment cannot be pursued to the detriment of investment in women farmers and pastoralists. Oxfam, ActionAid and others, including some governments, have been supporting small-scale farmers around the world, and can show success stories of the contribution to food security and economic growth that small farmers and pastoralists can make when operating in a supportive policy and investment environment.

The simple reality about access to resources is that unless *equity and a social contract* is built into the framework – dealing with the structural issues of injustice, we are left only with policies that are determined by narrow measures of economic *efficiency of production at any cost*. These costs, many of which are environmental and social, are simply too high for African countries and rural women to bear.

IV. Recommendations

- 1 **Women's concerns and priorities must be central to all process related to land.** This requires:
 - Commitment of resources to help ensure spaces where women's voices are heard and respected
 - Orientation of officials to ensure that they value women's participation and allocation of resources for promoting women's participation.
- 2 **Pro-active tenure reform and improvement local governance institutions capacity to include and effectively manage the registration of women's rights to land** and other resources. Registration systems should be locally based, accessible and uncomplicated. Systems should be "user friendly" so that anyone from lawyers to small scale farmers are able to check on what rights are held over specific areas. This is very important for women who are often presumed to be secondary land rights holders.
- 3 Within investment agreements, there must be **active support of women's rights to natural resources** and to **ensuring that women give free, informed and prior consent** before any deal can be concluded. These processes must go beyond narrow recognition of registered rights and provide mechanisms to recognize and honor women's often complex and varied rights to and use of natural resources.
- 4 **There needs to be a dramatic improvement in the provision of social services** to relieve the burden of 'reproduction', which predominantly still falls to rural women, including the provision of clean water and sanitation thus giving women a choice to allocate their time and energy towards production and economic activities.
- 5 **A pro-active and deliberate allocation of any available land and water to women and other small scale local farmers and pastoralists along with support services and targeted investments**, thus ensuring that women have opportunities to increase production, meet food security needs, and benefit from market opportunities.

The magnitude of the challenges rural women face demands a concerted effort by stakeholders in civil society, in national governments, in business, at the AU, and in the UN system. Within this framework, a directive and commitment has to be made to ensure that the land of the people is held *in trust for generations to come* and that their long term food security and livelihood interests are protected. Farmer groups and women's organizations alike need to advocate ensuring that their interests are championed by their governments. *Land use issues are sovereign issues and sovereignty is ultimately about people and their territories.*

References

AUC-ECA-AfDB Consortium (2010) Addis Ababa, Ethiopia Framework and Guidelines on Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods

Flintan, Fiona (June 2011) "Broken lands: Broken lives?" Causes, processes and impacts of land fragmentation in the rangelands of Ethiopia, Kenya and Uganda for REGLAP (Regional Learning and Advocacy Programme) Nairobi

Oxfam Briefing Paper (Sept 2011) Land and Power <http://www.oxfam.ca/sites/default/files/imce/land-and-power-bp151-2011-09-22.pdf>

United Nations Special Rapporteur on the Right to Food (2010)

World Bank World Development Report (2012) Gender Equality and Development

Annex I: Can land policies protect women's rights to land? A historical context

"In Africa, women owned the land and other property connected with the homeplace and transmitted ownership to their daughters or their brothers' daughters. European governments and missions in Africa loosed a torrent of propaganda against matrilineal customs amongst the natives. In most African nations, European land reforms consisted of taking land away from the women and allocating this to their husbands. This tended to make women paupers and destroy their self-respect, as the tribes looked down on a woman who couldn't support her children". (From: Barbara G. Walker (1983) The Women's Encyclopedia of Myths and Secrets)

"In colonial Africa, for example, British and French officers systematically favored men with regard to allocations of land, equipment, and training, the mechanization of agriculture being the occasion for a further marginalization of women's agricultural activities. They also disrupted female farming by forcing women to assist their husband in the cultivation of cash crops, thus altering the power relations between women and men and instigating new conflicts between them. To this day, the colonial system, whereby land titles are given only to men, continues to be the rule for "development agencies" and not in Africa alone. It must be said that men have been accomplices in this process, not only claiming control over women's labor, but, in the face of growing land scarcity, conspiring to curtail women's communal land-use rights (wherever these survived) by rewriting the rules and conditions of belonging to the community". (From: interview with Silvia Federici (Nov 2009) On capitalism, colonialism, women and food politics)

"There is a common story about women and land tenure status that transcends ethnic, cultural and national boundaries in sub-Saharan Africa. The story begins by placing women not as 'owners of land' but rather as 'owners of crops'¹. Women generally have rights to cultivate land as well as rights to control income from the resulting crop production. Their rights for the most stop there; women rarely have rights to allocate or alienate land. Women's rights to use land are furthermore associated with their position toward men - as mothers, wives, sisters and daughters. More importantly, when land becomes scarce or rises in value, or when rights are formalized through titles or registration, these rights to use land are revealed to be secondary and tenuous. The right to receive turns out rarely to be as compelling as the right to give. Men use their position of dominance in society to 'expropriate' women's rights to land. Women, whose rights to farm a plot of land were guaranteed by marital or kinship status, lose these rights and face a diminished access to land that underlies and reinforces a greater economic and social insecurity. The literature on women's access to land is replete with examples of these often dramatic reductions in rights¹." (From: Gray and Kevane: Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa)

This selection of quotes paints a reality that, in the context of the current scramble for African land, does not bode well for rural women. Land reform schemes have rarely worked to women's benefit except when women have taken control of the process¹. In fact, land reform schemes and now large investments in land could undermine a complex system of land use and tenure where women have retained certain rights in common law and local practice, if not in legislation. Land reform almost always assigns formal land titles to male heads of households, regardless of women's economic contribution to the household, their customary rights, or the increasing number of female headed households¹. Land investors allocating compensatory land and other forms of compensation are continuing this same trend. Statutory regulation of title has also served to weaken the land rights of women and tenants and to downplay the status and role of women as land users. Unmarried women, divorcees and widows are particularly vulnerable. This is the key reason why land reform solutions need to be approached cautiously, prudently and contextually if women's independent access to and control over lands and commons are to be secured and protected.