

Securing women's land rights

Scaling for impact in Senegal

Enda Pronat and LANDac



About the programme

Despite their key role in agriculture, in many regions in Africa, women do not have equal access and rights over land and natural resources. To support the women's land rights agenda and to build on a growing momentum following the Women2Kilimanjaro initiative, **LANDac** in cooperation with grassroots and development organisations, including **ENDA Pronat** in Senegal, **GROOTS Kenya** and **ActionAid Kenya** in Kenya, **ADECRU** and **Fórum Mulher** in Mozambique, and **Oxfam** in Malawi have implemented a year-long action research programme: Securing Women's Land Rights in Africa: Scaling Impact in Senegal, Kenya, Malawi and Mozambique. The programme, funded by the Dutch Ministry of Foreign Affairs, aims to **identify, build upon and scale successful practices** and experiences of **grassroots organisations** and movements that work to strengthen **women's access and control over land** and natural resources in Africa. The empirical findings and concrete outcomes of the programme are presented in this LANDac research paper series *Securing Women's Land Rights in Africa*.

Introduction

In Senegal, land has increasingly become a scarce resource. Many rural communities experience tenure insecurity because of a growing population, urbanisation, public and (foreign) private investments. Within this situation, women often have the least to say about what happens to the land. Senegalese law states that women and men should have equal access to and control over land and natural resources. However, land governance is highly decentralised in the country and decisions about land are taken at a local level in line with customary and traditional practices in which women rarely inherit land. Instead, land is normally family property and is managed by the head of the family – usually a man.

The LANDac programme Securing Women's Land Rights in Africa (WLRA) combined action research with concrete grassroots activities done by the Senegal-based non-governmental organisation (NGO) Enda Pronat (Environment Development Action for a Natural Protection of the Territories) – see also Box 1). The programme aims to move the women's land rights agenda forward and to empower women in Senegal to claim access and control over land and other natural resources.

This working paper provides a background on women and land rights in Senegal. It presents the key findings from the

BOX 1. Programme partners and activities in Senegal

Enda Pronat is an NGO member of the international network Enda Third World (Enda Tiers Monde), which works for the promotion of sustainable development goals in Senegal. Enda Pronat works in three areas of action: participatory and inclusive governance of natural resources; action research training in agroecology; and valorisation of local agricultural products for commercial purposes. For the WLRA programme, Enda Pronat organised awareness-raising workshops within three communities and organised radio broadcasts to reach a maximum of actors. Community awareness-raising workshops were followed up at the village level, and even at the household level, through a staff of facilitators of local peasant federations (so-called land animators). The programme has also strengthened the capacity of elected women to defend women's rights in local decision-making bodies.

LANDac, the Netherlands Land Academy, is a partnership between Dutch organisations and their Southern partners working on land governance for equitable and sustainable development. LANDac has teamed up with Enda Pronat to contribute to the awareness-raising activities and to knowledge creation about women's land rights in Senegal by conducting participatory action research for a period of six weeks.

and becomes the responsibility of local governments and rural communities. However, democratic processes at local level (and the election of representatives) often do not work as they should. In many cases, these processes are overruled by customary practices. The success of these processes depends on the willingness of governmental bodies to involve communities and the capacity and resources available to both local governments and communities (Faye 2008).

Efforts to reform the national land legislation have been in the pipeline since the 1990s. But to date, the country is still in the process of adopting a new land law. Although the formulation of the new land law is still in progress, several civil society organisations (CSOs), including Enda Pronat and ActionAid International, have already expressed their concerns that these new laws will instead contribute to the privatisation and commercialisation of agricultural land (CRAFS 2016).

Although buying and selling land is prohibited by law, it is common practice and a big concern at the community level. Instead of selling land, people circumvent the prohibition by saying that they are 'selling trees' or other investments made using the land (including trees, buildings, wells and other constructions). In theory, you can only sell the investment made on the land. However, people still sell 'bare' land. The legal frameworks are rarely enforced at the local level where land is still governed through customary practices.

Within customary systems, often in line with Muslim traditions, land is owned collectively by a family, lineage or village and managed by the head of this unit. Accurate data about the percentage of land owned by women versus men is lacking. But there are indications of great gender inequality in land governance. In Senegal, 95 per cent of households are headed by men (Sall 2010). So, while women have access to land through their husbands, fathers or sons, women are often excluded from participating in land governance at the family level and – if single, divorced or widowed – may even lose their access to land.

In addition, rural women often have low levels of education and limited access to capital. The lack of presence of women in

action research combined with on the ground activities of Enda Pronat highlighting the need for action and advocacy at the local level. In addition, it provides an overview of activities undertaken by Enda Pronat and LANDac to put equal access and control over land on the national agenda and to overcome gender inequalities in land governance. Key to building an inclusive movement from the bottom up is the involvement of rural women and men in addition to elected officials, mayors, and customary and religious leaders.

Women's land rights in Senegal

Land governance in Senegal is dominated by two different management models: a modern model based on national legislation and a traditional model founded on customary rules. In June 1964, Senegal adopted a new land law, the Law on the National Domain (LOI No. 64-46). It considers the majority of Senegalese land and especially rural land used for living, agriculture and cattle raising as a national domain. This means that local communities can only obtain user rights: land cannot be sold or bought. At the time of independence in 1960, the national domain constituted 95 per cent of Senegal's land of which individuals, irrespective of gender, could claim land or obtain user rights as long as they used the land productively and lived in the community where the land is located. Within this system, land governance in Senegal is decentralised



Box 2. Land management in the hands of men

In Senegal, land is usually owned by the family. The head of the family is generally a man. The challenge for respecting women's land rights in this context is to encourage the ability for women to participate in decision-making about land use and management. As one woman explained during the community workshop in Keur Socé, February 2018:

I have two bags of peanuts to plant, but I don't have land to plant them on. My family has three plots of land, but they are only managed by the men. They refuse to allocate me a piece of land, even though I can prove I have the seeds to exploit it. Now, I will have to sell the peanuts again, or they will just rot away.

In reply, another woman said:

Men are scared to give land to women. When they build a house, they fear their wife will not be a good wife anymore and run away to her own land. They fear of losing power.

The men usually referred to the scarcity of land in the community:

If we cannot even give land to men, how can we give it to women?

As such, it is key to also sensitise men about women's land rights. At the same time, it is essential to give women the financial capacity to be able to exploit their land so that they can make a legitimate claim by law and to strengthen their negotiation power in land management in general.

other decision-making bodies at community level contributes to the marginalised position of women in land governance (see Box 2).

Knowledge generation

Women's access and control over land is problematic, especially under customary rule. Because of this, Enda Pronat works with the grassroots towards influencing local practices. It is of major importance to first understand the different customary land governance systems and the position of women in these systems before finding ways of strengthening this position and using this information to scale successful initiatives.

Enda Pronat, together with the LANDac researcher, started with data collection by combining action research with the organisation of community and village workshops in Keur Socé, Chérif Lô and Darou Khoudoss (see Figure 1). Many different actors involved in or influencing land governance at the local level (such as administrative, customary and religious

authorities) and the local population (women, men and youth) participated in the community workshops. These workshops served to sensitise all of these actors on land governance in general and on land tenure security and women's access to land in particular and were facilitated by land lawyers and a gender expert. The community workshops were followed up by workshops at the village level – open to any member of the village – to bring together villagers and local authorities as well as heads of households and landowners to discuss land issues with the support of land animators and to enable women to seek solutions to land problems. The workshops were attended by 1,271 participants in total, including local populations and authorities (village chiefs, religious authorities) and leaders of women's groups.

During the workshops, grassroots women and men came together to discuss land-related issues with customary and local authorities. A land expert informed the participants of the recent laws and regulations, after which local chiefs, official authorities and the women and men could further discuss the land issues. The community workshops encouraged both mutual learning and contributed to raising awareness of the importance of the subject across local stakeholders.

The community workshops, in combination with action research conducted by LANDac and the Senegal Land Action Research Group (GRAFOSEN)¹, identified three considerations that are of major importance for understanding women's access and control over land in Senegal.

Understanding issues related to securing land tenure

In most communities, both women and men face land insecurity. Communities fear that their land will be taken by the national government or the private sector. In Chérif Lô and Fandène, the expansion of the cities of Thiès and Tivaoune are a major cause of worry for populations holding agricultural land (Le Quotidien 2017). Many villagers have decided to sell their plots to private real-estate investors or rich citizens from Dakar or Thiès before the authorities allocate the land to residential development for new city dwellers or infrastructural development.

¹ In 2010, Enda Pronat facilitated a participatory action research project GRAFOSEN. GRAFOSEN is composed of researchers from Cheikh Anta Diop University (University of Dakar) and Gaston Berger University, Saint Louis; NGOs Enda Pronat and Radi; rural women's associations at local and national level; grassroots farmers' organisations such as the Woobin Federation, the Ngatamaré Toro Federation, the Yakaar Niani Wulli Federation and the Diender Agropastors Federation; Radiodiffusion Télévision Sénégalaise (RTS) and community radio stations; and religious leaders, among others. Together, they engaged in a project on improving and securing women's access to land in Senegal (IDRC 2011). The results are used for advocacy for increasing gender equity in the management of land resources.

Box 3. Yvonne's story

Together with her husband, Yvonne owns a plot of land in Fandène, a small village in Senegal close to Thiès. The land is family land inherited by her husband but it is not a large area. At the moment, they can only use the plot during the rainy season. They used to have mango trees, but because of the drought they had to remove them and now use the plot for gardening. When there is water for irrigation, they produce eggplants, cabbage, onions and peppers. They work the field together, but it is Yvonne who does the harvesting and sells the produce in the market in Thiès.

Although her husband is preparing the plot, the land is not in use yet because it is not the rainy season. Therefore, Yvonne travels every morning at 4 o'clock to Thiès to buy vegetables to sell in the village. The money to buy the vegetables she gets from a saving association. Once she has sold her vegetables, she can pay back the money at a very small rate of interest. While Yvonne chooses to buy vegetables during the dry season, others buy sheep and goats and, after fattening them, they sell the animals to reimburse the money. Many women conduct small business activities like these to supplement their incomes.

Source: Interview with Yvonne, Fandène, January 2018.



Locations of WLRAs' activities in Senegal

Workshop participants expressed their concerns that individual land titling may lead to the fragmentation and commercialisation of land. If individual women and men can decide what to do with their own plots of land, it may become more difficult to protect community land from land grabbing or rapid urbanisation. A recurring issue at all locations was the shortage of shareable land. If there is not enough land for men, how then can it be shared with women?

Raising awareness of securing land tenure

Levels of awareness about land tenure security vary substantially. During the workshops, many participants were shocked to hear that they cannot claim the rights to the lands they inherited from their forefathers, unless they can secure it with the municipality. Cases described by the participants illustrate their limited understanding, even by village chiefs, of national land laws.

Understanding the costs of securing land tenure

Obtaining and keeping tenure security is costly and linked to other aspects of citizenship. The research encountered women who obtained land from their family, but who were not able to register their rights because of the incurred time, costs, corruption or the need to have a national identity card.

In addition, to keep a plot of land one must be able to add value to the land or develop the land. Otherwise, the person runs the risk of losing the land as it can be allocated by authorities to someone else within two years. Many farmers lack access to water and prolonged droughts have decreased agricultural productivity, making this condition hard to meet. On top of that, limited access to capital makes it even harder, for women in particular, to maintain a productive field. So due to water

Another reason for existing land insecurity is (foreign) investment in large-scale agriculture. Such practices also happen in Darou Khoudoss (mining investments) and Keur Soccé (large-scale agriculture causing advanced land degradation). As a consequence, households have increasingly lost the foundation of their livelihoods, making women's land rights even less of a priority.

Box 4. Youth and land

In the framework of the WLRA programme, the problem of access to land for youth was also identified as an important issue within the communities. Land is becoming increasingly scarce, while the population is growing. During the community workshop in Darou Khoudoss in February 2018, one male youth explained his situation:

My father is still alive, but he is very old. Therefore, it is me who works on the land now. I have explained my situation to the local animators, because I need documents for the regularisation of these lands. I want to stay in this village and farm, but I lack the means to exploit the lands in a productive way. I need inputs, a borehole and machines. If I can't access these, I may be forced to migrate. There are many youth in this village who have the same problem.

scarcity and lack of income to buy seeds or machinery to work the land, people are forced to look for livelihood opportunities outside of agriculture (see Box 3). Many youth also face the same issue, finding it increasingly difficult to access land and keep it productive (see Box 4).

Sometimes, women form associations to access land under a joint title. By joining forces, women are better able to invest in water and agricultural inputs. However, these associations only have access to small plots of land (see Box 5).

Land tenure, food security and economic empowerment

Access to land is key to food security and economic empowerment. Many Senegalese women are involved in small trades and other non-farm income-generating activities. The women who are not able to access land often run small businesses, buying produce from the women who own farms in the village and selling it in town. With a good business, these women can reinvest in agro-inputs to cultivate family lands. This is why access to land should be combined with access to means of production (such as agricultural equipment and seeds) and to finance and microcredit.

In Senegal, to be able to legally secure a parcel of land, a request needs to be drafted and deposited with the municipal council. Unfortunately, many people at the local level, and in particular women, are not able to write these requests due to low levels of education. To deal with this restriction, Enda Pronat, with the help of a land jurist, has developed a template for such requests in the form of cards (*fiche de demande de parcel*). Applicants simply fill in the information required. The main goal is to enable community members to request land registration in their name. In addition, the idea was to monitor progress and collect information about the number of applications for land titles made by women. Within the course of the programme, a total of 361 applications were filed within the three communities. Of which, 160 (44 per cent) were filed by women. All applications were then submitted to the municipal council and are in the process of deliberation.

The initiative has resulted in more than 41 per cent of land

Table 1. Overview of WLRA activities and participants in Senegal

Activities	Number of participants	
	Women	Men
(3) Community sensitisation workshops about land security and women's access to land	120	151
(3) Land animator trainings about land security and women's access to land	37	27
(3) Local elected representatives' trainings about decentralisation, local land governance and women's access to land.	85	106
Total	242	284

Source: Faye (2018)



claims in the community of Chérif Lô, 46 per cent in Darou Khoudoss and 43 per cent in Keur Socé. It was a first step in negotiating access to lands with customary leaders at the community level. In addition, the application reports of the land animators take stock of the specific constraints and real needs of women in terms of access to land, local initiatives (organisational forms and local strategies) and progress in terms of land security and women's access to land. As such, it serves as a basis for feeding into discussions on women's land rights and sharing knowledge at different levels for advocacy.

Building capacity with local communities

In addition to the community workshops, Enda Pronat organised trainings in the communities of Keur Socé, Chérif Lô and Darou Khoudoss to target specific stakeholder groups (see Table 1). A first series of trainings was organised for a group of land animators composed of women and men of local associations, including leaders of women and peasant associations. These land animators are local champions who act as brokers between local communities and authorities.

Land animators carry out sensitisation, mobilisation and communication tasks at the community level related to the legal mechanisms and procedures to tenure security. They make the community aware of women's land rights by initiating discussions that allow changes in the mind-sets of community members that encourage women to take part in the decision-making process concerning land governance. In addition, animators such as Awa (Box 6) assist farmers in obtaining tenure security. Land animators work closely together with customary and religious leaders as well as with leaders of women's associations.

The training sessions were given by consultants with whom Enda Pronat has been working for several years and who are real experts in land legislation, decentralisation and gender in Senegal. In total, 65 people were trained in the framework of the WLRA programme, most of them land animators but in addition also actors working in local land governance, including municipal councillors, village chiefs, village leaders)



and leaders of women's and youth associations. These stakeholders were trained to facilitate the work of the land animators at the village level.

Enda Pronat organised a second series of trainings in the same communities for locally elected representatives. As discussed, land governance in Senegal is highly decentralised and in the hands of elected representatives of the communities, although traditional and religious leaders also have a lot of influence.

Box 5. Providing women with collective access to land: a limited solution?

In Keur Socé, the village chief allocated a land parcel of 2 hectares to a group of 64 women. The plot has been parcelled into individual pieces so each woman can grow her own vegetables. When talking to the women cultivating these fields, there were many complaints about the plot sizes and the quality of the land. As one woman in Keur Socé explained during an interview in February 2018:

We can now all cultivate our own plot of land, but it's just a handout from the men so the women would stop complaining. There are individual men in this village owning parcels of land larger than the one we share here. We can still not inherit from our family and our husbands are still not ready to share their lands with us. When asked about the access of women to land in this village, it is easy to refer to this land we were given. However, we need to share it amongst 64.

Locally elected representatives are responsible for managing natural resources at the local level, but do not have a specific educational background for doing so. They generally do not master land and natural resource management procedures and are poorly informed about their role in local decision-making procedures. This lack of capacity and education is particularly pronounced among elected women who are supposed to represent and defend the interests of their female peers at the decision-making level.

To improve the situation, Enda Pronat trained locally elected representatives to strengthen land governance at the local level and to promote women's land rights. The general objective was to build knowledge about land legislation for the representatives (women and men) who are in charge of land management in their communities and to make them aware of the need to safeguard women's rights. Their close collaboration with religious leaders and traditional leaders in their activities and the direct involvement of imams and village chiefs in the community workshops has proven to be effective. Former Enda Pronat programmes have shown that mayors who were sensitised by Enda Pronat have since taken concrete measures at the level of their council. For example, the mayor of Tattaguine is now a women's (land rights champion) advocate. He has put this into practice by making sure that all the costs associated with obtaining land titles for women are covered by the municipality.

Scaling for impact: building a movement

The previous section (and Table 1) shows that the activities under the WLRA programme have had an extensive reach, involving at least 526 individuals within the three communities. To scale up the activities and extend the reach beyond those directly involved in workshops and trainings, Enda Pronat has undertaken several activities to build a national movement of rural women in Senegal.

Using radio to increase awareness

To further broaden awareness among as many people as possible, five radio broadcasts were organised between December 2017 and April 2018 in local languages at the level of the different municipalities. They allowed participants, made up of peasant leaders, leaders of women's and youth associations and experts, to increase public awareness of the legal procedures governing the management of natural resources and the issues of women's access to land.

Developing a national alliance for women's access to land

In addition to the radio broadcasts, 375 women and 34 men from rural communities, universities, NGOs and (local) government bodies participated in the National Women's Advocacy workshop that was organised 16-18 January 2018. The objective of this workshop was to reinforce synergies

Box 6. Land animators: Awa's story

Awa was trained as one of the animators to guide the local workshops in Cherif Lô. She has about 2 hectares of land herself, for which she has the title papers. Since her husband (who has multiple wives) works in Dakar, he has no time to cultivate the fields.

Awa convinced her husband that it was worthwhile to give her a part of the fields to cultivate. 'As a woman, I have to do something in the fields, so I proposed to my husband to buy mango trees and plant them.'

At first, he strongly opposed, but after a long discussion he accepted her proposal and gave both his first wife and Awa a plot. As Awa explained during an interview in January 2018:

Since this is a Muslim community, it is very hard for women to access land. In this village, there are only three women who own lands, but very small ones. Through the sensitisation activities I believe this will change. Other women can see what I have realised, that I have constructed a well so I can grow vegetables, that my trees are growing. The men say to themselves, 'Awa, her field is well equipped, how she has managed. I will do the same and give my wife a field.'

between the different actors working on the promotion of women's land rights, but also to stimulate a dialogue with decision makers to develop a national strategy to improve women's access to and control over land as well as to other resources (agricultural assets, seeds, water etc) for more inclusive local development.

One concrete outcome of the workshop is that several women's associations, researchers, NGOs and the National Network of Rural Women in Senegal agreed to create a national alliance for women's access to land. In addition, representatives of the Ministry of Agriculture and the Ministry of Women, Family and Gender presented different financing opportunities for increasing women's access to agricultural inputs. Participants from the Economic, Social and Environmental Council promised to open a discussion at their respective institutes about gender issues, and women's access to land in particular and to put these issues high on the agenda in their annual report to the president of Senegal.

Advocating for land reform at the national level

After several years of advocacy work for rural women's access to land and finance by the National Network of Rural Women and Enda Pronat, the WLRA initiative has made it possible to further build on this global momentum and movement building to

stand up for women's rights. The programme has made it possible to discuss women's land issues throughout the year at both local and national levels.

Only a few weeks after the National Women's Advocacy workshop, during the launch of the international HeforShe campaign in Senegal, the President addressed several women's land right concerns in his opening speech at the International Women's Day (UN Women Africa 2018). He said:

We will start a 30 billion FCFA [West African CFA franc] programme at the end of March [2018], which aims to boost the promotion of entrepreneurship and the employment of women and young people. We will resume consultations based on the gender approach, so that rural women and women in general can have access to land, after the land reform. This battle for the participation of women in the development of our country, security and respect for human rights must be everyone's business. Much remains to be done on the empowerment and empowerment of women, especially in rural areas (translated from: RTS 2018).

Promoting solidarity among grassroots women

It is clear that the women's land rights agenda in Senegal must deal with a broader picture. Enda Pronat stresses the importance of actions of solidarity where women are able to connect and support other women who are struggling with land grabbing. Local savings groups or tontines are a clear example of how women can work together at the local level and try to help each other to overcome constraints and access microcredit. Some of these women's groups also focus on alternative income-generating activities, such as making soap. One example is a women's group in Darou Khoudoss. Under the guidance of Aida Cissé, one of Enda Pronat's local champions, the group trained themselves to make natural soaps which they share among themselves to sell. Each woman commits to sell a certain number of soaps. The money earned is then saved in the saving association's cash box. This group also facilitates its individual members to take small loans at the





local microfinance bank to fund small businesses and trading activities.

Women's associations are also a means of accessing land under a collective title. The practice has been promoted because it allows women to access land and other means of production. However, the small pieces of land that must be shared between too many women (see Box 6) does often not result in real economic autonomy for the women involved. As such, women should not be restricted only to this collective model of access to land. While it is a strategy to access land, it is not a solution in itself and often hinders women to further develop their agricultural entrepreneurship.

Ways forward

The WLRA programme has contributed to a better understanding of the particularities of women's land rights in Senegal. It has demonstrated how different factors severely limit women's opportunities to access and control land and natural resources, and, more broadly, limit access to sustainable livelihoods. These limiting factors include large-scale land investments, urbanisation, and religious and customary practices. The combination of these factors makes land rights a complex issue that involves many stakeholders. They include mayors, locally elected representatives, village chiefs and religious and customary notables at the local level. At the national level, stakeholders include the government, the national assembly, the Economic, Social and Environmental Council, the high council of local authorities and other actors involved in public policymaking, NGOs, national women's associations, researchers and others.

The activities of Enda Pronat and LANDac have aimed to involve

all those stakeholders by advocating and creating synergies for women's land rights and building capacity from the bottom up. The WLRA programme has worked on structural change at the local level by opening up spaces for discussion and building on the many existing grassroots women's associations and 'handing over the stick' to local role models and champions – both women and men. In addition, they have trained local animators and women leaders who pass on their knowledge and operate as brokers to also influence positive changes at the national level. Together with the formation of the national alliance for women's access to land the WLRA programme in Senegal has advocated at the government level to better address the specific needs of women in public policies, has facilitated dialogue between rural women and state authorities and has also brought the concerns of rural women to the work of the National Commission on Land Reform.

But much remains to be done to further enhance the position of women in the governance of land and natural resources. The Senegalese government is in the process of drafting a new land law. But CSOs are already gravely concerned that this new law will start (or increase) processes of land privatisation and commercialisation. This will put entire local communities at the risk of losing their land. It may fragment current family or community lands and even weaken the position of the community when faced with public or private investors wanting to buy their land – especially if individual community members may be tempted to sell. The Cadre de Recherche et d'Action sur le Foncier (CRAFS), an active civil society framework working together with women's associations, jurists and other land experts, advocates alternative proposals to the new land law to counteract the threats and risks as described above.

Regardless of the land tenure system, it is of crucial importance that women and men have equal access and power in land governance for inclusive rural development. This stance was promoted during the activities of the WLRA programme in Senegal. Enda Pronat, in close collaboration with LANDac, has directly involved 1,935 individual women and men in its



activities. Now, through its ongoing work – with the 64 trained land animators, cultural and religious leaders, radio shows, and the work with the national rural women’s network in Senegal – it expects to reach many more. By building women’s political, intellectual and economic capacities, they will be enabled to exercise their rights in terms of access to and control over land as well as participate in decision-making over common resources at community, village and/or family level. This is not just a matter of land law but requires more comprehensive support in the context of inclusive public policies, especially considering the specificities of women and those who live in rural areas in particular.



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