

Technical Guide

SECURING LAND ACCESS FOR WOMEN

An innovative process based on
social legitimacy

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Reflection meeting after the securing of land rights process.
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Liste des acronymes

AGV	Assemblée Générale Villageoise
APFR	Attestation de Possession Foncière Rurale
BMZ	Ministère Fédéral Allemand de la Coopération économique et du Développement
CCFV	Comité de Conciliation Foncière Villageoise
CCP	Programme de Partenariat de Pays (pour la gestion durable des terres)
CFV	Commission Foncière Villageoise
CVD	Conseil Villageois de Développement
GDT	Gestion Durable des Terres
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
GPS	Geographic Positioning System
GRAF	Groupe de Recherche et d'Action sur le Foncier
ODEC	Opérations de Développement, Études et Conseils
OSC	Organisations Société Civile
ProSol	Projet « Protection et réhabilitation des sols pour améliorer la sécurité alimentaire »
TMG	Töpfer Müller Gassner

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About the guide

The purpose of this guide is to provide target actors with a tool for the conduct of an alternative process for securing access to land for women. Land needs to be secured particularly where legal and regulatory provisions are adopted and implemented only to a limited extent and where customary land regimes are still prevalent.

The guide is the result of Participatory Action Research (PAR) carried out by the Groupe de Recherche et d'Action sur le Foncier (GRAF) and TMG Research gGmbH (TMG).

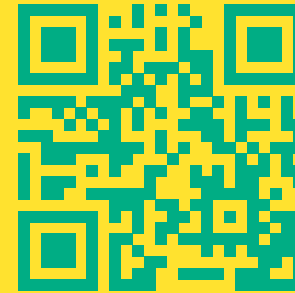
This action research was done within the framework of a research project accompanying the Rehabilitation and Protection of Soils to Improve Food Security (ProSol) project, which was initiated by GIZ in the Hauts-Bassins Region of Burkina Faso. Both projects are part of the 'One World, No Hunger' initiative financed by the German Federal Ministry for Economic Cooperation and Development (BMZ).

The PAR was developed in cooperation with the people of Tiarako, the Satiri municipal council and decentralised technical services, and GIZ. The initiative, founded on social legitimacy, allowed 228 women to obtain secure access to land. This guide summarises this process, outlining the different steps required to achieve the stabilisation of land rights for women. The lessons learned from the process, and the outcomes from the successive workshops following the process, were incorporated.

This guide is aimed mainly at the following actors: farmers' organisations; technical services responsible for rural sector management (agriculture, animal resources, environment) and for the promotion of women; technical and financial partners of development cooperation; and stakeholders involved in projects and programmes on land governance, natural resource management, agriculture and rural development.

The entire process is the subject of a documentary.

Watch the documentary «Tiarako s'engage pour l'accès sécurisé à la terre» here:



<https://www.youtube.com/watch?v=2x5PECCTI4U>

For further information, visit our sites:
www.soilmates.org
www.graf-bf.org



Soil erosion in Tiarako © L. Stiem-Bhatia

Land tenure insecurity at the heart of the agricultural productivity challenge

Agriculture and land degradation

In Burkina Faso, agricultural production (crops and livestock) is the principal occupation of at least 85% of the population: it constitutes the main source of income for the vast majority of Burkinabé.

But agricultural land in the country is threatened by progressive degradation. Indeed, one-third of the country's territory – 9,234,500 hectares (ha) – is already degraded, according to Burkina Faso's Ministry of the Environment. Every year, between 105,000 and 360,000 ha further degrade.

Land degradation is the result of several factors, including demographic pressure, farming practices unsuitable to the agro-ecological context, poor land management and climate change.

In order to stop this accelerated land degradation and its impact on biodiversity and food security, the government of Burkina Faso has, since the 1960s, ratified numerous international conventions and adopted many policy interventions in the area of sustainable land management (SLM).

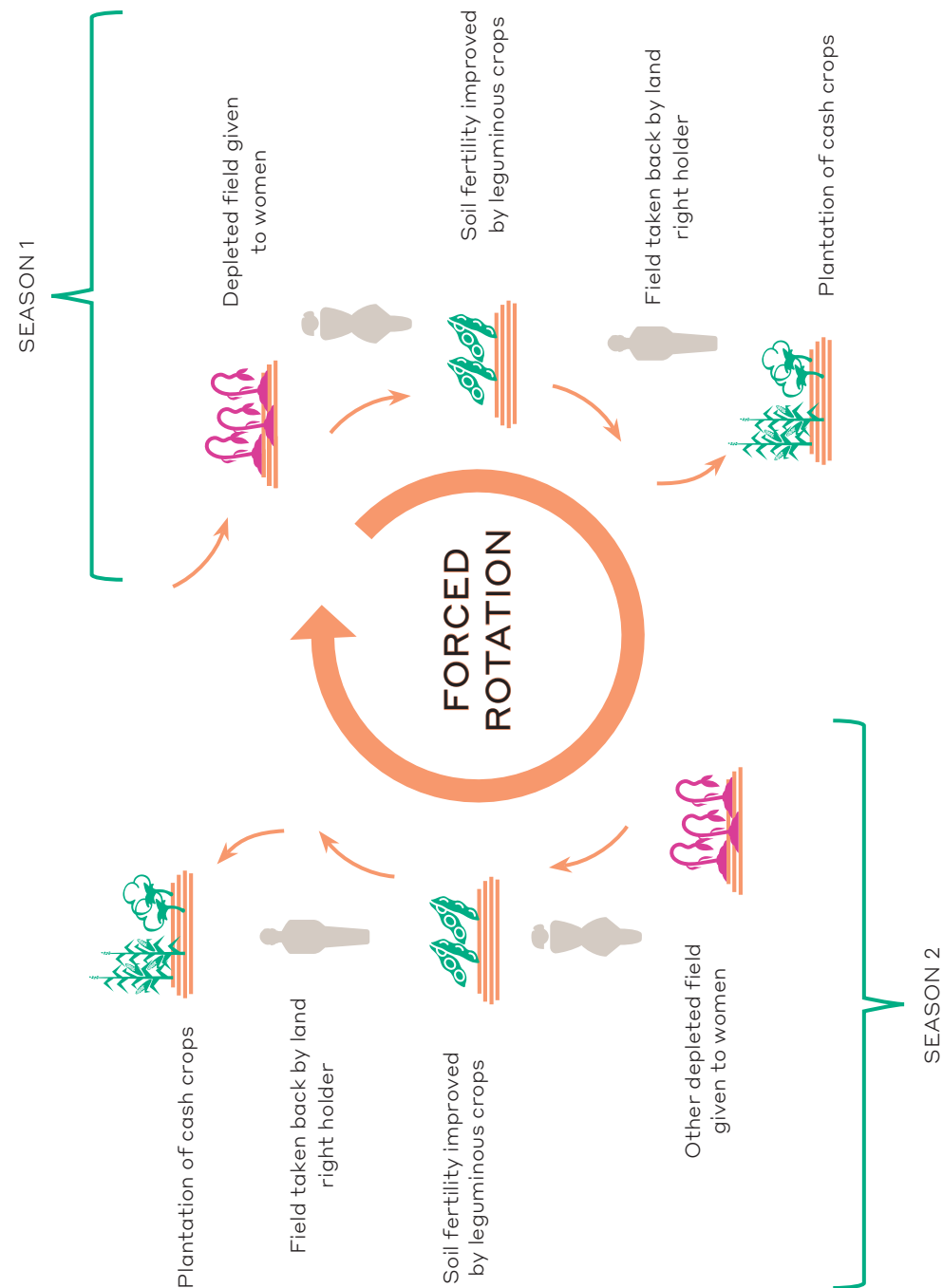
Despite considerable efforts, the adoption rate of land rehabilitation and protection practices remains low. And SLM initiatives are still very limited in space and time. In the context

of the accompanying research project, an analysis of SLM projects and programmes in the provinces of Ioba, Tuy and Houet shows that only 3 out of 10 projects analysed take the land tenure dimension into consideration. This low level of attention given to land tenure issues could explain the limited duration of these projects' accomplishments (Koudougou and Stiem, 2017).

Land tenure insecurity: obstacle to the adoption of SLM techniques

Preliminary studies carried out by the authors of this guide in the ProSol intervention area revealed that land tenure insecurity is a major obstacle to SLM, and that women, migrants, youth and agro-pastoralists are the primary groups affected (Koudougou et al., 2017; Koudougou and Stiem, 2017). The lack of land tenure security hinders the application of SLM practices, particularly tree plantation, anti-erosion measures, as well as other measures that entail significant investments.

The development of commercial crops and of mining operations, the increased competition for land, and the monetarisation of land transactions – within a context of a weak application of legal and regulatory provisions – aggravate the land tenure insecurity situation for women and other vulnerable groups.





Modes of access to land for women

Access to land for women in Burkina Faso

Women in Burkina Faso play a paramount role in family farming; they are responsible for 52 per cent of agricultural production (Saito et al., 1994). But their access to land remains problematic. Under the still widely predominant traditional land tenure systems, women only have precarious (often annual) land use rights, and their land is generally degraded.

The field on which a woman grows legumes during an agricultural season is usually recovered by the husband or the land owner, who then assigns the woman another, less fertile plot of land for the next season. This forced rotation, and the impossibility of sustainably profiting from their efforts invested in improving soil fertility, contribute to limiting the women's commitment to SLM.

Only women who are menopausal or who are farm heads themselves (widows in most cases) can enjoy permanent land use rights. The situation varies greatly from one culture to another, depending on the status and rank of the women within the family. The woman's status in terms of land tenure, however, is generally precarious.



Women sowing maize in Tiarako © L. Stiem-Bhatia

Limited implementation of ongoing land reforms

Land rights in rural areas of Burkina Faso are still largely based on customary and traditional land systems.

The land reforms initiated since 2007 (Politique nationale de sécurisation foncière en milieu rural decree) and the adoption of the 2009 rural land tenure law (034-2009) constitute an attempt to formalise customary land rights. However, the application of the land legislation is still only limited to 112 of a total of 351 communes. Moreover, even in those communes where it is implemented, its adoption by local actors is very limited. In the case of women, the situation is even more difficult because they are hardly taken into consideration.

Nevertheless, the 2009 rural land tenure law does establish the access to land for vulnerable groups, including women, by means of special programmes. This law and other regulatory texts provide for the possibility of initiating special programmes to secure land access and quotas for women in the attribution of cleared lands. However, their implementation in the field is limited because of a lack of financial and human resources.



How to successfully secure land access for women

Securing land in a context of a weak legal implementation

In a context characterised by fledgling land management, in particular by the absence or weakness of the local land institutions such as the Rural Land Services (SFR), it is clearly essential to select a path towards securing land rights that is legitimate, accessible to the rural actors and grounded in law.

By 'securing land rights' we mean 'the set of processes, actions and measures of all kinds that are aimed at enabling the users of rural land to effectively deploy their productive activities, and protecting them from any dispute or disturbance in the enjoyment of their rights.' (Bary, Ouédraogo, Sanou and Thiéba, 2005). Securing land rights therefore does not entail full ownership, that is, rights to transfer, sell or mortgage.

The other options for the granting of individual deeds to women, such as the Rural Land Certificate of Possession (APFR), have proven difficult in a context in which the farm heads (the husbands) do not themselves hold any land title document. Choosing to grant the APFRs would imply the prior establishment of the Rural Land Services by the communes, but the latter do not yet dispose of the perennial resources needed for the creation and proper functioning of such services. Besides, the process of granting of the APFRs entails costs that are beyond the means of many women producers in rural areas.

This is the context in which the process of securing access to land for women, piloted by the GRAF and TMG in the village of Tiarako, offers an alternative. The process is in effect based on social legitimation: the land agreements or land arrangements between women and farm heads are validated by all local actors: by the customary and administrative authorities and by the population.

Principal stages of the process

The objective of the process presented below is to generally facilitate the dialogue about land questions between the different components of the village population. Specifically, the purpose is to create the conditions for a broad consensus about land agreements in accordance with the land legislation and to focus on securing access to the land for women.

The implementation of the process of securing land rights for women required the development of an inclusive approach. It involves creating frameworks for reflection, collaboration and expression regarding the question of securing land access for women. Based on the Tiarako experience, this process can be spread over a period of four to six months.

The following principles should guide this approach as a whole:

- The commitment and effective participation of all the actors concerned.
- The setting aside of all pre-established solutions.
- The negotiation of a consensus acceptable to all.

The process of securing land access for women can be expected to involve a series of stages:

Groupe 1 Identification des acteurs et leurs rôles

Activité	Acteurs clés	Rôle	Niveau d'intervention	Mode d'intervention	D'autres acteurs impliqués	Observation
1. Information et sensibilisation	Propriétaires Terroirs Personnes ressources chef de village, de zones	- situer des pop sur la gestion coutumière de foncier local	Village	- AG villageoise - porte à porte - en famille	- CVD - CCFV/CFV - Maire/Conseillers - les femmes	Tous les chefs d'exploitation ne peuvent pas s'exprimer en AG.
2. Amendement des: possesseurs non possesseurs	- équipe GRAF	identification des possesseurs et non possesseurs	Village	porte à porte	- CCFV/CFV - CVD - Conseillers - chef de Terre	SRIFOMR dans toutes les activités
3. Enquêtes socio-foncières	- équipe GRAF	identifier des potentiels candidats de terres et ceux qui sont ruraux, avoir l'autorisation des possesseurs	Village	porte à porte	- CCFV/CFV - CVD - conseillers - chef de Terre	DPEUCE pour les AG. DPAH - Atika
Négociations entre exploitants et possesseurs	- Exploitant et possesseurs	les femmes qui sont ruraux, les propriétaires à côté les femmes des villages	Village	exploitant vers le possesseur	-	
Négociations en parallèle aux femmes	- les femmes possesseurs	les femmes des villages	Village	en familles	-	→ itératif
AG initial (validation Existing action)	- femmes, exploitants, possesseurs et personnes ressources	- valider la liste de ceux et de ceux qui sont ruraux	Village	- AG	- CVD, CCFV - CFV, Maire - conseillers	NB GDI/Prosal

Identification of the actors and their roles during a launch workshop of the process in Tiarako © L. Stiem-Bhatia

1 Co-conception and validation of the approach

The approach and all the stages of the process should be conceived and validated with all of the actors concerned. A technical, multi-actor workshop provides the framework for the amendment and validation of the proposals put forward. This workshop should also make it possible to establish and validate, together with the participants, a mapping of the actors involved. This mapping will detail the level of intervention, role and responsibility of each actor identified. Each actor will commit to participate and should know the role he or she will play during the process.

2 Launch at General Village Assembly (AGV)

It is important that the outcomes of the technical, multi-actor workshop be shared with the entire village population so that certain points in the approach can be validated and legitimised. The talks will pertain to creating a legal system that favours access of women to the land and the stages in the process of securing women's land rights. All concerns about the deeds to be formalised and the purpose of the process should be addressed. The AGV should build a general consensus in the village to commit to the process.

3 Information and raising awareness about securing land access for women

This stage involves providing information about the legal provisions and policies regarding securing land access for women – special emphasis should be placed on the benefits, both for the woman and for her family, resulting from her securing access to land. The main objective is to dispel all fears and worries connected to securing land access for women.

4 Social/land surveys

These surveys should allow information to be collected about the family farms concerned by providing a list of the farm heads and of all the members under their individual tutelage. They include the declaration of the farm heads about the type of agreement (grant or lease) and the size of the parcels they envision transferring. Any competences within the village population should be relied on to carry out these surveys – not only to reduce financial costs, but also strengthen the social anchoring of the process.

The surveys should include other structures, particularly the domains and the cadastre, to provide reliable information about the land rights, and all resource persons who possess information about the land in the area.

5 Census of voluntary farm heads

This stage aims to distinguish between land owners and non-owners and identify producers who agree to transfer a portion of their land to one or more women. It is therefore a census of the farm heads who voluntarily engage in the process.

6 Negotiations between non-owner and owner farmers

In this stage, the non-owner farmers who would like to transfer land to women (wives and others) start to negotiate with the owner farm heads, with a view to gaining their agreement for the transfer of a parcel of their farms, even though they are not actually the owners. This negotiation is bilateral and involves no third parties.



A GRAF expert in an awareness-raising session.
© S. Koudougou



GRAF experts at a census session for men who agree to transfer land © S. Koudougou

7 Negotiations between recipient women and farm heads

One focus group for men is organised to collect the major concerns of those men prepared to transfer land to women. The men should detail their concerns and the conditions under which they are prepared to transfer their land. At this point, it is useful to inform the parties of the advantages of securing women's access to land. The benefits of the operation should be explained from the outset, and the parties should be reminded of them before the negotiations.

Another focus group is then organised for the women. They will be informed of the concerns of the men and of their land transfer intentions. Consensus about the transfers and the associated conditions will result from these focus groups.

8 AGV to validate the list of the farm heads transferring land

An AGV presided by the president of the Village Development Council (CVD) validates the list of farm heads who have committed to transferring land parcels from their holdings to women. This assembly will allow all of the village to be informed of the list of farm heads involved in the transfers. Subject to disputes, this list will be validated at another stage.

9 AGV to validate the list of farm heads and the recipient women

An AGV is organised to communicate the list of validated commitments and the accepted transfers, both with regard to the land surfaces and conditions involved. This information is incorporated into a single table, which will be used subsequently in the process.

The technical services and the representatives of the rural commune will participate in this AGV. Every AGV must be endorsed by Official Minutes, duly signed by the Table Office.

10 Georeferencing of the parcels transferred to women

At this point, it is important to determine the true surface area of the transferred parcels. Using devices such as a GPS, the areas can be accurately recorded and included in the land



GPS recording of the secured parcels
© Victor Emeghara



Technical meeting at the office of the municipal council,
November 2017 © S. Koudougou

agreement document. To minimise the operation's financial costs, it is sensible to use local actors who know how to operate the GPS.

11 Exchange session with the communal administration
This stage involves the 'formalisation' of the land agreements by the local authority in charge (the municipality). Talks take place with the members of the office of the municipal council in a session presided by the mayor. During the course of this meeting, the municipal council will determine the key issues to be highlighted in the endorsement document, which will then be communicated during an AGV.

12 AGV for the validation of the local land agreements
This assembly offers the municipality an opportunity to verify the legitimacy of the agreements that transfer land to women. Here, the conditions for the management of the agreements are specified with the village elders and local committees (CVD, CFV, CCFV), recipient women, transferring farmers, etc., and with the public as witnesses.

The official minutes of this assembly facilitate the endorsement of these local agreements by the municipality, which is the ultimate purpose of the process. The mayor can take part in this village assembly.

13 AGV for the deposit of the land agreements
This AGV, presided by the chairperson of the CVD, validates the land agreements. Official minutes of the AGV should be taken and need to include a table of the land transfers. This table contains the names and signatures of the transferrers and of

the recipient women, the areas transferred, the georeferenced coordinates of the transferred land, the neighbouring parcels, the nature of the transfers, and their duration in the case of a lease. The communal authority approves the Official Minutes by decree by order of the municipal council.

14 Multi-actor debriefing workshop

A debriefing workshop is organised with all the actors concerned to discuss lessons learned and facilitate the support process for the women who have secured access to their farms.

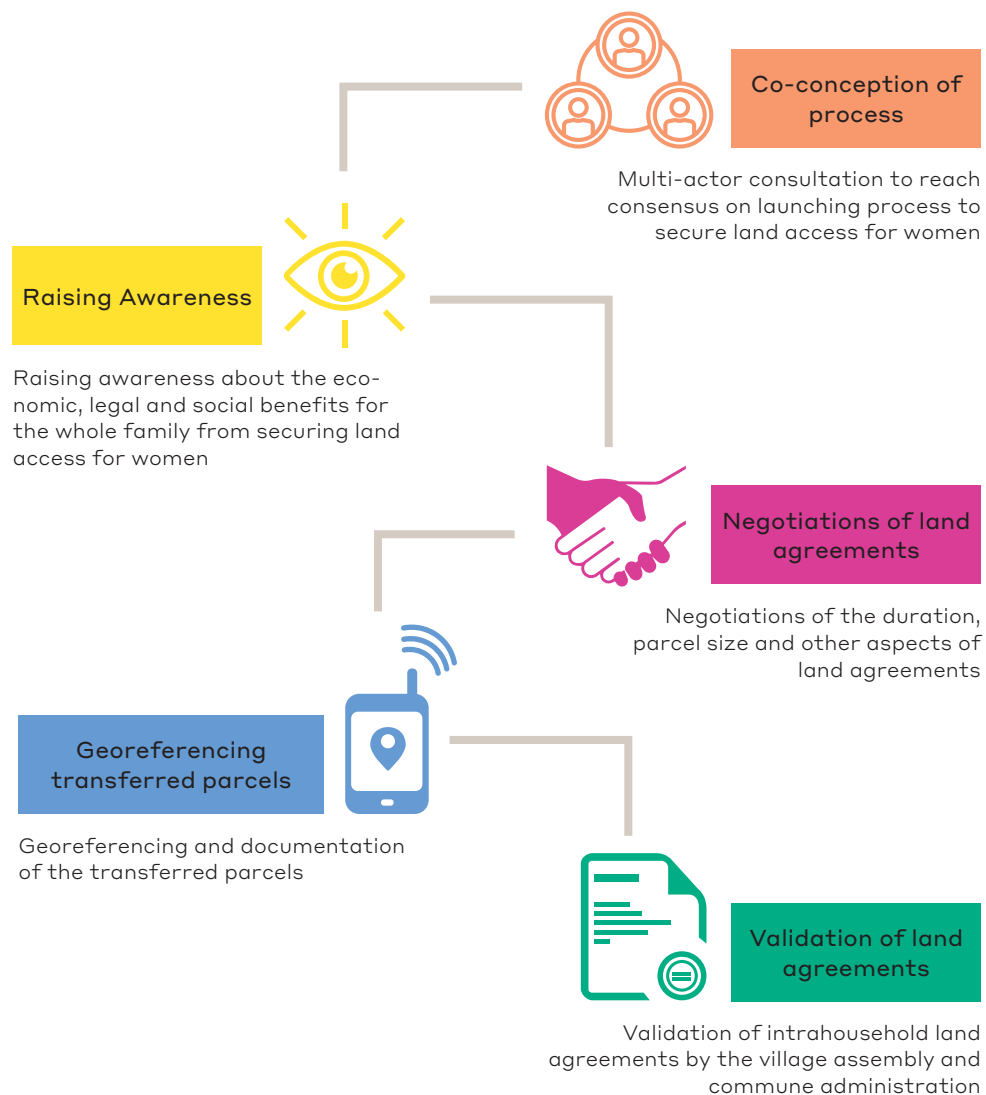


A man transferring land rights to his wives by signing his name on the Official Minutes © S. Koudougou



Representatives of Tiarako holding the Official Minutes document at the debriefing workshop. © A. Bague

Process of securing land access for women



Source: Process jointly piloted with the people of Tiarako, commune of Satiri, Burkina Faso, from June 2017 to March 2018, coordinated by TMG Research and GRAF © Z. Vashum

Guiding principles for a successful process

The conduct and success of the process of securing land access for women, as tested by the GRAF and TMG, is founded on the following guiding principles:

- 1 Preliminary in-depth diagnosis**

The process should begin with an analysis and documentation of the modes of land tenure (including those of disadvantaged groups), the land conflicts, the average size of the farms, etc. This diagnosis will make it possible to reduce conflicts and other risks once the process is under way.
- 2 The inclusive and effective participation of the local actors**

From the outset, the process requires a strong commitment from the public and participants. Responsibility for the process should be borne by the affected landholders and by the communal administration or authority. To this end, make sure that the process of securing land is not a matter for experts or consultants but for local actors: customary and traditional chiefs, religious figures, opinion leaders, resource persons, civil society organisations, etc.
- 3 The transparency and anchoring in social legitimacy**

To succeed in having the population accept the process and the resulting land agreements, ensure that the process is transparent. Each stage of the process must be validated in a village assembly to build and strengthen consensus and social legitimacy for the process. Similarly, the worries and fears of local actors about the process and its purpose need to be taken into account.
- 4 Legality anchored in legitimacy**

The process of securing land for women should not only be anchored in legitimacy but also comply with the entire set of legal and regulatory texts concerning rural land. The official minutes for the land agreements of Tiarako is a prime example

of legality anchored in legitimacy. The deeds and documents should be initialled by the mayor of the rural community. And the deeds securing land rights should be accessible (content controlled by the local actors, affordable cost, etc.).

5 Creation of a serene climate

Identify the points of disagreement and reservations to gain the confidence of the parties involved, so that they can negotiate in a non-confrontational climate and arrive at consensual solutions.



Conclusion

The alternative process for securing women's access to land demonstrates that legitimacy and legality can be achieved by taking a co-construction approach with the local actors. Moreover, the process was carried out without incurring prohibitive costs when the land institutions were still in their infancy.

In effect, this process was carried out in a rural commune that did not yet have a Rural Land Service. The village's land management entities (CFV and CCFV) were set up only recently, and are not yet adequately equipped to fully fulfil their roles.

The process for securing women's access to land piloted by the GRAF and TMG bears relatively less costs, when compared to issuance of land deeds provided for in law 034-2009 (obtaining APFRs and land deeds).

It is up to the relevant actors to make use of this guide, which offers them a means of efficiently accompanying the stabilisation of the rights of women to rural lands.

Références

- Bary, H., Ouédraogo, H.M.G., Sanou, S. and Thiéba, D. (2005). Diagnostic de la situation de sécurisation foncière en milieu rural. Rapport final. Ministère de l'agriculture, de l'hydraulique et des ressources halieutiques, Burkina Faso.
- Koudougou, S., Stiem-Bhatia, L., Bary, H. and Tall, F. (2017). Genre, foncier et gestion durable des terres au Burkina Faso. Potsdam, Germany.
- Koudougou, S. and Stiem, L. (ed.) (2017). La Gestion Durable des Terres au Burkina Faso: une analyse d'expériences de projets dans le Houet, le Tuy et le Ioba. Potsdam, Germany. <https://doi.org/10.2312/iass.2017.006>
- Saito, K., Mekonnen, H., and Spurling, D. (1994). Raising the productivity of women farmers in sub-Saharan Africa. World Bank Discussion Papers, Africa Technical Department Series No. 230. Washington, DC, World Bank.



Participants of the workshop for the production of the Technical Guide, held on 28 June 2018, in Ouagadougou © P. Baziemo

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