

What is access to land?

⦿ What are rights to land?

Access to land involves having the right to do certain things with the land. Access may include the rights to:

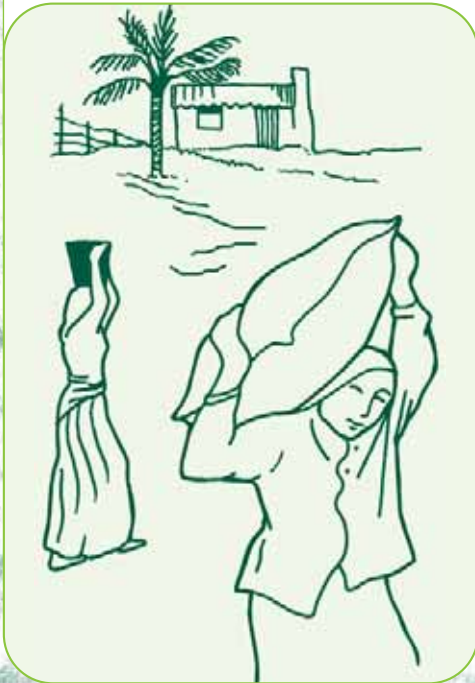
- ⦿ use (and not to use) the land;
- ⦿ decide how the land is used;
- ⦿ enjoy what is produced from the land (e.g. food, shelter or profits);
- ⦿ exclude people from the land;
- ⦿ transfer land rights through gift, inheritance, sale, or lease;
- ⦿ use land as security for loans;
- ⦿ use other resources related to the land.



✦ Improving gender equity in access to land

Access to land is not just about ownership. There are many rights that may be held by different people in a parcel of land, and together they make up a complex bundle of rights similar to a bundle of sticks. Different rights to the parcel of land, such as the right to use the land through a lease, the right to travel across the land, or the right to use the fruit from certain trees, may be pictured as sticks in the bundle.

Rights to land may improve a person's social or economic status. They may bring other benefits such as participation in community councils, elections or schools, and access to credit, technological inputs and training. ■



🕒 What are land tenure systems?

Access to land and its benefits are governed through land tenure systems. These determine what rights can exist and how the rights are distributed among individuals and groups.

Land tenure systems also define the responsibilities that people have with respect to their land and what restrictions may apply. For example, the right to use water in a stream crossing the land may include a responsibility of providing clean water to downstream users and a restriction of only withdrawing water during certain seasons.

Land tenure systems have evolved to meet the specific needs and constraints of each society. Thus systems vary from place to place, even within the same country, according to socio-economic, political, cultural and institutional contexts. Land tenure systems are also dynamic, changing over time to meet new situations. ■



◎ How are rights to land distributed within society?

The rules of land tenure reflect the structure of power and beliefs in society. People who are landless or who have weak rights to land are usually those without power. Disparities in rights may not be immediately apparent in the rules. For example, in a common property resource system there may be the impression that all members of the community have equivalent rights, but a closer analysis may show disparities between genders.

In some societies, women cannot hold rights to land independently of their husbands or male relatives. Their rights are also often different from those of men.

Many countries do have legislation or constitutions that recognise equal rights of both men and women, including rights to land. The formal rules, however, are not always observed in practice.



Despite legislated equal rights, groups such as rural women still may be at a disadvantage in defending their rights. There may be a lack of awareness, capacity or will to implement and enforce the formal legal rules at different levels, especially for those who are financially or politically weaker than others, or when local customs conflict with the legislation.

Changes to the ways in which people gain access to land may thus change the power structure within a family, within a community, or within a nation. The promotion of gender equity may be in direct contrast with the “traditional way of doing things”.

Without changes in the attitudes of much of the population, traditional practices are likely to continue regardless of the formulation of new policies or the enactment of new legislation. Advocacy of more equitable land rights is important in any effort to transform institutions and practices relating to access to land. ■