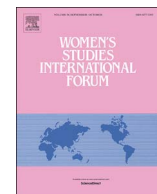




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Women's rights to land and communal forest tenure: A way forward for research and policy agenda in Latin America

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ABSTRACT

In this synthesis paper, the authors of this Special Section contribute towards a collective research and policy agenda on rural and indigenous women's forest and land rights in Latin America. Based on the key lessons from the empirical evidence, we map out a way forward for the research agenda and suggest a few key institutional and policy priorities for rural Latin America.

Background

The aim of this synthesis piece is to draw common insights from the diverse case studies presented in this Special Section on Latin American women's access and tenure rights in communal forests, including indigenous territories, as well as in rural farmland. Agrarian land distribution in Latin America is the most unequal in the world. One estimate suggests that 1% of farms occupy more than half of all productive land, while 80% of agricultural activities are carried out on small family farms pushed to vulnerable areas that constitute only 13% of the land (Oxfam, 2016).² The overall gender disparity between rights and actual rural land ownership between men and women continues to be vast in Latin America (Deere & León de Leal, 2000). Despite the legal reforms in the region, rural and indigenous women continue to have limited access and property rights to forests and agriculture land (Bose, in this issue).

According to the latest censuses of the Latin American countries, it is estimated that there were about 42 million indigenous people in Latin America (Oxfam, 2016). Bolivia, Guatemala, Peru, and Brazil have the largest indigenous populations. For centuries, the indigenous populations have been the guardians of their indigenous territories that are

often rich in natural resources and biodiversity (Oxfam, 2016). In recent years indigenous social movements have managed various declarative and legal achievements in several Latin American countries. Despite this success, the pressure to extract subsoil resources and timber from indigenous territories is threatening the tenure rights and livelihoods of indigenous populations.

For many groups, including peasant, indigenous, and Afro-descendant communities, and especially for women, non-timber forest products from communal forests and farmland are key sources of their livelihood (Neumann & Hirsch, 2000; Shillington, 2002). Yet, in many regions of Latin America, informal and formal tenure rights are threatened by large-scale displacement, deforestation, monoculture plantations, land grabs and extractive industries like mining and oil extraction. In recent years, an increasing number of conflicts have led to a human rights crisis in Latin American countries. Overcoming this crisis requires addressing existing gaps in a bundle of tenure rights, including the gender gap. As per an FAO report, women own only between 10 and 30% of land in rural areas of Mexico, Paraguay, Nicaragua and Honduras (Borras, Franco, Kay, & Spoor, 2014). The report further states that women tend to have farms that are significantly smaller (than men) and often with poor soil quality. The gender disparity in property rights

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² For variations among and within countries see Borras et al., 2014.

is complex and goes beyond land ownership. Even those women who own land often fail to have access to credits, markets and technical assistance.

In light of these gender disparities, Goal 5 of the Sustainable Development Goals (SDGs) aims to “achieve gender equity and empower all women and girls.” This goal includes equal rights to economic resources, ownership and control of land and other property, and other aspects that directly challenge current relations of power through women's access to and control over assets. That is, it aims to address structural and material dimensions of gender disparities.

The Goal's targets include full and effective participation for women and equal opportunities for leadership in multiple spheres. SDG 5 also targets structural and cultural changes that would support greater women's participation outside the household through “the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.” These goals coincide directly with the arenas in which we found important gender disparities, challenges and sometimes pushback against change. In the next part of this paper, we discuss key policy priorities related to women's rights to communal forests, agrarian land and resources in rural and indigenous territories of Latin America.

Perspective from the case studies in Latin America

Our empirical evidence is focused on certain geographical locations that are inhabited by marginal populations in rural areas and in some context indigenous territories. Below five research studies are from Colombia, Nicaragua, Mexico, Brazil and Bolivia.

Colombia

In 2016, the President of Colombia was awarded the Nobel Peace Prize for pursuing a deal to end 52 years of conflict—the longest running war in the Americas—with the Revolutionary Armed Forces of Colombia, or FARC. Yet, Colombia continues to face post-conflict environmental and social challenges. The deforestation rate is considered to be on the rise after the FARC ended control of forests. It is roughly estimated that this armed conflict has given rise to over 3,000,000 internally displaced people of whom almost 50% are women. The Global Gender Gap Report suggests that in Colombia gender inequality is relatively high, ranking only #39 in overall ranking which is low compared to many other countries within the region like Nicaragua's position at #10 and Bolivia's #23 rank (World Economic Forum, 2016). Moreover, the report indicates that unlike Bolivia, which is number one in global ranking for the women-in-parliament indicator, Colombia ranks at only 77 with a 0.25 female-to-male ratio. This indicator of women-in-parliament may not directly tell anything about women's land access legislation. Nevertheless, such indicators are indicative to what extent at national level women's political participation is promoted.

Colombia's legal reforms to deal with issues of gender inequity are progressive, at least on paper. The government has ratified major international treaties on women's human rights, and also developed regulatory frameworks that guarantee the rights of women, including the 2012 Public Policy Guidelines on gender equity. The local government of Cauca state of Colombia, as shown by Bose (in this issue) has begun implementing formal joint allocation and joint titling of family farms. The study shows that women in rural areas, often poor and illiterate, are for the first time receiving legal formal property rights. However, due to the local community culture, women continue to have the same traditional roles on farms. This is because a majority of them has no opportunity to develop marketing skills and little or no exposure to market opportunities thereby relying on male family members. Female headed households often use land title rights to make independent decisions and to choose agro-forestry coffee farming. The term female

headed household is often misleading because the intra-household power relations are more complex—both in households with a husband present and those where there is not (Bose & van Dijk, 2013). Bose (in this issue) explains that joint land titling is a step forward, but not enough to assure indigenous and marginal women's empowerment. It does not guarantee women's empowerment without support for economic entrepreneurship in rural Colombia.

As indicated above, Colombia is one of the Latin American countries with extreme inequality in access to land. In a personal conversation (E-mail) with the first author, Omaira Bolaños shared her work experience from Colombia (personal communication, March 06, 2017). Bolaños explained that almost 64% of rural families do not have tenure rights. According to her, the current context of peace building may represent an opportunity to close that gap. Securing women's land rights would be an essential step to address the very source of profound inequality that led to more than 50 years of internal conflict. Rural women represent 47.14% of the total rural population, one of the groups most affected among the seven million internally displaced people (Minsalud, 2015).

Bolaños explains that during the past three decades, rural women have advocated for the recognition of their rights, which prompted the creation of Law 731/2002. In the National Development Plan's consultation (NDP 2014–2018), the rural women's platform National Roundtable for Political Advocacy led an active campaign to secure the government's commitment to establish an integrated public policy on rural women's rights. The NDP includes provisions on the mechanism to advance a State policy and the creation of a National Office for Rural Women. Currently, the women's platform, as well as national indigenous and afro-descendant organizations, are working together on a policy guideline for rural women's access to land (Mendoza & Mora, 2015). According to Bolaños, closing the gap in women's tenure rights requires the government to enforce the creation of the integrated public policy on rural women's rights, the regulation of law 731, integration of rural women's inputs on access to land, and safeguarding the different perspectives and rights of ethnic groups regarding land tenure.

Ethnicity in Colombia is closely associated with poverty and exclusion of vulnerable populations—such as women from the Afro-Colombian and indigenous communities. This is despite policy efforts that seek to acknowledge the unique land challenge faced by this group. To streamline and focus on effective implementation of laws protecting women's rights to land is one of the ways to improve the status of women and diversity in Colombia. The considerable gap between policy and practice needs to be lessened though capacity building on gender dimensions within land administration bodies.

Nicaragua

It is notable that Nicaragua has a high ranking on the World Economic Forum's gender gap index, still within the top 10 as of 2016 (6th in 2014, when Evans et al. conducted their field work, in this issue). This is largely due to national policy that requires 50% representation of women in national and municipal elections, which has led to substantial gender parity in elected offices around the country and in national ministries. This is an important gender-responsive policy reform yet there is little evidence to date that this is leading to more fundamental changes for the rights of women or has provided women representatives with voice to express their own interests or opportunities for empowerment. This could occur over time, but there is also concern that a change in government administration might lead to policy reversal. The policy has also not been applied in indigenous territories. Although it has probably been part of the context generating pressure to take women's participation more seriously, this policy would need to be complemented with a better understanding of inequality processes, especially in rural communities.

Change at the grassroots will require “profound cultural sensitivity, long term engagement and greater awareness of gender relations” by all

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