



Gender-equitable governance of tenure of land, fisheries and forests: a right to food perspective

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT)¹ seek to “improve governance of tenure [...] for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food” (Paragraph 1.1). Simultaneously, experiences from the Right to Food Guidelines² have underlined the importance of a normative framework that strengthens gender equality, based on international human rights law, for the VGGT.

1. Why is the right to food important for a gender-equitable governance of tenure?

Today, estimates indicate that 842 million people suffer from chronic hunger, not having enough food for an active and healthy life.³ Global crises such as the ones that have characterized the last five years as well as conflicts caused by competition for natural resources have created additional challenges and

threats to the most disadvantaged and marginalized groups of the population, including rural women. High rates of hunger go often together with gender inequalities in areas of economic participation, education, political empowerment and health.⁴ According to FAO data, women comprise on average 43 percent of the agricultural labour force in developing countries, ranging from 20 percent in Latin America to 50 percent in Eastern Asia and sub-Saharan Africa. Across regions, women in agriculture and rural areas tend to have in common their lack of access to opportunities and productive resources, such as land, livestock, labour, education, technology, extension and financial services, in comparison to men.⁵ In spite of their tremendous contribution to feed the world, 70 percent of the world’s hungry are women,⁶ thus highlighting their exclusion from the enjoyment of human rights.

In this context, the right to food⁷ can play a crucial role for the implementation of the VGGT in a

¹ FAO. 2012. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, Rome.

² FAO. 2004. *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security*, Rome.

³ FAO, IFAD and WFP. 2013. *The State of Food Insecurity in the World 2013. The multiple dimensions of food security*. Rome, FAO.

⁴ IFPRI. 2009. *Global hunger index*, The challenge of hunger: focus on financial crisis and gender inequality.

⁵ FAO. 2011. *The State of Food and Agriculture. Women in Agriculture: Closing the gender gap for development*, Rome.

⁶ UNIFEM. 2007. *Investing in Women – Solving the Poverty Puzzle*, World Food Day 2007 [available at www.womenfightpoverty.org/docs/WorldPovertyDay2007_FactsAndFigures.pdf].

⁷ This Information Note uses the shortened form “right to food” to mean the human right to adequate food as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and elaborated in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (1999). FAO’s Right to Food Glossary is available at www.fao.org/righttofood/kc/glossary_en.htm

gender-equitable manner, notably by focusing on the international obligations of States to *respect*, *protect* and *fulfil* their binding commitments under international law.

2. How can the right to food contribute to a gender-equitable governance of tenure?

The right to food is realized when “every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement”.⁸ Consequently, the right to food has direct linkages with productive resources, such as land, water and seeds. Equality of access to these is crucial for the achievement of equality between women and men.

Stemming from the legally binding nature of the right to food as a human right, State parties to a number of international instruments that guarantee the right to food have obligations to *respect*, *protect* and *fulfil* it. States have an obligation to *respect* existing access to food and to productive resources for women. For example, breaches of this obligation could be when police or military forces forcibly evict women from occupied plots of land, or when wage discriminations occur in State plantations or enterprises. States also have an obligation to *protect* the right to food of women from more economically powerful actors, such as when third parties destroy access to water, which tend to affect more vividly women and girls since they are often the ones who are responsible to fetch water.⁹ The obligation of States to *fulfil* the right to food to the maximum of their available resources

includes the improvement of methods of production, conservation and distribution of food as well as ensuring the equitable distribution of resources between women and men, which can notably be achieved through agrarian and legal reforms that secure the access of women to land titles on their own name or to joint land titles.

As a result, the Right to Food Guidelines can contribute to the implementation of the VGGT in a gender-equitable manner by offering practical recommendations based on the human rights obligations of States. Some of those recommendations specifically promote inclusive, fair and non-discriminatory policies of special relevance for gender equality and the governance of tenure;¹⁰ promote the full and equal participation of women in the economy, including through the implementation of gender-sensitive legislation that provide women with the right to inherit and possess land and other property;¹¹ and call for States to take measures in order to promote and to protect the security of land tenure, especially with respect to women.¹²

Lessons learned from gender-equitable approaches

Below are some examples of the protection and empowerment of rural women that are aligned with the recommendations found in the Right to Food Guidelines and that could facilitate the implementation of the VGGT:

- Legal reform: some countries have introduced legal reforms in order to promote equal land rights for women and men, such as the Family Law

⁸ CESCR. 1999. *General Comment 12*, The right to adequate food. E/C.12/1999/5.

⁹ FIAN *et al.* 2008. *Identifying and Addressing Violations of the Human Right to Water: Applying the Human Rights Approach*, Heidelberg.

¹⁰ See note 2, Guidelines 2.5, 3.5, 3.8, 3.9, 7.4, 8.3, 8.6 and 8.10.

¹¹ *Ibidem*, Guideline 8.6.

¹² *Ibidem*, Guideline 8.10.

in Mozambique, which enables women to inherit property and recognizes traditional marriages. Legislation has also been amended in countries such as Bolivia, Peru, Honduras and Venezuela to recognize women as 'head of household'.¹³

- Protection of land tenure: the institutionalization of mechanisms within local land administration structures is a way in which States can protect the security of land tenure for women. One such example is the Kakamega's local Watchdog Groups in Kenya which have been created to increase the awareness of women on land rights, to safeguard against their disinheritance and to protect them from landlessness.¹⁴
- Credit: in Niger, an innovative credit approach was introduced that enables women and men to store their harvest in a warehouse until prices increase. In this project, the well-being of households has improved in terms of the quantity of food consumption while it has particularly benefited middle-aged women, as social norms prevent younger women from engaging in activities that require movement within or outside the village.¹⁵
- Homestead production: in the Sauria region of Bangladesh, credit and training were provided for women to grow vegetables on small plots near their household compounds. Since the vegetables were cultivated on homestead land, it was easier for landless and land-poor households to participate and as a result, their vegetables consumption increased. Women were able to coordinate harvests in a flexible

manner together with their household tasks without risking the harassment they could suffer if they had worked outside.¹⁶

The VGGT contain a number of provisions related to gender equality that strengthen the implementation of the right to food. They introduce a principle of implementation aimed at strengthening human rights standards applied to the field of tenure:

Gender equality: ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality where necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil and marital status. (Paragraph 3B.4)

In other key sections, States are called upon to:

- Ensure equal tenure rights for women and men, including the right to inherit and bequeath these rights (Paragraph 4.6).
- Provide frameworks that are non-discriminatory and promote social equity and gender equality (Paragraph 5.3).
- Ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women's tenure rights are implemented and enforced (Paragraph 5.4).
- Develop relevant policies, laws and procedures through participatory processes involving all affected parties, ensuring that both men and women are included from the outset (Paragraph 5.5).

¹³ FAO. 2009. *Towards improved land governance*, Land Tenure Working Paper 11, Rome, p.38.

¹⁴ *Ibidem*, p.39.

¹⁵ World Bank, IFAD and FAO, 2009. *The Gender in Agriculture Sourcebook*. Box 5.6.

¹⁶ *Ibidem*, Box 12.8.

- Provide dispute resolution services accessible to all, women and men (Paragraph 21.1).
- Respect and protect tenure rights in conflict situations and address tenure problems in ways that contribute to gender equality (Paragraphs 25.4 and 25.5).

3. Conclusion

This Information Note has underlined that, despite their key role in agriculture, women are disproportionately excluded from the enjoyment of human rights. Then, it examined how access to

natural resources is intimately connected to the right to food and how the latter can contribute to a gender-equitable governance of tenure, mainly by using a human rights framework that holds States accountable to their binding obligations to *respect*, *protect* and *fulfil* human rights. Some examples were given, in line with the recommendations found in the Right to Food Guidelines, that may serve as a basis to implement the VGGT. Finally, a number of provisions in the VGGT that support and strengthen the realization of the right to food in relation to gender-equitable tenure rights were listed, thus showing the strong interaction between the two.



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