

Women, Peace and Security and Land reform

Clare Castillejo and Pilar Domingo

April 2022



Women, Peace and Security: Breaking down silos

Abstract

Peacebuilding processes involve a wide range of change or reform processes through which the rules of political, social and economic exchange are contested and renegotiated to address the underlying causes of conflict. Reforming the rules governing the access and use of land and natural resources can be a key part of these processes.

The Women, Peace and Security (WPS) agenda aims to support women's voice and agency in peacebuilding processes, enhancing their influence and leadership across different reform processes, in order to address the structural gender-based patterns of exclusion which limit women's rights to use or own land and property. Although UNSCR1325 was passed in 2000, there is as yet little systematic evidence on how, or indeed whether, WPS programming is addressing women's access to and control over land, property rights, and natural resources, and over decision-making on the policy and legal framing and governance systems of land and natural resources.

There is a need to invest in WPS programming that supports women's social and economic rights, economic empowerment overall, and specifically in relation to rights relating to land use and

ownership. This includes investing strategically in women's voice and agency by supporting women's rights organisations and feminist activists at the national and sub-national levels to enhance their capabilities for norm change and political contestation and the rules of land use and ownership in transitions from conflict.

It is important to break out of the WPS silo and work more closely with international agencies to mainstream land reform and its implementation in transition and conflict settings. This includes getting involved in technical details as well as the specific ways in which this can support or impede advancing women's effective rights to the use and/or ownership of land and natural resources, and to decision-making roles on governance mechanisms.



Readers are encouraged to reproduce material for their own publications, as long as they are not being sold commercially. ODI requests due acknowledgement and a copy of the publication. For online use, we ask readers to link to the original resource on the ODI website. The views presented in this paper are those of the author and do not necessarily represent the views of ODI or our partners.

This work is licensed under CC BY-NC-ND 4.0.

How to cite: Castillejo, C. and Domingo, P. (2022) Women, Peace and Security and Land reform. ODI Thematic note. London: ODI (<https://odi.org/en/about/our-work/the-women-peace-and-security-agenda-breaking-down-silos/>)

Disclaimer: Although this publication has been produced through a light-touch review to provide early ideas and analysis on a given theme, it has been peer reviewed and edited.

Acknowledgements

The authors would like to thank Anna Locke for her valuable comments and feedback. We would also like to recognise the support of Maegan Rodricks in the publication process, Deborah Eade for copyediting and Elaine Antwi for managing the project.

The paper was generously funded by the Conflict, Stability and Security Fund through the Foreign Commonwealth and Development Office. The views and findings presented here are the authors' and do not represent the view of the Conflict, Stability and Security Fund.

About this publication

This publication was produced as part of a study on **Women's influence and leadership: Integrating Women, Peace and Security into wider peacebuilding engagement**, which was undertaken by ODI. The research team included Clare Castillejo, Pilar Domingo, Alina Rocha-Menocal and Theo Tindall. The study examined how to integrate Women, Peace and Security (WPS) work more strategically with wider peacebuilding and conflict-related interventions to enhance women's influence and leadership across different peacebuilding processes. It developed analysis regarding how women seek to influence a range of change and reform processes related to peacebuilding that are often overlooked in the WPS agenda; how the nature of these processes and the actors involved in them hinder or enable women's access and influence; and how international actors can best support women's access and influence within these processes.

About the authors

Clare Castillejo is an ODI Research Associate, and an expert on gender, human rights and inclusion in conflict-affected contexts. She previously worked in various roles for bilateral and multilateral development agencies, research institutes and international non-government organisations (NGOs). Clare's research work covers issues including gender equality, conflict and peacebuilding, human rights and the politics of reform.

Pilar Domingo is a Senior Research Fellow at ODI, and an expert on rule of law, human rights, gender justice, and women's empowerment. Her recent research has focused on politically informed approaches to gender equality and human rights programming, and on advancing women's voice and participation in post-conflict reforms.

Contents

Acknowledgements	4
Acronyms	6
1 Introduction	7
2 WPS and land reform: a background	9
2.1 The WPS agenda	9
2.2 Land reform	10
3 The link between gender-unequal land and property rights, conflict and peacebuilding	11
3.1 The role of land issues in generating and sustaining conflict	11
3.2 Conflict, peacebuilding and women’s land and property rights and natural resources	11
3.3 Impact of conflict on women’s access to and decision-making over natural resources	12
4 WPS and the reform of land and natural resource governance	14
4.1 Advancing women’s rights and participation on natural resources as part of peacebuilding	15
4.2 WPS and the gender-security-climate nexus	16
4.3 Women’s influence on land reform and land governance as part of peacebuilding and related reform processes	17
5 Implications for international support, land and WPS agenda	21
5.1 Gaps in the evidence base	21
5.2 Emerging recommendations	22
5.2.1 Deep understanding of political economy of land and natural resources	22
5.2.2 Working across relevant institutional reform processes, redefining rules over ownership and control of land and natural resources	22
5.2.3 Voice and agency	23
5.2.4 Use the WPS agenda as politically useful framing	24
References	25

Acronyms

CRSV	Conflict-related sexual violence
CSO	Civil society organisation
GEWE	Gender and women's equality
NAP	Gender National Action Plan
NGO	Non-government organisation
SGBV	Sexual and gender-based violence
UN Women	United Nations Women
UNDP	United Nations Development Programme
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
WPS	Women, Peace and Security

1 Introduction

Competition over access to and use of natural resources may be one of the underlying causes of conflict (Bruce, 2017; European Union and United Nations, 2012; UN Habitat, 2018). Women are often more vulnerable than men in ways that exacerbate the impact of land-related conflict, particularly as they generally have less decision-making power related to land (UN and World Bank, 2018; Caprioli et al., 2007; and GIWPS and PRIO, 2017). Conflict can also shift patterns of use, ownership and control over land and natural resources. This may alter gender relations substantively, both increasing gender-based vulnerabilities, but also creating potential opportunities for more inclusive reform and gender-norm change.

Peacebuilding processes involve a wide range of change or reform processes through which the rules of political, social and economic exchange are contested and renegotiated to address the underlying causes of conflict. Reforming the rules governing the access and use of land and natural resources can be a key part of these processes.

Such processes are not neutral: at their core are issues of how power and resources are (re)distributed. They may unfold with greater or lesser levels of conflict and violence, depending on how they are managed and the issues at stake. Who is involved in the process and in what ways they influence it will strongly affect how these processes are conducted, and their impact on different groups. However, gender differences in the experiences and outcomes of conflict are often neither taken into account nor adequately addressed across all aspects of peacebuilding processes, which can entrench or exacerbate existing gender inequalities in conflict or post-conflict settings.

The Women, Peace and Security (WPS) agenda aims to support women's voice and agency in peacebuilding processes, enhancing their influence and leadership across different reform processes, to address these imbalances and ensure that the outcomes of reform benefit women. Although UNSCR1325 was passed in 2000, there is as yet little systematic evidence on how, or indeed whether, WPS programming is addressing women's access to and control over land, property rights and natural resources, and in decision-making on the policy and legal framing, and governance systems of land and natural resources.

This paper reviews what we know about the extent to which land-reform processes in conflict and post-conflict settings have been acknowledged and integrated the principles of the WPS agenda to promote gender-inclusive reform processes and outcomes, as well as the extent to which work on WPS has taken account of land-related issues. This provides the basis for identifying knowledge gaps, and making preliminary recommendations on how WPS interventions can enhance women's leadership and influence in shaping reform processes associated with land, property rights and land governance in transitions from conflict in order to improve gender equality. It also provides the basis for recommendations on how post-conflict support for land reform could more effectively advance gender equality, drawing on the WPS goals and working with the WPS agenda.

Following this introduction, Section 2 offers a brief description of the WPS agenda and the scope, nature and instruments of land reform. Section 3 outlines the evidence on how competition over land can generate or sustain conflict and prevent peacebuilding, and how unequal access to and control over land can exacerbate the impact of conflict on women. Section 4 reviews the evidence on land-reform processes, their degree of inclusiveness and the impact on women's subsequent ability to access and control the use of land; and reviews the evidence on the extent to which the WPS agenda has addressed women's voice and agency in shaping land-reform processes and their implementation. It also identifies the gaps in existing knowledge on how women have participated in defining the content of reform, and emerging mechanisms for land governance (such as land commissions) and with what consequences for advancing gender equality and women's control over land and natural resources. This can help reveal missed opportunities that arise from a lack of women's full participation in land-reform processes, with implications for advancing women's ownership of and control over land and property and wider gender-equality objectives.

The concluding section proposes how WPS interventions could be improved to enhance women's involvement in land reform processes or decision-making on land and land governance.

The paper is based on a literature review, including a brief review of the academic and grey literature. This involved looking across different bodies of knowledge relating to the WPS agenda, and the literature on land and gender.

2 WPS and land reform: a background

2.1 The WPS agenda

The WPS agenda was established in 2000 at UN Security Council through UNSCR1325. Subsequently nine additional UNSCRs were passed. Together they constitute the WPS agenda, which urges member states to address the gendered experience of conflict, and ensure that women take part in decision-making processes relating to all aspects of peacekeeping, peacebuilding and transitions from conflict.

The WPS agenda is organised around four key pillars of action. These are considered to be interdependent and mutually reinforcing in addressing the gendered experience of conflict, and ensuring that women take part in all aspects of peacebuilding and transitions from conflict.

The WPS pillars are prevention, protection, participation, and relief and recovery:

- **Prevention** of conflict. This includes women's involvement in prevention of conflict through their contributions to resolving grievances related to natural resources and to providing solutions to climate and environmental challenges.
- **Protection** of women and girls with a strong focus on the incidence and prevalence of violence against women and girls in conflict and post-conflict settings. The protection pillar includes addressing safety and security conditions of women using natural resources during conflict, as well as the protection of women activists making demands in relation to natural resources or the environment
- **Participation** is committed to ensuring women are involved in decision-making processes at all levels, including those relating to peacebuilding and to the elimination of discriminatory legal and socio-normative barriers that exclude women and girls from these processes. This includes women taking part in defining natural resource reform and governance – including environmental governance – as part of their broader participation in peacebuilding.

- **Relief and Recovery**, investing in women’s capacity for recovery, overcoming trauma, and investing in their economic and livelihoods opportunities. The recovery and relief pillar – which is perhaps the least developed in terms of programming, and where the evidence base is the weakest – includes the objective of strengthening women’s contribution to **economic recovery** through strengthened access to and control over land and natural resources. It also covers law and constitutional reform that secures the legal recognition of gender equality regarding ownership and use of land and other resources.

2.2 Land reform

Broadly speaking, land reform refers to the changing of laws, regulations, or customs regarding land ownership, access or use (Adams, 1999; Hull, 2019). It is often equated with the redistribution of land through large-scale transfers from one group to another. It can also be less dramatic, such as regulatory reforms aimed at improving land administration and governance.

Just over 20 years since the passage of UNSCR1325, evidence on the impact of the normative framing and practice of the WPS agenda in international support to women’s access to and control over land and natural resources in conflict or post-conflict settings remains underdeveloped. There is increasing reference to the importance of supporting women’s economic empowerment in the WPS thematic pillar of relief and recovery, but there is little systematic knowledge on how WPS programming is addressing women’s access to land and natural resources.

3 The link between gender-unequal land and property rights, conflict and peacebuilding

3.1 The role of land issues in generating and sustaining conflict

There is a growing literature on the role of disputes over land and property in contributing both to escalating conflict (see, for example, Locke et al., 2021; Pantuliano, 2009; Bruce and Holt, 2011; Boone, 2018). Disputes over land and natural resources have been found to be a contributing factor in many current conflicts (Bruce, 2017; United Nations and European Union, 2012; UN and World Bank, 2018). Bruce (2017: 9) notes that ‘conflict over land is prone to violence because land is so closely tied to issues of livelihoods, identity and power’. This correlation between land disputes and violent conflict has long existed, the form depending on the specific context. UN Habitat (2018) signals that challenges relating to climate change, population growth and the ‘youth bulge’, migration, urbanisation and rising food insecurity are all likely to exacerbate land conflicts.

Thus, who owns land, who has access to decision-making regarding its use and access, and to governance systems that resolve disputes about its use, control and ownership remain key issues in social, political and economic development (UN and World Bank, 2018; Boone, 2018). The power relations underpinning access to and control over the use of land and natural resources are deeply gendered, from which women are overwhelmingly excluded.

3.2 Conflict, peacebuilding and women’s land and property rights and natural resources

Although not a direct cause of conflict in itself, gender-unequal rights can make women more vulnerable to the impacts of conflict. Much of the literature on the relationship between conflict and gender focuses on the gendered impact of conflict. There is less evidence on how women become involved in decision-making processes within transitions from conflict, including decisions over land reform and

land governance, although some experiences have been documented, as noted below.

There is a well-developed evidence base regarding women's access to land and other natural resources, such as water or timber. Broadly, this evidence shows that most rural women are highly dependent on natural resources for their livelihood and are the primary providers of food, water and energy; that women frequently lack land rights or equal access to other natural resources and are excluded from decision-making in this area, a situation which limits their political participation and economic productivity and increases their insecurity; and that strengthening women's rights regarding land and natural resources has important development benefits for women, their households and communities (OHCHR and UN Women, 2013; Open Society Foundation, 2014). This body of literature includes documentation of numerous examples of how women have mobilised to demand rights to – and inclusion in decision-making about – land and natural resources, as well as of policies and interventions that have sought to promote such rights and inclusion (see, for example, Sutz et al., 2021; Knapman and Sutz, 2014; UN Women and OHCHR, 2013). As a result, there is significant knowledge about how change takes place in advancing women's rights to land and natural resources and their participation in decision-making in this area. By and large, however, this literature does not address how these issues play out in peacebuilding contexts.

There is also a well-developed evidence base regarding how inequalities and grievances over land and natural resources drive conflict, and how peacebuilding can involve their redistribution and reform of their governance (see, for example, UNEP, 2009; Rustad and Binningsbø, 2012). While this literature recognises that addressing inequalities in land and natural resources is often a central element of peacebuilding, it tends to pay limited attention to the potential to address gendered inequalities.

While these two bodies of evidence provide an important backdrop for this work, this study primarily draws on smaller and more recent analysis that focuses more directly on the relationship between peacebuilding and women's access to and decision-making over land and natural resources, and specifically what this means for the WPS agenda.

3.3 Impact of conflict on women's access to and decision-making over natural resources

A 2013 report 'Women and natural resources: Unlocking the peacebuilding potential', published by UNEP, UN Women, PBSO and UNDP, identifies multiple ways in which conflict affects women's ability to access, and to make decisions about, land and natural resources. These include women adopting new roles in relation to

land and natural resource use and management, for example taking on traditionally 'male' responsibilities in this area because men are away fighting. Such a shift may be part of broader changes in gender roles as a result of conflict, although women are often pushed back to traditional gender roles once conflict ends and men return. Likewise, the report details challenges conflict presents for women's access to natural resources, including physical insecurity when carrying out daily tasks linked to their collection (such as water or fuelwood); displacement from land due to violence or the death of male family member, and prevalence of land-grabs in post-conflict settings. The report stresses that a starting point for engagement in this area must be an understanding of the challenges and opportunities women experience in conflict-affected settings because of their shifting roles in natural resource use and management.

As highlighted in this report and by others (Oxfam International, 2019; Yoshida, 2019), a context-specific and intersectional approach is critical to this understanding. This is important in order to identify the context-specific gendered experiences of, for instance, the intense marginalisation and threat that indigenous women often experience in relation to access to land and natural resources.¹ This includes understanding the specific structures of land use and ownership, how this is gendered, the specific ways in which conflict disrupts these, and the gendered experience of these disruptions.

¹ The particular risk faced by indigenous women and men campaigning for rights to land and other issues can be seen in Colombia, where indigenous leaders and activists account for 16% of the 421 human rights defenders that were assassinated between 2016-2021. This is despite the indigenous population being just 4.4% of Colombia's total population (Human Rights Watch, 2021).

4 WPS and the reform of land and natural resource governance

Looking across the evidence regarding women's access to and decision making over natural resources in peacebuilding contexts there are some clear links to the UNSCR 1325 pillars that provide important entry points for WPS actors to engage in this area. As noted above, the four pillars of the WPS agenda create an enabling normative framework to support investment strategies in programming and practice that are relevant to the context-specific challenges of women's access to and control of land and natural resources. The WPS agenda defines the pillars as mutually interdependent, so that activists and international actors can invoke them as is relevant and useful for different change or reform objectives. The intention is that these should not be regarded as self-contained or independent of each other.

Although this framing is presented as relevant to all aspects of reform and peacebuilding in terms of women's voice and participation in shaping these, the evidence base remains underdeveloped in terms of how the WPS agenda is mobilised to inform programming on land-related issues in transitions from conflict or conflict-affected contexts. There is some literature in relation to specific country experiences across the four pillars, but to date there is no identifiable body of literature that considers in detail the political economy of efforts to alter gender-unequal systems of land use and ownership, or control and governance of natural resources.

Much of the grey literature on advancing women's rights to land, property and decisions over natural resources is somewhat normative. There is a need for more research that captures experiences of how women – in civil society or as political decision-makers in public office – have shaped reform processes in advancing women's rights and participation on natural resources as part of peacebuilding.

4.1 Advancing women's rights and participation on natural resources as part of peacebuilding

Some recent analysis demonstrates how peacebuilding can be an opportunity to address gendered inequalities in relation to land and natural resources and strengthen women's rights and access in these areas within the post-conflict settlement; as well as to develop decision-making structures and processes for land and natural resource management that are inclusive of women. For example, a recent UN report on Gender, Climate and Security (UNEP, UN Women, DPPA and UNDP, 2020) identifies how shifts in norms and rules about land and natural resources during conflict can create entry points to advance women's economic empowerment and participation in decision-making, and provides multiple country-level examples of such change processes.

These examples demonstrate that decisions affecting the management of natural resources can take place at the sub-national, national and regional levels; across a number of institutions, such as national ministries and regional representation bodies, land commissions, water resource boards or forestry committees; and that this often involves both statutory and customary rules and actors. It is therefore important to engage across all of these levels and spaces. The report warns that ignoring the shifting gender dynamics in resource use and management arising from conflict may introduce new risks and vulnerabilities for women.

There is evidence that issues related to women's land rights are increasingly being included in peace negotiations and post-conflict reform. The 2013 UN report gives examples of where peacebuilding actions have successfully enhanced women's access to and decision-making over land. For example, in Rwanda, women's membership has been mandated for all land commissions and local authorities from the village to the national level, with the result that nearly 40% of land commissioners are women. It also gives examples of peacebuilding actions that have failed to support women in this area, for example, in Aceh, where post-conflict recovery efforts focused on supporting cash crops, which men grow, and overlooked subsistence crops conventionally grown by women.

There is some limited evidence regarding how women's inclusion in making decisions over land and natural resources can help build peace and prevent further conflict, although this is an area that requires more research. The 2013 UN report states that '[o]ne of the unexplored entry points for strengthening women's contributions to peacebuilding relates to the ways in which they use, manage, make decisions on and benefit from natural resources'. It argues that women's meaningful engagement in local decision-making about natural resources has been shown to yield positive outcomes for their communal livelihoods and in some cases help to mitigate conflict.

4.2 WPS and the gender-security-climate nexus

Another area with relevance to the question of how WPS should engage with land reform and negotiations over natural resources is emerging analysis regarding the gender-security-climate nexus, given that climate-related challenges and insecurity will increasingly be the context in which peacebuilding and negotiations over natural resources take place.

The 2020 UN report on Gender, Climate and Security states that the linkages between these three issues are rarely examined and that this is a critical gap both in the WPS and sustaining peace agendas. The report describes the ways in which gender norms, roles and power structures determine how different groups of people experience and manage climate and environmental risks, and how understanding these experiences may uncover new entry points for building and sustaining peace. It argues that a gender-blind approach to addressing climate-related security risks – or a climate-blind approach to WPS programming – can exacerbate vulnerabilities, deepen inequalities and aggravate environmental and security threats. For this reason, policies and programmes must meaningfully engage women in assessing and addressing the gender-differentiated risks and opportunities of the impacts of climate change in fragile contexts, in order to better address the root causes of conflict and promote more inclusive, peaceful societies. The report provides a range of case studies illustrating the gender-security-climate nexus and examples of how this is being addressed.

Focusing more directly on how the WPS agenda engages with these issues, the SIPRI study ‘Climate change in Women, Peace and Security National Action Plans’ (2020) undertook an analysis of 80 gender National Action Plans (NAPs). It found that only 17 of these made any direct reference to climate change and only three included specific goals and actions to address climate-related security risks. The study highlights a need for greater action in the area of climate change in WPS NAPs.

The recent study ‘Defending the future’ (Yoshida et al., 2021) argue that there is growing recognition that the WPS agenda should take account of the risks the climate crisis poses to women’s security in conflict-affected contexts, and the role women can play in developing solutions. This research identifies a gap in policy and practice between work on WPS and on the environment. It argues that this gap is due to inadequate mechanisms to ensure women’s participation in decisions related to the environment; the fact that WPS and the environment are seen as separate agendas despite having common aims; organisational structures meaning that the two issues tend to be addressed separately; and the fact that few organisations working on WPS explicitly engage with issues of environment, climate change and land rights. The report argues that a starting point for bridging this gap is to bring together

considerations of gender, climate and conflict to ensure an integrated approach. It also argues that women should be supported to play a central role in developing solutions, and gives a range of examples of women-led solutions.

4.3 Women's influence on land reform and land governance as part of peacebuilding and related reform processes

A closer look at country-specific experiences of land reform, or efforts to address the conflict-affected disruptions associated with land use and ownership, underlines the need to understand gender-responsive approaches in this regard in relation to the wider political economy of conflict, and associated reform processes. Land and conflict, as noted by Bruce (2017), are deeply interconnected in over half of conflict situations. Climate change is described as a 'threat multiplier' on existing tensions associated with the politics of land and natural resources in conflict settings, exacerbating vulnerabilities and stresses on competition over access and control to these (Locke et al., 2021).

While there is growing recognition of how these complex political economies of land and conflict are experienced in gendered ways, the evidence base is poorly developed in terms of what works in enabling greater voice and agency for women in relation to this, or protecting women and girls from associated vulnerabilities. From the perspective of WPS programming there is a need to ensure a deep understanding of these wider political economy dynamics.

Recent years have seen increasing use of legal and constitutional change to eliminate gender-based discriminatory rules in the law and governance frameworks related to land and property (Rubin and Sutz 2021). In many cases such change forms part of wider peacebuilding processes, although implementation is especially difficult in advancing women's rights relating to land and property.

In the case of South Sudan, constitutional and legislative reform since 2011 has established gender-equality principles in all matters relating to land ownership and inheritance. This includes recognition of legal pluralism and customary understandings of land use and ownership. In practice, however, the factors that dictate women's access to and ownership of land relate to the unstable logic of elite bargains and conflict, as these unfold at national and sub-national levels. Women's access to land ownership is more reliant on political networks, kinship and family networks, and on informal land-registration rules than on the formal government land-registration system (Deng, 2016). Moreover, even within the formal system most women do not have land titles, and men dominate in land ownership and control. Critically, tension between new formal laws and customary norms that dictate that women will not inherit property

affects the implementation of formal law, meaning that if a man dies intestate, widows and their children are at risk of dispossession (Deng, 2016). In addition, family law remains unreformed. Notwithstanding this situation, Deng (2016) underlines that the experience of conflict itself and role of women in the conflict have contributed to shifting beliefs and attitudes about gender norms, through the fact of women becoming leaders during the conflict.

In Kenya, land has been at the heart of the history of conflict throughout the twentieth century. Boone et al. (2019) underline the extreme inequality that characterises land ownership, with one of the highest Gini coefficients for land inequality in Africa. Kenyan women in particular face inequalities with regard to land inheritance and land rights. Only 1% of registered private land titles are in women's name and only 5-6% is held in joint names (in ActionAid Kenya, GROOTS Kenya and LANDac, 2018). Women's unequal access to land is due to multiple factors (Castillejo, 2022a). These include the colonial legacies of granting land titles to men, thus excluding women from formal land ownership, the practice of patrilineal rules which benefit sons over daughters, and the weight of both the customary and formal justice systems to expropriate land from widows and daughters (as noted by Harrington and Chopra, 2010).

Following the electoral violence of 2007, several change dynamics converged to alter the formal rules of land distribution. These included the constitutional reform of 2010, a series of land reforms, and additional legal change relating to family law which have altered the legal framing of land governance and ownership. Key elements of these reforms included efforts to address historical grievances over land, improve equitable access to land and security of land tenure, improved land governance, and formal rules eliminating gender discrimination in law, customs, and practice related to land and property. The 2010 Constitution provides protections against harmful and discriminatory social and cultural practices and guarantees the equal protection of property rights for women and men in marriage. Subsequent laws were passed to enact constitutional commitments related to land, aimed at improving land governance; establishing a National Land Commission (NLC) charged with investigating 'historical land injustices' and recommending appropriate redress; and addressing the complexities of legal pluralism and customary rules on land use and ownership, including to ensure the elimination of gender-discriminatory practices relating to land, and changes in family law to strengthen women's rights to property ownership.

The mobilisation of civil society was instrumental in advancing land reform, and women's organisations' activism at different levels in securing gender equality and women's rights gains in law. These formal gains are important, and international support has contributed to the sustained activism of women's organisations such as the Federation of Women Lawyers of Kenya (FIDA), both in shaping content, and in continued efforts to address challenges of

implementation. The Kenyan experience is important in underlining the connections between women's movements' sustained activism across different reform processes (constitutional reform, land reform), and efforts to ensure that the gender gains are achieved in practice.

However, a number of challenges are noteworthy (Castillejo, 2022a). First, the content of legislation on land reform and its implementation has been less progressive than reflected in constitutional principles, mirroring wider resistance to change related to the political economy of land politics. Second, the resilience of political patronage, party loyalties, local power dynamics at the sub-national level, and 'predatory land practices by the state' (Manji, 2015) continues to undermine efforts to transform structures of land ownership and control. Such resistance to change is particularly visible in the strong resistance seen at multiple levels to the implementation of reforms that would increase women's access to land or to decision-making roles on land governance mechanisms. Third, as noted by Manji (2015), land reform is susceptible to technical obfuscation, so that the redistributive element risks losing substance and visibility. Moreover, international support for land reform has further contributed to this excessively legalistic and 'technicist' approach, avoiding difficult questions about who controls access to land and how a fairer distribution might be achieved, and encouraging the promotion of individual title and market logic to rural development (Manji, 2015; Castillejo, 2022a). As a consequence, the new laws have yet to achieve their redistributive or transformative potential, thus not effectively addressing historical land injustices, or reducing gendered inequalities in land access and governance.

In Colombia, unequal distribution of land has been a root cause of over 50 years of conflict. Peacebuilding efforts – including prior to the peace talks which resulted in the Peace Agreement of 2016 – involved creative forms of institutional reform aimed at addressing different intersecting harms associated with the conflict. These included addressing land issues, in the context of high levels of displacement, land grabs and worsening of inequalities in rural access to and ownership of land. Notably reparations and land restitution through transitional justice mechanisms negotiated before the peace agreement, namely the 2011 Victims and Land Restitution Law, created forward-looking mechanisms by which to address the legacies of the conflict and structural injustices for victims of assassination, massacres, forced disappearance, displacement and sexual violence (Meertens, 2018).

The system of reparations was responsive to gender-related issues. Women's organisations, in alliance with other victims' associations and human rights groups, were especially effective in framing the content of the transitional justice law, and the subsequent peace process to secure gains regarding women's effective access to land through restitution mechanisms. Women's organisations were divided, however, about the strategic choice for potentially more

short-term gains over what may have been more elusive ambitions of transformative land redistribution in the peace talks (Meertens, 2018). The measures have resulted in the transfer of land deeds to women.

As with Kenya and South Sudan, implementation has faced multiple obstacles related to the political economy of violence and displacement, and of land economics. Recurrent issues, as noted by Meertens (2018), include security and safety at the local level; the practice of parallel informal rules of land use and land tenure that favour men; and the weight of patriarchy in rural society. In addition, in Colombia there has been a major resurgence in conflict-related violence and killings, and active resistance by local power-holders and armed actors to the implementation of reparations.

5 Implications for international support, land and WPS agenda

It is not evident that WPS programming has addressed land reform. However, a brief review of the evidence suggests that drawing on the pillars of the WPS agenda – participation, prevention, protection, and relief and recovery – its normative framework can be used to mobilise gender-responsive peacebuilding and wider reform processes, including in relation to securing women’s voice and influence on land and natural resource reform.

5.1 Gaps in the evidence base

There is a need to expand the knowledge base on the political processes by which women and gender activists are able to exercise voice and agency in shaping land and natural resource reform. This involves looking at women’s organisations and feminist activists’ specific experiences of contesting the rules of ownership and control over land, property and land reform, the extent to which the disruptive experience of conflict may have contributed to creating opportunities for reform, and with what effect in terms of more transformational outcomes regarding shifting gender norms and advancing gender-equality objectives.

A related gap involves reviewing transition settings to see how these reform efforts may have benefited from related reform or peacebuilding processes, such as peace agreements, constitutional reform, transitional justice (Castillejo, 2022b; Domingo, 2022).

There is also a need to investigate in what specific ways international agencies have engaged with the context-specific complexities of conflict to support attempted change processes. In particular there is a need to examine what types of engagement in reform processes or support to activists and CSOs has been effective in enabling women’s participation in shaping land and natural resource reform.

5.2 Emerging recommendations.

5.2.1 Deep understanding of political economy of land and natural resources

There is a need for a deep understanding of the political economy of how access to land and natural resources may contribute to conflict, and also shape post-conflict political settlements. This will always be specific to any given context. Women's rights to and control over land and natural resources will be affected by the interest structures and political economy of land and natural resource management; and by the specific power dynamics relating to the underlying political settlement, and sub-national variations on land use, ownership and governance. Land reform is invariably political, yet most international donors have applied a technical approach, which in addition tends to favour market-led models of individual land titling, superimposed on informal rules and political settlements which reproduce structural inequalities regarding the use and ownership of land.

Moreover, supporting reform to advance women's effective rights depends on having a profound understanding first of the *formal* and *informal* norms (including customary justice), how these interact and the attitudes that make it acceptable for male relatives to seize land belonging to women; and second, of how conflict itself disrupts ownership and access to land for men and women, and across intersecting inequalities. The positive community values and concepts that promote the protection of women need to be identified and strengthened to counter the legitimacy of such gender-discriminatory practices and provide support for women's land rights at the community level.

5.2.2 Working across relevant institutional reform processes, redefining rules over ownership and control of land and natural resources

There is necessarily some variation about where, when, and how both formal and informal rules about women's access to and control over land and natural resources may be renegotiated. The evidence on this is disjointed, reflecting thematic and disciplinary boundaries. Rules concerning the ownership and distribution of land and natural resource management may be renegotiated during peace processes, including when they are seen as having contributed to conflict. Women's movements and gender activists mobilising to secure women's rights over land and inheritance might result from these negotiations. In addition, parallel reform processes create opportunities to advance women's rights to land and inheritance, constituting multiple arenas for action by women's movements and feminist and gender activists; and for support through WPS programming. Such parallel or synergistic reform or change processes might include the following:

- Peace processes and peace agreements which include women taking part in all aspects of negotiations relating to the governance of land and natural resources.
- Transitional justice. While much of the focus in transitional justice to address the gendered experience of conflict has been on conflict-related sexual violence (CRSV), transitional justice measures which focus on reparations create an opportunity to address wrongs associated with land grabs and displacement, as well as to integrate redistributive measures aimed at addressing structural harms. There is limited experience in this regard, but the Colombia case suggests some important lessons.
- Land reforms in terms of supporting content that advances the principle of gender equality, as well as specific mechanisms and measures to support implementation and gender-responsive land governance mechanisms.
- Reform of family law is often crucial to eliminate barriers related to inheritance and marriage which inhibit women's access to and control of land and property.
- Constitutional reform that secures gender-equality principles and women's rights.
- Engagement on decision-making and control over land and natural resources at the community level, and in relation to customary justice, to advance women's voice and influence, led by women and gender activists at the community level.

Whether and how these opportunities for altering the rules on land use and ownership create important opportunities to contest formal and informal norms, and of how land and natural resources feature in the political settlement, structures and legacies of inequalities and patterns of exclusion are likely to have sub-national variations and complex relationships in a conflict-related context.

5.2.3 Voice and agency

In supporting women's voice and agency in shaping the content of reform processes, accessing decision-making roles and power, and advancing transformative change in land and natural resource use and ownership in order to be more gender-inclusive, key recommendations include:

- Investing in women's organisations and the work of feminist activists. It is always important to understand that there may not be full agreement about land-reform choices and priorities among women's rights and feminist organisations, including as a result of intersecting inequalities, and possible divided political loyalties and strategic choices.
- Supporting work at national, sub-national, regional and global levels, adapting to specific power dynamics at each level.

- Investing in activists' capabilities, ranging from technical knowledge of land reform to political skills associated with lobbying power holders, and both formal and informal rules of engagement on governance systems affecting land and natural resources.
- Investing in awareness of women's rights to land and inheritance as these develop through legal reform, and the establishment of relevant governance and regulatory agencies tasked with overseeing implementation and resolving disputes relating to land, property and natural resources. These may need to take account of the political economy of customary norms and legal pluralism.

Crucial to all these recommendations is the need to take seriously the context-specific political economies of conflict, how these are shaped by land and natural resources, and the gender dynamics that underpin these.

5.2.4 Use the WPS agenda as politically useful framing

- There is a need to invest in WPS programming that supports women's social and economic rights, economic empowerment generally and specifically in relation to rights relating to land use and ownership.
- It is important to break out of the WPS silo and work more closely with international support to mainstream land reform and its implementation in transition and conflict settings. This includes getting involved in technical details, and the specific ways in which these can support or impede advancing women's effective rights to the use and/or ownership of land and natural resources, and to decision-making roles on governance mechanisms.

References

- ActionAid Kenya, GROOTS Kenya and LANDac (2018) 'Securing women's land rights: scaling for impact in Kenya'. Policy brief 1: Securing Women's Land Rights in Africa. LANDac, Utrecht.
- Birchall, J. (2019) 'Gender as a causal factor in conflict'. K4D Helpdesk Report 549. Brighton: Institute of Development Studies.
- Bruce, J. (2017) 'Preventing land-related conflict and violence'. World Bank (mimeo).
- Castillejo, C. (2022a) 'Women's participation and influence in post-conflict reform: the case of Kenya'. London: ODI.
- Castillejo, C. (2022b) 'Women, Peace and Security and constitutional reform', London: ODI.
- Caprioli, M., Hudson, V., McDermott, R. Emmett, C. and Ballif-Spanvill, B. (2007) 'Putting women in their place', *Baker Journal of Applied Public Policy* 1(1): 12-22.
- Deng, D. (2016) 'Between a Rock and a Hard Place': Land Rights and Displacement in Juba, South Sudan'. Juba: South Sudan Law Society.
- Domingo, P. (2022) 'Women, Peace and Security and Transitional Justice. London: ODI.
- European Union and United Nations (2012) 'Toolkit and guidance for managing land and natural resources conflict' (https://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_1037.pdf).
- GIWPS (Georgetown Institute for Women, Peace and Security) and PRIO (Peace Research Institute Oslo) (2017) *Women, Peace, and Security Index 2017/18: Tracking sustainable peace through inclusion, justice, and security for women*. Washington DC: GIWPS and PRIO.
- Harrington, A. and Chopra, T. (2010) 'Arguing traditions: Denying Kenya's women access to land rights'. Justice for the Poor Research Report 2. Washington DC: World Bank.
- Human Rights Watch. (2021). *Left Undefended: Killings of Rights Defenders in Colombia's Remote Communities*. New York: Human Rights Watch.
- Knapman, C. and Sutz, P. (2015) 'Reconsidering approaches to women's land rights in sub-Saharan Africa'. IIED Briefing. London: IIED.
- Locke, A. Domingo, P. and Langdown, I. (2021) 'Perceived tenure security as a tool for understanding the conflict context and predicting violent conflict'. ODI Report. London: ODI.

- Manji, A. (2013) *The politics of land reform in Africa: From communal tenure to free markets*. London: Zed Books .
- Open Society Foundation (2014) *Securing women's land and property rights: A critical step to address HIV, violence, and food security*. New York: OSF.
- Oxfam International (2019) 'Women defenders of agricultural, territorial, and environmental rights in Colombia: Risking their lives for peace'. Briefing Paper. Oxford: Oxfam International.
- Pantuliano, S. (ed.) (2009) *Uncharted territory: Land, conflict and humanitarian action*. Rugby: Practical Action Publishing.
- Rubin, D., Sutz, P. (2021) 'Supporting an enabling legal environment for women's empowerment in food and agriculture'. Rome: FAO.
- Rustad, S.A. & H.M. Binningsbø (2012) 'A price worth fighting for? Natural resources and conflict recurrence', *Journal of Peace Research* 49(4): 531-546.
- Saferworld (2016) 'Gender analysis of conflict toolkit: S6 Topic guide 1: Land' (<https://www.saferworld.org.uk/resources/publications/1076-gender-analysis-of-conflict>).
- Smith, E. (2020) *Climate change in Women, Peace and Security National Action Plans*. Stockholm: Stockholm International Peace Research Institute (SIPRI).
- Strachan, A. L. and Haider, H. (2015) *Gender and conflict: Topic guide*. Birmingham, UK: GSDRC, University of Birmingham.
- Sutz, P., Beauchamp, E. and Bolin, A. (2021) 'Routes to change: rural women's voices in land, climate and market governance in sub-Saharan Africa'. Research Report. London: IIED.
- UN and World Bank (2018) *Pathways to peace: Inclusive approaches to preventing violent conflict*. Washington DC: World Bank.
- UN Habitat (2018) 'Land and conflict: Lessons from the field on conflict sensitive land governance and peacebuilding' (<https://gltn.net/wp-content/uploads/2019/07/Land-and-conflict-Combined.compressed.pdf>).
- UN Women and OHCHR (2013) *Realizing women's rights to land and other productive resources*. New York and Geneva: United Nations Entity for Gender Equality and Empowerment of Women and the United Nations Office of the High Commissioner for Human Rights.
- UN Women, UNDP, UNODC and OHCHR (2018) *A practitioner's toolkit on women's access to justice programming*. New York: United Nations.
- UNEP, UN Women, DPPA and UNDP (2020) *Gender, Climate & Security: Sustaining inclusive peace on the frontlines of climate change*. New York: UNEP.
- UNEP, UN Women, PBSO, and UNDP (2013) *Women and natural resources: Unlocking the peacebuilding potential*. New York: United Nations Environment Programme.
- UNEP (2009) *From conflict to peacebuilding: The role of natural resources and the environment*. Geneva: United Nations Environment Programme.

UN-Habitat (2012) 'Toolkit and guidance for preventing and managing land and natural resources conflict' (<https://www.unenvironment.org/explore-topics/disastersconflicts/what-we-do/recovery/natural-resources-and-peacebuilding>).

Unruh, J. (2003) 'Land tenure and legal pluralism in the peace process', *Peace & Change* 28(3): 352-377.

Unruh, J. and Williams, R.(eds) (2013) *Land and post-conflict peacebuilding*. Routledge.

Yoshida, K., with Bond, H. and Kezie-Nwoha, H. (2021) *Defending the Future: Gender, Conflict and Environmental Peace*. GAPS-UK, LSE and WIPC.

Yoshida, K. (2019) *The nature of Women, Peace and Security: Where is the environment in WPS and where is WPS in environmental peacebuilding?* LSE Centre for Women, Peace and Security. London: LSE.