



LAND

WOMEN EMPOWERMENT AND SOCIOECONOMIC DEVELOPMENT

IN THE ARAB REGION

EVIDENCE-BASED PERSPECTIVES

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS

UN HABITAT
FOR A BETTER URBAN FUTURE


UAWC
اتحاد لجان العمل الزراعي

 **GLTN**
GLOBAL LAND TOOL NETWORK

LAND, WOMEN EMPOWERMENT AND SOCIOECONOMIC DEVELOPMENT IN THE ARAB REGION

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HS Number: HS/010/23E

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LAND
WOMEN EMPOWERMENT AND
SOCIOECONOMIC
DEVELOPMENT
IN THE ARAB REGION
EVIDENCE-BASED PERSPECTIVES

FOREWORD

Women can do wonders. Just free their hands.

When cultural norms and traditions tie women's hands, they limit the possibilities for women to contribute to socioeconomic development.

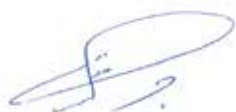
Socioeconomic development needs to bring about real change for women. For this to happen, societies must realise that women's empowerment and access to resources, particularly land ownership, are milestones that would eliminate many forms of underdevelopment and poverty.

This study sheds light on women's land ownership realities in the Arab region, how gender roles and cultural norms impact access to these rights, and how women's access to land rights contributes to socioeconomic transformation. This alone is enough to launch a new stage of creativity. It sends a message of reassurance to women that the process is serious and advancing.

The COVID-19 pandemic has proven that women's access to land should be prioritized, and policies should be set for speedy adaptation to minimise the massive effects of the pandemic on all aspects of life, especially in areas beset by conflicts and disasters.

Despite the difficult circumstances in which the study was carried out, women's contribution was substantial due to their leading role in the desired change process, being most able to quickly adapt to emerging circumstances.

Women in the Arab region need their hands free. They need to be empowered and supported so they may access their rights and available resources. Having the right to own land is not enough. Women should be able to use and control the land so that they may enjoy their rights and, with free hands, cultivate the land, maximize their potential, and participate meaningfully in real and sustainable change.



Fuad Abu Saif Director General
Union of Agricultural Work Committees

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GLOSSARY OF TERMS

This section provides definitions of key terms and concepts used in the report. The definitions were taken from academic studies, local references, international frameworks and guidelines from international bodies such as the United Nations.

Arab region: the 22 Arab countries that constitute the Arab League: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, State of Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.

Customary land tenure: individual's or family's right to hold land and other natural resources in a particular area in accordance with customary law. This type of tenure is common in indigenous communities and its rules are usually unique to every group/community. The legal recognition of customary rights varies from country to country and so the tenure security of people holding land under customary agreements (FAO, 2002).

Gender: a system of roles and relationships between men and women determined not by biology but by the social, political and economic context (WHO, 2002).

Human development: the process of widening people's choices and raising their level of well-being. This includes leading a long and healthy life and having access to education opportunities and to the resources needed to enjoy a decent standard of living. It also includes political freedom, other guaranteed human rights and various ingredients of self-respect allowing people to live lives they value (UNDP, 1997).

Land tenure: the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land (for convenience, "land" is used here to include other natural resources such as water and trees) and housing. "Land tenure is an institution, i.e. rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted as well as rights to use, control and transfer land, and associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions" (FAO, 2002).

GLOSSARY OF TERMS

Land tenure security: the appropriate guarantee of the ongoing duration of land and housing rights, supported by the certainty that one's rights will be recognized by others and protected by legal and social remedies when challenged (FAO, 2002).

Joint ownership: ownership over housing, land and property held jointly by two or more people. The co-ownership is usually regulated by property laws which define the rights of the owners, considered as a single legal person, how the property is divided and how it is managed (FAO, 2021).

Perception of tenure security: an individual's perception of the likelihood that they could involuntarily lose their rights to land and housing. Threats that may affect someone's perception of tenure security include, but are not limited to, nature-related events, economic or health shocks, displacement, forced evictions, family disputes, etc. (UN-Habitat, 2019).

Socioeconomic development: the process of social and economic development for individuals in a society, measured through specific indicators, such as gross domestic product (GDP), life expectancy, literacy and levels of employment. Changes in less-tangible factors are also considered, such as personal dignity, freedom of association, personal safety and freedom from fear of physical harm, and the extent of participation in civil society (IGI Global, 2021).

Tenure rights: entitlement of individuals or groups – recognised by the society – to use or control particular land, housing and natural resources in certain ways. No tenure right, including private ownership, is absolute. All tenure rights are limited by the rights of others and by the measures taken by states for public purposes (FAO, 2022).

ABBREVIATIONS

| | |
|-------------------|--|
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| ESCWA | United Nations Economic and Social Commission for West Asia |
| FAO | Food and Agriculture Organization of the United Nations |
| ILO | International Labour Organization |
| IDPs | Internally Displaced Persons |
| MENA | Middle East and North Africa |
| UN-Habitat | United Nations Human Settlements Programme |
| USD | United States Dollar |
| UAWC | Union of Agricultural Work Committees |
| WHO | World Health Organization |

SUMMARY

There is a correlation between socio-economic development, human rights and the empowerment of men and women to participate at all levels of decision making. Secure land rights are an important precondition for the achievement of these goals, including and the realisation of a broad spectrum of human rights: adequate housing, equality, food, health, work and education.

This study identifies and analyses the interrelations between land tenure security and key socioeconomic development aspects in the Arab region, drawing information from literature review, consultations and in-depth field assessments conducted in Palestine, Tunisia, Iraq and Kuwait. The results of the field assessment are disaggregated by sex and analysed to describe the gender-related patterns in the region.

The research shows the extent to which women and men have access to land tenure security and land-related resources that contribute to their empowerment and the realization of their rights. It also assesses the perception of land tenure and how this affects their feeling of

security against external shocks. The study finds a positive correlation between tenure security and improved living conditions, particularly access to healthcare, education and services, protection from gender-based violence, increased decision-making and freedom of movement, and better resilience to unforeseen shocks.

In line with the available literature, however, the study shows that gender gaps and challenges in securing land rights persist in the Arab region to the detriment of the more vulnerable, the poor, the women. Conflict and instability compound the existing fragilities. Community dynamics and families' understandings of rights and gender equality shape the gender gap in accessing and benefitting from land. The survey confirms that, for men and women, inheritance is the primary avenue to acquire land and properties in the Arab region. This pattern is particularly clear for women, as over 70 per cent of respondents declare to have inherited their land. Purchase is the second most common way, more accessible to men than women. These patterns reflect women's lesser purchasing power and exacerbate

WHEN WOMEN HAVE LAND TENURE SECURITY:



THEY ARE BETTER ABLE AND EMPOWERED TO PARTICIPATE IN DECISION-MAKING PROCESSES



THEY FEEL MORE SECURE AND THEY ARE BETTER PROTECTED FROM FORCED EVICTIONS



THEY ARE MORE PROTECTED FROM GENDER-BASED VIOLENCE



THEY HAVE INCREASED ACCESS TO HEALTH CARE AND EDUCATION



THEY ENJOY A HIGHER SOCIAL STATUS IN THEIR COMMUNITIES

SUMMARY

women's dependence on their male family members. This also magnifies the negative impact of the widespread inheritance renunciation practices in the region.

The study shows that men are more likely to have land registered in their name and as individual owners, while women are more likely to hold joint ownership, particularly in Tunisia and Palestine. Ownership alone is not synonymous of decision-making power and financial control: female landowners are more likely to delegate land-related economic activities male relatives, which is likely to have an impact on the distribution of financial resources within the family and reinforce gender roles that see men as breadwinners and women as unpaid domestic care providers.

Awareness is a crucial step towards securing land tenure rights; from the research it emerges insufficient knowledge and awareness about land tenure rights and their positive impact on human development. This negatively affects women and men's land tenure security, particularly the landless and in case of forced eviction or in the absence of adequate documentation.

Women's land tenure security heavily depends on social factors and their economic and civil status. Women are more likely to lose their house, land and property in the event of divorce or death of the husband. This results in disadvantaging further those who already are in a position of weakness. As a diverse group, women's vulnerability, and barriers to accessing and enjoying their right to land and the deriving benefits are heightened during high-risk situations such as extreme poverty, displacement, disability, and lack of family support.

Land tenure security is also heavily influenced by policies, national economic strategies, the international markets and agricultural investment patterns. The escalation of armed conflicts and organized violence, military assaults, wars, and land annexations are other important factors hindering the delivery of land tenure security at the community level.

The study provides recommendations on awareness and advocacy, research and data, gender-responsive reforms, women's inheritance rights and participation.



SUMMARY

FIGURE 1: DATA HIGHLIGHTS: TRENDS IN THE ARAB REGION

MEANS OF LAND ACQUISITION

Inheritance is the primary avenue to acquire land for women and men in the Arab region

67% of respondents acquired land through inheritance

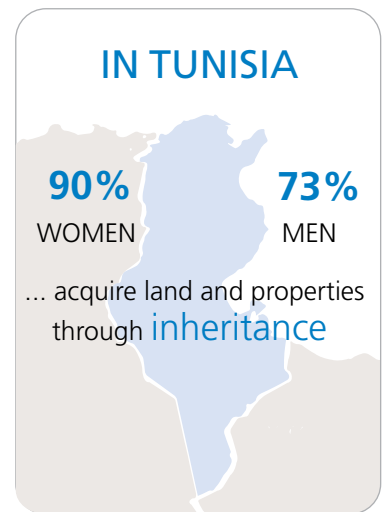
27% of respondents acquired land through purchase

6% of respondents acquired land through other means lease, grant from the government, through a union or association

71% WOMEN **58%** MEN

24% WOMEN **35%** MEN

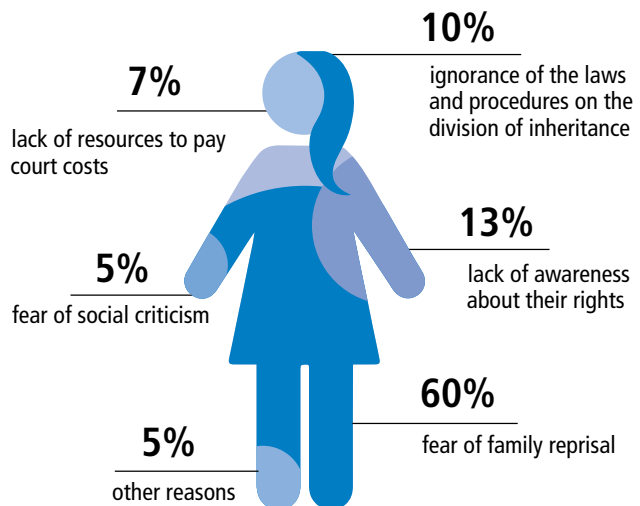
5% WOMEN **7%** MEN



WHAT DOES IT MEAN

FOR WOMEN IN THE ARAB REGION?

These patterns reflect women's lesser purchasing power and magnify the negative impact of the widespread inheritance renunciation practices in the region. Women are discouraged from claiming their inheritance rights due to various reasons:



(WAC, 2006; UN-Habitat/GLTN, 2018)

SUMMARY

FIGURE 1: DATA HIGHLIGHTS: TRENDS IN THE ARAB REGION ... continued

LAND REGISTRATIONS PATTERNS

Women are less likely to have **individual ownership rights** in their names compared to men

35%

MEN

58%

WOMEN



... report having **land registered** in the **name of male family** members

UNDER WHOSE NAME

IS THE LAND REGISTERED?

62%

FATHER

19%

HUSBAND

15%

BROTHER

4%

GRAND PARENT

LAND USE AND LAND MANAGEMENT PATTERNS

63%

MEN

46%

WOMEN



... use their land or property for **economic activities**

WHERE IS LAND MOST COMMONLY USED FOR ECONOMIC ACTIVITIES?

Tunisia **70%**

Palestine **40%**

Iraq **23%**

Kuwait **8%**

Male landowners are more likely to manage economic activities on their land, while **women** are more likely to **delegate** this to **male relatives**:

77%

MEN

59%

WOMEN

... lead **economic activities** on their land

LAND TENURE SECURITY AND RESILIENCE

58%

MEN

64%

WOMEN

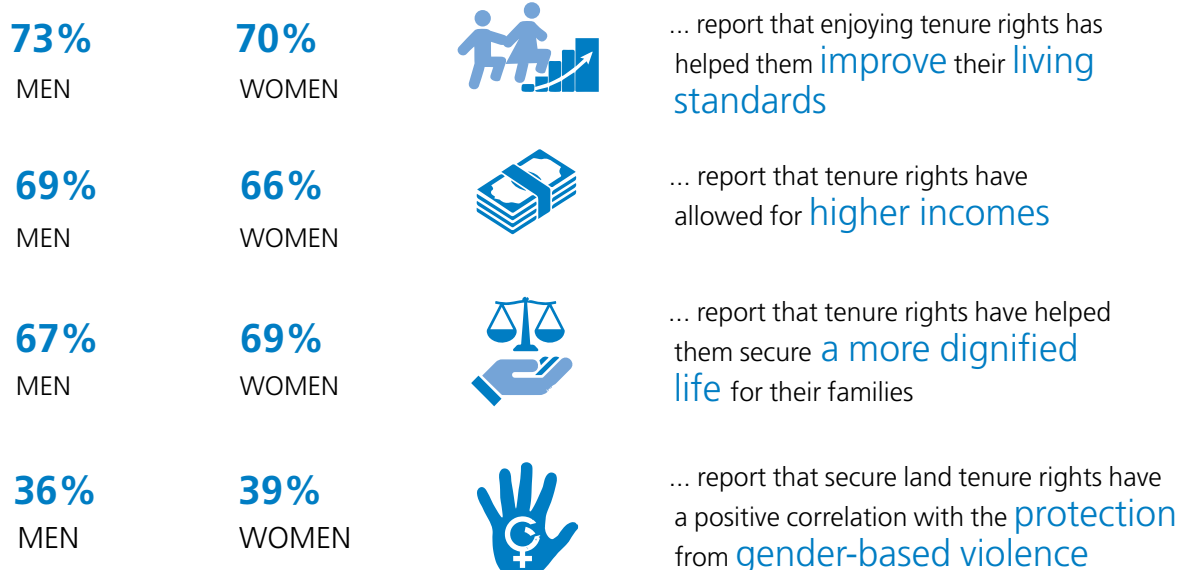


... report that enjoying **tenure rights** makes **them feel secure** about unexpected future changes

SUMMARY

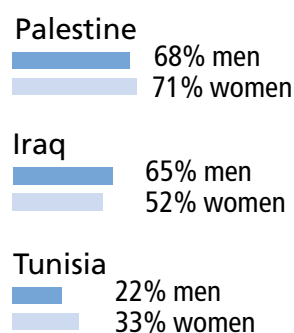
FIGURE 1: DATA HIGHLIGHTS: TRENDS IN THE ARAB REGION ... continued

LAND TENURE SECURITY AND SOCIOECONOMIC DEVELOPMENT



LAND TENURE SECURITY AND EMPOWERMENT

Land tenure security empower women and men to **join social movements** in their communities



... report that tenure rights enhanced their **decision-making power** within their families

PALESTINE

reports the highest rates of increased **social participation** when enjoying tenure rights:

| | |
|------------|------------|
| 47% | 61% |
| MEN | WOMEN |

DID YOU KNOW?

10-20% in Tunisia and Palestine

0-10% in Iraq and Kuwait

... participate in **governmental structure**

(ESCWA, 2015)

PART 1

INTRODUCTION

PART 1

INTRODUCTION

Women's land tenure security is essential for their empowerment and the achievement of gender equality. Access to land and awareness of its economic and social value can stimulate women's active participation in decision-making and economic engagement. With secure access to land and housing, women and girls are enabled to have better lives, find financial and social security and engage more positively in the development and stabilisation of their communities, while being better protected from forced eviction and gender-based violence (UN-Habitat, 2022). This is particularly significant in societies experiencing protracted human rights abuses, conflict, war and military aggression (Razek, Moreno Horta and Pott, 2021) and therefore relevant in the Arab region, where few countries struggle with such challenges and the related economic deterioration and social stress.

“With secure access to land and housing, women and girls are enabled to have better lives, find financial and social security and engage more positively in the development and stabilisation of their communities, while being better protected from forced eviction and gender-based violence.”

According to the World Economic Forum (2021), the Middle East and North Africa (MENA) region has the lowest rates of gender equality globally, with Iraq, Saudi Arabia, and Yemen ranking among the lowest performing countries in terms of legal rights and access to basic services. Even in matriarchal systems where women own land, such as in the Comoros, they are still unable to access the resources needed to realize the full economic benefit of land ownership without a male patron (African Development Bank, 2010). According

to the Organisation for Economic Co-operation and Development, some of the primary factors that impede gender equality and women empowerment in the MENA region include traditional gender norms which restrict women's rights and freedoms; discriminatory laws and social institutions; and rollbacks in gender equality as a result of the rise in extremist movements (OECD, 2014).

Patriarchal customary practices dominate political and social spheres, limiting women's control and ownership of land. Economic structures that have historically prioritized men's access to land as “breadwinners” enhance women's dependency on male partners or family members rather than empowering them to take control of their resources and assets.

Women's traditional social and economic dependence on their male relatives is reflected in land ownership. This limitation is enmeshed with the institutional policies and dynamics. For example, Palestine has acceded to but is yet to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Kuwait and Iraq did so with reservations to articles related to equal access to and management of property, inheritance, legal rights and information. Only Tunisia ratified the CEDAW Convention without reservations (see Annex 1) (El-Masri, 2011; Human Rights Watch, 2014).

Traditional norms often discriminate against women and other vulnerable groups, hindering their economic, social, political, and human development and impacting the extent to which they participate in social networks, politics and decision-making in their communities. Social norms also exclude women from participating in planning processes and agricultural interventions intended to empower and support them, constraining positive transformation and human development (FAO, 1989; Kabeer, Deshpande and Assaad, 2019; World Conservation Union, n.d.).

Studies have shown that in the Arab region, as in other parts of the world, fragile and conflict-affected societies are more likely to have higher rates of perceived tenure insecurity (Prettitore, 2021). Such negative impact is particularly burdensome on women and vulnerable communities who often lack the knowledge and the financial means to claim and register their land rights. Conflict, especially armed and organized conflict, impedes efforts to ensure, protect and uphold tenure rights. It fragments and destabilizes the social relation networks that provide a basis for land access and tenure systems, and it restricts the political participations of disadvantaged groups, including women.

OBJECTIVES

This study contributes to the body of knowledge documenting the positive correlation between land tenure security and socioeconomic development in the Arab region. It analyses the factors affecting women's land tenure security and explores the extent to which land tenure impacts the access to basic services and the participation in decision-making of women and men, as well as their perceived security, resilience and protection from gender-based violence.

METHODOLOGY

Analysed through the field-based perspective and experience of the Union of Agricultural Work Committees (UAWC), the research draws from qualitative and quantitative methodologies. The results incorporate information from primary data collection (surveys), literature review, and first-hand knowledge from land experts and practitioners active in the region.

Qualitative component

The qualitative component consists of a literature review of available studies about women's access to land and tenure security in the Arab region. The literature review guided the identification of socioeconomic indicators for comparative research on land tenure security and elucidated gaps in the literature. Following the literature review, UAWC, in collaboration with the Global Land Tool Network (GLTN) and UN-Habitat, held an expert group meeting on "The evidence-based linkages between access to land and socioeconomic development and empowerment of women in the Arab region" in February 2021. Experts from various sectors participated, including scholars, civil society leaders, grassroots women activists, and government representatives. The meeting identified and discussed the existing challenges impacting women's land tenure security and its correlation with socioeconomic development and women's empowerment in the Arab region. The discussion allowed the team to identify actions that should be prioritized by different stakeholders and duty bearers to improve the housing, land and property rights of Arab women, including those living in conflict and post-conflict settings.

Quantitative component

The quantitative component consisted of data collected using a questionnaire designed 1) to measure the impact of secure land rights on women's and men's income generation, decision-making power, public participation, safety, health and education; and 2) to assess respondents' knowledge and awareness of land rights. The survey was conducted in four Arab states (Palestine, Tunisia, Iraq and Kuwait) targeting both female and male respondents with different socioeconomic characteristics (age, wealth, health status, etc.). Respondents were identified through a list of landowners in coordination

PART 1

INTRODUCTION

with partner organizations in the respective countries. Each country was divided into three sections (north, middle and south) to ensure homogenous representation, while rural areas (villages) and urban sites were randomly selected using paper draw. The target sample size of 300 respondents per country was achieved in Palestine, Iraq and Tunisia, while in Kuwait only 20 respondents participated. The socioeconomic profile of respondents is described in Part III.

The survey was conducted online through SurveyMonkey.com and, where possible depending on COVID-19 restrictions, face-to-face or over the phone by UAWC partner organizations. Two senior members from UAWC in Palestine led the data collection process, supported by three junior staff members. In Iraq, the NGO Together to Protect the Human and the Environment led the field research team, while in Tunisia, staff from Million Rurales de Femme led the field research team. For the analysis, the UAWC team was supported by an external consultant to ensure factual interpretation of the findings, statistical data, perceptions and understandings from target communities.

Limitations

Due to difficulties in reaching respondents in Kuwait, the sample size was considerably smaller than in the other countries, impacting the analytical process. The results from Kuwait were included in this study for relative comparison but were excluded in some analytical conclusions to avoid inaccurate depictions. Given the contextual dynamics and realities that hampered the research team in capturing the variations of experiences and nuances from the respondents' context, the team drew on qualitative data where possible. The report acknowledges the fact that women are not a homogeneous category, but it was not possible to disaggregate further the results of the survey to take this better into account.



PART 2

TAKING STOCK:

KEY TRENDS AND FACTORS

PART 2

TAKING STOCK: KEY TRENDS AND FACTORS

UNDERSTANDING LAND RIGHTS AND LAND TENURE SECURITY

In 2002, the United Nations Food and Agriculture Organization defined land tenure security as “the degree of confidence that land users will not be arbitrarily deprived of the bundle of rights they have over particular lands. Tenure security is the appropriate guarantee of ongoing duration of land rights, supported by the certainty that one’s rights will be recognized by others and protected by legal and social remedies when challenged” (FAO, 2002). Land tenure security is integral to the right to adequate housing and a necessary component of civil, cultural, economic, political, and social rights. Accordingly, all persons should “possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats” (Committee on Economic, Social and Cultural Rights, 1991).

Advancing land tenure rights for women requires a holistic approach. Research and analysis of sex-disaggregated data on access to land, its affordability, cultural appropriateness and types of tenure arrangements available are needed to ensure interventions aiming at increasing land tenure security for all are more gender-responsive and interconnected with the overall human development efforts.

Most studies refer to the relationship between land and women as only a matter of “access” to land (UN-Habitat, 2011; Madbouly, 2005; SIDA, 2010; Nairesia, 2019), rather than an inter-relational and intersectional dynamic of local socio-political and cultural realities. “Use” and “control” may be misinterpreted or seen as linear concepts. In an agricultural context, the right to “use” land generally means a person can farm the

land. “Control” implies a greater power over the land, including management rights, the right to take decisions and to make a profit. “Ownership” is generally used when someone has all these rights, including the right to alienate (Doss and Meinzin-Dick, 2020). However, evidence indicates that even when women inherit and own land, housing and properties in their own name, they often lack the right to make decisions over them, reflecting a lack of true equality. Land rights as outlined in policy frameworks often differ from their actual implementation.

The interest of the international development and humanitarian sector, as well as national bodies, in women and land issues has been stimulated by international frameworks and monitoring bodies such as the Committee on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women. While the advancement of feminist critique to macro and micro socioeconomic frameworks has pushed for redefining, revising and challenging economic determinants and indicators of gender equality. The introduction of equal tenure rights for women and men in the Sustainable Development Goals has propelled further research and interventions on land rights and gender equality (Doss and Meinzin-Dick, 2020).

Despite this, the literature review undertaken in preparation to this study revealed a limited analysis of gender inequalities in connection with tenure security and a widespread lack of data, specifically sex-disaggregated data, on land tenure and other land-related dynamics in the Arab region. These knowledge gaps impede a deep understanding of the relationship between gender, land tenure, and inequalities (Razek, Moreno Horta and Potts, 2021), weakening decision-making and programming. The dominant approach focuses on unpacking and criticizing legal frameworks,



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while the link between land and women's rights remains largely unexplored (Sharafeldin, 2015). Further, studies often apply Eurocentric analytical frameworks, reflecting an insufficient or bias understanding of the region.

Only a few studies examine women as a diverse group. This might be due to the limited participation of women in directing, designing and implementing conceptual research frameworks. Most approach the social category of women as a homogeneous marginalized

class, failing to recognize women's diversity. Factors that influence women's land tenure security have different implications for different groups of women. These are dependent, among others, on the context they live in (urban or rural, conflict, post conflict, displacement, migration, etc.), their relationship with family members, their socioeconomic status, level of education, religious and political affiliation, belonging to minority groups, as well as accessibility to land administration services and financial resources. For instance, ethnically or

politically marginalized women, those already suffering from poverty and financial and food insecurity, widows and divorcees, unmarried women, physically, psychologically or socially abused women are more vulnerable to expropriation and loss of property. These forms of violence are pivotal factors in dissuading women from claiming their rights, especially women who do not have documents to prove ownership of land (Meneley, 1996; Dahlgren 2010).

THE NEXUS BETWEEN LAND TENURE, WOMEN'S EMPOWERMENT AND HUMAN DEVELOPMENT

An assessment of women's contributions to global economies shows that their equal participation in the labour market could add up to USD 28 trillion in gross domestic product growth by 2025 (World Economic Forum, 2018).¹ An estimated additional USD 12 trillion could be produced if women had access to and control over adequate housing, land, and other productive resources (Wodon and De La Briere, 2018; Woetzel et al., 2015). This could also facilitate women's entry into the private sector,² access to mobile money services, and leverage for equitable participation and decision-making. Most research reflects a consensus that the policies geared towards women's empowerment and inclusion are superficial. There appears to be a misconception, often due to a focus

on a macroeconomic approach rather than a human development approach, which suggests increasing women's participation in the labour force "empowers" them (Olmsted, 2020).

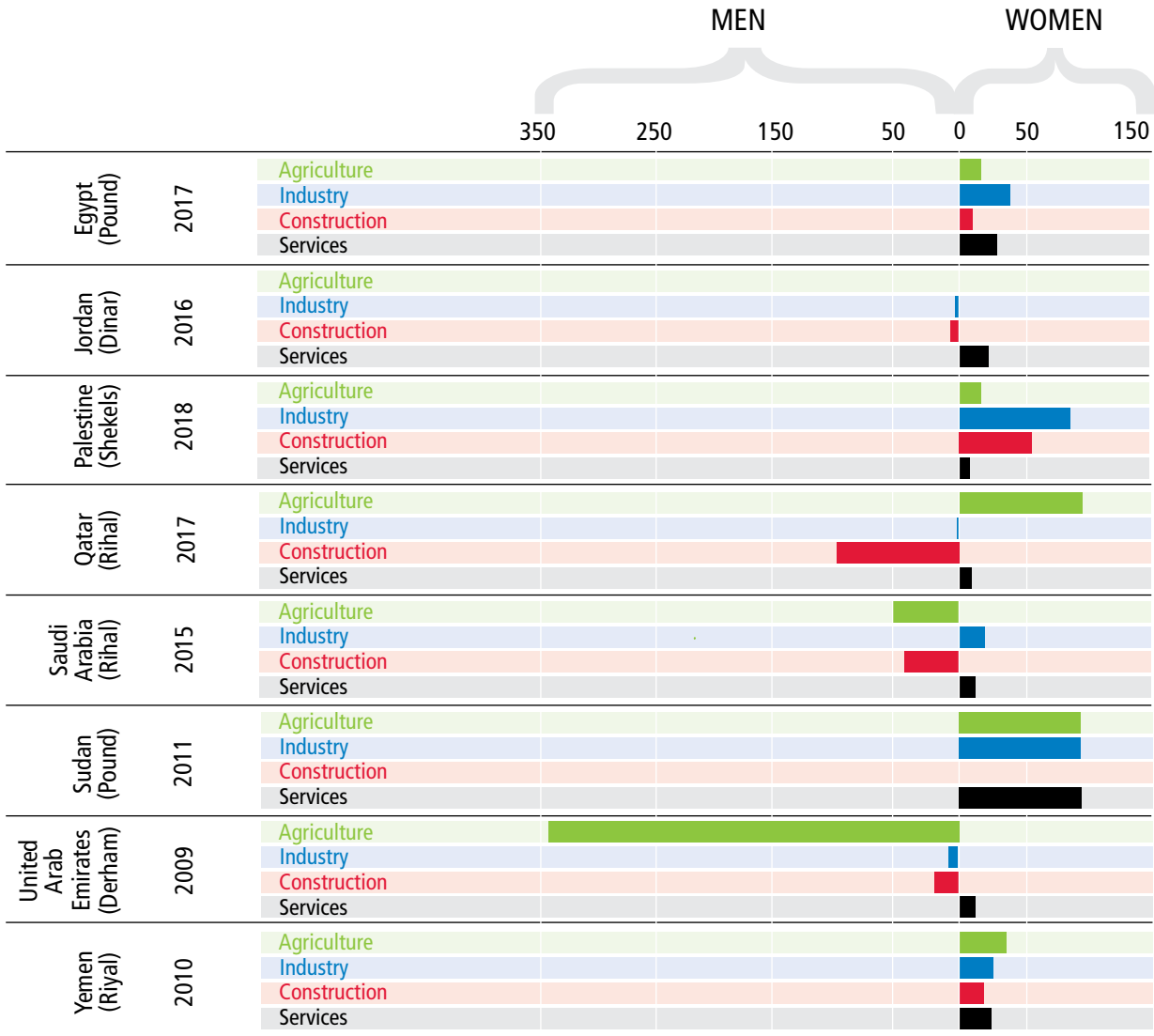
Women's overall participation in the (paid) labour force in the Middle East and North Africa region is significantly low. The World Bank estimates that only 20 per cent of women were part of the labour force in 2021 (World Bank, 2022). Most women are involved in agriculture, especially in rural areas, where high rates of violations against women and land rights are recorded (Jones and Corbridge, 2010; Lipton, 2005; Schechla, 2016) and weak legislative frameworks and systems are not gender-responsive enough to allow women access to justice, legal representation, and fair trial. Gender inequality is most visible in the revision of low wages (ILO, 2018; Payscale, 2020) and unpaid work in agriculture (Mazingira Institute and HIC-HLRN, 2020). In almost all Arab countries, there is a wage gap between men and women, with men receiving higher wages in all sectors including agriculture. The exception is in the United Arab Emirates, where a high pay gap was registered in the agriculture sector in favour of women (see Figure I).

Further, the ability of women to participate in the paid labour force is significantly constrained by the disproportionate burden they carry in the unpaid labour force. On average, in the MENA region, women devote to unpaid work more than five hours per day, over six times more than men, which is the most unequal distribution globally (OECD, 2014b).

1 The estimate was calculated before the COVID-19 pandemic, which had adverse effects on the global economy and further exasperated the challenges with women's rights.

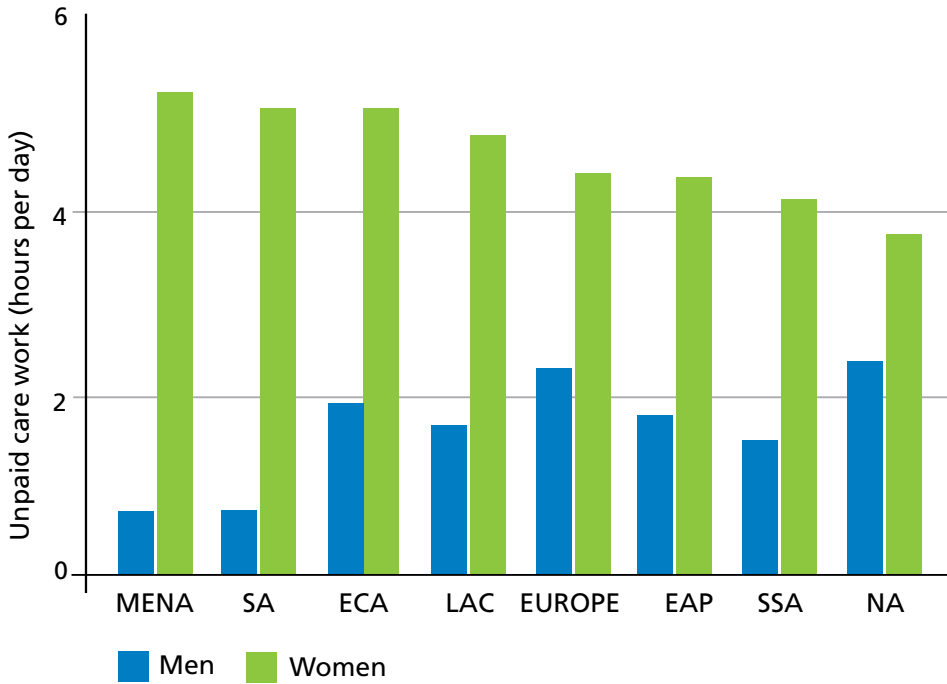
2 The International Finance Corporation of the World Bank Group estimates a USD 1.5 trillion credit gap in women-led businesses within the private sector.

FIGURE 2. GENDER PAY GAP BY SECTOR AND LOCAL CURRENCY IN SELECT COUNTRIES



Source: ESCWA (2019)

FIGURE 3. TIME SPENT ON UNPAID CARE WORK BY SEX AND REGION



Source: OECD (2014b)³

In contexts of armed violence, such as in Palestine, women’s concerns are often relegated as secondary issues, as the national political struggle is the priority. Research prioritizes the issue of poverty and gender-based violence but the evaluation of these topics remains detached from land tenure and the broader socioeconomic development (Khan, 2009).

³ Regions include: Middle East and North Africa (MENA), South Asia (SA), Eastern Europe and Central Asia (ECA), Latin America and the Caribbean (LAC), East Asia and the Pacific (EAP), Sub-Saharan Africa (SSA) and North Africa (NA).

A SNAPSHOT OF WOMEN IN THE AGRICULTURE SECTOR

Food and economic security are the primary reasons women need to secure land rights, especially in rural areas, where most farmlands are. Agriculture is the primary source of employment for women in the MENA region, with almost 45 per cent of the workforce (OECD, ILO, CAWTAR, 2020). This figure exceeds 60 per cent in Jordan, Libya, Syria and Palestine (ICARDA, 2020). More than 400 million women globally farm and contribute to the production of most of the world's food supply; yet, they make up only a meagre 7 per cent of landholders in MENA (FAO, 2022), despite the participation of women in (often unpaid) agricultural work. In Lebanon, the percentage of women landowners is 7.1 per cent, in Morocco 4.4 per cent while only 0.8 per cent in Saudi Arabia (FAO, 2011). Additionally, some data indicate that in Morocco, Tunisia and Algeria the percentage of women working as farm or land managers varies between 4 per cent and 6 per cent (FAO, 2014).

The increasing percentage of female labour in the agriculture sector is linked to the tendency of men to migrate in search of job opportunities. For example, men from Egypt, Lebanon and Morocco migrated to cities domestically (UNESCO, 2012) or to Gulf countries in the pursuit of more promising job opportunities (De Schutter, 2011). The rise in women's participation in the agricultural sector was mainly to fill the gap in manual labour (Abdelali-Martini et al., 2003), a phenomenon known as 'feminisation of agriculture, and their increased labour participation should not be seen as empowerment. The limited policies on protection and rights open pathways to further exploit women economically, sexually, physically and psychosocially.

“ Women often have less land tenure security, limited control and ability to invest in family lands. They are more likely to manage farms only in cases where there is no adult male in the family rather than because they had access to land. ”

Compared to their male family members, women often have less land tenure security, limited control and ability to invest in family lands (Najjar and Badstue, 2020). Women are more likely to manage farms only in cases where there is no adult male in the family, i.e. widows, unmarried or divorced women, rather than because they had access to land (FAO, 2014). A survey in Tunisia revealed that most male heads of households who control land use are married, while more women gain control over the land as widows. Traditionally, for as long as the husband is alive, he is the one in charge of managing the land (UN-Habitat and Institut National de la Statistique de Tunisie, 2022).

Many women and girls who engage in agricultural labour come from lower socioeconomic backgrounds and are already vulnerable to exploitation. The provision or denial of land tenure can either change these dynamics or reinforce them. Women are denied not only access to and use of land but also the time, space and opportunities to expand their skills, innovate and undertake their own business ventures. A study conducted in Syria indicates that the increasing participation of women in agriculture as wage workers did not reduce the burden of unpaid care work and it did not strengthen their land tenure security. Nevertheless, women value their paid work because they enjoy working in the community and the income they earn help boosting their self-esteem (Abdelali-Martini and Dey de Pryck, 2014).

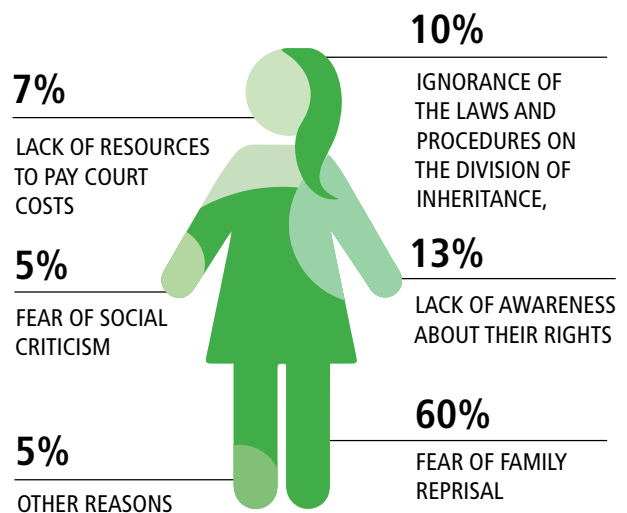
HOW INTERPRETATIONS OF ISLAMIC NORMS AND LAWS AFFECT WOMEN'S LAND RIGHTS

Researchers have long reflected on whether Islamic law is among the most significant constraints to women's land ownership. Most studies report that women's land ownership patterns in the region are primarily caused by Islamic inheritance laws. Other contributions to the literature argue that inheritance laws inspired by Islam are not the sole determinants that regulate the relationship between women and land. National interpretations and codifications of sharia law, combined with pre-disposed sets of customs and beliefs touching on various aspects of the social and economic life of societies determine women's ownership and, more broadly, access to land.

It is undeniable that Islamic law, codified in state laws, prescribes a division of the deceased's real estate that generally allocates to women half of the shares of their male counterparts (on private properties or mulk land). However, women are often prevented to inherit even the lesser portion that they have right to by law. This pattern does not significantly change in non-Muslim communities living in the region, which abide to different personal laws. Further, this distribution of shares does not apply to other categories of land, such as on long-term land use rights over agricultural land.

A survey conducted in Gaza in 2006 revealed that women are discouraged from claiming their inheritance rights due to various reasons: 60 per cent fear of family reprisal; 13 per cent lack of awareness about their rights; 10 per cent ignorance of the laws and procedures on

WHY WOMEN ARE RESTRAINED FROM CLAIMING THEIR INHERITANCE



the division of inheritance; 7 per cent lack of resources to pay court costs; 5 per cent fear of social criticism as they would "embarrass the husband"; and 5 per cent for other reasons (WAC, 2006; UN-Habitat/GLTN, 2018).

In Egypt, women own only 5 per cent of land, due to various causes, including their difficulty in inheriting their legal shares of real estate (Khodary, 2018). A survey conducted in the villages of Beni Suef Governorate noted that the practice of women inheriting land has little to do with religious affiliation but is determined by a variety of local customs that differ from one family to another and even within the family (Shahed, 2003). A study conducted by UNICEF in Somalia noted that customary laws often circumvent women's inheritance rights under sharia law, in order to keep property within the family of the patriarch (Academy for Peace and Development, 2002). These are just few examples of more complex and intricate patterns.



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“ Under Islamic law, women and men are equally allowed to purchase land and properties, to be allocated a portion of the deceased’s real estate through wills, to receive gifts and donations, and to jointly own properties. ”

Under Islamic law, women and men are equally allowed to purchase land and properties, to be allocated a portion of the deceased’s real estate through wills, to receive gifts and donations, and to jointly own properties (UN-Habitat/GLTN, 2018). Religion, ideology and culture interact, and Islamic laws are constantly reinterpreted. The result is a set of evolving legal frameworks that combine traditional and modern interpretations of Islamic principles and other social, economic and cultural considerations regulating access to and control over land and property by men and women.

FACTORS CONTRIBUTING TO WOMEN’S LAND TENURE INSECURITY

Several factors negatively impact women’s land tenure security in the region: patriarchal systems undermining participation of women in decision-making at all levels, including land-related processes and land management institutions; limited awareness of the rights and the mechanisms to claim them; fear of family retaliation and gender-based violence.

There are also factors affecting men and women from the same communities, although women are often disproportionately impacted because of their additional vulnerabilities. These are the effects of unchecked neoliberal policies influencing land-based investments; the escalation of war and armed conflicts, displacement and organized violence; land grabbing; settler-colonial features in occupied territories (UN General Assembly, 2022); and urban development projects encroaching on rural land, among others.



TAKING STOCK: KEY TRENDS AND FACTORS

Lack of information and knowledge

The lack of awareness about their rights negatively affects women's land tenure security. Women (and men) cannot claim rights that they do not know or understand. A survey conducted in Gaza by the Women's Affairs Center shows that 13 per cent of women are not aware of their rights, and 10 per cent did not know the laws and procedures related to the division of inheritance (WAC, 2006). At time of marriage, women and men often do not know the property regime options available through the marital contract, including joint ownership. Thus, the couple's properties are registered in the husband's name, and, in case of divorce, women lose their rights to those properties. Although women rights' organizations have been working to increase awareness of these rights through media, campaigns, education interventions, and other outreach methods, the extent and impact of these efforts have not been examined in detail (UN-Habitat/GLTN, 2018).

Limited participation in decision-making

The systemic exclusion of women from decision-making positions impedes tangible and institutional advancement of women's rights and tenure security. In 2015, a study reported trends in women's involvement in government: Tunisia and Palestine ranked between 10 and 20 per cent, while Iraq and Kuwait were below 10 per cent (ESCWA, 2015). In 2020, UN Women confirmed that the shares had not changed in any of these countries in the past 5 years. In Kuwait, 3 out of 17 ministerial positions are filled by women, in Palestine 3 out of 26, Tunisia has 2 out of 31; and Iraq has only one woman among its 23 ministers.

Gender-based violence

Gender-based violence, in all its forms, including emotional and psychological abuse, reflects the persisting patriarchal system in the region. It is used to control women and deprive them of their rights, while upholding male dominance. Compelled by coercive violence, women tend to comply with the demands imposed on them and are subsequently denied realization of their social, economic, political and cultural rights, including those related to land. Studies have explored this issue, revealing fear of family reprisal or community discontent as a major factor that compels women to give up their land rights.

While gender-based violence is present in the public spheres of community, society and work, it is much more prevalent in the private sphere, where it is used to establish the dynamics that determine decision-making power within households. A study featuring the 22 Arab countries found that 6–59 per cent of women had experienced physical intimate partner violence, 3–40 per cent sexual violence, while 5–91 per cent had experienced emotional violence (Elghossain et al., 2019). Another study found that 95 per cent of women in Bahrain had experienced domestic violence or violence at work (Ghanim, 2013), while 93 per cent of Saudi women experienced partner violence, with 30 per cent of these cases involving economic violence (VCSS, 2010). Notwithstanding existing data, the magnitude of violence cannot be fully measured. For instance, 6 out of 10 survivors of gender-based violence in the Arab region refrain from asking for protection or support (UN Women Arab States, n.d.). The extent to which violence impacts other areas of women's lives is still incomplete as data is limited.

Neoliberal policies and rising inequalities

Unchecked neoliberal policies heavily impact the land tenure security of lower income groups (Olmsted, 2020). In the Arab region, neoliberal policies often led to development interventions linking markets, economies and politics, resulting in the centralization of economic resources (Samad and Mohamadieh, 2011). Such centralization and concentration of resources, together with the corruption and weakening of government systems, adversely impacts men and women's overall access to socioeconomic rights and positive human development. Further, with little examination of the social impact of such policies, these have been used to justify the sale of government assets to private stakeholders. Private investors can take advantage of weak tenure security to carry out land acquisitions (Deininger and Byerlee, 2011). Land deals are signed off by unaccountable political elites, who may overlook customary rights or offer compensation well below the actual market value.

Economics and politics

Access to land is deeply intertwined with livelihood, power and identity, and it is therefore profoundly affected by politics and economics, often at the expenses of the most vulnerable, including women. Perceived insecurity and political polarisation are on the rise, with an increased number of people feeling alienated from their political system (UNDP, 2022). The impact of the democratic deficit (EIU, 2022) is aggravated by corruption. According to the Corruption Perception Index, Tunisia's corruption score is 44/100, Iraq's is 23/100, and Kuwait's is 43/100. Palestine's

Corruption Perception Index score is unavailable (Transparency International, 2021). Corruption threatens livelihoods, access to and use of land, and promotes governing systems and community relations that benefit the stronger members of the communities, perpetrating patriarchal relationships. This becomes significantly inhibiting, with corruption linked to worsening poverty rates and access to health and education, and to increasing people's vulnerability to external shocks (Becherair and Tahtane, 2018).

The region has witnessed a growing nexus between business and politics in the wake of liberalisation, with the increased influence of a phenomenon known as "crony capitalism" where rulers, and their allied businessmen, monopolize all economic opportunities (Diwan et al., 2019) and the related consumption and control over land. The capture of public resources for the benefits of the powerful few is often enacted through the manipulation of statutory and religious laws, and social norms, to the detriment of the poor, the marginalised and women. This is further complicated in contexts affected by organized violence and by settler-colonial features resulting from prolonged occupation (UN General Assembly, 2022). An example is the "absentee landlord" law often applied to deprive Palestinians of their land rights.

Displacement and dispossession

Wars and conflicts across the Arab region are contributing to the violation of women and men's rights, causing mass displacement of refugees and IDPs, dispossession, and heightened poverty rates. This is the case of Yemen, Syria, Iraq, Palestine, the Western Sahara and the Golan Heights, among others.

PART 2

TAKING STOCK: KEY TRENDS AND FACTORS

Refugees are unable to return to their homes and face insurmountable difficulties to document and register their land rights. However, insufficient attention has been paid to document the nexus between women's land rights and conflict and collect sex disaggregated data. In Syria, for instance, there is limited published

information on the role conflict plays in increasing land tenure insecurity for women. Many displaced women and men have lost their civil (identity cards, marriage certificates etc.) and housing, land and property rights documents (UN-Habitat/GLTN, unpublished) and, consequently, they cannot demonstrate their connection to their properties.



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PART 3

RESEARCH RESULTS

AND ANALYSIS

PART 3

RESEARCH RESULTS AND ANALYSIS

This section examines the connections derived from the literature review, the experts group meeting, the training, and the survey conducted in the four countries, Iraq, Palestine, Tunisia, and Kuwait. As the Kuwait survey sample was significantly smaller, the country is excluded from some of the analysis.

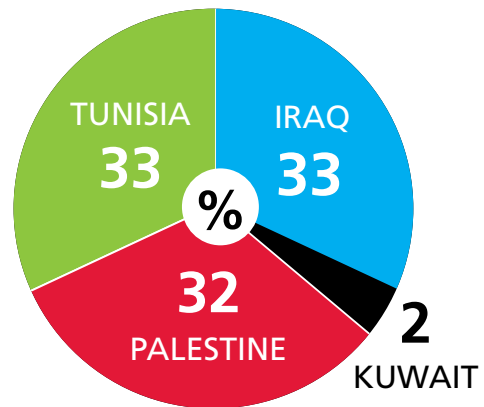
SOCIOECONOMIC BACKGROUND OF RESPONDENTS

Socioeconomic background directly shapes the tenure rights' landscape that men and women have to navigate. This is evident in how different social groups perceive safety, the extent to which they can access services, and the levels of their decision-making power. This section presents an overview of the origin, socioeconomic status, access to basic services, and perceived safety and tenure security of respondents from the four countries.



FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE

COUNTRY OF RESIDENCE



DEMOGRAPHIC DISTRIBUTION

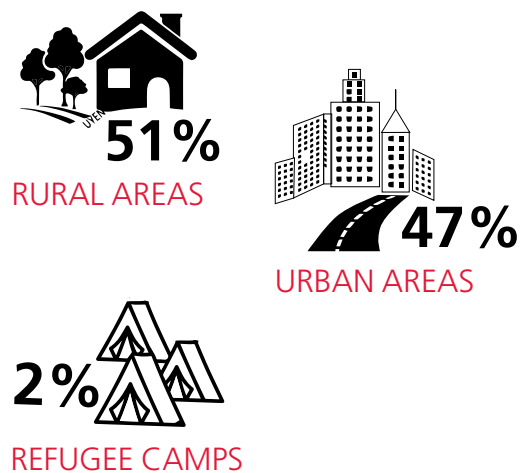
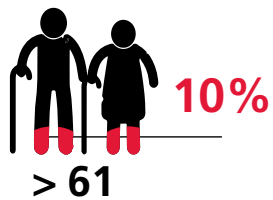
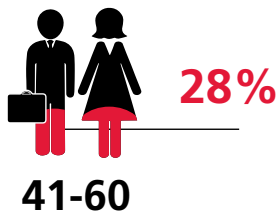
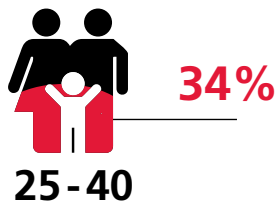
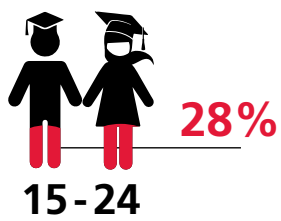


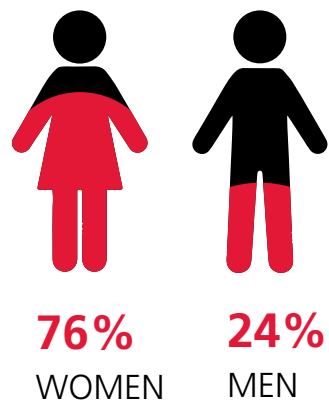
FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

AGE

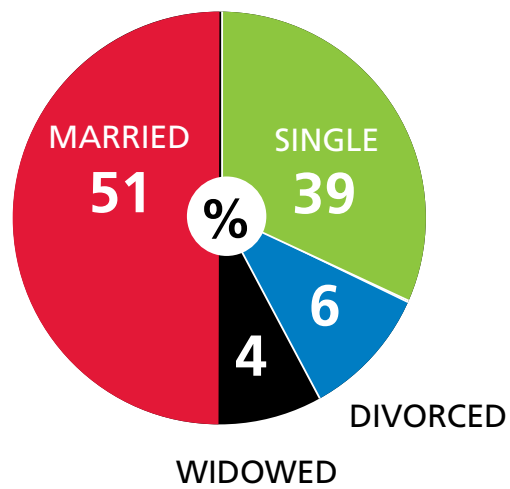


Note: 7 % of respondents have **disabilities**

SEX



MARITAL STATUS

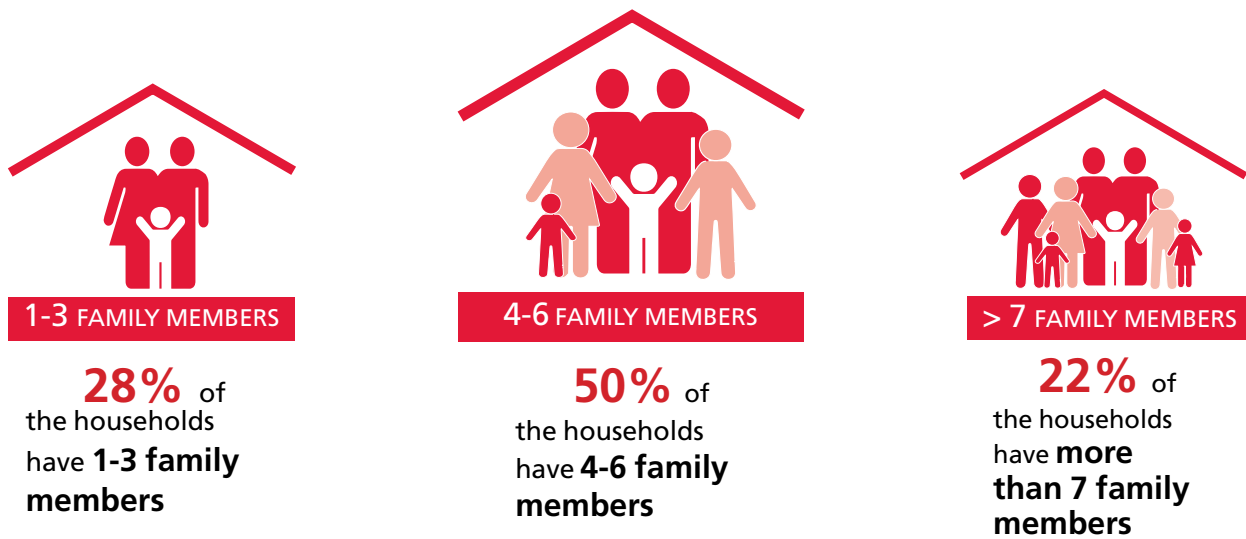


PART 3

RESEARCH RESULTS AND ANALYSIS

FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

HOUSEHOLD SIZE



EDUCATIONAL BACKGROUND

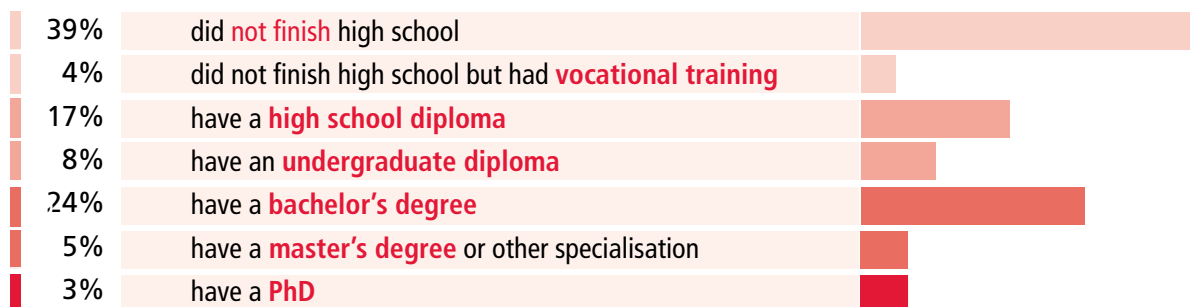
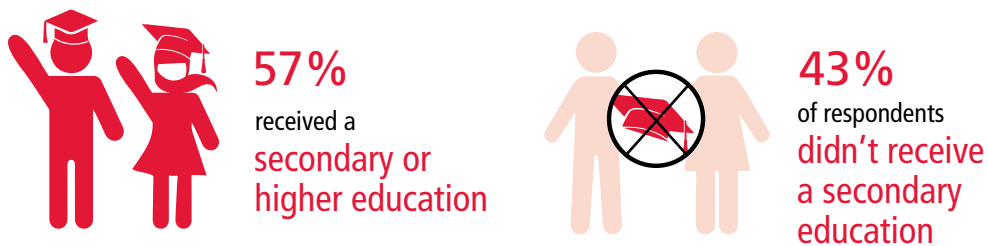


FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

WORK SECTOR



OCCUPATION

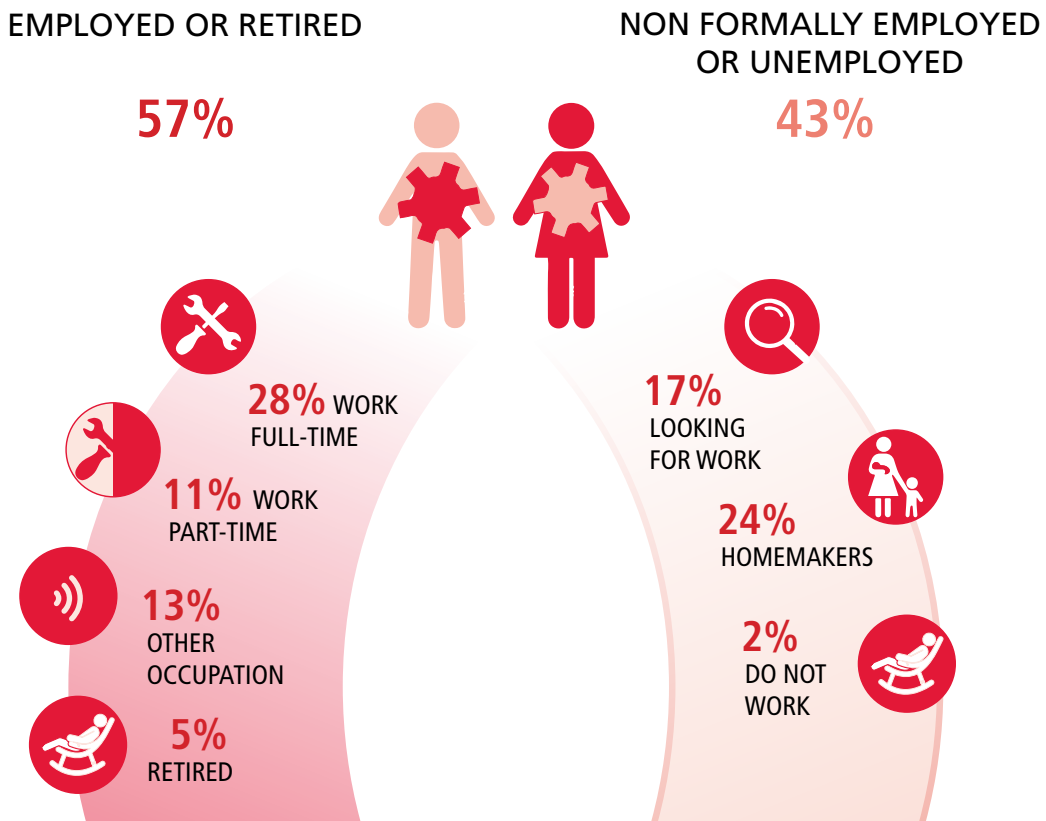
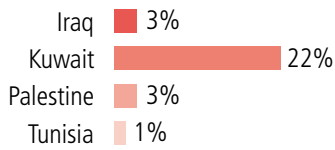


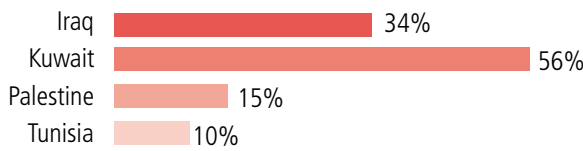
FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

STANDARD OF LIVING

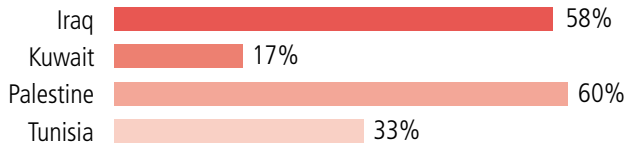
3% excellent



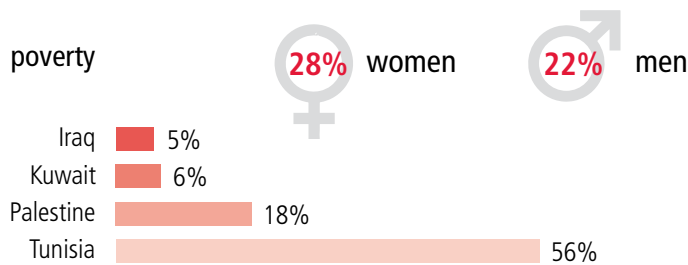
19% average to good



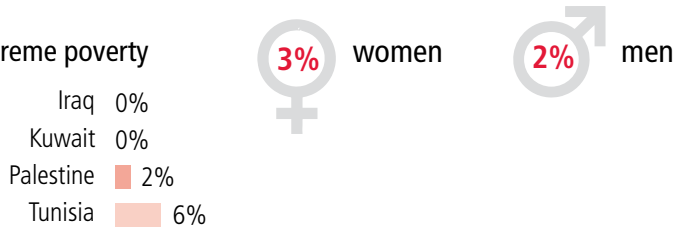
49% average standard



26% poverty



3% extreme poverty

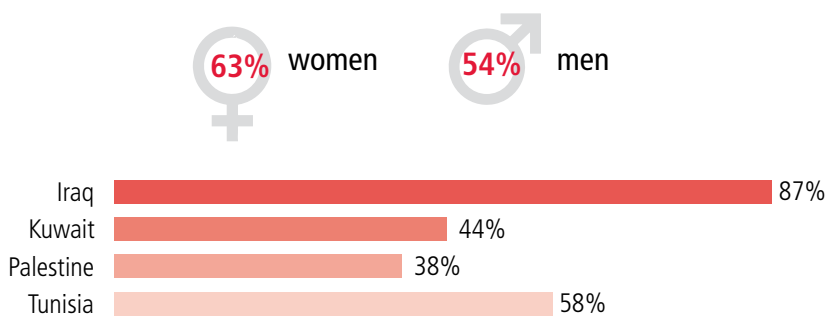


Data can be compared to official poverty rates according to the World Bank. In 2020, extreme poverty – measured using the international poverty line of living on USD 1.90 per day – remained below one per cent in Tunisia. Poverty measured within the USD 3.20 per day bracket was estimated to have increased from 32.9 to 3.7 per cent. The percentage of the population described as being vulnerable to falling into poverty was expected to have increased as well. Using a threshold of USD 5.50 per person per day, the number of poor and of vulnerable together is expected to have increased from 16.7 per cent to 20.1 per cent of the country's total population of about 11.7 million (World Bank, 2019, 2021). In Iraq, 15 per cent of the population were considered poor in 2012. In Palestine, 29.2 per cent of the population were classified as being poor in 2016. For Kuwait, no official data has been published on the poverty rate.

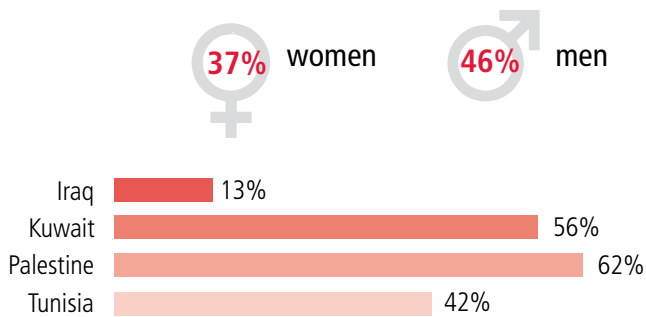
FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

ACCESS TO HEALTH CARE

61% do not have health insurance



39% have health insurance



While women and men in Palestine report similar living standards, more men have health insurance than women. Tunisia and Kuwait show similar trends for men and women. The low number of respondents with health insurance in Iraq is due to the lack of private health insurance in the country and the under-resourced public health system that push many Iraqis to seek health care abroad (Abdulrazzaq et al., 2021).

FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

FREEDOM IN DECISION-MAKING

71% have full freedom to make decisions regarding their lives and properties



66% women



85% men



29% do not have full freedom to make decisions regarding their lives and properties



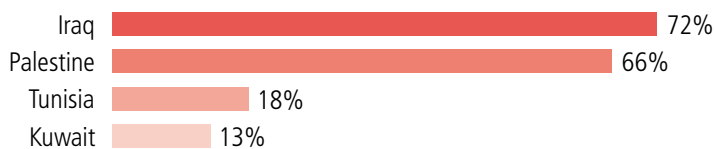
34% women

15% men

PERCEIVED SAFETY AND SECURITY IN COUNTRY OF RESIDENCE

51% of respondents do not enjoy security and safety in the country they live in

46% women **54%** men



Percentages of perceived insecurity are higher in Iraq and Palestine, probably due to sectarian and religious conflicts. In Iraq, instability and the figures of internal and external displacement are rising, while Palestine is under Israeli occupation. No significant differences between male and female answers on this question were noted.

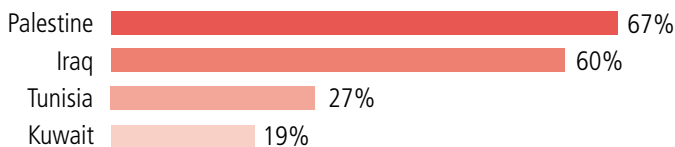
FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

PERCEIVED TENURE SECURITY IN THE COUNTRY OF RESIDENCE

Respondents that reported some type of **land ownership** are:



51% of the respondents are **afraid of losing their land and property**



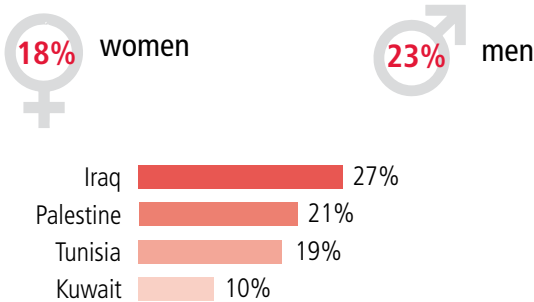
The perception of land tenure security could be linked to the perception of security and safety in their country of residence. When respondents were asked why they fear losing their land or property, the majority in Palestine answered that it is due to the occupation and to the policies that seek to control natural resources, especially land, which is at the very core of the conflict. In Iraq, respondents reflected on the impact of the unstable political situation and their fear that sectarian conflicts may result in displacement from their lands or loss of ownership. Respondents' fear of losing land and property may also stem from the influence of powerful private sector actors over government policies. Laws that should protect landowners from the private sector are weak and do not serve them, such as the land and property registration laws, which respondents deemed as extremely complex.

FIGURE 4. RESPONDENTS' SOCIO-ECONOMIC PROFILE ... continued

LAND AND PROPERTY LOSS

81% have never lost their land and property

19% have lost their land and property before



Respondents mentioned several reasons why they lost their lands. In Palestine, the most prominent reason is the occupier’s policy of land confiscation to expand settlements, to build the separation wall and to lay the road network linking settlements within the West Bank. Human Rights Watch (2018) reported that Israel, since its occupation of the West Bank in 1967, has confiscated more than two million acres of land from Palestinians – more than one-third of the West Bank. This is in addition to the policy of demolishing homes, preventing construction, and restricting farmers’ access to their lands.

Respondents from Iraq lost their lands due to the military operations of ISIS. The internal and external displacements consequently added to the sectarian conflicts and disputes over land between the various political forces. Furthermore, some respondents indicated that the legal systems and legislative frameworks that regulate the agricultural sector and ownership issues are not updated and, thus, do not protect land ownership. Others report that they had lost their lands by force or forgery, while there are those who neglected to register and lost their lands in favour of the state or other parties. Finally, some respondents had to sell part or all their lands to pay for expenses such as children’s education, land expenditures or livestock.

GENDER AND LAND RIGHTS IN THE ARAB REGION

“ Fewer women have individual ownership rights in their names compared to men and joint customary ownership is more common among women than men ”

Land ownership

A wide range of land tenure rights is found in the Arab region. This section of the report focuses on registered and customary ownership, held individually, jointly or in group. Most respondents report having some type of land ownership (74 per cent of men and 64 per cent of women). On average, fewer women have individual ownership rights in their names, compared to men and joint customary ownership is more common among women than men, particularly in Palestine and Tunisia.

Joint land ownership is often shared with male relatives, usually partners or male family members, such as brothers, father, uncles, or grandparents. Fifty-eight

per cent of women and 35 per cent of men report having land registered in the name of male family members. This is generally less of an issue if land and property are registered under the father or grandfather/grandmother’s name. Given the line of inheritance, women usually enjoy use rights to the land and property, and as children and grandchildren of the owner are entitled to inherit it. Issues most commonly arise when land is registered only in the husband’s or brother’s name. This leads to unbalanced decision-making power dynamics within the household, whereby men are more likely to be entrusted with managing and controlling land and property, including finance.

FIGURE 5. TYPE OF LAND OWNERSHIP BY COUNTRY

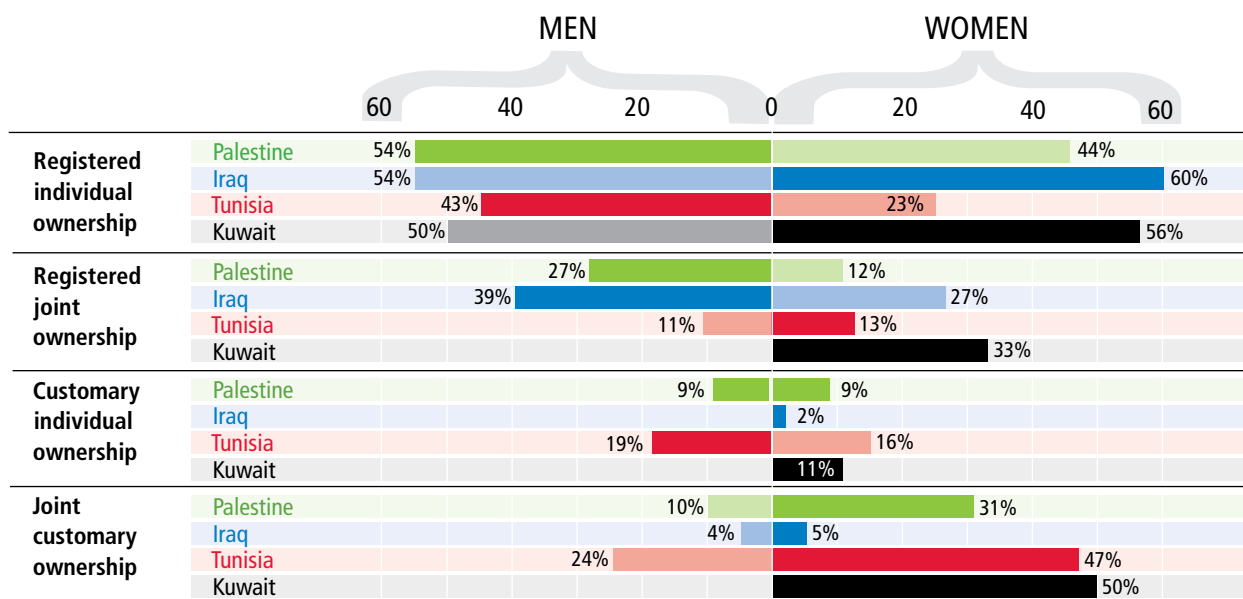


FIGURE 6. LAND REGISTRATION UNDER THE NAME OF A RELATIVE

| RELATIONSHIP | PERCENTAGE |
|--------------|------------|
| Father | 62% |
| Husband | 19% |
| Brother | 15% |
| Grandparent | 4% |

Avenues for land acquisition

Gender disparities emerge in the way women and men acquire land and properties. Inheritance is the primary mechanism for acquiring land for both women and men; however, the percentage is much higher for female respondents. Male respondents are more likely than women to acquire land and properties through purchase.

“Inheritance is the primary avenue to acquire land for women, also in light of their lesser purchase power”

This reflects the gender inequalities in purchase power. The smaller percentage of women purchasing land (24 per cent) compared to men (35 per cent) is linked to the limited availability of economic resources, including financing opportunities, and control over family income. Poverty rates are disproportionately distributed across genders: 24 per cent of male and 30 per cent of female respondents report living in poverty or deep poverty. Women’s employment rates are lower than men’s,

and they have limited access to finance and credit opportunities. In Iraq, for example, only 12 per cent of

women above 15 years old are part of the labour force⁴ (compared to 73 per cent of men); in Palestine, 19 per cent women and 71 per cent men; in Tunisia, 24 per cent women and 70 per cent men. Kuwait has one of the highest levels of female labour force participation among Arab countries, with 57 per cent of women and 85 per cent of men (ESCWA, 2019). The same ESCWA report estimates that in the Arab region 26 per cent of women can access financial services via an account in a formal financial institution (for men it is 48 per cent). This may further explain the gap in purchasing power and land acquisition.

The results also show differences at the country level: Tunisia has the highest percentage of persons obtaining land through inheritance, followed by Palestine and Iraq. In contrast, more respondents acquired land through purchase in Iraq and Kuwait, 69 per cent and 54 per cent, respectively. This may be due to the different economic standing of Iraq and Kuwait compared with Palestine and Tunisia.

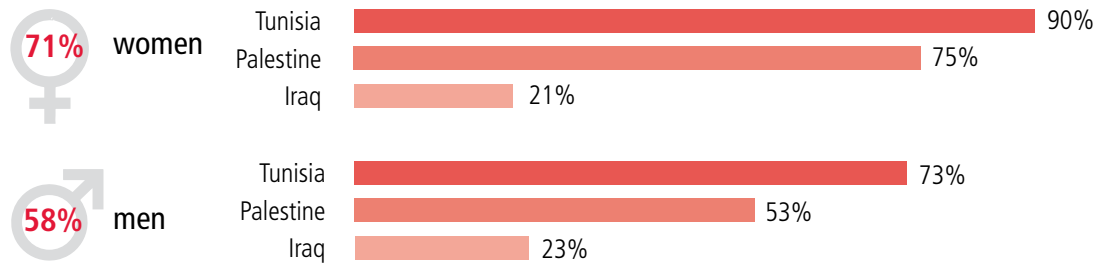
Despite inheritance being the primary avenue for women to acquire land, they still face multiple barriers and social pressure when claiming their inheritance rights. In some cases, claiming inheritance leads to psychological and physical abuse until women are coerced and manipulated to renounce their rights. Furthermore, as the main avenue to acquire land for women and men, inheritance is contributing to issues associated with land fragmentation⁵ in the region.

⁴ The labour force comprises all people in paid work or seeking paid work (unemployed).

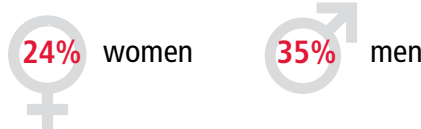
⁵ Land fragmentation is the meticulous sub-division of land between heirs without any correction mechanism, which often results in decreased agricultural productivity, making the landholdings insufficient to sustain a family and reducing their market value.

FIGURE 7. AVENUES FOR LAND ACQUISITION

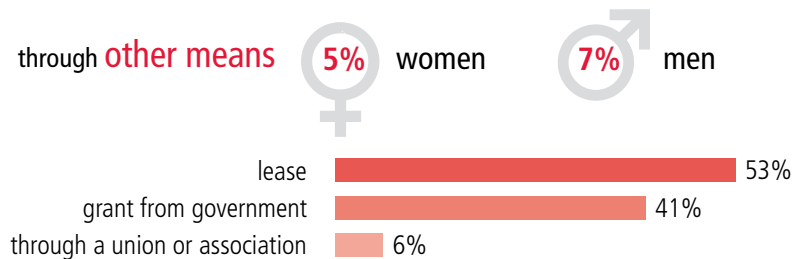
67% through inheritance



27% through purchase



6% through other means



Land use and control

Gender inequalities are not limited to land ownership and land acquisition. The data also highlights the gender disparity regarding use and control over land and the opportunity to secure financial gains from its utilization. Half of respondents use their land or property for economic activities (commercial project, lease, agriculture, etc.), with a higher percentage among men (63 per cent) than women (46 per cent).

Tunisia has the higher percentage of respondents using land for economic activity (70 per cent), followed by

“Male landowners are more likely to manage economic activities on their land, while women are more likely to delegate this to male relatives”

Palestine (40 per cent), Iraq (23 per cent), and Kuwait (at a low rate of 8 per cent). Male respondents are more likely than women to use the land to support themselves and their families (28 per cent, compared to 18 for women). Few respondents answered that they do not use their land.

PART 3

RESEARCH RESULTS AND ANALYSIS

Overall, women who have control over land (19 per cent) are less likely to maximise its use compared to men. The subtle difference suggests that there may be institutional and systemic dynamics that impede women from participating and engaging to maximize the economic potential of their land. Even when women have access and control over land, procuring the necessary equipment and required labour may prove challenging. Other obstacles include the overall capacity to fully engage with the market due to lack of insurance, legal and financial documents.

To further unpack how land ownership relates to decision-making power in terms of financial independence, respondents were asked whether they manage and oversee the economic activity on their land or if they delegate it to others. The results show that the majority manages their economic activity (60 per cent). Yet when data is disaggregated by sex, it emerges that three-quarters of men (77 per cent) while only about half of women (59 per cent) lead economic activities on their land. The highest variation is observed in Palestine and Tunisia.

FIGURE 8. USE OF LAND AND PROPERTIES FOR ECONOMIC ACTIVITIES BY SEX

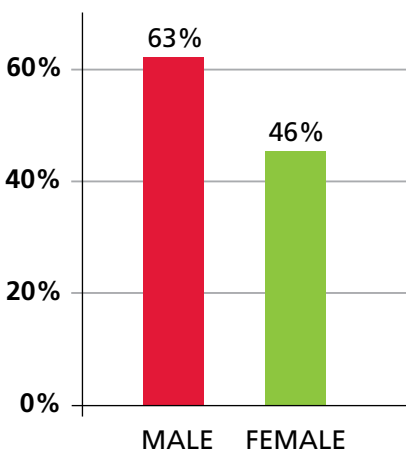


FIGURE 9. RESPONDENTS LEADING LAND-RELATED ECONOMIC ACTIVITIES BY COUNTRY

| | MEN | WOMEN | DIFFERENCE |
|-----------|-----|-------|------------|
| TUNISIA | 68% | 45% | 23% |
| PALESTINE | 85% | 68% | 17% |
| IRAQ | 79% | 63% | 16% |
| AVERAGE | 77% | 59% | 18% |

The percentage of women who delegate the management of economic activity to a relative (41 per cent) was comparatively higher than the men's (23 per cent). Most delegate to their spouse (husband

or wife), followed by their father or close family member. Additional research and analysis are needed to determine whether women receive a fair share of the profits made through the management of their property.

FIGURE 10. MANAGEMENT OF LAND-RELATED ECONOMIC ACTIVITIES BY SEX

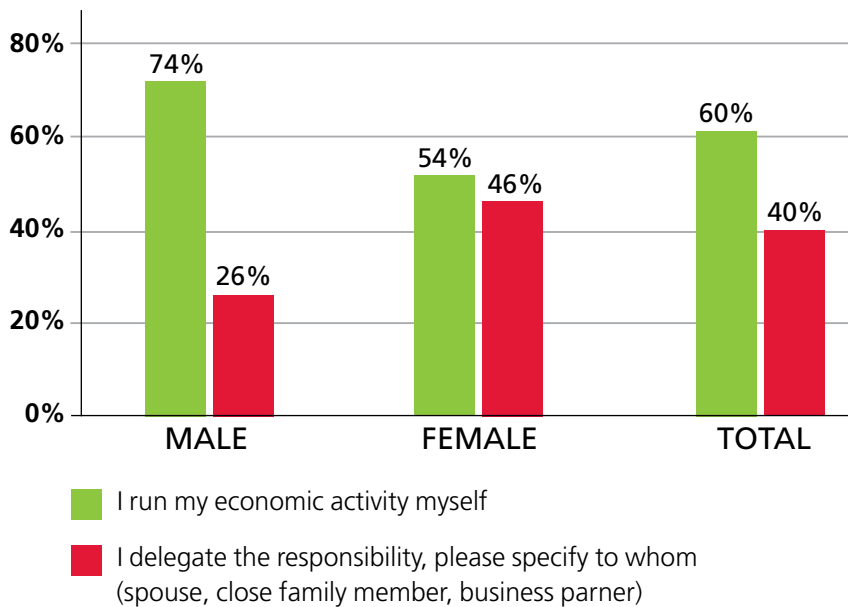


FIGURE 11. PEOPLE DELEGATED TO MANAGE RESPONDENTS' LAND OR PROPERTY

| DELEGATED PERSON | PERCENTAGE |
|---------------------------|------------|
| Spouse | 41% |
| Father | 24% |
| Brother | 8% |
| Son | 7% |
| Mother | 3% |
| Other close family member | 12% |
| Professional partner | 5% |

Awareness of tenure rights

Knowledge and awareness are fundamental to ensuring that right's holders can enjoy their rights. A common trend shows limited knowledge and awareness in all four countries. In the countries (excluding Kuwait), only 20 per cent of males and 12 per cent of females have good knowledge of land tenure rights.

FIGURE 12. AWARENESS OF LAND TENURE RIGHTS BY COUNTRY

| I have a good knowledge of land tenure rights | | |
|---|-----|-------|
| | MEN | WOMEN |
| TUNISIA | 2% | 1% |
| PALESTINE | 26% | 20% |
| IRAQ | 31% | 17% |

It is worth noting that female respondents from Palestine are more likely to know about tenure rights than women from Iraq and Tunisia. For men, those in Iraq are more likely to know about tenure rights than those in Tunisia and Palestine. The presence of international and local NGOs prioritising women's rights in Palestine, and land being the central element of the country's political struggle, may be why women have higher awareness rates. At the same time, the entire conceptual framework of tenure rights, utilization of and access to land is unclear for all respondents. Less than half (48 per cent of males and 41 per cent of females) know that land rights encompass different elements, generally described as "the bundle or rights".

Some respondents realise that land use does not necessarily mean ownership, control or that they can decide what to do with the land. Their understanding of tenure security and land rights relate to their daily practice and relationship to the land, including the obstacles they face that threaten their security of tenure. These are related to economic conditions, natural disasters, displacement, migration, land grabbing, family disputes or the country's economic environment (e.g., having to vacate their land for government or private investments).

The results demonstrate the need for better awareness of land rights. Information from the experts group meeting highlighted that "knowledge" is not merely knowing the right to own and use land. It also means knowing land registration procedures and having accessible land-related services, institutions and departments or services that inform and answer inquiries specific to policies, legal systems, and available resources for women and men. Knowledge and awareness can help empower women to claim their rights and to challenge discriminatory national and international policies more confidently at social, political and economic levels.

Land tenure security and socioeconomic development

Despite the limitations in their knowledge of land rights, respondents agree that having land tenure security benefited them and improved their living standards, including financial, health and nutritional security. The high rates of positive responses reaffirm the correlation between tenure security and human development:

Tenure rights also facilitate better access to resources for communities in general and women in particular.

TENURE RIGHTS HAVE HELPED:

▶ improve living standards



▶ generate higher incomes



▶ secure a more dignified life for family members

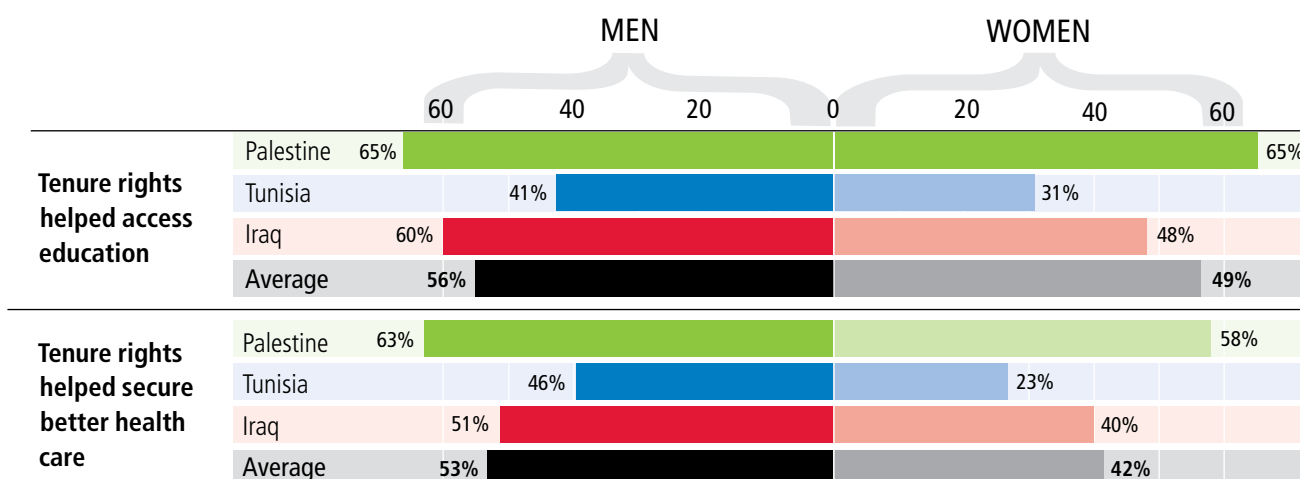


“ There is a positive correlation between land tenure security and human development, healthcare, and education. However, gender inequalities permeating the society make this less beneficial for women ”

There is a positive correlation between tenure rights and access to education and health care. However, this positive correlation, although still significant, has less impact on women. This reflects the structural gender inequalities in the region and the extent to which opportunities are more available and accessible to men and boys than women and girls. Further research is needed to better understand the correlation between land tenure and how people in the region access health and education.

Roughly half of male (56 per cent) and female (49 per cent) respondents state that tenure rights have allowed them to provide employment opportunities for others.

FIGURE 13. CORRELATION BETWEEN TENURE RIGHTS AND ACCESS TO EDUCATION AND HEALTH CARE



Land tenure security and resilience

The respondents’ perception of their ability to withstand potential future shocks informs the connection between tenure rights and overall human security. 64 per cent of women and 58 per cent of men report that enjoying tenure rights makes them feel secure about unexpected future changes. The rates reflect the importance that respondents place on tenure rights alongside their relation to the land and the influence of tenure security on their decision-making capabilities at the family level.

“ 64 % of women and 58 % of men report that enjoying tenure rights makes them feel secure about unexpected future changes ”

FIGURE 14. CORRELATION BETWEEN TENURE RIGHTS AND DECISION-MAKING POWER

| | TENURE RIGHTS ENHANCED DECISION MAKING POWER | |
|-----------|--|-------|
| | MEN | WOMEN |
| PALESTINE | 68% | 71% |
| IRAQ | 65% | 52% |
| TUNISIA | 22% | 33% |
| AVERAGE | 52% | 52% |

A high number of female respondents in Palestine (71 percent) agree that tenure rights provide more decision-making power in the family. This may be linked to Palestine’s strong agricultural sector where more women work in agriculture and fishing than men. For Palestinian respondents overall, the correlation between land tenure rights and decision-making power is stronger than in other countries, which may derive from the symbolic value of land derived from its importance in resisting the settler-colonial features of the occupation (UN General Assembly, 2022).

In Iraq, more than half of women and nearly two thirds of men report that with tenure rights they have more decision-making power. This discrepancy might be due to the gender inequalities in accessing the resources needed to implement the decisions made. In Iraq, women report that even when they have the proper documentation, government policies coupled with the additional challenges posed by instability deny their right to access and maximize the land’s economic potential (NRC, 2020). It is worth noting that the rates of displacement and systemic injustices due to armed conflict in Iraq are disproportionately higher for women, who are 11 times more likely to face obstructions in their attempt to return to their homes (NRC, 2020).

“ There is a positive correlation between land tenure security and enhanced decision-making power ”

Land tenure security, social protection and empowerment

Tenure rights are enmeshed with the right to protection, shelter and access to services. This study examines the extent to which land tenure rights have a positive correlation with access to administrative services. Overall, 38 per cent of men and 36 per cent of women agree that tenure rights enable better access to services.

It is demonstrated that intimate partner violence increases with economic dependence (UNDP, 2022). By enabling better shelter and financial/nutritional security, tenure rights also contribute to protection against gender-based violence: 39 per cent of women and 36 per cent of men feel that secure land tenure rights have a positive correlation with the protection from gender-based violence. On the other hand, literature shows that women may be exposed to gender-based violence when they attempt to pursue or exercise their tenure rights without the social protection of community mechanisms that can ensure safety, accountability and monitoring. This is linked with the overarching patriarchal systems that often put pressure on women to renounce their rights to land and property.

Forty-three per cent of women and 41 per cent of men report a positive correlation between security of tenure and freedom of movement and transportation. The highest rates were observed in Palestine (51 per cent men and 62 per cent women) and Iraq (62 per cent men and 46 per cent women), potentially explained by the high displacement rates and political instability. Finally, land tenure security supports and upholds women's social rights, empowering them to join social movements in their communities. Palestine reports the highest rates (women 61 per cent and men 47 per cent) of increased social participation when enjoying tenure rights.





PART 4

CONCLUSIONS

AND

RECOMMENDATIONS

**SUMMARY OF THE
FINDINGS**

Land tenure security is essential for realising women's and men's rights, enhancing socioeconomic development, creating just and peaceful communities, and increasing resilience and societies' capacity to respond to possible future shocks. The results of the study demonstrate that land tenure security has a positive correlation with empowerment and decision making, access to essential services, health and education, freedom of movement and the reduction of the risk of gender-based violence.

In line with the available literature, however, the study shows that gender gaps and challenges in securing land rights persist in the Arab region. Conflict and political instability are contributing factors, but community dynamics, and families' understandings of rights and gender equality shape these dynamics. While the countries have policies that promote gender justice, their implementation remains limited, showing a lack of political will. This also constrains the mitigation of the impact of future shocks, instability or emergency crises.

The survey confirms that, for men and women, inheritance is the primary avenue to acquire land and properties in the Arab region. This pattern is particularly clear for women, as over 70 per cent of respondents declare to have inherited their land. Purchase is the second most common way, but it is more accessible to men than women. These patterns reflect women's lesser purchasing power and exacerbate women's dependence on their male family members. This also magnifies the negative impact of the widespread inheritance renunciation practices that are very common in the region.

The study also shows that men are more likely to have land registered in their name and as individual ownership, while women are more likely to hold joint ownership, particularly in Tunisia and Palestine. However, ownership alone is not synonymous of decision-making power and financial control. Women are more likely to delegate land-related economic activities to male relatives, which is likely to have an impact on the distribution of financial resources within the family and reinforce gender roles that see men as breadwinners and women as unpaid domestic care providers.

Awareness is a crucial step towards securing land tenure rights; from the research it emerges insufficient knowledge and awareness among men and women regarding land tenure rights and their relationship to overall human development. This negatively affects women and men's land tenure security and has particular negative effects on women in the event of divorce or death of the husband in the absence of adequate documentation (e.g., marital contracts, death certificate, etc.), but also in the case of landlessness or eviction.

In the region, women face challenges that are fundamentally similar to other parts of the world: rigid gender roles, socially predetermined work opportunities and economic activities, unequal power dynamics and discrimination within the family relationships, reduced access to opportunities, ineffective institutions and land management processes, and gender discriminatory customs and traditions. Women's land tenure security heavily depends on social factors and their economic and civil status. This results in disadvantaging further those who already are in a position of weakness. As a diverse group, women's vulnerability and barriers to accessing and enjoying their right to land are compounded during

high-risk situations such when seeking asylum, during migration and internal displacement, in case of extreme poverty, disability, lack of family support, etc.

Besides family and community dynamics, land tenure security for men and women is heavily influenced by policies, national economic strategies, the international markets and agricultural investment patterns by the private sector, including local and international investors. The escalation of armed conflicts and organized violence, military assaults, wars, and land annexations are other important factors hindering the delivery of land tenure security at the community level. Rural and urban areas reflect different problematics due to variations in the ability of people to move freely and access relevant institutions and administrative offices, often situated in urban areas, and in the availability of avenues to raise concerns and complaints before the relevant parties.

RECOMMENDATIONS

Building on the findings of the study, few recommendations are put forward for a more just, equitable, appropriate and gender-responsive socio-political agenda on land tenure security in the Arab region.

Awareness and advocacy

Increase the awareness of all stakeholders, from decision-makers to communities, on the importance of gender equality and land tenure security and the impact they have on men, women, families, and communities. Efforts must be made to reach remote communities, population affected by conflict, and the

youth. The voices of women must be heard, sharing their stories and lessons. The general public needs to have an enhanced understanding and easy access to information about types of tenure and associated rights, key land administration processes, and important laws (e.g., on inheritance laws).

Simplify, translate and popularize laws, administrative regulations and legal documents to make them more accessible. Specific efforts must be made to popularise inheritance laws, counter the negative attitude towards women claiming inheritance rights, and combat renunciation practices. Enhance the understanding of key stakeholders - such as judges, parliamentarians, decision-makers, civil society organizations, and women's groups - about land-related national and international legal frameworks, religious and customary law.

Research, knowledge and data

Continue undertaking field assessments and analysis to refine the understanding of land and gender-related issues, monitor progress, and develop targeted information and awareness messages. Data should always be disaggregated by sex, age and socio-economic aspects (e.g., the relationship with family members, income, area of origin, etc.). Further analyse the nexus between tenure insecurity and the various phases of conflict to draw lessons and design strategic interventions. Develop systematic and up-to-date surveying systems to monitor the violations committed.

Promote the role of civil society organizations in the collection of data, preparation of analysis and sharing of the results, capitalising on their role of mediators between institutions and communities.

Gender-responsive reforms

Reform and align national policies and regulations with international human rights frameworks protecting women's rights, especially housing, land and property rights. Discriminatory laws that are preventing women's access to land (e.g., citizenship laws, guardianship laws, etc.) should be amended. In countries with legal pluralism, harmonize provisions on women's rights to land and property, and ensure that these do not violate the rights of vulnerable and marginalized groups. Develop clear policies and effective protocols to respond to emergencies and crises, prioritizing land tenure security for vulnerable communities and groups, including women.

Review and reform land registration and land administration systems to be more gender-responsive and fit-for purpose, as these systems are challenging to access and navigate for women, the poor, illiterate people and other marginalized groups. Remove practical barriers limiting women's access to land administration services, such as high costs and bureaucratic procedures. Decentralize administrative services from the main urban centres to be more accessible and limit the need for people to travel long distances.

Provide practical support for women at the grassroots level. This includes helping them to access justice, legal assistance, counselling, representation and mediation; reporting violations; and protecting them from gender-based violence.

Inheritance

Regulate and combat inheritance renunciation practices so that women are not coerced to waive their

inheritance rights. This includes developing the capacities of all stakeholders involved in inheritance- and land-related processes, contracting marriages and dealing with the settlement of divorce. Raise the awareness and encourage a holistic approach to estate planning, which complements inheritance with other mechanisms for the transfer of land and properties, particularly for Muslim women (e.g., the use of wills, gifts or donations, dower, etc.).

Promote the use of written marital contracts for defining the property regime of couples at the time of marriage. Encourage joint property arrangements as the preferred property regime even when couples do not indicate any property regime option. Provide legal support, shelter and protection for women and children under threat of violence from family or community members when claiming inheritance rights. Women should have access to non-confrontational land disputes resolution mechanisms to safeguard family relationships.

Women's participation

Promote knowledge-sharing among entry-level female entrepreneurs seeking to use their land for income generation. Develop agricultural initiatives and collaborative working groups in cooperation with women, especially in rural areas. Capacitate women's associations to deal with housing, land and property rights and other land-related issues, to increase women's participation in land-related decision-making bodies and processes, including peace negotiations and land conflict resolution mechanisms. Promote and increase women's employment in the different land-related professions.

PART 5

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PART 6

ANNEXES

ANNEX 1. RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

| COUNTRY | DATE OF ACCESSION OR RATIFICATION | RESERVATIONS | RESERVATION OVERVIEW |
|-----------|-----------------------------------|-----------------------------------|---|
| PALESTINE | 2014 (accession) | No reservations ⁶ | |
| IRAQ | 1989 (ratification) | Article 2 (f); (g); 16, 29 (1) | <p>2.f: To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women 2.g: To repeal all national penal provisions which constitute discrimination against women.</p> <p>16: 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration. 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.</p> <p>29.1 Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that is not settled by negotiation shall be submitted to arbitration at the request of one of them. If within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.</p> |

⁶ OHCHR, 2017: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PSE/INT_CEDAW_NGO_PSE_29031_E.pdf.

ANNEX 1. RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN (CEDAW) ... continued

| COUNTRY | DATE OF ACCESSION OR RATIFICATION | RESERVATIONS | RESERVATION OVERVIEW |
|---------|-----------------------------------|-----------------------------------|---|
| KUWAIT | 1994 (ratification) | Articles 9 (2); 16 (f); 29 (1) | <p>9.2: States Parties shall grant women equal rights with men with respect to the nationality of their children.</p> <p>16. f: The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases, the interests of the children shall be paramount.</p> <p>29. 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.</p> |
| TUNISIA | Tunisia2008 (ratification) | No reservations | |



UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT)

UN-Habitat helps the urban poor by transforming cities into safer, healthier, greener places with better opportunities and where everyone can live in dignity. UN-Habitat works with organizations at every level, including all spheres of government, civil society and the private sector, to help build, manage, plan and finance sustainable urban development. Our vision is cities without slums that are liveable places for all, which do not pollute the environment or deplete natural resources. More information at www.unhabitat.org.

THE GLOBAL LAND TOOL NETWORK (GLTN)

GLTN aims to contribute to poverty alleviation and the Sustainable Development Goals through land reform, improved land management and security of tenure. The network has developed a global land partnership. Its members include international civil society organizations, international finance institutions, international research and training institutions, donors and professional bodies. It aims to take a more holistic approach to land issues and improve global land coordination in various ways. For further information, visit the GLTN web site at www.gltn.net.

THE ARAB LAND INITIATIVE

In 2016, GLTN Partners, led by UN-Habitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promote innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level. The Research Innovation Fund is one of the streams of work of the Arab Land Initiative. For more information, visit the Arab Land Initiative web site at www.arabstates.gltn.net.

THE UNION OF AGRICULTURAL WORK COMMITTEES (UAWC)

The Union of Agricultural Work Committees (UAWC) is the largest agricultural development institution in Palestine. UAWC was established in 1986 in response to the vulnerable socio-political circumstance faced by Palestinian farmers, as a result of the Israeli occupational policies. Their projects vary from agricultural land development, implementation of water supplies, capacity building, development of rural women's livelihoods, legal awareness, emergency response, and other agricultural development projects. For more information, visit the UAWC web site at www.uawc-pal.org.

ABOUT THIS PUBLICATION

This study contributes to the body of knowledge documenting the positive correlation between land tenure security and socioeconomic development in the Arab region. It analyses the factors affecting women's land tenure security and explores the extent to which land tenure impacts the access to basic services and the participation in decision-making of women and men, as well as their perceived security, resilience and protection from gender-based violence. It provides recommendations on awareness and advocacy, research and data, gender-responsive reforms, women's inheritance rights and participation.

This study draw information from literature review, consultations and in-depth field assessments conducted in Palestine, Tunisia, Iraq and Kuwait. The results of the field assessment are disaggregated by sex and analysed to describe the gender-related patterns in the region.

HS Number: HS/010/23E

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