

# Gender and Land Release: The Responsibility of the Mine-action Community

by Marie Nilsson, Virginie Rozès and Juliane Garcia [ Swiss Campaign to Ban Landmines ]

In many countries, men are considered the sole landowners, leaving women with few property rights. Yet women are disproportionately affected when men are killed or injured by landmines, as they can be left with few resources after such tragedies.

Land is a basic source of wealth, social status, power and well-being. It is also a major source of employment in rural areas.<sup>1</sup> When land is affected by landmines, however, the use (and sometimes ownership) of it is modified, as key land is blocked and access to services is

To that end, the land-release process triggers many challenges from a gender perspective. Women and men have to leave or stop using the land because mine contamination makes it too dangerous on which to live and/or conduct daily activities. But what happens once the land is cleared and ready to be returned to citizens in the communities? Are women and men equally involved and consulted in the process of releasing the land? Who decides how the cleared land is going to be used and by whom? Do women and men have an equal say in these decisions? What are mine-action organizations' impact and responsibility in this process? This article will try to answer these questions by exploring the importance of integrating the perspective of gender into land-release procedures.

## Women's Disadvantages and Mine Action

Land policy is a delicate issue to which there are many gendered aspects. In some countries, land legislation favors males. Under customary law, which exists in many societies, males are in most cases considered to be the owners of the land. In those situations, women may only have access or rights to use the land because of their relationship with a male relative. These cultural rules greatly impact women as they prevail over written laws, which may actually allow them to own land.<sup>1</sup> In cases in which the law recognizes and protects women's rights to land (such as property- and land-ownership rights, equal inheritance rights for daughters and sons, and marital property for women),<sup>1</sup> enforcement of these laws is difficult. In Colombia, for example, due to the armed conflict, both women and men face problems accessing their land. Women, however, are discriminated against in a disproportionate manner; although legally they are entitled to land ownership, in practice they struggle

limited. Women, girls, boys and men living in mine-affected communities can no longer fulfill their daily activities without the risk of becoming victims of landmines. Thus, the main objective of humanitarian mine action is to clear land with the aim of releasing it to the civilian population as quickly, safely and cost-effectively as possible.



On the way to collecting water, Bangladesh.  
PHOTO COURTESY OF UNHCR/ S. KRITSANAVARIN

to exercise this right. As a consequence, when demining activities take place and land is released, women often lose access to their land as a result of gender-based discrimination. Moreover, profits made from these land areas seldom benefit women. Statistics reveal that women own less than 5 percent of the world's titled land.<sup>2</sup>

Furthermore, women do not always have access to information about their economic and legal rights, and if they do, they are often reluctant to exercise

them and powerless to effect change or to participate in any decision-making process. Due to illiteracy (proportionally higher among women as compared to men) and, in many cases, their secondary social status, women do not feel confident enough to stand up for their rights. Thus, daughters would rather concede their rights to brothers to avoid conflict, and wives and daughters may not insist on having their names included on the title to household land because of potential conflict with their husbands or families.<sup>1</sup>

In such a context, it is problematic for mine-action organizations to carry out their work without taking into account the discriminatory environment in which land release is taking place.

**Challenges for female-headed households.** The challenges relating to gender and land release are even more acute for female-headed households. Since most direct victims of landmines are men, women living in mine-affected communities become heads of households or caregivers to their injured husbands—a role they have not been prepared to undertake and for which the laws on land ownership are not suited. The head-of-household role raises many questions, including what happens to women injured by landmines who become *de facto* heads of households as a result of abandonment or divorce, and what happens to those who become widows due to their husbands' deaths. Will they be deprived of their access to land as they do not have the legal right to inherit it? These issues should be a concern for mine-action actors and be taken into account in land-release procedures.

**Discriminatory mine-action practice.** Land release does not start when the clearing is over—it starts much earlier and is part of the initial prioritization process. The land goes through general-assessment activities which consist of collecting and analyzing information and, if necessary, performing clearance. Analyzing information, i.e., the Technical Survey, is the technical verification of the presence or absence of landmines. The process ends with the handover of the land once it has been cleared of landmines deemed releasable due to the absence of a landmine threat.

Ideally, in line with arguments that view gender equality and equity as crucial for a balanced outcome, all the different phases of land release should be based on equal participation and involvement of female and male mine-action beneficiaries. Yet in reality, women are often being left out of mine-action implementation and decision-making processes. Stereotypically, the mine-action process often operates in a way that is not always sensitive to female workers. A mine-action organization or a national mine-action authority (generally represented by a man) meets the community or the local representative (another man) to discuss the elaboration of land-release procedures. In this male-dominated, homosocial environment, women are often unable to meaningfully express their concerns. This discrimination based on gender not only deepens inequalities within the local community, as men will make a decision without taking women's points of view into account, but may also cause severe consequences for the community. For instance, many areas exclusively used by women for the sake of the

whole community (such as routes to collect firewood or fetch water) are at risk of being left out of the prioritization process.

### Gender Issues in Land Release

To ensure fair land-release procedures, mine-action authorities and other responsible land-release organizations need to adopt a gender-sensitive strategy. This approach requires a gender analysis be implemented regarding the access and use of the land by all members of society and that gender-disaggregated information is systematically collected. This process implies looking at many crucial issues such as:

- Women's legal right to own or utilize land for long periods of time
- Women's customary and socially accepted right to own or control land
- Women's ability to claim and/or enforce their legal rights, in particular, in the special cases of single, divorced or widowed women, as well as polygamous relationships
- Women's access to information<sup>1</sup>

**Gender training for staff.** In order to carry out the process described above in a gender-sensitive manner, mine-action staff should be trained on the gender dimensions of mine action. Staff, both at headquarters and in the field, need to be aware that mine-action activities do not benefit males and females equally and that gender equality does not happen by itself but only if active measures are undertaken to ensure an equal and fair outreach. Gender training must therefore be mandatory and considered just as important as other technical competencies needed to fulfill the goals of mine action.

**Land-release certificates.** Mine-action organizations should investigate if procedures required to receive land certificates or post-clearance titles act as barriers for women to receive land. If the land was purchased by a couple, land-release authorities should register land certificates in both spouses' names to ensure legal ownership for both women and men, instead of titling the land only to male household heads, as is often done.<sup>1</sup> There may also be administrative barriers regarding issuing these certificates to women, as women might not have either access to the valid information or the knowledge (e.g., literacy) or the power to claim the land.

**Advocating for a change.** Mine-action authorities, responsible land-release organizations and donors should formulate specific gender-related conditions for the implementation of the land-release process and/or the disbursement of funds. The first step would be that mine-action organizations explicitly commit themselves to gender equality as a fundamental principle for all their

work. This commitment could also imply integrating the land, housing and property rights of women into the land-release agreement, making sure that governments are provided with technical assistance to abolish laws or practices that discriminate against women on issues concerning inheritance and ownership<sup>3</sup> and raising awareness in the community on the topic.

**An equal and meaningful consultation process.** Mine-action organizations should evaluate the needs of all the members of a community. Furthermore, the economic and social impact of the land-release process for these groups at an early stage by consulting both women and men, ensuring not only quantitative but also qualitative participation. If all voices are not heard at the outset, it will be very difficult to hear them once the handover of the cleared land is taking place. Some questions that need to be addressed include: Whose needs are taken into account? How will the land be used and by whom? Will the activity for which the land will be used reach women and men equally?

It is also necessary to ensure that women and men in mine-affected communities receive information that land has been cleared and is ready to be used. Women and men might not have the same access to information, so the channels for conveying this message should be broad and include a variety of methods. For example, informational material must be distributed through as many means as possible, including services exclusively used by women, for example, through midwives or women's groups. As women often suffer illiteracy to a greater extent than men, communication methods should include verbal/auditory, visual and other non-written forms.

Before the actual release of land takes place, a formal handover process should occur. This procedure involves thorough documentation signed by the future users of the land, the local community authorities, representatives from the organization that carried out the assessment and the national authorities.<sup>4</sup> It involves meetings with local authorities and representatives from the populations who will use the released land.<sup>5</sup> However, just meeting the community leaders or local authorities does not necessarily mean that all views will be reflected. Authorities must actively seek this information.

**Linking mine action to development.** Demining organizations often operate under a single mandate: to clear a specific, marked area of landmines and other explosive remnants of war. What happens at the end of this process is often not controlled or within the organization's mandate. Mine action, however, does not occur in a vacuum. Mine clearance, regardless of who is undertaking the activity—national teams, commercial



Albanian women cultivate food after returning to Kosovo.  
PHOTO COURTESY OF UNHCR/ R. CHALASANI

companies or local and international nongovernmental organizations—is often part of a larger plan in which goals and expectations go further than just the removal of landmines. If clearance is put into its broader development context, land release goes from focusing on land to people—the women, girls, boys and men in the mine-affected communities. Thus, in a larger perspective, mine action must be integrated, taking into account the aftermath of the handover of the land and human consequences of that handover. It also must link with development schemes such as livelihood projects, community-development activities and ideas of reconstructing rural infrastructure. It is therefore necessary to involve local populations of women and men in the reconstruction process to ensure equal rights and protection as they return to the released land. Mine-action organizations, while implementing the land-release process, should link up with development organizations to ensure fair and equal post-handover rights.

### Possibilities for Change

Mine action is currently in a transition process in which the focus is shifting from the number of square meters cleared to the beneficiaries, i.e., all affected stakeholders in mined communities. However, despite positive recognition that gender equality is a precondition for successful mine action, many actors are still reluctant to redefine the sphere from purely technical to one that takes a greater responsibility for sustainable development. In this regard, mine-action organizations need to be aware that women may have different needs, preferences and priorities for land use compared to men. Since women and men usually perform different activities, the



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land use may not necessarily benefit both genders equally. In patriarchal societies, men may not have the knowledge or understanding to address women's concerns, and women may not be encouraged to talk about the issues.

Frequently excluded from peace processes and mine-action activities, women are likely to suffer continued violence and discrimination in reconstruction and rehabilitation activities, as well as human-rights violations.<sup>6</sup> Many displaced women returning home after a conflict face difficulties securing access to housing, land and property. In fact, they may be culturally or legally denied access to it.<sup>3</sup>

If there is no involvement or participation of both genders in a community from an early stage of the mine-action program, these programs not only carry the risk of sustaining existing inequalities, but, more dangerously, may exacerbate them. A sound mine-action



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plan takes precautions to ensure that land-release processes benefit all members of society equally. ♦

*See Endnotes, page 62*