

## Policy pointers

**Senegal's administrative** authorities should ensure the rigorous application of gender equality within local 'commune' level land commissions, in accordance with current legislation.

**National government** and parliamentarians should enshrine participatory and gender-sensitive tools for local land governance within the relevant law(s).

**Regional authorities** should establish and deploy inclusive land governance tools, as well as ensure gender equality is respected in all decision-making bodies, boards and strategic committees at 'commune' level.

**Civil society** organisations have an important role in implementing participatory and inclusive approaches within land-related projects, and in equipping stakeholders with the skills they need to address land governance challenges.

## Women and land in Senegal: promoting inclusive and participatory governance

In Senegal, despite clear legislative progress towards gender equality and the huge contribution women make to the rural economy, they remain in the minority or even absent from strategic and operational land governance bodies at 'commune' level. Furthermore, the legal recognition of the principle of citizens' engagement in public affairs is not accompanied by any working mechanism to ensure that grassroots communities are able to participate — effectively excluding women and other marginalised groups from taking part in land governance. In recent years, civil society organisations have worked with rural communities to develop tools for participatory and inclusive land governance which aim to increase the number of women involved in local land governance and improve the quality of their participation. Here, we share results, lessons and recommendations arising from these local innovations.

Rural women have an indisputable role in the Senegalese economy, representing nearly 70% of the rural workforce and producing more than 80% of the country's crops, particularly food crops.<sup>1</sup> Moreover, these figures do not consider women's 'reproductive work' (cooking, housework, childcare and so on), which contributes significantly to Senegal's GDP. But despite this key economic role and legislation that guarantees women's access to land and establishes gender equality in elected institutions (see Box 1), in practice they lack control over land, greatly limiting their agency. Women generally have only restricted and temporary access to farmland through their male relatives and little or no involvement in land governance; as a result, they often suffer the consequences of decisions they had no part in.

This situation is aggravated by increasing pressures on land, particularly from projects drawing on natural resources and the outward sprawl of towns and cities. Following the adoption

of the law on gender equality in elected institutions in 2010, the proportion of women elected as municipal councillors increased (from 10.90% in 2007 to 47% in 2014). But according to l'Union des associations d'élus locaux (the Union of Associations of Local Elected Officials), this jump in political representation was not reflected in local land commissions, where gender equality should also apply (see Box 2).

Although there are no statistics on the number of women sitting on land commissions, civil society organisations (CSOs) working at the local level in Senegal have universally noted their near absence (land commissions operate at the 'commune' level, a fourth administrative tier under country, region and department). In the communes where the IED Afrique-led 'Gender, Land and Accountability' (GLA) project operates, there was no record of women on land commissions when the project began in March 2021. While the increase in women councillors suggests progress at

municipal level, they are usually relegated to technical commissions which reflect gendered reproductive roles (such as health or education), limiting their influence on land governance.

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### **Institutional landscape reflects socio-cultural norms**

The almost total absence of women on land commissions seems to reflect local socio-cultural norms and practices. In Mbadakhoune — a commune comprising 28 villages and 16,701 people — a survey conducted as part of the GLA project showed that decisions about managing family land are essentially men's responsibility, either the husband (78% of cases) or an older male relative (13%). In the Darou Khoudoss commune — which comprises 69 villages and is projected to have a population of 73,000 by 2025 — land remains a shared asset and is generally managed by the head of the household, 79% of whom are men.<sup>5</sup> So in reality, family practices seem to exclude women from decision making on land management.

This situation is perpetuated by socio-cultural norms which associate women with domestic rather than political and economic roles and responsibilities. Confining women to domestic settings greatly restricts their participation in economic and political decision-making processes at all levels (household, community and regional), and limits their ability to secure access to land and take up their rights.

Socio-cultural constraints make it difficult to implement the national legal frameworks supporting women's participation in public life at the local level — particularly within land commissions. To challenge this, devolved administrative authorities must deploy 'legality checks': a formal process that determines whether gender equality law is being

rigorously applied at commune level. In doing so, devolved authorities help to ensure that women have the opportunity to play an effective role in local land management. Awareness-raising activities are another important factor: if communities can see for themselves why it is important to include women in land governance, they are more likely to accept and adopt measures to do so.

### **Lack of inclusive governance mechanism at grassroots level**

In addition to the issue of women's exclusion from land governance at commune level, the legally recognised principle of citizen engagement in public affairs<sup>6</sup> is not accompanied by any operational mechanism to allow community participation at village level (each commune can include up to 70 villages). This means public land used by communities for farming and housing is essentially managed by the commune's land commission (see Figure 1), leaving little room for community involvement and effectively shutting out marginalised groups, including women and young people.

The ability to govern land at grassroots level is essential to good governance practice, particularly in terms of promoting transparency and citizen engagement, which in turn help marginalised groups to become more involved in the management of local affairs. Decentralisation of land governance is a principle enshrined in the Senegalese Constitution (Article 102) and in the African Union's 'Framework and Guidelines on Land Policies in Africa'.<sup>7</sup>

To deliver on this principle, Senegal's decentralisation policy should be complemented by inclusive mechanisms that promote citizen engagement at the local level (in zones, villages, even sections of villages) and enable all social groups to play an active role in developing and implementing local land policies. In recent years, several CSOs have worked with communities to develop tools to promote participatory and inclusive land governance at different levels.

#### **Box 1. Gender equality legislation in Senegal**

Article 7(5) of the Senegalese Constitution states that "the law promotes equal access of women and men to offices and functions". Law 2010-11 of 28 May 2010 subsequently introduced gender equality between men and women in all fully or partially elected institutions. An implementing decree specifies the institutions concerned, which include municipal and rural councils and their bureaus and commissions.<sup>2</sup> This means commune land commissions — key stakeholders in land governance (see Box 2) — should comprise at least 50% women.

#### **Box 2. Land commissions: a key player in local land management**

Land commissions are a body operating at commune level, with a key role: they act as the devolved authority for state-managed public land. They are a technical body, composed of municipal councillors and created at the discretion of the municipal council.<sup>3</sup> Each land commission is responsible for: assessing applications to allocate or withdraw rights to use land for farming or housing; enforcing its decisions (it therefore conducts local social and land-based surveys);<sup>4</sup> and helping the municipal council prevent and resolve land disputes to ensure social peace.

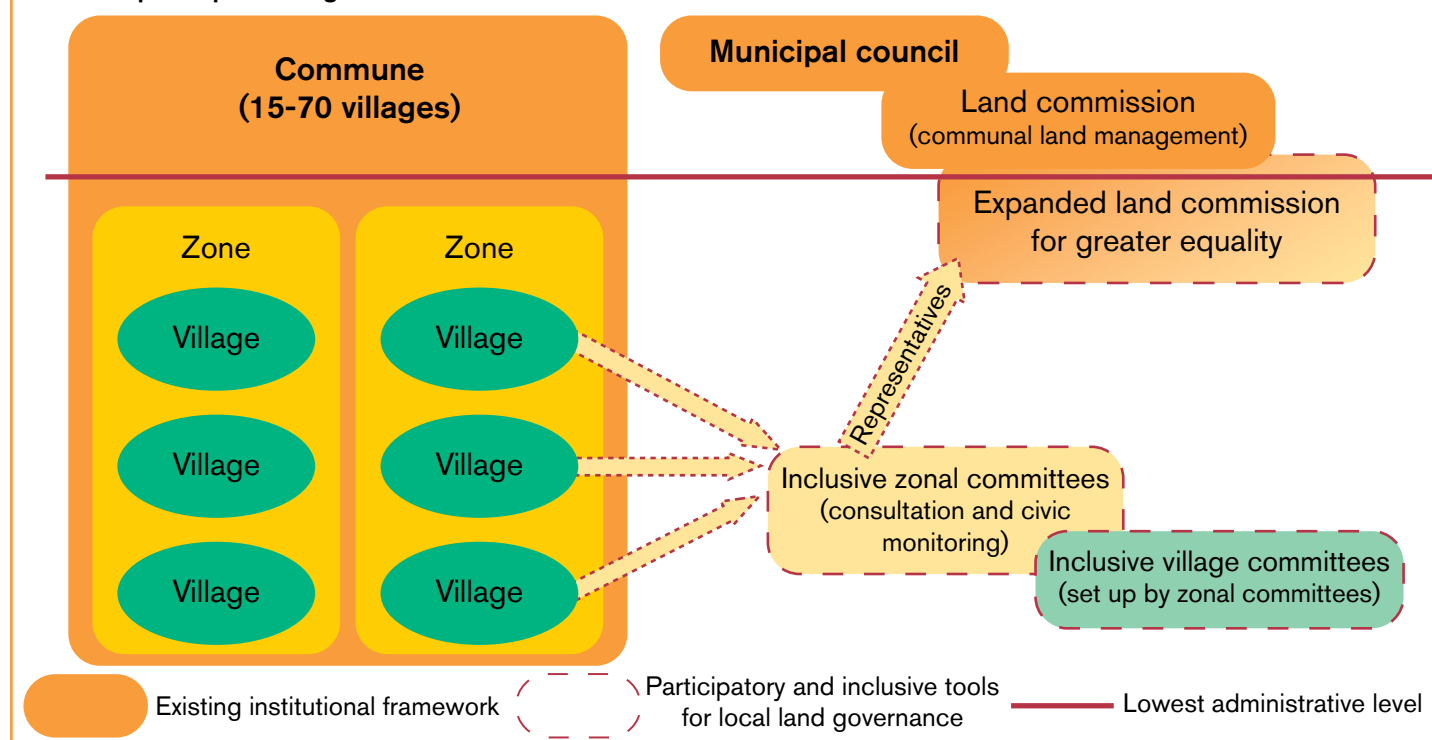
## Tools for inclusive and local participation

As part of the GLA project, IED Afrique supported community members in Mbadakhoue and Darou Khoudoss to develop governance tools which would increase inclusion and participation in land tenure decisions. The tools

they developed include inclusive, gender-balanced 'zonal committees' (see Box 3) and expanded land commissions (see Box 4).

In both locations, community members also developed their own 'communal land governance charter'. The charters provide a framework for governing land within the commune, by

**Figure 1. Land governance within communes: showing existing institutional framework and proposed tools for inclusive participation at grassroots level**



### Box 3. Inclusive zonal committees

Zonal committees have been developed to work at a specific local level (within a commune, a group of villages form a 'zone', see Figure 1).<sup>8</sup> The committees seek to be inclusive, with representatives from different socio-professional groups in local land governance (particularly women and young people), an approach which strengthens participatory democracy and decentralisation. Zonal committees must also include an equal number of men and women. Members are appointed by community stakeholders at a constituent assembly. Zonal committees act to:

- Create spaces for consultation, raising awareness and discussing land governance issues at a local level;
- Support regional authorities in implementing local land governance policy and strengthening public accountability;
- Help prevent and manage land disputes and promote a peaceful society;
- Strengthen women's land rights in terms of secure access to land, which is a marker of socio-economic power.

A zonal committee may also decide to create inclusive committees at the village level.

### Box 4. Expanded land commissions

Locally known as 'Commissions domaniales paritairement élargies' (CDEs), these expanded versions of the land commissions have a more inclusive membership. CDEs are purely consultative bodies; their role is to participate in the work of the communal land commission, seeking to strengthen participatory, inclusive and transparent land resource management at commune level, and to improve accountability.

The principle of the expanded land commission is captured in its name: these bodies seek to involve representatives of all the various socio-professional groups within the commune (young people, women, farmers, herders, religious and customary authorities, and so on) in the land commission's various missions (examining allocation requests, social land surveys and so on). CDE members can be selected through zonal committees, creating a path for issues identified at zone level to be escalated to commune level.

recognising and setting out expectations for the tools agreed upon by all stakeholders.<sup>9</sup> Amongst other things, the charters clarify the links between the zonal committees, the CDE and the commune's land commission.

To support implementation of zonal committees and CDEs and development of the charter, IED Afrique used an integrated and iterative approach based on three pillars: capacity-building, awareness-raising, and social negotiation with customary and local authorities. Activities included capacity-building sessions for women and 'positive masculinity' sessions for men. Raising awareness among customary and religious authorities (village chiefs, imams, priests) and local men on the importance of gender equality in land governance is crucial for its practical implementation. Moreover, many women played an active role in developing the tools: in Darou Khoudoss, 57% of participants were women, and in Mbadakhone, 41%.

While CSOs such as IED Afrique provided technical and financial support to get the tools up and running, these innovations are first and foremost developed by and for local communities, reflecting their willingness to participate in different levels of land governance and local dynamics. So, while the implementation of these tools should always be participatory and inclusive, the way they are set up and run may vary according to the socio-cultural and political context of each commune or village. In the five zones of Darou Khoudoss, for example, social negotiations with village chiefs were led by local female leaders, resulting in many women and young people sitting on zonal committees.

Furthermore, in both Darou Khoudoss and Mbadakhone, women's organisations played a key role in setting up the CDE, enabling them to participate in commune decision making and ensure compliance with the communal land governance charter. Five women became members of the CDE in Darou Khoudoss and four in Mbadakhone: 50% of the membership in both cases.

In both communes, the municipal council validated all of the tools through deliberation, giving them legal legitimacy in addition to the social legitimacy already acquired through the participatory nature of the design process.

Implementing these tools has contributed greatly to promoting democratic and inclusive governance of land resources at local level in these communes. The CDEs and the zonal committees should help to address the exclusion of women from land management at different levels, introducing greater fairness and transparency. Setting up a CDE in both communes should also enable women to take part in the land allocation deliberations and in the land commission's social land surveys.

While experience with these tools is still limited, initial results are encouraging. However, creating such innovations remains demanding both in terms of time and respect for the principles of participation and inclusion, both of which must be taken into account if they are to be embedded locally and taken on board by stakeholders.

### Recognition, promotion and ownership

Despite Senegal's legal provisions on gender equality and its commitment to the principle of citizen engagement, local land governance remains in the hands of a restricted group at commune level. Current practices do not allow for the real involvement of grassroots stakeholders, particularly women, young people and other marginalised groups; authorities rarely use the inclusive local governance tools introduced by CSOs to involve both women and men in land tenure decisions.

In addition to ensuring that the law on gender equality is rigorously applied within land commissions, both national and regional authorities must legally recognise, establish and implement participatory and inclusive land governance tools. In doing so, they will facilitate inclusive, local and fair land governance in Senegal. CSOs have an important role to play in deploying the tools, particularly by supporting women to grow their capacity and ensuring that all community stakeholders are involved — it is especially key that customary and religious leaders and men also take ownership and become strong allies for rural women.

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## Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges

Innovation, Environment and Development in Africa (IED Afrique) is an independent organisation based in Senegal that works on issues of sustainable development and citizenship in Africa with a focus on methodological and participatory innovation.

Gender, Land and Accountability (GLA) is an action research project implemented by IED Afrique that aims to promote inclusive and participatory land governance to improve women's land rights in Senegal. GLA is part of a wider IIED initiative, Women's Participation in Land Governance.

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## Notes

<sup>1</sup> Republic of Senegal, Ministry of Women, Family and Social Development (2015) National Strategy for Gender Equality and Fairness. <https://bit.ly/3XDYrcT> / <sup>2</sup> Republic of Senegal, Ministry of Culture, Gender and Living Conditions (2013) Decree No. 2011-819 of 16 June 2011. <https://bit.ly/3kBYwim> / <sup>3</sup> Article 156 of the Code of Regional Authorities (CCT): "The municipal council MAY establish commissions to consider matters within its jurisdiction" (our capitalisation). / <sup>4</sup> A social land survey is a field visit to assess the status of a plot of land for which an allocation application has been submitted. / <sup>5</sup> IED Afrique and IIED (2021) Brief 6: Baseline study to better understand land governance issues and challenges in the commune of Darou Khoudoss. Dakar, Senegal. <https://bit.ly/3DhwO15> / <sup>6</sup> Republic of Senegal (2013) Law No. 2013-10 of 28 December 2013 on the General Code of Local Authorities. Articles 7 and 83. <https://bit.ly/3j8sgTH> / <sup>7</sup> AUC-UNECA-AfDB Consortium (2010) Framework and Guidelines on Land Policies in Africa. Addis Ababa, Ethiopia. <https://bit.ly/407O7LO> / <sup>8</sup> A zone is a grouping of several villages and is an intermediate land governance level between the commune and the village. / <sup>9</sup> These agreed rules must, of course, comply with the legal framework in force.

