



REPORT

High-level dialogue between rural women of the Kilimanjaro Initiative, the African Union, and leaders of land governance in Africa.

From February 24 to 25, 2021

With the support of



From February 24 to 25, 2021, a high-level dialogue between rural women, the African Union, and the leaders of land governance in Africa was held at the Yilaa headquarters in the Dodji district in Porto-Novo in Benin. This virtual dialogue saw a meeting point of ten members of Yilaa Benin including six women and four focal points namely: Nigeria, Burkina-Faso, DRC and Senegal.

First day

The various exchanges made it possible to retain a special speech to present to the dialogue and summarized as follows:

As you know, who says Yilaa says youth and who says youth says young girls and young boys; both sexes therefore; which moreover represent the spearhead of the future of the world. This justifies Yilaa's commitment and determination to promote women's access to land alongside the Kilimanjaro Initiative. And when we say women, we think of the girl, woman in the making, we think of the young woman, the old woman, the able-bodied woman, the disabled woman, the urban woman, the rural woman etc. this justifies our fight to promote women's access to land.

Overall, our observation at Yilaa is that the problem of women's lack of access to land is common to all African countries, but to varying degrees. There is a remarkable gap between existing laws and practice, i.e. the implementation of said laws. Yilaa therefore has an obligation to find solutions.

During our work yesterday, we asked ourselves whether the legal arsenal of our countries includes provisions specifically intended to facilitate women's access to land. This question allowed us to examine several documents, namely the constitution, the laws for the rights of women, the land laws; we

also looked at the specific case of people with disabilities and the laws that protect inheritance.

In Benin, for example, the constitution guarantees equal rights between men and women Art 22.

Regarding laws for women's rights, there is in Benin the code of persons and the family.

Let us now come to the land laws; At this level, there is in Benin, the land and property code which, in its article 6, includes provisions to protect the land rights of women.

Regarding the disabled, there is in Benin, the law 2017 - 06 of September 29, 2017 on the protection and promotion of the rights of disabled people in the Republic of Benin. In its article 2, this law protects, promotes and ensures the full and equal enjoyment of all human rights and all fundamental freedoms. Also in this law, article 4 insists on non-discrimination and equal access to land.

In conclusion, we can say that Benin fulfills the various theoretical criteria. But what about other countries?

In Burkina Faso, like other countries whose fundamental laws do not really enshrine women's access to land, now integrates the principle of gender with a view to greater social justice and development. fair.

Thus, although the legislative and regulatory texts enshrine this principle, "the implementation of women's land rights remains confronted with socio-cultural and economic constraints. This is the cause of the poor ownership of the land securing process by rural women ", according to a study on land security conducted by OUEDRAOGO Z. Fabrice, Lawyer, Research Engineer

at the Institute of Sciences and Societies (INSS) / CNRST and member of YILAA BURKINA FASO. It should be noted that the current land system in Burkina Faso is governed by two legal texts. These are Law No. 034-2009 / AN of June 16, 2009 on rural land tenure and Law No. 034-2012 / AN of July 2, 2012 on agrarian and land reorganization (RAF) in Burkina-Faso. Women's land rights in current regulations are based on a participatory process and guaranteed land rights. FAO guidelines 6 and 9 on land governance encourage member states to put in place legal frameworks that take into account the participation of vulnerable groups in decision-making. So it is with the participation of women in land institutions. The analysis of Burkinabé land regulations reveals two modes of participation of women in decision-making processes: direct participation and indirect participation. Regarding the first type, women take part directly in decision-making through their representatives in the same way as other socio-professional categories. So it is with the process of adoption of land charters. Indeed, art. 13, al 6 of Law No. 034-2009 / AN of 16 June 2009 on rural land establishes local land charters (6) which determine the specific rules relating to the types of positive action to be initiated at the local level in in favor of vulnerable groups, especially women. This law is the result of the national rural security policy adopted in 2007 (7). A law which does not expressly mention the principle of gender but gives its content as having to promote equitable access of all rural actors to rural lands, without distinction of ethnic origin, sex, religion, nationality and of political affiliation (Art. 7). The participation of women in decision-making bodies is given in the texts of application of the aforementioned law. In fact, in the village land commissions (CFV), women have two representatives. This also applies to the land conciliation commission (CCFV). These two commissions are basic decision-making structures at the village level. At the municipal level, women

are members of the municipal commission for planning and sustainable development of the territory. In the developed perimeters, women take part in the work of the various allocation committees. The legal bases of this participation are found in articles 8 and following of decrees n ° 2012 -705 / PRES / PM / MEF / MATDS / MAH / MRA / MEDD of September 6, 2012 adopting the general specifications for the occupation and the family-type exploitation of plots of hydro-agricultural development and the same articles of decree n ° 2012-706 / PRES / PM / MEF / MATDS / MAH / MRA / MEDD of September 6, 2012 adopting the general specifications for the occupation and family-type exploitation of land developed for rainfed crops. Beyond the village and the commune, the participation of women in the decision-making process is indirect. This means that women are represented by the services of the ministerial departments in charge of the advancement of women. These services are responsible for guaranteeing equal rights of access to land resources. It also reflects a recognition of women's right to these resources. To conclude, a synoptic view was projected by our focal point in Burkina Faso where in fact, women's access to land remains a more or less taboo subject. According to the study carried out on 07/10/2019, in the municipality of Zitenga, by OUEDRAOGO Z. Fabrice, It appears that from the rights conferred, the young girl usus (no), the married woman, menopausal and widowed, usus (on authorization of the head of household). With regard to abuse, young girl, married woman, menopausal and widow abuse (no) and finally, for the fructus (yes) for the whole defined by her social status. The married woman, under the guise of her husband, has the right of exploitation but not that of property. Only the "old woman" has the usufruct: she can use it, own it for having been a member of the said family for almost all of her life. But at the same time she does not have the right to sell this land because they say, "The sale of land by women is a source of misfortune". However in Benin, and

according to our focal point in Senegal who also participated in this dialogue, the legal framework is very favorable.

In view of all the above, Yilaa fully approves and espouses the charter of demands of the Kilimanjaro initiative. Pending the vote of this charter, Yilaa recommends that a certain number of actions be initiated:

- ✓ promote the presence of women in concrete actions in the field
- ✓ set up a toll-free number in member countries to collect complaints from women who have difficulty accessing land
- ✓ organize regular training and workshops on good land practice techniques for women
- ✓ help to have an agricultural lease under an endorsed loan
- ✓ Popularize the texts and follow them in the field.

Second day

Started at noon Benin time, the dialogue was attended by several panelists whom we followed closely on the issue. We participated with enthusiasm and raised the concern of the degree of involvement of young people in this important fight for women's access to land. This concern was met by the intervention of Mrs. Binéta DIOP during her closing speech. So, Yilaa is committed alongside the Kilimanjaro initiative and all the other partners through its “Youth and Women” department to work so that the charter of demands is more popularized.

Done in Porto-Novo, February 25, 2021

Rapporteurs

Rachelle BABI

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