

Women's land rights and community land rights: conflicting or converging claims?

Introduction

This paper is a joint desk review aiming to provide a background to the other presentations which are based on specific case studies. It will frame the general context of analysis as well as offer an overview to the state of the art of a relatively recent topic.

It must be noted, in this regard, that two recent publications, one by the LANDESA Center for Women's Land Rights (Giovarelli et al. 2016) and the other by Rights and Resources Initiative (RRI 2017) also tried to address this issue, focusing respectively on collective tenure and on regulations concerning indigenous and rural women's rights in the framework of community-based tenure regimes, and in particular forestry.

The aim of this paper and broadly of this panel is to stimulate the debate on women's land rights within a perspective of the commons, including the significant diversity of practicing the commons from a women's rights perspective. Of course this represents an ambitious aim that would have to rely on a variety of studies and analyses as opposed to, for example, the Landesa study that rather focuses on more specific topics such as collective tenure¹.

All the examples presented in this panel focus on land rights, but we assume the analysis could apply to other commons as well.

The rationale of this panel, and therefore also of this introductory paper, is to highlight the importance of protecting and ensuring women's land rights and community land rights, in a way that ensures that these two rights take reciprocal advantage of the measures put in place to ensure and reinforce them (both at community and State level) and of the struggles to achieve them. It aims at opening space for debating how claiming women's rights and claiming the commons proceed in the same direction, in order to eradicate poverty and achieve social and economic justice.

In fact, as the debate about the *commons* gains increasing relevance in current times, different perspectives and definitions interact. In this context the gender dimension of practicing the commons risks to be obfuscated, either because other elements prevail or due to lack of data.

Most importantly, however, the inherent contradiction between protecting and claiming the commons and protecting and claiming women's rights stands in the way of adopting a gender perspective.

As clearly stated in the recent report by LANDESA: "In the rush to provide secure land tenure for communities there is a risk that women's rights will not be documented or secured, thus weakening their rights to the collective land" (Giovarelli et al. 2016: 1).

Land rights are a very topical but controversial subject in current development studies and projects. Diverse perspectives interact and co-exist in approaching issues such as land grabbing, tenure security, land titling, land reforms, commercial pressure, evictions, large scale vs small-scale (and/or family) farming, food security and food sovereignty.

Relying on existing literature and on documents produced by organisations involved in land related issues (NGOs, IGOs, development agencies and international institutions) this paper tries to identify the areas of divergence and convergence between women's land rights focused and community land rights focused positions. The argument that this paper aims to make is that women's agency is the key element to enable cooperation between these potentially conflicting approaches.

In order to conduct this analysis we will start by describing salient elements of the two areas (women's land rights and community land rights) in order to analyse why and how they might conflict and propose a synthesis on how they can be integrated, which might or might not be confirmed by the following case studies.

¹ It could be noted, for example, that the word "commons" is completely absent from this report, which rather deliberately conducts an in-depth analysis on how to develop projects on collective tenure that reinforce or protect women's rights and ensure women's empowerment.

It is worth highlighting, in order to contextualise the debate, that there is no recognition of any human right to land in international law, nor do official positions (such as, for example, General Recommendations) exist at this stage regarding the recognition of such a right. The only text that mentions a right to land is the draft Declaration on the Rights of Peasants and Other People Working in Rural Areas. Therefore, when we talk of women's land rights and community land rights these rights might be claimed, recognised (or not) and protected by national or international laws, but without being rounded in a human rights provision.

Women's land rights

Different perspectives apply to women's land rights: in particular the issue can be approached from a 'rural women's empowerment' perspective and from an 'inequalities in access' (resources, justice, education, voice) perspective. In fact, as land is both a resource and asset (since it represents the basis for the enjoyment of other rights, such as the right to adequate food, and can be used as collateral for loans and credit) gender inequality in access to land is a particularly serious concern as it hampers women's rights and opportunities in a variety of fields.

Therefore, areas of work may vary depending on the main focus of the organisations involved. For example, those focusing on rural issues try to develop what is, somehow vaguely, defined as a *gendered rural development agenda*. Those with an expertise on tenure focus on measures to ensure secure land tenure for women. Those working on women's empowerment envisage, among others, women's agency. Clearly all these approaches have areas of overlap and are expected to cooperate.

Within organisations (UN Agencies, IGOs, NGOs, CSOs) working on land issues, the interest for women's land rights has grown during the last 10 to 15 years, with the creation of dedicated projects, initiatives or divisions, as part of a broader debate and actions towards poverty reduction: this is the case for the World Bank, FAO, IFAD, International Land Coalition, Landesa, CIFOR, La Via Campesina, and Oxfam to mention only a few.

Despite this increasing relevance of the topic, it was only in March 2016 that the CEDAW committee took a stand issuing a General Recommendation on the Rights of Rural Women (CEDAW/C/GC/34), which makes reference to art. 14 of CEDAW and affirms states' obligations to (among others):

Take all necessary measures, including TSMs [temporary special measures], to achieve rural women's substantive equality in relation to land and natural resources (par. 57)

Recognize and include rural women's equal rights to land in any land distribution, registration, and titling or certification schemes (par.78 (b))

Formally recognize and review indigenous women's laws, traditions, customs and land tenure systems, with the aim of eliminating discriminatory provisions (par.78 (c))

Discussing women's land rights and acting towards their promotion and protection might be a complicated task ..

Some premises are clear. There is no doubt that women represent a significant portion of the labour force in the rural world, there is no doubt either that women enjoy far less land rights than men, nor that more right to land for women potentially brings more empowerment and better incomes. However, the numbers and data to make this case are barely reliable (and largely missing). As Cheryl Doss stated in an Oxfam blog post in 2014 "one statistic [is] cited by advocates more than the rest: women own less than 2 percent of the world's land. It certainly is a great rallying cry to mobilize people in support of equal land rights. If only the statistic were true."² Some propose the (difficult to prove) thesis that the story of the 2

percent dates back to the seventies in a sort of unclear chain of making up data³. Regardless of where the 2 percent come from and beyond the serious issue of data gaps (and more specifically the general lack of sex-disaggregated data) another concern emerges from this debate: it is quite complex to provide a coherent description of women's land rights situation worldwide because the definition of women's land rights is vague and, due to intersecting regulatory systems, highly diversified.

In another article Doss et al. (2013) build on the effort of filling the statistic gap, highlighting the importance of conducting a context-sensitive analysis of what ownership and control of land actually mean. This research confirms three elements; two of them concur to make the effort of producing a reliable data-driven statistic (in this case about women's land rights in Africa) particularly challenging: data gaps are uneven and conceptualization of landownership can take very diverse shapes. The third element is that "the pattern that women own less land than men, regardless of how ownership is conceptualized, is remarkably consistent [and] women are disadvantaged relative to men in nearly all measures of landownership and bundles of rights" (Doss et al. 2013).

The issue of measuring women's land rights also have an impact on the implementation of global scale mechanisms, such as the SDG indicators. Indicators 1.4.2, 5a.1, and 5a.2 specifically focus on monitoring and strengthening the land tenure rights of women worldwide (including ownership, access, and decision-making powers), in an effort to reduce poverty and boost agricultural productivity. This process has been hampered by data gaps, and by a lack of universally agreed approaches to measuring disaggregated data on land ownership, access, and decision-making powers. While there are ongoing efforts within the SDG monitoring apparatus to improve monitoring of the SDG indicators, there is still much room for improvement. This process presents a key opportunity to analyse and explore ways to improve these mechanisms.

It is worth noting that Doss ' study was oriented to collect data on landownership, but women's land rights debates should also take into account concepts such as control, access, and management. Several organisations, including those promoting this panel, look at women's land rights from a very broad perspective: combining security of tenure with equal participation, equal access to land, benefits and decision making, in an approach that takes into account both the de jure and de facto situations.

Existing legal measures, in particular concerning inheritance rights, are a key topic of the discussion, together with lack of titling, evictions, and lack of access to justice (connected to illiteracy, distance, complex bureaucracy or insufficient legal institutions).

These issues lead to a set of challenges that are two-fold, as highlighted by Landesa⁴: "First, laws and policies often dilute or deny women's rights to land. Second, even when laws enshrine such rights, legal loopholes, gaps in implementation, lax enforcement, and at times sex-discriminatory practices undercut these formal guarantees." On the other hand "when women have secure rights to land, women's status improves and they are better able to take care of themselves, their families, and their land."⁵ Lack of secure land rights has indeed an impact on other social and economic aspects (education, reduction of gender-based violence, access to food, and children's health).

Some scholars, such as the Indian economist Bina Agarwal explicitly focus on property rights as a solution⁶. However, as literature demonstrates (Bruce et al. 2008; De Schutter 2011; Latorre 2015) land

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<http://www.theatlantic.com/sexes/archive/2013/03/women-own-1-of-world-property-a-feminist-myth-that-wont-die/273840/>

4

<http://www.landesa.org/what-we-do/womens-land-rights/>

5

Ibidem

6

<http://www.caravanmagazine.in/vantage/bina-agarwal>

titling is not necessarily the best nor the only option to secure land rights. In particular, from a women's land rights perspective land titling measures might produce further insecurity if land is not registered under women's names or under joint titles. Both property and titling options, however, require a further effort; first to put in place relevant laws and then to implement them.

It clearly emerges that in several cases tenure insecurity and lack of access to resources are the consequence of discriminatory practices that hamper women's rights, even when state laws are intended to ensure equal rights. These practices usually rely on patriarchal mind-sets and social customs, which lead to specific gender relations which are "one of the most important detrimental factors that contributes to the disparities between men and women" (Aier 2011 : 174), not only in the field of land rights and access to land. Such a complexity emerged in the debate on how women's issues were to be integrated in development processes where, as previously highlighted, the issue of women's land rights began to gain more attention. In fact, the idea of *women in development* gradually shifted first towards a *gender and development* approach and, eventually, towards an approach focusing on an inclusive interpretation of women's rights. Such a shift presents two fundamental implications: firstly, "development ha[s] to tackle the socially defined causes of women's subordination and the existing power relations between women and men" (Kerr 2002: 7), secondly, women's empowerment and women's agency are key to achieve gender justice.

At this point of the analysis we can already glimpse the key aspect of the tension between any action (project, legal reform, campaign) aiming at claiming/protecting community land rights: as stated in Landesa's report "When collectively held land is managed by the community or a subset of the community, it is unlikely that women will automatically participate in its management" (Landesa 2016:13).

However, we need to undertake an overview of the features of the debate about community land rights in order to propose some synthesis.

Community land rights In the course of the land grabbing debate, customary land tenure assumes a progressively central role as "holders of land under customary tenure face increasing threat" (Peters 2013: 544). This interest for customary land tenure systems is also connected with the broader debate on property rights and their value for economic development. Opponents to de Soto's approach highlight how land titling can produce a harmful situation, with the creation of what De Schutter calls a "market for land rights" (De Schutter 2013): such a market leads to an increase of land sales that in reality "do not favor those who need land the most, nor [...] lead to land being allocated to those who can use it most efficiently" (De Schutter 2013: 270). From this point of view, the protection of customary tenure and community land rights represents a significant alternative. Several elements converge to define what community land rights are: among others, concepts such as customary land tenure, indigenous peoples' rights, community land rights, common property, and commons.

While the recognition of indigenous land rights is enshrined in the UN Declaration on the Rights of Indigenous Peoples in 2007, and therefore recognised by international law, the recognition of similar rights to local communities, regardless of their 'indigenous' condition is gaining more and more interest. In fact there are several features that correspond to both: "indigenous and community lands are lands used, managed or governed collectively, under community-based governance. This governance is often based on longstanding traditions defining, distributing and regulating rights to land, individually or collectively, and is usually referred to as customary or indigenous land tenure" (Oxfam, ILC, RRI 2016: 12).

The specific features of the commons as analysed by E. Ostrom (1990) (i.e. clear boundaries, ensured participation, clear and respected rules that match local needs, monitoring system enforced, graduated sanctions for violations, dispute resolution procedures, shared responsibility) can easily be stretched and adapted to a broader range of tenure systems. Their main characteristic is to be based on customary norms and imply a crucial role of the community and communitarian relationships that apply to specific aspects such as ownership, management and social processes.

Another relevant feature of community land rights is that “they are not static. Every generation adjusts how they use the land to meet new needs and aspirations. Indigenous and community lands are as important to the future as to the past” (Oxfam, International Land Coalition, Rights and Resources Initiative 2016: 12). Even though the debate on community land rights is somehow a recent trend, features and procedures concerning the commons have been in place for centuries and “common property systems remain a prominent means of providing access to resources by individuals, households and groups” (Fuys et al 2008: 2) on the basis of kinship and community relationships. In fact, this new trend is rather linked to the recognition of risks connected with Western concepts of property rights, resulting from “colonial legacies which tended to denigrate indigenous land rights systems [...] and which ignored community land administration structures”. In this framework the elaboration of “new and innovative policies including the provision of statutory frameworks for the documentation and codification of informal land rights regimes” (African Union Land Policy Initiative Framework section 3.1.3) represents a significant step forward. Community land rights can be considered as an antithetical concept of land tenure in a framework where a “fundamental opposition exist between [...] the one oriented towards the marketability of land, and the other oriented towards broadening the entitlements of the groups concerned in order to ensure more secure livelihoods” (De Schutter 2011: 271).

Even though customary land tenure and community land tenure are not strictly synonymous (as customary systems do not govern solely land which is collectively owned or managed), all the communitarian forms of land tenure are based on customary systems. Therefore, as every customary system, they “are vulnerable to non-recognition by the state and may fall short of being representative of the interests of all relevant community members” (Fuys et al 2008: 2). In fact, as the Land Rights Now campaign highlights, “a third of the world’s population is vulnerable to dispossession by more powerful actors”⁷. Legal recognition of land owned and controlled by indigenous peoples and local communities is fundamental not only for these communities, but also in a broader perspective: “Insecure and undocumented land rights are a major threat to stability, cohesion, development and ecological health in large areas of the world” (Oxfam, ILC, RRI 2016: 15). On this basis the target of this campaign is to double the amount of recognised community land worldwide by 2020.

Legal frameworks and institutions applying to community land rights, when they are recognized and protected, are extremely diverse and numerous. However, the threats that they face are less diversified and coherently severe. These threats can be easily grouped under four main categories and they remain the same, regardless of the internal procedures that govern specific commons: market related threats, demographic factors, inadequacies in legal frameworks, and conflicts (Fuys et al. 2008). More specifically commercial pressure, drop of communities’ population (due to migration or demographic fall), lack of adequate legal tools, and policies pushing towards economic liberalisation as well as internal and external conflicts over land, consistently threaten the commons.

A diverse set of actions can be put in place in order to secure the commons, they can be combined or follow different paths depending on the specificity of each case. First of all, there is the matter of the formal/legal recognition of their existence, as the Land Rights Now campaign highlights, then there is the matter of how to elaborate and implement schemes and arrangements that can ensure the protection of the resources and of the customary tenure models practiced by the communities. This requires a recognition of existing customary norms (through dedicated new laws and policies), since the lack of such an official recognition is exactly what facilitates appropriations, commercial pressure and eventually land grabbing.

However, the protection of commons might also require the establishment of new forms of management somehow adapted to existing norms such as collective land titling (Knight et al. 2010) or development of internal new socio-economic institutions by the communities involved (Fuys et al. 2008). Eventually, but

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more rarely, new commons might be established⁸ and “systems of common property may also emerge through organized action by communities” (Fuys et al 2008: 2).

Recognition of customary tenure systems is therefore a concrete goal of campaigns conducted at local and global scale, together with projects involving different actors and communities, based on partnerships with NGOs and state actors, and aimed at creating access to and secure tenure over the commons and to “facilitate adaptation to pressures and threats” (Fuys et al 2008: 6). In all the cases, however, some sort of collective action is crucial to achieve a positive result. In most of the cases collective action is the response to external pressure such as expropriations, privatizations, evictions and land grabs. These collective actions can provide “a effective and robust approach to addressing many of the challenges that common property regimes face” (Fuys et al 2008: 59).

Because of their specific features and since they are fundamental to a huge part of the population, especially the most vulnerable and marginal, flexibility and legal pluralism are fundamental concepts for the protection and management of the commons, as they correspond to a variety of rights (and systems) that govern the resource. In fact, “flexibility provides a measure of security [...] by creating reciprocal expectations of resource sharing between groups. (Meinzen-Dyck 2004 : 8).

To achieve tenure security over the commons one could focus on governance, which is “at the heart of the protection of indigenous and community land rights” (Oxfam, ILC, RRI 2016: 36), but can also put in place specific projects to enforce documentation to protect community rights. However, it is worth taking into account that “providing a community with documentation for its land rights without ensuring intra-community mechanisms to hold leaders accountable may, in some instances, enable land grabbing” (Oxfam, ILC, RRI 2016: 36).

Community land rights vs Women’s land rights?

The key point where the claim for women’s land rights and the claim for community land rights might collide is the role played by, and the value given to, customary practices which govern the commons. Indeed, as previously highlighted, even when statutory provisions exist to protect and ensure women’s rights, their effects might be undermined by customary practices and traditions. Furthermore, as in customary tenure of community land traditional leaders, such as chiefs play a relevant role. As in most of the cases these chiefs are men, such authority can raise an issue not only in terms of accumulation of power (Peters 2013: 550) but also in terms of discrimination against women.

Even though customary tenure systems and community land tenure are not necessarily synonymous, due to “social and cultural mechanisms that operates the channel of access to the commons women [might] find themselves at a disadvantage and discriminated” (Aier 2011: 177). The simplest consequence seems to be that any advocacy for community land tenure could result in a negative impact on women’s rights, either not allowing for change or even worsening women’s conditions.

In fact, several documents noted that customary practices could be detrimental for women’s rights, underlining some key elements, as follows: “rural women living under customary systems have no secure land ownership rights – despite being the main producers of food” (World Bank 2008: 14); “customary systems [...] may fall short of being representative of the interests of all relevant community members” (Fuys et al 2008: 2); “in forest communities, women’ [s] roles and rights are rarely recognized [and] their voices too often go unheard when a decision is made” (Oxfam, ILC, RRI 2016: 33); “the traditional framework has been working against the interest of women [...] and have perpetuated the continued discrimination of women” (Aier 2011 : 168).

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The debate on the “creation” of new commons is particularly complex: it relies on the idea that the criteria used to govern the commons can be replicated and, therefore, commons approach can be used to protect natural resources under threat even when traditional structures do not exist. This approach can also apply to resources that are de facto managed collectively but do not enjoy official recognition or governing procedures. Furthermore this approach is particularly relevant in the current debate on the commons from a broader perspective, which includes urban and knowledge commons. (see the special issue of Green Journal: Finding Common Ground 2016)

Furthermore, data collected by RRI demonstrates that discriminatory measures are often in place: “of the 80 CBTRs analyzed [...] adequate gender-sensitive provisions exist for only 3 percent of CBTRs in regard to women’s voting rights, 5 percent in regard to leadership, 10 percent in regard to inheritance, 18 percent in regard to dispute resolution, and 29 percent in regard to membership” (RRI 2017: 8).

In the case of commons management all these situations are particularly severe when membership rules are at stake; in fact “when formal rules limit membership to the ‘head of household’ or when social norms make it unacceptable for women to speak up in public. [...] strengthening control rights of some means restricting the use rights of others, those who are not members of the group in question may have less access to the resource” (Meinzen-Dick et al. 2004: 8). From a project perspective the Landesa study even affirms that “without a specific focus on the differences between men’s and women’s gender roles, an intervention to strengthen a community’s rights to land will not equally strengthen the rights of women and men and will risk disadvantaging women disproportionately” (Giovarelli et al. 2016: 26)

Two other elements concur to this scenario where community land rights and women’s land rights are opposed: the concept of “participatory exclusion”, elaborated by B. Agarwal (2001) and the consideration that “land grabs are not gender neutral” as affirmed by V. Tauli Corpuz (A/HRC/30/41). The former concept is based on a study of community forestry and gender in south Asia where the author analysed exclusions of women from decision making roles within institutions that appear participatory. The latter relies on the analysis by the Special Rapporteur on the Rights of Indigenous People of the impact on women of the vulnerability of community land rights due to land grabbing. She noticed a degradation of women’s rights in indigenous communities, whose land rights are under threat because women’s rights “have been considered ‘external values’ or ‘Western values’ and therefore divisive to the indigenous struggle” (A/HRC/30/41). Being considered as ‘external’ values certainly reduces room for claiming women’s rights. Something similar is reflected in other contexts, where external actors, aiming at alienating or appropriating the commons, use gender justice to their personal advantage: these can be outside investors or members of other clans, as described by Aier (2011). In doing so they “use the language of gender justice against the very existence of the commons” (Aier 2011: 177).

As a consequence of the possible clash between claims on women’s land rights and claims on community land rights “women under customary tenure regimes face a fight on two fronts: [...] they are battling to be treated as equals while also defending their customary land rights to protect their communities and identity” (Oxfam, ILC, RRI 2016: 34).

However, despite initial appearances, the conflict between the two claims might in reality be (or become) a convergence. In the first place, this is because not all customary norms are the same, and the interaction between women’s claims and community claims varies dependent “upon the community in question, the particular woman’s relationship with it, and whether one defines rights in the formal sense or the customary sense” (World Bank 2008: 14). Secondly, because there is a very important feature that associates women’s land rights and community land rights claims: land titling is not a sufficient solution, if not a counterproductive choice. In the first case, land titling is not enough to protect women’s rights as women tend to be excluded (due to lack of proper regulation or due to persistence of patriarchal approaches). In the second case, land titling not only affects communal lands that represent the source of livelihood for groups that rely on the commons (Bruce et al.2008; De Schutter 2011), but it also collides with customary and traditional approaches to land (Peters 2013, Latorre 2015), producing ineffective and challenging results. Both the debate on women’s land rights and the one on community land rights highlight that the mere issue of land titling does not cover the implicit diversity of land rights. In fact, “instead of increasing legal certainty, individual titling could become a source of conflict and legal insecurity if it conflicts with customary rules regarding tenure, for instance as regards the communal ownership of land” (De Schutter 2011: 269).

As the crucial area where community land rights and women’s land rights diverge is that customary norms, which regulate the commons, could hamper women’s claims on the basis of patriarchal traditions. This is the issue to be discussed and challenged. The key question, therefore, is whether and how customary rights and norms can be adapted to respond to issues of gender relations. In fact, only a

positive answer can ensure “that the rights of women within communities are asserted. That means ensuring that women sit on all bodies that control land, whether statutory or customary, and that the right mechanisms exist within those bodies so women can exercise their leadership” (Oxfam, ILC, RRI 2016: 33).

While historically rooted, traditional legal systems enjoy some internal flexibility and can be negotiated within the community, as “customary law is always subject to interpretation and, so long as it is not written down and codified, [and therefore] inherently pre-disposed to change” (Kipfer-Didavi et al. 2005: 4). Furthermore, “while legal pluralism can create uncertainty because rival claimants can use a large legal repertoire to claim a resource, multiple legal frameworks also provide flexibility for people to maneuver in their use of natural resources” (Meinzen-Dick et al. 2004 : 8).

The issue of how to ensure appropriate protection to women’s rights while reinforcing community land rights, is particularly important for some organisations working on community land documentation and aiming at reinforcing legal protection against land concessions and land grabbing. In this framework key recommendations emerged, such as women’s empowerment strategies to ensure full involvement and “proactively take action to promote women’s participation in project activities” (Knight et al. 2012 :11).

Ensuring women’s inclusion and participation may follow different paths and includes: strengthening of existing rights, maintenance of women’s land rights and rejuvenation of customary norms protecting women’s claims that might have disappeared and, eventually, ensuring consistency of local rules and national provisions protecting women’s rights (Knight et al. 2012). In addition, other useful elements identified are the recognition of changes occurring in other societies (Kipfer-Didavi 2005), awareness raising among community leaders (Oxfam, ILC, RRI 2016) and women’s bargaining both within the family and the community (Agarwal 2001). Furthermore, the commons are proven particularly relevant for women in terms of livelihood and several studies confirm that the involvement of women in decision-making has a positive impact on the whole community⁹.

However, the most relevant aspect is the active role played by “indigenous women and those from local communities [who] share a history of struggles and activism – speaking out in defense of collective land rights, cultural identity and social change as part of the global movement for women’s liberation” (Cunningham 2006: 55). In order to challenge discriminatory norms and to claim and protect community land rights there is a need for women’s action; this action relies on the role that women play practicing and protecting the commons within their communities, on the relevance of commons for women’s livelihoods, as well as on coherent resistance against resource grabbing.

Conclusions

Through the elements analysed it clearly emerges that it is “crucial that the discourse on the commons engage with issues of gender justice” (Aier 2011: 177), either in order to influence negotiations about community land rights (for example in community titling projects) or in order to claim the commons and protect them (in particular against land grabbing).

However, beyond external support (from NGOs, development projects or CSOs), which might be useful to ensure women-inclusive membership rules (Agarwal 2001: 1643), the analysis demonstrates that women’s role is crucial. Women’s engagement and proactive behavior can represent the synthesis of claiming women’s land rights and claiming community land rights. These two potentially conflicting claims can coexist, interact and reinforce each other when they rely on women’s agency, as they are, indeed, very much interconnected.

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