SECURING WOMEN’S RESOURCE RIGHTS THROUGH GENDER TRANSFORMATIVE APPROACHES

WOMEN’S LAND RIGHTS IN THE GAMBIA
ABOUT THE INITIATIVE

SECURING WOMEN’S RESOURCE RIGHTS THROUGH GENDER TRANSFORMATIVE APPROACHES

In 2020, the International Fund for Agricultural Development (IFAD) invited a consortium of the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF), the International Food Policy Research Institute (IFPRI) and the Alliance of Bioversity International and CIAT to work with selected IFAD projects to promote and strengthen women’s land rights through the integration of gender transformative approaches (GTAs) in rural development interventions by improving policies, tools and practices.

https://www.cifor.org/wlr
https://www.ifad.org/en/gender_transformative_approaches

INITIATIVE CONTACTS

Anne Larson, Theme lead for Governance, Equity and Wellbeing
a.larson@cifor-icraf.org

Ana Maria Paez-Valencia, Social Scientist, Gender
a.paez-valencia@cgiar.org

Steven Jonckheere, Senior Technical Specialist for Gender and Social Inclusion
s.jonckheere@ifad.org

Harold Liversage, Lead Technical Specialist, Land Tenure
h.liversage@ifad.org

This document has been produced with the financial assistance of IFAD. The findings, opinions, interpretations and conclusions expressed in this publication are those of the authors and do not necessarily reflect the views of IFAD, its Executive Board, its Members, or any Member State they represent. IFAD does not guarantee the accuracy of the data included in this work. The boundaries, colours, denominations, and other information shown on any map in this work do not imply any judgement on the part of IFAD concerning the legal status of any territory or the endorsement or acceptance of such boundaries.
INTRODUCTION

CHARACTERIZATION OF THE LAND TENURE SYSTEM IN THE GAMBIA

INSTITUTIONAL AND REGULATORY FRAMEWORK

TENURE INTERVENTIONS: TITLE DEEDS AND CERTIFICATION - OBJECTIVES AND PROCESS

Progress of implementation of tenure interventions

Women’s participation in the tenure intervention implementation process

Outcomes of certification in regards to women’s recognition of rights and improved tenure security

BARRIERS AND CONSTRAINTS TO THE RECOGNITION OF WOMEN’S LAND TENURE RIGHTS IN THE GAMBIA

Implementation gaps

Contradictions and incongruencies emerging from overlapping legal systems

Barriers resulting from social norms and practices that limit women’s recognition and exercise of rights to land

ACCESS TO JUSTICE AND MECHANISMS TO LAND CONFLICT AND DISPUTE RESOLUTION IN THE GAMBIA

REFERENCES

POLICY DOCUMENTS AND SECTORIAL LAWS

Acroyms

AFDB African Development Bank Group (AfDB)
CCSF community–controlled state forest
CEDAW UN Committee on the Elimination of Discrimination against Women
CIIFOR-ICRAF Center for International Forestry Research and World Agroforestry
DLS Department of Land and Surveys (DLS)
ECOWAS Economic Community of West Africa
GBOS The Gambia Bureau of Statistics
IFAD/ADF The International Fund for Agricultural Development and the African Development Fund
LADEP The Lowlands Agricultural Development Program
MLRG Ministry of Local Governments and Lands
MPs members of parliament
OECD Organisation for Economic Co-operation and Development
VDCs Village Development Committees
WDCs Ward Development Committees
WHAT IS A SOCIO-LEGAL ANALYSIS?
A socio-legal analysis focuses on reviewing laws in the context of particular social problems that the law aims to address (Schiff, 1976; Creutzel et al., 2019). Findings draw on the analysis of country legal and institutional frameworks that recognize women’s land rights, and information on existing procedures and processes for implementing tenure interventions. These analyses provide the basis for identifying incongruencies, overlaps, gaps that pose barriers to the recognition and enjoyment of women’s rights to land and productive resources.

THE REVIEW COVERS:
- A general characterization of land and resource tenure systems at national, regional, and local levels
- Existing institutional and regulatory frameworks for land and resource tenure, and the extent to which these are inclusive of women
- Implemented land tenure interventions, and the extent to which these benefit women
- Barriers and constraints affecting women’s ability to access rights
- Mechanisms for dispute resolution, and how these engage women and address their concerns

Background
This series of socio-legal reviews summarizes the legal and policy documents related to women’s land tenure in seven countries: Kyrgyzstan, Uganda, The Gambia, Ethiopia, Niger, Bangladesh, and Colombia. These synthesis documents, part of the IFAD Initiative on Women’s Resource Rights, are designed for researchers and policymakers seeking to improve women’s land and resource rights in these target countries.
Introduction

Situated in Northwest Africa, The Gambia is a small country with an area of 10,689 km², located in the coastal zone surrounded by Senegal. The Gambia narrows down into two strips of land that extend along both sides of the river by the same name. The country has two major agro-ecological zones: the uplands, historically used for the cultivation of cereals and groundnuts, both major exports; and the lowlands, mainly riverine wetlands used for rice production (Levien, 2017).

As of 2019, the Gambia’s population was estimated to be 2.4 million (World Bank Group, 2020), half of which is highly concentrated in urban areas. Ethnicity and religion are important elements of Gambian identity. About 95% of the population is Muslim (The World Factbook, 2021). According to The Gambia Bureau of Statistics (2013), there are at least nine different ethnic groups, including Mandinka (the largest group at 35% of the national population), Fula (25%), Wolof (15%), Jola (13%), Serahule (8%) and Serere, Creola, Manjago and Barabara, which together represent about 7%. The Gambia is divided into five administrative provinces (also referred to as regions) and one city (Banjul), which are further divided into Districts and Wards. Rainfall agriculture plays a key role, both as a source of income (representing 30% of the gross domestic product) and as employment, engaging about 85% of the rural population (GBOS, 2015). Since the 1980s, government policies have supported rural development initiatives, including major irrigation projects, to improve productivity, diversify exports and increase women’s engagement.

The Gambia is governed by a complex system of interlinked statutory and customary regulations and practices, in which religion and ethnicity play important roles in influencing how women and men can access land and resource rights. Existing practices follow a patrilineal property system wherein fathers bequeath land to their sons; and women’s access to land is highly mediated by social and marital status, as they must access land through their fathers, brothers, and husbands. In certain localities matrilineal inheritance may be allowed but is rare. During the last 30 years important reforms have been promoted to formalize existing land administration systems, differentiating between those implemented in the greater Banjul area and those implemented in provincial (regional) lands. Regulations implemented in 1995 provide an avenue for lands held under customary rights to be formally recognized, but this process requires the land to be converted into deemed leasesholds and designated as state lands; in practice, this means that tenure rights are ceded to the state. Most customary lands (either individually or collectively held) are not currently formalized. In cases where customary lands are formalized, incongruencies and a lack of clear procedures increase conflict and disputes – especially in areas managed as commons and those subject to development interventions, in particular irrigation projects.

This socio-legal analysis provides an overview of existing land governance arrangements in The Gambia as they relate to women’s access to land and resources. It discusses two different types of land tenure interventions: titling and certification. These inventions vary according to different types of recognized rights-holders and the area in which rights are being formalized. Despite important progress through legislative reforms, implementation has been slow and prevailing barriers and gaps continue to influence the recognition of women’s land rights and their ability to benefit from them.

Characterization of land tenure systems in The Gambia

Access to and control over land and other productive resources in The Gambia is shaped by complex tenure systems. Coexisting and interacting customary systems and statutory regulations are influenced by reform processes, with differentiated effects in rural and urban areas (Bensouda, 2013). Rights to resources are often negotiated across multiple rights-holders, overlapping tenure regimes and resource systems (Freudenberger and Sheehan, 2000).

These tenure arrangements and practices are highly context-dependent and dynamic. Customary tenure arrangements recognized by statutory regulations govern land occupation and resource use, especially in rural areas. Despite recent efforts to formalize customary rights, regulations have been implemented slowly. In some cases, formalization is further complicated by differing policy interpretations, particularly when trying to clarify the extent of rights across different layers of primary and secondary rights-holders.

According to the FAO’s Gender and Land Rights Database, primary and secondary land rights in the Gambia function as follows:

1. **Primary rights** are secured through original settlement of unused land or through direct allocations of land from the founding lineages to group members, normally the male heads of household. Primary right holders enjoy more or less permanent occupation, have extensive discretion over land use and may transfer these rights through inheritance.

2. **Secondary rights** are secured from primary rights holders according to mutually agreed terms and conditions. These rights may be granted on a short-term basis or may be long-term agreements to use particular resources.

Tenure rights are recognized through any of the following regimes:

- **Private property**: Freehold land that individuals or groups of individuals may hold in urban and rural areas. In The Gambia, freehold titling was granted mainly by Britain prior to 1945, during colonial rule (See Table 1).

- **Leasehold arrangements**: Land where the government grants a lease to an individual with a specified termination date; this may or may not be customary land.

- **Commons**: Lands held and used by all community members, such as pastures, mangroves, ponds and streams. Commons do not have rules of exclusion by individuals or groups (Freudenberger and Sheehan, 2000). Women and economically marginalized populations are primarily dependent on common areas for the collection of firewood, construction materials and edible products.

- **State reserve**: These are State-owned and -governed areas such as forests, watercourses, and government-constructed boreholes.

- **Customary land**: Customary land. Under these customary tenure arrangements, heads of lineages almost always control the use, lending, rental, and inheritance of land. Traditional tenure systems permit selling, lending, renting, and gifting of land.

---

1. The Gambia Bureau of Statistics estimated population by 1.9 million (by 2016), of which 55% were living in urban areas.
2. Available at https://www.cia.gov/the-world-factbook/
Three main systems of land holding exist under the customary law:

- **Household holdings** are usually managed by the family head (kabilo). This land is held by the family unit in a representative capacity for the use and common benefit of members of the family who have usufruct rights.

- **Communal land ownership** is managed by the village chief (alkalo). In this system, restricted portions of land are set aside for the general benefit or use of the community, such as prayer grounds, burial grounds, bantabas (traditional meeting and relaxation spots), schools, seed stores and hospitals.

- **Individual ownership** allows an individual to acquire land based on original discovery or settlement on that land. This individual (almost always a man) can pass such land onto his family or community.

Tenure security is a function of historical precedent and of membership in particular kinship or lineage group through birth, marriage, or residency in the community, especially in rural areas (Freudenbergner and Sheehan, 2000). Nearly 95% of The Gambia’s population belongs to an Indigenous ethnic group, and thereby governed by customary tenure systems. The lands (Provinces) Act (1946), later amended as the Lands (Regions) Act (1995), refers to members of these groups as ‘Indigenes’ and defines this term as “a person whose parents are or were members of some tribe or tribes indigenous to the Provinces and any descendant of such a person.” This includes members by birth or by recognition of the Indigenous communities concerned. Customary tenure systems vary considerably across regions, influenced by age, religion, marital status, and geography (Freudenbergner and Sheehan, 2000). Furthermore, customary norms and practices have been largely influenced by development initiatives, in particular irrigation projects and schemes promoting vegetable cultivation (African Development Bank Group, 2011).

Existing regulations recognize three types of land tenure: freehold, leasehold, and customary. In practice, overlaps exist across these tenure systems. As specified in the State Lands Regulations, 1995, laid out in the State Lands Act of 1991, customary lands now designated as state land can be formalized as leaseholds. Land tenure under the freehold hold and leasehold systems follows the statutory laws, based on English law, a legacy of British colonial rule. The freehold system is broken down into private freehold land and state freehold land.

In customary tenure systems, lands are administered and governed by district authorities and local chiefs in the regions. Customary tenure in The Gambia evolved from the traditions and practices of the indigenous communities which are preeminent in rural areas. Natural resources, including forest parks and wildlife reserves, are recognized as public properties by law and protected and managed by the Department of Forestry as well as the Department of Parks and Wildlife Management. Indigenous and traditional rights and access to forest resources are provided through the Community Forest Management Agreement. Furthermore, the Forest Act of 1998, the Forest Policy of 1995-2005, and the Biodiversity Policy of 2000-2010 provide regulations for the management and protection of forest lands. Boundaries related to most categories of forest lands and ownership (e.g., forest parks, community forests, and private forests) are usually gazetted, surveyed, demarcated, and mapped by the state, thereby formalizing them as state property (Bensouda, 2013). Community forest identification thus constitutes the first step in participatory village-based land use planning. The Forestry Department developed the concept of controlled state forest (CCSF), which aims at bringing the remaining forest on customary village lands under controlled management. However, CCSFs may not always keep the forest cover, as forests may be converted into other land uses.

While different tenure systems coexist and overlap, recent reforms have aimed at formalizing State jurisdiction and authority in resource and land formalization and registration (Freudenbergner and Sheehan, 2000).

**State freehold tenure includes:**
- Most urban areas of Banjul,
- Most forests, wildlife parks and nature reserves on former customary land,
- Acquired public land expropriated for public interest and state freehold land (i.e., Tourism Development Area) 1

**State leasehold tenure includes:**
- Leasehold grants;
- Sublease and tenancy mechanisms;
- Deemed leaseholds, wherein land is leased for a specified period (Bensouda, 2013).

**Customary tenure systems include:**
- Individual ownership
- Communal land ownership
- Household holdings

---

Table 1 provides a synthesis of existing legislations, the extent of rights recognized, the government institution in charge of implementation, and their particular impacts on women. Although there have been many important changes in legislation during the last 40 years, two regulations are of particular interest in the analysis of the institutional and regulatory land administration framework (Box 1).

First, legislation governing “state lands” provided in the State Lands Act (1991), vests the authority to allocate rights to the Land Board and Minister, indicating that grants under state lands are restricted to “planned areas only” 10, 16, differentiating between those grants for residential purposes 10 and those grants for non-residential purposes 10. The second is legislation governing “provincial lands” 17, provided in the Lands (Regions) Act (2003). The authority to allocate rights in provincial lands is vested in the district authorities where land may be situated, held, and administered for the use and benefit of communities concerned. 16 Existing regulations recognize customary governance and tenure systems 17, vesting the authority to administer these rights in customary leaders within local authorities, including the head seyfo 17. Chief at the district level and Kabilo Headmen, village alkaalo 2, and elders and advisors at the village level (Smith, 1996).

**BOX 1: LAND TENURE REFORMS IN THE GAMBIA**

Land administration in The Gambia during the colonial period differentiated between the colony (what is now the greater Banjul area) and protectorate lands (now the five regional provinces) (Bensouda, 2013). In colony lands, land administration authority was vested in the British Crown, from which the State could grant both freehold and leasehold tenure. Under the Lands Act of 1945, all colony lands were converted into state lands; after this, no further freehold rights were granted. Therefore, all existing freehold rights in The Gambia are limited to rights-holders whose tenure was granted prior to 1945 in the Banjul area. While no recording of customary lands has been registered in the Banjul area, the Kombo North district, communities continue managing their lands under customary agreements. In 1990, the State established a land administration law and issued four important legislations related to the reform of land administration: the State Lands Act, which formalized customary lands as state lands; the Land Acquisition and Compensation Act, which allowed the sale of land for public purposes; the Physical Planning and Development, which concerns expanding urbanization; and Control Act and the Surveying Act, aimed at establishing registries of areas and lands. In 1991, an amendment to the State Lands Act introduced deemed leaseholds, allowing State authorities to recognize land titles outside of urban areas under 99-year agreements. This new regulation particularly affected the districts of Rombo North, South and Central, as well as greater Banjul and Growth Centers where urban expansion is taking place, which are now deemed as “designated state land areas.” Meanwhile, in the protectorate lands, five administrative divisions were created. The (Provinces) Act of 1946 vested land administration authority into district authorities, called seyfo, who could administer land in accordance with customary law, often including the appointment of an alkalo (village head or village chief). Under reforms of the Lands (Provinces) Act (1991)—later amended to the Lands (Regions) Act (1995)—and the Local Government Act (2003), this administrative structure remained unchanged. The (Provinces) Act also introduced leaseholds, that can be issued by district authorities with the endorsement of Provincial Commissioners. Although the Independence Act of 1964 merged colony and protectorate land administration systems, existing institutions and systems continue to distinguish them as separate entities with different sets of rules and procedures.

Source: Adapted from a review of Bensouda, 2013; Freudenberger and Sheehan, 2000.

---

**References**

1. Art. 2
2. Art. 3
3. Part I
4. Part II
5. Art. 1
6. Art. 4
7. Art. 5
8. According to the Local Government Act (2002) seyfo refers to district Authorities. However existing references do not clearly specify the difference between district authority and customary authorities at the district level.

---

10. Art. 3
11. Part I
12. Part II
13. Art. 1
14. Art. 4
15. Art. 5
16. According to the Local Government Act (2002) seyfo refers to district Authorities. However existing references do not clearly specify the difference between district authority and customary authorities at the district level.
The Constitution recognizes the existence of multiple legal systems including the common law, Sharia law, and customary law, which concerns Indigenous communities (African Development Bank Group, 2011). Sharia law governs issues of marriage, divorce, and inheritance among members of the communities to which Islamic law applies. Application enforcement of the law thereby varies significantly across different parts of The Gambia, depending on how these different legal systems are interpreted and implemented.

Different forms of land tenure exist and may also vary, depending on whether they are regulated under the State Lands Act or the Lands (Regions) Act. Transfer through sale and leasing is recognized under the State Lands Act (1991), with restrictions on size of holding and a specified term of years based on the tenure system. Both the State Lands Act and the Lands (Regions) Act allow the issuance of land titles (both for freeholds and leasehold lands). The Lands (Regions) Act further allows the issuing of a certificate to anyone whose domicile is in the provincial regions and can be obtained under customary law for the purpose of obtaining a title deed.

For a group to be legally recognized, formal registration is required, as stipulated in the Lands (Regions) Act. Collective tenure rights over land may exist and be recognized at the local level, but this does not give them secure legal tenure at the state level (Wily, 2011). This affects many rural women’s groups organized as Kafos (primarily made up of farmers) which have not been able to register or formalize tenure rights to the land they use (Bensouda, 2013). Accordingly, a practice has developed whereby women’s groups seek formal recognition of their lands by signing agreements with landowners recognized by the Alkals, which can be used in the registration of their lands.

### Table 1: Key regulations pertaining to women’s land rights in The Gambia

<table>
<thead>
<tr>
<th>Year</th>
<th>Act</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>The Lands (Provinces) Act</td>
<td>Amended to the Lands (Regions) Act</td>
</tr>
<tr>
<td>1990</td>
<td>Lands Act (Banjul &amp; KSM) Act</td>
<td>Establishes regulations for the issuance of license and to control their functioning</td>
</tr>
<tr>
<td>1991</td>
<td>Lands Act (Regions) Act</td>
<td>Establishes main tenurial systems</td>
</tr>
<tr>
<td>1994</td>
<td>Lands Act and Designation of State Lands Order</td>
<td>Establishes modalities for the lease/sale of public land as well as the collection of payments for public leases.</td>
</tr>
<tr>
<td>1995</td>
<td>Survey Regulations</td>
<td>Establishes regulations for the granting of survey licences and to regulate procedure for conducting surveys</td>
</tr>
<tr>
<td>1997</td>
<td>Section 31E of the Evidence Act</td>
<td>Recognizes non-documentary forms of evidence in the formal court system</td>
</tr>
<tr>
<td>2002</td>
<td>Constitution</td>
<td>Women shall be accorded full dignity, be it in land and the right to equal treatment, including equal opportunities in political, economic, and social activities.</td>
</tr>
<tr>
<td>2007</td>
<td>The Land Commission Act</td>
<td>Establishes a commission tasked with advising on land administration policy and ensuring compliance and transparency in land allocation.</td>
</tr>
<tr>
<td>2010</td>
<td>The Women's Act</td>
<td>Recognizes that every woman has the right to inheritance, its acquire and to own property and to manage and administer their property.</td>
</tr>
</tbody>
</table>


18. Customary law is derived from customary law, Islamic personal law, and human rights law. Sharia law is derived from Islamic personal law. Legislation in the Appendix is derived from Islamic personal law and has been adopted by the state. Legislation in the Appendix is not yet enacted into legislation. https://scholar.google.co.uk/scholar?q=customary+law&hl=en&as_sdt=0,5&as_vis=1

19. Section 31E of the Evidence Act 2013. Recognizes that every woman has the right to inheritance, the acquisition and to own property and to manage and administer their property. Recognizes a widow’s right to an equitable share in the inheritance of her husband’s property. Acknowledges that both men and women have the right to benefit equally from their parents’ inheritance, as established under Personal Laws.
The Gambia Constitution recognizes that all women are to be considered and treated as equals to men with respect to political, social, and economic opportunities. Provisions for the protection of women against all forms of discrimination are recognized in laws on issues around adoption, marriage, divorce and inheritance as related to gender parity and equity. Important gaps remain. According to the government’s report to the Convention on Elimination of Discrimination against Women, as of 2020, 40% of marriages in The Gambia were polygamous. Despite recent regulations prohibiting the marriage of girls under 18 years old, 25% of underage girls are married. Husbands are allowed under customary laws to marry subsequent wives with the option of divorce, but they do not necessarily need the consent of their current wife to marry another woman. (Montgomery, 1994; Sady, 2017). In polygamous marriages, first wives have higher social status, but all wives are highly vulnerable in cases of divorce or widowhood. For instance, customary practices grant the wives one-eighth of the joint property. In cases of polygamy where land tenure is recognized, this means dividing that portion among the number of wives (Sady, 2017).

During divorce, tradition dictates that ex-wives return to their families to seek land for cultivation. In some areas, women can inherit land from their mothers, and leave it in turn to their daughters. Traditionally, however, women have only temporary land rights. In many contexts women borrow the land they cultivate from their husbands, their husbands’ families, or other village members but are prohibited from planting trees, an action associated with permanent land rights (OECD, 2019). Some argue that women in The Gambia are secondary rights-holders because they do not definitively control the use and allocation of land, as it is often negotiated for a specific, finite period (Bensouda, 2013; Freudenberger and Sheehan, 2000).

(1998). For most Gambian women, access to land and resource rights are largely mediated by the social status of their husbands, their own marriage status or, in the case of single or divorced women, through their immediate male relatives (UN-HABITAT, 2006).

Moreover, rights to land and other natural resources under customary tenure systems are determined largely through membership to a recognized group such as a clan, pastoralist community, or an organized group such as a Kafos (through birth, marriage, or political alliance), kinship, or lineage groups. In some regions under customary law, a woman is not entitled to the property of her husband unless she agrees to let herself be inherited (as property) by the husband’s family (Bensouda, 2013; OECD, 2019). Customs also recognize polygamous marriages, and no statutory restriction exists on the matter (Sady, 2017). According to the government’s report to the Convention on Elimination of Discrimination against Women, as of 2006 about 40% of marriages in The Gambia were polygamous. Despite recent regulations prohibiting the marriage of girls under 18 years old, 25% of underage girls are married (OECD, 2019). Husbands are allowed under customary laws to marry subsequent wives with the option of divorce, but they do not necessarily need the consent of their current wife to marry another woman (Montgomery, 1994; Sady, 2017). In polygamous marriages, first wives have higher social status, but all wives are highly vulnerable in cases of divorce or widowhood. For instance, customary practices grant the wives one-eighth of the joint property. In cases of polygamy where land tenure is recognized, this means dividing that portion among the number of wives (Sady, 2017).

During divorce, tradition dictates that ex-wives return to their families to seek land for cultivation (Freudenberger and Sheehan, 2000). In some areas, women can inherit land from their mothers, and leave it in turn to their daughters. Traditionally, however, women have only temporary land rights. In many contexts women borrow the land they cultivate from their husbands, their husbands’ families, or other village members but are prohibited from planting trees, an action associated with permanent land rights (OECD, 2019). Some argue that women in The Gambia are secondary rights-holders because they do not definitively control the use and allocation of land, as it is often negotiated for a specific, finite period (Bensouda, 2013; Freudenberger and Sheehan, 2000).
between leaseshold granted for residential and non-residential purposes. In all cases, freehold or leasehold title deeds holders are considered primary rights-holders.

Freehold title deeds are recorded and kept by land registries as established by the Registration of Deeds Act (1980). Leasehold rights cannot be registered, but registration is largely restrict-
ed to urban areas, due in part to a lack of clear procedures (Bensouda, 2013:13). It is difficult to determine the number of lands owned and registered to women in The Gambia, because until 1993 the Land Registry did not disaggregate information by gender; however it is estimated that less than 20% of leases were registered to women in the last 10 years, although this has increased more recently (ibid 67). Furthermore, Depart-
ment of Land and Survey (DLS) data indicates that at least 54% of residential leases in urban areas were registered under women in this period (ibid 68). In rural areas, women’s Kafos groups are increasingly seeking to register land for establishing vegetable gardens. However, under existing tenure arrange-
ments, Kafos are not considered primary rights-holders, despite the fact that land access through leases is possible, especially in customary lands.

Tenancy arrangements through leaseshold differ for primary and secondary rights-holders. Transfer of rights for either primary or secondary rights-holders may take place through different mechanisms granted for short periods of time or on a seasonal basis and may include: subleases, loaned/borrowed land, pledging and rental and sharecropping (Freudenberger and Sheehan, 2000; Votawira, 2014). However, certain restrictions are placed on secondary rights-holders, including the prohibition of tree-planting, which is seen as a claim to primary-holder rights. Most women gain access to land as secondary rights-holder,
s, with no control over the use and allocation of land (Freudenberger and Sheehan, 2000).

In the case of a joint lease, the names and relationships of those owning or sharing the land, as well as the size of the land, must be included in the application. The application for land for a residential purpose also provides a space for the number of wives to be added, but it is up to the head of household to provide for the wants of female household members. If the male head of household is the husband, the male head is responsible for the wants of female household members. In this way, the documentation requested is based on the idea of men as de facto household heads, while women are rarely considered as primary rights-holders of landholdings.

While the Constitution allows and recognizes rights for both men and women to register land, only the Certificate of Occupancy clearly allocates space for both men and women to register as applicants. Although the application form elicits whether the lease is going to be a joint lease, the notification of deemed lessee does allow the registration of more than one name.

For most provincial lands, the Lands (Regions) Act32 allows for the issuing of certificates to non-Indigenous men and women once consent is obtained from the impacted Indigenous communities. Registration is also possible, following different tenancies and subleases arrangements. For those under tenancy arrangements, sale, mortgage, transfer, sublease or bequeath land is not allowed. Tenancy arrangements of more than three years are expected to be documented in writing, with tenancy agreements for non-Indigenous people not exceeding 55 years. However, many lands under customary tenure cannot be registered; they can only be transferred to individ-
als or groups with consent from the district authority and the Alkalo (Bensouda, 2013).

PROGRESS OF IMPLEMENTATION OF TENURE INTERVENTIONS

In the last 30 years, land reforms in The Gambia have focused on formalizing and converting customary tenure to leasehold tenure, centralizing land administration processes under the Land Commission and vesting powers of land administration in the State (Freudenberger and Sheehan, 2020). The State Lands Act also established Land Administration Boards, with members from the Ministry of Local Government and Lands (MLGR) to manage and oversee land reforms in the greater Banjul area and for each of the country’s five provinces (Duerdago et al., 2006). While the creation of Land Administration Boards decentralizes management, decision-making power ultimately rests in the State Lands Commission. The State Lands Act aimed to provide equitable tenure security to landholders through the creation of land markets and opportunities for acquiring formal credit to stimulate investment in residential and agricultural land. The State Land Act also gives the MLGR the authority to supersede traditional tenure for any area of land that has been declared to be state land by issuing 99-year leases to landholders and to expropriate any land deemed necessary for public use (Freudenberger and Sheehan, 2000).

Under the Lands (Provinces) Act, district authorities (seyfos) are responsible for land administration decisions. Ward Development Committees (WDCs) and Village Development Commit-
tees (VDCs) further support the management of land, as estab-
lished by the Local Government Act enacted in 2002. These committees oversee the affairs of wards and villages and are responsible for the approval of ward and village plans, respec-
tively. At the village level, the village chief, or Alkalo, supports the district authority in the administration and mediating land disputes (Bensouda, 2013; Smith, 1996). The Alkalo, along with the seyfo and district tribunals, plays a critical role in defin-
ing and enforcing rules governing the use of the commons. These local authorities act as trustees over community land and guarantee women’s permanent rights to their land (African Development Bank Group, 2011). Statutorily, laws provide the same degree of legal protection for collective ownership of forests and rangelands to be used for construction of houses and farmlands (Wiley, 2011), though this may not be the case in practice. Although the Land Commission33 is tasked with ad-
vising on land administration policy and ensuring compliance and transparency in land allocation, it has yet to carry out its responsibilities.

Alongside reforms in land regulations, development projects have introduced progressive changes influencing women’s land and resource rights. For instance, the Lowlands Agri-
cultural Development Programme (LADP) of 1997–2005, introduced by The International Fund for African De-
development and the African Development Fund (IFAD/ADF), aimed to sustainably improve traditional rice production, systems and secure land tenure for poor households (IFAD/ADF, 2007). The project aimed to establish commu-
nity-based organizations to support claims and distribution of lands to individuals, including landless farmers, especially women, to be recognized as landholders through leases in the lowland areas suitable for growing rice (Quisumbing and Pandolfelli, 2009, 2008; Brautigam, 1992). The project involved 21,000 rice-growing households and 73,000 people, approximately 70% of whom were women (IFAD/ ADF, 2007). The extent to which women’s high levels of partic-
ipation resulted in improved access to land or improved income, however, is difficult to measure.

Since the 1980s, rural development initiatives have pro-
moted government policies supporting irrigation schemes. These schemes aim to diversify exports and increase the engagement of women-led agricultural production systems, particularly through the cultivation of rice and vegetables (Carney, 1993). Historically, Gambian women have cultivated rice and vegetables for subsistence purposes in the lowlands and in areas considered as commons under diverse arrange-
ments including loans, pledges and sharecropping agree-
ments (Quisumbing and Pandolfelli, 2009; Carney, 1998). There is historical precedent for such irrigation projects, during the British colonial period, mangrove biomes were drained and irrigation channels were built to expand rice cultivation in wetland areas (Leven, 2017). After independence, The Gambia continued promoting rice cultiviation with support of development project interven-
tions. These irrigation initiatives have had unplanned negative effects on women’s secure access to land and resources. An earlier study by Brautigam (1992) revealed that an intensive Chinese project introducing irrigated rice and vegetables to boost rice production ran into problems due to incompati-
ble interpretations of existing land tenure rights (Brautigam, 1992; Schroeder, 1999). This type of project was shown to increase the value of the lands involved, which, coupled with existing socio-economic and legal barriers, further con-
strained women’s ability to benefit from these lands (Carney, 1992; 1998; 2019, 2018; Dey, 1981; Senghore, 2019). For example, women’s rights were recognized on their own rice plots, but women who cultivated swamp rice on communal land lost their rights, as irrigation projects assigned control of those lands to households headed by men (See Box 2). Although women benefited from increased economic prosperity because of the irrigation project, they had to give up their usufruct rights and provide labor to male heads of house-
holds (Quisumbing and Pandolfelli, 2009; Carney, 1998).

Other development interventions supporting women’s gar-
dens opted to convert such gardens into fruit orchards con-
trolled by male landowners. These changes meant women’s gardens and lands were opened to competing claims and displaced by fruit orchards and woodlots (Schroeder, 1999). Land development initiatives that primarily target men often result in the loss of women’s land use rights on their tradi-
tional rice-growing land (Brautigam, 1992).

13
WOMEN’S PARTICIPATION IN TENURE INTERVENTION IMPLEMENTATION PROCESSES

Despite existing statutory laws recognizing the right of every citizen to participate in public affairs and to be freely chosen as a representative, no provisions specifically reserve seats for women in the National Assembly, Electoral Commissions, or at Local Government institutions. Notwithstanding, an African Development Bank Group (AfDB) report (2011) noted that 13% of women have been appointed in the cabinet and 33% of women constitute members of the National Assembly. Similarly, sectoral regulations, including those governing land administration and resource management, do not specify gender quotas for membership.

The Gambia National Gender Policy recognizes the uneven gender distribution of the labor force in the public and private sector (Ministry of Women’s Affairs, 2010). As of late 2010, women’s representation was highly uneven across private sectors: less than 17% in fisheries, 23% in manufacturing, 41% in hotels and restaurants, less than 1% in financial services, less than 7% in storage and communication, 40% in commercial, social and personnel services and 44% in wholesale and retail. In the public sector, women represent about 25% of total civil servants. As of early 2000, less than 33% of government cabinet staff were women, and less than 15% of Parliament members were women. Out of 147 elected Area Councillors, only 45 are women (ibid). At the local level, women’s representation in governing bodies is even lower: of 1,938 villages only five were headed by women according to the 2003 Nation-population and Housing Census.

The 2002 Local Government Act explicitly provides for equal representation of men and women in Village District Councils and Ward District Councils as an intervention to increase women’s participation. These affirmative actions have introduced progress to women’s representation in local government areas. For example, in 2008, 20 women became candidates for council and received party sponsorship, 16 of whom won seats (African Development Bank Group, 2011). This is particularly notable considering that in 2008 only 1 out of 5 Deputy Governors and 4 out of 1,873 village headmen were women, and all 46 chiefs were men. Women’s mere presence, however, may not be enough to guarantee their meaningful participation. A stakeholder consultation process organized by the AfDB on the policies, programs and practice areas that have promoted women’s empowerment and gender equality in The Gambia found that even when women were given the space to voice their opinions, thoughts, and concerns, they may not always do so due to social norms; women’s low socio-economic status, in particular, acts as a constraint preventing women from taking full advantage (ibid).

According to recent data, women’s participation in political decision-making or as government officials is still concentrated in certain sectors and at certain levels (Ministry of Foreign Affairs, 2010). Women are rarely politically engaged in the agricultural sector, and even less so in other government institutions administering natural resources including land, forest, or water. Women’s involvement in the National Land Commission or Land Board is scarce, and less than 1% of village heads are women (Bensouda, 2013). The limited extent to which women are engaged in the institutional structures that manage land or natural resource issues could constrain the extent to which existing formal structures and arrangements recognize and address gender issues.

OUTCOMES REGARDING WOMEN’S RECOGNITION OF RIGHTS AND IMPROVED TENURE SECURITY

Rights to land under customary tenure systems are determined through membership in recognized kinship or lineage groups. Transfer of rights is often prohibited to people outside of a certain lineage, except in cases of marriage; therefore, inheritance is the most common form of rights acquisition. Smith (1996) describes complex practices of rights transfers in The Gambia which rarely benefit women, with notable exceptions occurring among Mandinka or Jola women that may receive land as a gift for planting rice. However, these practices are becoming less common as population pressure increases and access to land becomes more restricted (ibid). Sales of state land in rural areas have been less frequent until recently (Bensouda, 2013). In the provinces, the recognition of indigenous inhabitants’ existing customary rights guarantees their land access (African Development Bank Group, 2011). The recognition of group rights has been particularly impactful for women who were landless farmers and became landowners of rice fields through group membership (Quisumbing and Pandolfelli, 2009).

The Lowlands Agricultural Development Program (LADEP) of 1997–2005 made some progress in improving women’s rights to land. Although the program’s focus was on increasing rice production, its activities were able to address gender and land-related issues by enhancing women’s access to land leaseholds for rice cultivation (see Case Study). Through the implementation of workshops and community participation and mobilization, the project was able to carry out construction and maintenance work, with more than 82% of the sites successfully maintaining water control structures two years after the program (IFAD, 2007). Additionally, the total rice production per annum was increased from 1,500 kg/ha to over 2,200 kg/ha, which resulted in an increase in income for about 70% of rural women. Additionally, the program was shown to benefit women through diversified consumption, increased ability to cover expenses related to children’s schooling and health and the creation of rural employment opportunities, specifically for landless farmers.

About 70% of program beneficiaries were women, or households headed by women, involved in rice cultivation. Program interventions facilitated access to rice fields by constructing bridges and causeways, which, before the program, were primarily accessed by men due to hazardous flooding and muddy conditions. However, this program produced considerable trade-offs, including increased exposure of rice farmers to water borne diseases such as schistosomiasis and malaria, which affected women involved in rice production.

CASE STUDY 1

Land against labor agreement: Improving women’s access to fertile land for rice cultivation in The Gambia.

The IFAD-supported Lowlands Agricultural Development Program (LADEP) of 1997–2005 in the Gambia aimed at improving land access for women who are traditionally rice growers. Thus, women in participating communities who took part in reclamation efforts were given ownership of a piece of land from traditional landowners. Agreements based on the ability to provide labor to convert swamps for rice cultivation were made between landless individuals (mainly women) and customary rights-holders (mainly men), in the presence of the whole community, thereby conferring a traditional legal status to the agreement. This allowed the program to improve women’s access to fertile land for rice production. About 22,216 landless women farmers, who comprised 90% of the total beneficiaries, gained access to land, thereby increasing the area for farming rice, increasing the yields of rice production and improving food security conditions.
Tenure arrangements around land and other productive resources in The Gambia are extremely complex, with different overlapping systems. Together, these arrangements influence the extent to which women can access rights to land and resources. While there has been some progress in this regard, meaningful improvement through existing policies and programs on land interventions is limited. Furthermore, a lack of information (e.g. lack of sex-disaggregated data of existing registries) makes it difficult to measure progress on land reform regulations targeting women’s land rights.

This section discusses existing barriers and constraints to the recognition of women’s land rights. Results are organized around three types of barriers:

<table>
<thead>
<tr>
<th>BARRIER/CONSTRAINING FACTOR</th>
<th>REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of capabilities of government agents and existing biases within male-dominated institutional services in the land sector.</td>
<td>Bensouda, 2013; Freudenberger and Sheehan, 2000</td>
</tr>
<tr>
<td>Incongruencies in existing provisions that define roles and the institutional structure and procedures to implement, monitor and enforce existing tenure interventions.</td>
<td>Freudenberger and Sheehan, 2000</td>
</tr>
<tr>
<td>Resources provided to government institutions in charge of land administration, surveying and registration are inadequate to train and/or retain qualified personnel.</td>
<td>World Bank Group, 2020; Barry, 2019; African Development Bank Group, 2011; Bensouda, 2013</td>
</tr>
<tr>
<td>Regulations and laws based on registration processes for regional lands are often unclear. Very little information on land allocation and sale is made public, making it more difficult for women to formalize land rights.</td>
<td>World Bank Group, 2020; Sulle, 2019; African Development Bank Group, 2011</td>
</tr>
<tr>
<td>Lack of regulations that recognize pastoralist women and other seasonal land users, who are often excluded from land formalization processes due to elite capture by dominant ethnic groups with more capacity to influence local land authorities and comply with existing procedures.</td>
<td>Freudenberger and Sheehan, 2000; UN-HABITAT, 2006</td>
</tr>
<tr>
<td>Corruption affects land formalization and redistribution processes.</td>
<td>Bensouda, 2013; Freudenberger and Sheehan, 2000</td>
</tr>
<tr>
<td>Lack of clarity of the nature of women’s rights in polygamous contexts makes these groups vulnerable.</td>
<td>Saidy, 2017</td>
</tr>
<tr>
<td>A limited number of women is included in the administration process.</td>
<td>Bensouda, 2013</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BARRIER/CONSTRAINING FACTOR</th>
<th>REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contradictions between the statutory and customary systems make it challenging for women’s rights to be implemented and protected.</td>
<td>Ouedraogo et al., 2006; Wily, 2011; Freudenberger and Sheehan, 2000</td>
</tr>
<tr>
<td>Management of land disputes by traditional leaders often does not favor women.</td>
<td>Freudenberger and Sheehan, 2000; Bensouda, 2013</td>
</tr>
<tr>
<td>All aspects of land ownership handled under the Personal Laws vary widely across regions, often dictated by culture and religious laws and practices.</td>
<td>African Development Bank Group, 2011; Bensouda, 2013</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BARRIER/CONSTRAINING FACTOR</th>
<th>REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illiteracy and poverty affect women’s knowledge on land rights and widen the information gap on legal provisions.</td>
<td>Sulle, 2019</td>
</tr>
<tr>
<td>Existing customary practices limit women’s usufruct rights and tie the recognition of land rights to their social and marital status.</td>
<td>LeVeen, 2017, African Development Bank Group, 2011</td>
</tr>
<tr>
<td>Issues of marriage, inheritance for widows, polygamy, divorce, child custody upon divorce and women’s rights to parental inheritance are subject to Personal Laws, which are often not favorable to women’s land rights.</td>
<td>Carney, 1998; Bensouda, 2013; Freudenberger and Sheehan, 2000</td>
</tr>
<tr>
<td>Lack of understanding of how customary practices mediate access to land, especially when access is seasonal (i.e. in irrigated lands) and how that may further exacerbate vulnerability.</td>
<td>LeVeen, 2017; Carney, 1993</td>
</tr>
</tbody>
</table>
Land formalization processes such as title deeds and certification—and registration of those rights—are subject to gaps in implementation. Existing gaps are largely related to limited resources and capacity to implement existing land regulations, lack of clear procedures, high costs and non-familiality of gender issues by officials to protect women’s land rights.

In addition to a lack of clarity, there are also insufficient procedures to ensure that the registration of regional lands is actualized. As a result, registration is sporadic in urban areas. What is more, legal fees for first time registration of property may exceed 5% of the property value (Barry, 2019; World Bank Group, 2020). Cases of corruption have been reported during the registration process, which may involve discretionary payments to lawyers, unlicensed surveyors, planners, and alkals or district chiefs, which may be higher than standard fees (Bensouda, 2013). Furthermore, some officers from national departments and Land Boards may request to be “tipped” to expedite the process (ibid). Lack of clear procedures as well as a lack of readily available information on the process results in elites and dominant ethnic groups having more capacity to formalize land rights, whereas stripping access to resources from pastoralists and other seasonal resource users, such as women (Freudenberger and Sheehan, 2000; Bensouda, 2013; UN-HABITAT, 2006).

Other setbacks affecting the implementation of land regulations are related to ambiguity around certain formal regulations. For example, the constitution allows anyone to purchase leases, but in practice, women continue to experience difficulties in getting leases titled in their names, and must therefore secure titles through men. (Freudenberger and Sheehan, 2000)

Furthermore, a limited flow of electricity and technology affects the electronic record system in the Land Registry, causing additional challenges (Vadsaria, 2014).

In The Gambia, contradictions between the formal and customary laws, especially in relation to Personal Laws, affect the security of women’s land rights. Two processes emerge: the first is the formalization of customary rights through the leasehold system; the second is ensuring that the formalization process is ultimately carried out by district and village authorities. Despite efforts from statutory regulations to formalize customary rights through the leasehold system, a lack of clear procedures and roles dictating how the different authorities should intervene results in different interpretations of the regulations, which may vary across contexts.

In the Review of the State of Implementation of Praia Orientations (On Land Tenure) in The Gambia report (n.d.), it was noted that the distinction of primary vs. secondary rights-holders under Personal Laws makes it difficult for divorced and widowed women to access land, thereby reducing their production capacity and increasing food insecurity. In most cases, husbands or male relatives serve as primary landholders, as customary laws and tradition prevent women from independently buying land following the Persons and Family Code Law of 1995; this excludes women from the possibility of owning land titles (UN-HABITAT, 2006). Furthermore, women’s position as land borrowers under customary tenure systems in the provinces may be weakened by implementing the State Lands Act, since this Act would grant greater rights to male registration holders. Accordingly, the Act raises contradictions, as customary rules obligate men to provide land to their wives and recognize their right to cultivate it, but modern (formal) land law does not recognize women’s rights to register land. Some members of parliament (MPs) argued that having a constitution and laws providing for and protecting women’s land rights is not sufficient without clarity on how existing regulations will ensure to address continued exclusions and vulnerabilities (Sule, 2019).

“Yes, it is one thing to have equality on women’s land rights in papers, but the point is that there is no equity in practice. In The Gambia we have a good constitution, but you also have Sharia’s Law which stipulates that a woman inherits half of what the man inherits. We are a country dominated by Muslims, so we use Sharia’s Law.”

Customary practices regulating distribution of assets and land access in marriage are particularly problematic. Under customary law, wives are not entitled to user rights for their husband’s property. What is more, during divorce, tradition upholds that a wife returns to her family to seek land for cultivation (Freudenberger and Sheehan, 2000).

Very few laws and practices under the formal and customary systems explicitly protect women’s rights to control, own, or access land. For instance, the Women’s Act does not regulate family matters for the Muslim population (which represents 95% of The Gambia’s total population), meaning that issues of marriage, widow inheritance, polygamy, divorce, child custody at divorce and women’s rights to inheritance are subject to Personal Laws, thus maintaining the status quo (OECD, 2019). The Act also fails to adequately address women’s rights to land, and offers no specific legislation on domestic violence (African Development Bank Group, 2011). Despite these shortcomings, the Women’s Act has been highlighted as the most progressive piece of legislation passed by the National Assembly. It is believed that its enactment and implementation will uplift and improve the social and legal status of women (Bensouda, 2013).

Discriminatory cultural, religious, and social norms, as well as intersecting socio-economic factors, have been shown to affect women’s land rights in The Gambia. The Constitution recognizes and preserves the application of customary law and practices which, to some extent, are discriminatory against women. Women’s access to land is thereby mostly guaranteed through their relationship with men.

For instance, an ECOWAS Learning Exchange in Kigali with members of parliament revealed that besides a complicated, pluralistic legal framework in the Gambia, high literacy rates are also an important challenge: as a result, a large portion of women, especially in rural areas, may be unaware of existing policies and laws. About 73% of women above 15 years of age in The Gambia are illiterate, and most of the female population is based in rural areas and engaged in agricultural production (GBoS, 2015). Low literacy rates therefore act as an obstacle to women’s participation in the development process and to their awareness of land rights regulations.

Access to land for women who do not marry into landowning families or who get divorced is complex, as women’s access to land is limited to sub-lease, borrowing or share-cropping mechanisms since they are often also excluded from access to credits (Freudenberger and Sheehan, 2000). Collectivity through Kato groups is important not only in terms of access to land, but also in terms of collective negotiation of rights before local authorities (African Development Bank Group, 2012). Access to common areas is particularly important for these vulnerable groups, especially with respect to rice cultivation and access to fuelwood.

Violence against women and girls further constrains their ability to exercise their rights to land. Even in cases where women do get access to land, they are frequently granted lands which are less fertile or more distant from villages, constraining their ability to cultivate crops. Although recent development initiatives have facilitated enhanced access to land, inability to secure long-term rights keeps women from investing in improving land fertility or in more sustainable practices.

Deeply entrenched patriarchal attitudes dictating that women cannot own property in their own right has left many women unable to increase production (Carney, 2019; 2017; Tikata and Amanor-Wilks, 1999). According to the Gambia National Gender Policy (2010-2020) by the Ministry of Women’s Affairs, women face low nutritional status at household level compared to men. As previously mentioned, women’s inability to own and control land makes it harder for them to increase food production. Food and nutrition insecurity and cultural norms also force women to deny themselves food in the right quantity and quality in favor of male adults and children, often seriously compromising their own nutritional status.

Violence against women and girls further constrains their ability to exercise their rights to land. The OECD Development Center (2019) data shows that as of 2018 around 20% of women suffered from a prevalence of domestic violence and about 25% of girls under 18 were married. To address this, the government engaged in the African Union Campaign to end child marriage (ibid). Since 2016, the Children (Amendment) Bill declared child betrothal illegal. In 2014, the government launched the National Plan of Action on Gender Based Violence (2013-2017) to coordinate efforts to address violence against women and girls (Replies of Gambia to CEDAW, 2015)25. However, cases of gender-based violence are still considered family matters to be settled in traditional settings (African Development Bank Group, 2011).
Access to justice and mechanisms to land conflict and dispute resolution in The Gambia

This particularly affects women, who depend on sharecropping, sub-lease and leasehold agreements to access land (Freudenberger and Sheehan, 2000). In order to address these vulnerabilities, formalization of rights through leasehold systems is intended to introduce clearer conditions for securing rights of both primary and secondary right-holders. In other cases, conflicts emerge in the context of marriage, custody, or divorce cases, where access to assets is mediated by a tenuous system of usufruct rights. Conflicts may also emerge between owners of big livestock (usually men) and rice cultivators (usually women) especially in rice fields that are used for cattle pasturing, where livestock owners are reluctant to pay for damage costs. Other conflicts may emerge from the lack of clear land boundaries and the lack of ability to determine clear access, especially to common areas including forests or mangrove swamps. This type of conflict particularly affects women and other vulnerable groups who depend on these resources for access to fuelwood, construction materials or fish. More recently, disputes have emerged over the ownership of year-round irrigated rice fields, as irrigation development projects have affected women’s access to rice fields that previously followed complex seasonal arrangements (Carney, 2017, 2019).

The literature identifies three types of conflict resolution mechanisms: first, second, and third order resolution bodies. First order resolution bodies include customary and local authorities, including akkals village heads and village elders such as religious leaders and other highly respected groups such as traditional midwives (ngansimbans). In some regions, dispute mediation committees may also support conflict resolution at the local level (African Development Bank Group, 2011).

Land disputes in polygamous families are generally resolved at the household level, as the husband is traditionally tasked with allocating land within his household. Land disputes in polygamous families are generally resolved at the household level, as the husband is traditionally tasked with allocating land within his household. However, this also supports conflict resolution at the local level (African Development Bank Group, 2011).

References


IFAD. (2012). Securing water for improved rural livelihoods: The multiple-uses system approach. Brief on Gender and Water


LIST OF REGULATIONS

POLICY DOCUMENTS
Gambia National Development Plan (2018-2021). Date of text: 01 December 2017
Gender and Women Empowerment Policy 2010-2020. Date of text: 2010

SECTORIAL LAWS

LAND AND SOIL
Land (Registration of Deeds) Act. Date of text: 14 July 1980
Lands (Regions) Act, 1995 (Cap. 57:03). Date of original text: 01 January 1946 (1991)
Land Use Regulations, 1995 (L. N. No. 11 of 1995). Date of text: 09 February 1995

LOCAL GOVERNMENT
Local Government Act, 2002. – Adoption Date: 17 April, 2002

WOMEN
Women’s Act, 2010 (Act No. 12/2010). Adoption Date: December, 2010
Muslim Marriage and Divorce Act, Act No. 1 of 1941
Mohammedan Marriage and Divorce Ordinance of 1941
The Civil Marriages Act of 1938
The Christian Marriages Act of 1862

These regulations were retrieved from the following sites:
ILO. NATLEX. Database of national labour, social security and related human rights legislation
FAO. FAOLEX. Gambia Country Profiles
The FAO Gender and Land Rights Database
The Center for International Forestry Research (CIFOR) and World Agroforestry (ICRAF) envision a more equitable world where trees in all landscapes, from drylands to the humid tropics, enhance the environment and well-being for all. CIFOR and ICRAF are CGIAR Research Centers.

Climate change, biodiversity loss, environmental degradation, and malnutrition. These four interconnected global crises have put at stake the wellbeing of our planet for years. Fueled by COVID-19, their impact on agriculture, landscapes, biodiversity, and humans is now stronger than ever. Reversing this negative trend is a challenge, but also an opportunity for bold choices and integrated solutions. Established in 2019, the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) was created to address these four crises, maximizing impact for change at key points in the food system.

The International Food Policy Research Institute (IFPRI) provides research-based policy solutions to sustainably reduce poverty and end hunger and malnutrition in developing countries. Established in 1975, IFPRI currently has more than 600 employees working in over 50 countries. It is a research center of CGIAR, a worldwide partnership engaged in agricultural research for development.

INITIATIVE CONTACTS

Anne Larson, Theme lead for Governance, Equity and Wellbeing
a.larson@cifor-icraf.org

Ana María Paez-Valencia, Social Scientist, Gender
a.paez-valencia@cgiar.org

Steven Jonckheere, Senior Technical Specialist for Gender and Social Inclusion
s.jonckheere@ifad.org

Harold Liversage, Lead Technical Specialist, Land Tenure
h.liversage@ifad.org

https://www.cifor.org/wlr
https://www.ifad.org/en/gender_transformative_approaches