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Editorial: Women's Communal Land Rights

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Editorial on the Research Topic

Women's Communal Land Rights

The recognition of the human right to land, as both an individual and collective right, is one of the most important achievements of the 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) (Claeys and Edelman, 2019). Yet, the protection of customary or communal land systems must go hand in hand with the recognition and defense of women's right to land. Too often, that is not the case. The UNDROP, for example, reasserts the need to ensure women's substantive equality as enunciated in the UN International Covenant on the Elimination of all forms of Discrimination Against Women (ICEDAW), but fails to explicitly recognize women's equal rights to inherit land. It reaffirms the important principle of non-discrimination, but does not explicitly grant women equal tenure rights in agrarian reform or in the allocation of communal land (Claeys and Martignoni, 2021). Somewhat similarly, key actors in the Global Food Sovereignty movement are advocating for the protection of communal land rights, while failing to prioritize women's rights within communal land systems. Protecting communal land is key in the face of individualization, privatization and land grabbing, and is an effective way to support resilient food systems. Yet, efforts to provide secure land tenure for communities through the formalization of communal land ownership should not have negative outcomes for women. At the same time, development initiatives should not focus exclusively on women's individual access to land, as this would ignore the fact that a lot of land is under customary tenure, and that access to collectively held land is essential to women's livelihoods.

This Research Topic explores challenges women face in their efforts to realize their right to land, with a focus on communal land. It analyses the complex web of state, civil society and private actors that are shaping the rapidly changing field of women's right to, and governance of, communal land. Its 5 articles cover a variety of legal, policy and socio-cultural contexts, from Latin America to Africa and Asia. This Editorial presents some common but contrasted trends emerging from these articles, as well as avenues for future research.

First, communal land is targeted by processes of privatization, commodification, enclosures, and land grabbing, which are directly and disproportionately impacting women's rights within communal land systems. In Cambodia, rural people who previously saw themselves as rightful owners or custodians of land have become "illegal settlers" as state public land is rezoned into state private land to be leased to investors, or as public conservation areas. In Mexico, communal land is privatized and sold or rented to corporations seeking to invest in agroindustry, oil, mining, and (renewable) energy production. In Sub-Saharan Africa, peasant and indigenous women face

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the compounded impact of the lack of recognition and violation of the collective rights of their communities—which is often the legacy of histories of colonization, conquest, dispossession and discrimination—, and patriarchal norms, exacerbated by neoliberalism and the commodification of land and natural resources. This leads Errico to argue that interventions seeking to facilitate women's access to land should aim at guaranteeing both their collective and individual rights. Measures in the areas of family and inheritance laws are insufficient if adopted in isolation from other interventions that should tackle collective threats such as land grabbing and speculation.

Second, customary land management institutions can provide an effective barrier against land grabbing. As shown by Vázquez-García and Sosa-Capistrán, people represented in the ejido assembly—the ejido is the most important form of collective land ownership in Mexico—still have the juridical power to deny the entry of corporations into their territories. Despite the government's attempt at fragmenting and privatizing ejido lands, the Agrarian Law still recognizes ejidos as a group of peasants with a common history and collective rights to the land.

Third, many rural women rely substantially on common lands, for food and fuel. Yet they rarely participate in or are excluded from decisions about communal land governance. Analyzing how communities interact with corporations in Mexico, and how decisions are made, Vázquez-García and Sosa-Capistrán show that even the ejidatarias who enjoy the full bundle of rights granted by law were excluded from the process. They are being replaced by their sons and receive no benefits from land deals, with the complicity of male ejido authorities.

Elsewhere in Mexico, Soto-Alarcón and González-Gómez analyze the women's bargaining process to access, use, and control communal land and biophysical resources. They describe how women in a medicinal plant cooperative relied on fulfilling and performing existing gender norms to bargain with their husbands and male community authorities, who eventually donated communal land to the cooperative for their contribution to collective wellbeing. This strategy improved women's economic opportunities based on gendered peasant knowledge, organization, and stakeholder support. At the same time, it led to increased workload, and reinforced existing gendered norms such as female altruism at households and community levels.

Fourth, the enclosure of land commons is transforming customary norms and practices around land, and reconfiguring gender roles. In Cambodia, Beban and Bourke Martignoni find that gender relations are changing as a result of

land privatization and the ensuing social and ecological crises of production and reproduction. The forest as a space where rural men and women worked together is being remade by the rapid rise in commercial logging, plantation development, and cash cropping. The forest has become a space for the articulation of new masculinities modulated through class and racialised power, while women are increasingly relegated to the private space of the home and village.

Fifth, more attention needs to be paid to the lived experiences, strategies and practices of women, to generate knowledge and support concrete actions to secure women's right to land in customary tenure systems. These tend to be overlooked in current debates. Santpoort et al. argue that funds for a locally driven women's land rights agenda are still limited and oriented toward short-term results, because of the complexity of the issue and the difficulty of showing direct results on the ground. Yet they describe how rural women have managed to strengthen their case to advocate for their own priorities during land-use planning, and demand accountability in resource sharing. These experiences need to be scaled up, reinforced and documented.

The main lesson from this Research Topic is that the realization of women's right to land cannot be separated from other key issues for women and gender equality, such as their disproportionate burden of unpaid reproductive and agricultural labor; women's rights to equality in marriage and family relations; women's sexual and reproductive health and rights; and patriarchy as a source of violence and structural oppression against women and nature. While these various dimensions are prominent in women's claims within agrarian movements such as La Via Campesina (and in the everyday struggles documented here), they did not receive adequate attention in the UNDROP (Claeys and Martignoni, 2021), and must be addressed.

Building on the initial reflections developed in this volume, we hope to see researchers further explore the implementation of the human right to land in various contexts (Lemke and Claeys, 2020), as well as the differentiated impacts of the privatization and commodification of communal land on different categories of women, youth and marginalized groups.

AUTHOR CONTRIBUTIONS

This editorial was written by PC in collaboration with SL and JC. All authors contributed to the article and approved the submitted version.

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