

LAND RIGHTS AND GENDER INEQUALITY IN SENEGAL

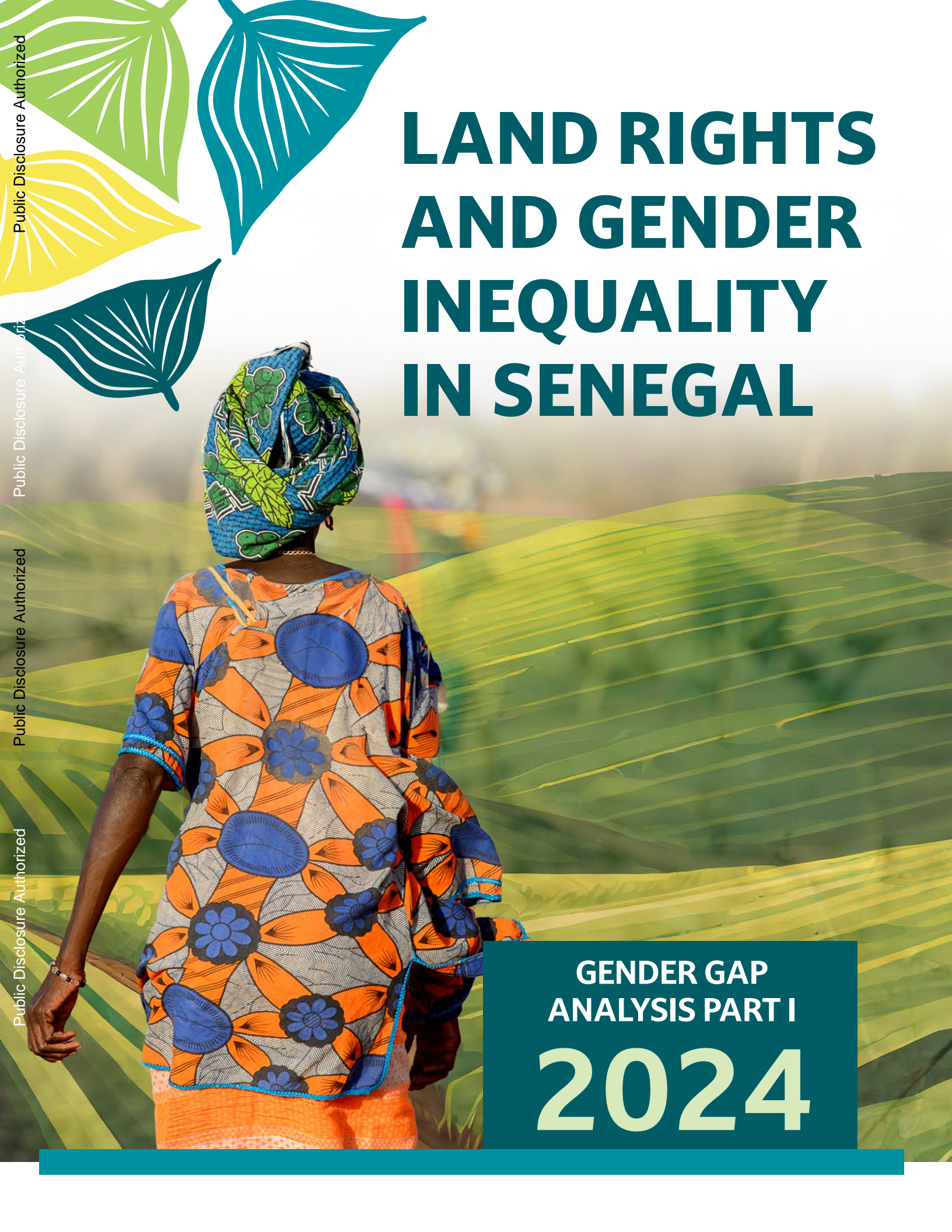
GENDER GAP
ANALYSIS PART I
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ABBREVIATIONS AND ACRONYMS

AJS	Association of Senegalese Lawyers (Association des Juristes Sénégalaises)
ASAM	Support for Food Security in the Matam Region (Appui à la sécurité alimentaire dans la région de Matam)
CDE	expanded land commission (<i>commission domaniales élargies</i>)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGCT	General Local Authorities Code (Code général des collectivités territoriales)
CNCR	National Council for Consultation and Cooperation of Rural People (Conseil National de Concertation et de Coopération des Ruraux)
CONGAD	Council of Non-Governmental Organizations for Development Support (Conseil des organisations non gouvernementales d'appui au développement)
CRAFS	Framework for Reflection and Action on Land in Senegal (Cadre de Réflexion et d'Action sur le Foncier au Sénégal)
CSO	civil society organization
ENDA Pronat	Environment Development Action for the Natural Protection of Land (Environnement Développement Action pour la Protection Naturelle des Terroirs)
HLP	housing, land, and property
IED Afrique	Innovation Environment Development Africa (Innovation, Environnement, Développement en Afrique)
IIED	International Institute for Environment and Development
IPAR	Agricultural and Rural Prospective Initiative Initiative (Initiative Prospective Agricole et Rural)

MASAE	Ministère de l'Agriculture, de la Souveraineté Alimentaire et de l'Élevage (Ministry of Agriculture, Food Sovereignty and Livestock)
NGO	non-governmental organization
NDL	National Domain Law
PSE	Plan for an Emerging Senegal
PROCASEF	Senegal Cadastre and Land Tenure Improvement Project (Projet Cadastre et Sécurisation Foncière au Sénégal)
SAED	National Society for the Development and Exploitation of the Land of the Senegal River Delta (Société D'Aménagement et d'Exploitation des Terres du Delta du Fleuve Sénégal)
SNEEG	National Strategy for Gender Equality and Equity (Stratégie nationale d'équité et d'égalité de genre)
WPG	women's promotion group



EXECUTIVE SUMMARY

Despite the existence of legal provisions and international commitments aimed at promoting gender equality in land rights, women in Senegal continue to face significant challenges in accessing and controlling land. While the Constitution of 2001 explicitly prohibits gender discrimination when it comes to property rights, traditional practices and patriarchal norms often limit women's access to land. According to national statistics, despite constituting 70 percent of the country's labor force in the rural sector, only 6 percent of women own agricultural land and 2.5 percent their housing.

Traditionally, land is a collective family asset under the control of the head of household, generally male, who can then determine who does and does not have access to it. **As such, women primarily obtain access to land through inheritance, loans, or gifts within the family.** Land rights obtained through these channels are generally temporary and secondary in nature, however, with women rarely receiving full administrative rights. Additionally, women's limited knowledge of land access procedures and the influence of patriarchal norms contribute to their marginalization in land matters.

This tendency to rely on local custom and social norms is confirmed by the quantitative data gathered as part of

this study. **For both men and women, obtaining rights to agricultural land is primarily achieved through inheritance (61.8 percent) and borrowing (loan) (24.2 percent).** The other methods for obtaining land rights (purchase, gift, rental, allocation of use rights by municipal council, etc.) are only very rarely used, with none shown to be above 6 percent. Importantly, only 1.1 percent of people who declared that they hold land rights stated that they held formal land allocation decisions from the municipal council.

Essentially, women access land under male supervision (husbands, adult sons, or brothers). This practice is consistent with concepts of a woman's place in society. While social norms are often cited to perpetuate such discrimination, false interpretations of religious rules are also used. In many municipalities, a skewed interpretation of Muslim law has led to women's exclusion from land inheritance. Aware that they are being excluded, women use different strategies, both formal and informal, to access land rights.

The gradual commodification of land and property appears to offer women a means of circumventing the difficulties they face in customary situations. The reality, however, is that women's economic resources

are, for the most part, very limited. Thus, while money could be a factor in women's emancipation, its absence puts them in a situation of continued vulnerability, particularly in localities where land pressures are strong.

Efforts to address gender inequality in land rights have included initiatives such as capacity-building and awareness-raising programs, reducing the costs associated with securing land use rights, and the use of quotas. While these initiatives have provided some encouraging results in improving women's land tenure security, their effectiveness remains limited.

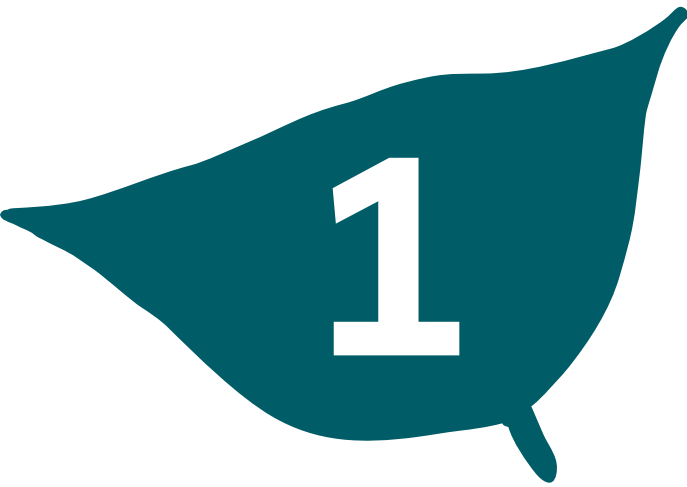
Women's participation in formal land decision making at the local level is also limited, with formal institutions often colluding with male-dominated customary institutions. The Law on Parity has allowed women to gain a stronger presence on municipal councils, but they remain poorly represented in land commissions and face barriers to active participation in debates.

To overcome these constraints, **women are creating their own strategies, such as collective access.** In certain municipalities, civil society organizations (CSOs), the state, and even technical and financial partners have implemented simultaneous initiatives combining various approaches—such as capacity building, awareness raising, advocacy, support for land use rights allocation applications, reducing survey costs, and quotas. These initiatives have provided encouraging results in improving women's land tenure security.¹

Local-level land governance at the is also characterized by formal institutions colluding with male-dominated customary institutions. At the local authority level, while the Law on Parity has ensured women now have a stronger presence on municipal councils, they remain poorly represented in land commissions, with very few women actively participating in debates. The few who have been able to assert themselves have benefited from capacity building and empowerment activities. The patriarchal norms underlying these forums, however, give women little or no voice, and can reinforce their marginalization. Finally, women's marginalization in relation to land tenure is further exacerbated by a lack of transparency at the decision-making level.

The report closes with a set of recommendations for improving the situation of women's land rights in Senegal, directed at **national government, local government authorities, CSOs, and donor-financed projects.** These recommendations encompass the legal and policy framework, project-level actions, capacity building and public awareness, and increasing women's roles in land governance institutions.

¹ For more details on these initiatives and others, see the accompanying "Catalog of Tools, Mechanisms and Initiatives for Reducing Gender Inequalities in Land Tenure in Senegal."



INTRODUCTION

1.1. Context and Justification

Secure access to housing, land, and property (HLP) is essential for development. Land rights are fundamental to the creation of livelihoods, food security, and heritage, while securing HLP rights for women not only generates economic advantage (land value, greater agricultural productivity, access to credit, etc.), but social status, such as greater negotiating power within the household and community (Stanley and Lisher, 2023).

According to national statistics, women in Senegal represent 70 percent of the labor force in the rural sector (Senegal, Ministry for Family and Women's Entrepreneurship (SNEEG), 2016). Furthermore, women are significant contributors to agricultural production, specifically subsistence crops (Khairy Coulibaly-Tandian et al., 2021). However, only 6 percent of women own agricultural land and just 2.5 percent own housing (Gaddis et al., 2018).

Despite a progressive legal framework access to and control over land remains a significant problem for Senegalese women. All the civil society organizations (CSOs) working in the field find that, while women use the land, which is a

pillar of agricultural development, they do not have equal access to, or control over it, unlike men. Although circumstances may vary from one area to another, most Senegalese women have relatively insecure access to land.




In Senegal, sociocultural norms continue to play a significant role in gender relations, particularly with respect to land. Typically, a woman has access to land and housing through a male relative intermediary, with the security of her rights dependent on maintaining this relationship.

Supporting interventions and projects aimed at improving women's tenure security in Senegal requires a full understanding of the obstacles women face in terms of access to and control over land, as well as the potential approaches for overcoming these obstacles.

In 2022, the Government of Senegal began implementation of the Senegal Cadastre and Land Tenure Improvement Project (PROCASEF). PROCASEF, which operates in 138 communes, aims to improve Senegal's land administration system by systematically registering all legitimate

tenure rights. In this context, it is necessary to understand the obstacles that women face to fully participate in such a project and secure their land rights.

The objective of this study is to advance knowledge of the key issues affecting women's land rights in Senegal, and so inform the gender-sensitive implementation of relevant projects and programs, including PROCASEF. More specifically, the study attempts to:

-  Understand the reality of women's access and control over HLP on the ground.
-  Identify obstacles currently preventing women's secure access to HLP.
-  Identify entry points, tools and methodologies that allow these obstacles to be overcome.

In doing so, this report aims to improve understanding of how the current legal framework and PROCASEF can contribute to providing HLP security to women in Senegal.



Three key factors typically have a decisive impact on women achieving rights to HLP: 1) the legal and regulatory framework; 2) the institutions involved in implementing these rights; and 3) sociocultural norms. Understanding how these three factors interact is therefore essential.

1.2. Methodological Framework

A three-tiered approach was adopted for the study.

First, a document review helped analyze the relevant legal framework and identify literature on the topic. This was then used to guide the research process and assess the current state of knowledge regarding the obstacles, challenges, and issues faced.

Second, a contextual diagnosis was made to:

-  Better understand the situation and challenges linked to land in general, and women's access in particular, in Senegal's various agroecological zones; and
-  Carry out extensive field investigations by confirming the relevance of each commune selected for field research and provide guidance for creating data collection tools.

The diagnosis led to five communes being chosen within PROCASEF's targeted areas. These communes were also selected as representative of Senegal's various agroecological zones (Dakar, Casamance, Senegal River Valley, Eastern Senegal, and the Peanut Basin). Given PROCASEF's heavy emphasis on rural areas, the diagnosis primarily focused on rural communes, covering Toubacouta, Diembéring, Dodel, and Tomboronkoto. In addition, the peri-urban commune of Bambilor (also part of PROCASEF) was included to give a sense of land dynamics in peri-urban areas and their impacts on women.

Third, field research consisting of quantitative and qualitative data collection was carried out in the five target communes. The quantitative survey covered 430 households spread over 30 villages,²

² 86 households were covered in each commune.



while the qualitative research consisted of 100 semi-structured interviews and 20 focus group discussions. The sample is representative of the selected communes. In the four rural communes, the surveys targeted farming households to better capture access to agricultural land, as well as access to housing. In Bambilor, the survey targeted non-agricultural households to provide data on access to housing in peri-urban areas (see Annex 1 for more details on methodology).

1.3. Report Structure

The study is organized into six sections. Following this brief introduction, Section 2 provides an overview of the current context and the challenges arising over land matters in Senegal. Section 3 sets out the legal framework surrounding women's access to land in Senegal, before Section 4 analyzes the practical situation regarding access and the constraints women face. Section 5 then takes stock of women's participation in land governance bodies at the local level. Finally, Section 6 presents the study's conclusions and makes recommendations.





2

LAND GOVERNANCE IN SENEGAL: OVERVIEW

This section gives an overview of the legal and institutional framework, the current practice, and

the challenges involved with respect to land in Senegal.

2.1. Governance of Tenure: Between Formality and Customary Legitimacy

Current land tenure practices in Senegal are the result of a plurality of norms. In fact, two land tenure systems de facto coexist in rural Senegal: the formal legal system based on National Domain Law No.64-46 from 17 June 1964 (NDL); and customary practices—based on tradition and local social norms—that were formally abolished by the NDL but remain widespread.

National Domain Law: holding land without ownership. Historically, the Senegalese land tenure system was characterized by customary norms based on the principle of collective rights. These land tenure rights were undivided, inalienable, and belonged to lineages or families. After the country gained independence in 1960, the customary system began to coexist with a formal legal system inherited from colonization. The government subsequently decided to end





this legal pluralism by creating a “national domain” and unifying the land governance system. A ‘national domain’ means that all land within the country belongs to the Senegalese nation as a whole and is managed by the government in the name of the people and only use rights on that land can be granted.

The NDL was intended to promote equitable land access for all and end customary practices that were deemed unequal. It stipulated that “all land not classified as in the public domain, not registered, and ownership of which has not been recorded in the Mortgage Registry by the date the present law comes into effect will constitute the national domain.” This included most land in Senegal at the time.³ The remaining land fell under either the individual property or state property regime. National domain land cannot

³ Once finalized, in 1965, the national domain comprised 95 percent of the land in Senegal, including almost all the country’s rural land (agricultural, pastoral, grazing).

be individually owned, which means that, in principle, it belongs to the Senegalese people as a whole, with individuals only granted inalienable, nontransferable use rights.

Article 4 of the NDL classifies national domain land into four specific use areas:

-  Urban areas
-  Classified areas
-  Terroir areas
-  Frontier areas

Urban and classified areas, including forests, are subject to special regulations, with the former used for urban housing and the latter subject to protection and the management of resources. Terroir areas are exploited for rural housing, growing crops, and tending livestock, while frontier areas have been identified for development under the state’s guardianship.

Instituting a national domain was meant to promote land held in custody by the state as an “uncommodified” asset to be used by the people (men and women) for the benefit of local communities. Allocations of use rights on the national domain are conditional on “improvement” or “productive use” of the land and can be revoked if this is not fulfilled. Terroir land—the focus of this study—can be allocated to residents of a community by municipal council resolution. This is called the allocation decision, or “*délibération d’affectation*,” following such decision a “*titre d’affectation*”, a document certifying the use rights, should be issued by the commune. Residents are responsible for improving the land and using it productively in compliance with laws and regulations (NDL, Article 8). Given that national domain land is inalienable and nontransferable, rural community members can only be granted use rights, which are also inalienable and nontransferable. As such, these rights cannot under any circumstances be equated with ownership rights.

Although the concept of “improvement” or “productive use” are not clearly defined, the provision indicates that rights holders can only lay claim to an area of land they can improve or using productively. This theoretically makes access equitable, with no payment is required for the land, which is considered an agricultural resource rather than a commodity.⁴

While these use rights are nontransferable and cannot be inherited, it is possible to have them reallocated to the rights holder’s heirs should they demonstrate their ability to improve the land and submit a request.

Multiple implementation constraints. Although The NDL was considered innovative when adopted, but its implementation came up against several constraints. The law was not accepted by much of the population, who saw it as a government strategy for dispossessing them of their land, with allocation-associated use rights perceived as far weaker than customary rights. It thus became commonplace to adjust or circumvent the law, particularly in some outlying areas and often with the collusion of local elected officials (CTFD, 2013).

4 Although the beneficiary needs to pay land demarcation fees (“*frais de bornage*”).

In addition, there were inconsistencies between the NDL and other legal texts affecting land governance, such as the Forest Code, the Water Code, and certain provisions of the General Local Authorities Code (CGCT).

The NDL has also been poorly understood by implementing authorities, highlighting the fact that the law's implementation modalities were never fully established. Given the differences in productive potential of the country's various agroecological areas, a prefectural decree at each rural community level was designed to set minimum improvement conditions as an important criterion for allocating land. A lack of definition around the concept of "improvement," however, led to multiple abuses in land allocations by rural councils, which had by then become municipal councils (Touré and Seck, 2013).

Finally, Decree No. 72-1288 of October 27, 1972, on the allocation and revocation conditions of national domain land, restricted the allocation of use rights to individuals or legal persons. As such, land allocations had to be assigned to a single person, significantly constraining the possibility of registering collective or family rights, despite the occupancy of rural agricultural land primarily being carried out by families. The decree was finally modified in 2022 to enable the allocation of land rights to more than one person (Decree No. 2022-2307 of December 30, 2022).

Collectively, these factors impeded—and continue to impede—implementation of the NDL. In practice, access to and control over land remain largely governed by informal usage norms passed on from generation to generation (see Box 1).

Box 1 Access to Land: Overview of Current Local Practices

Rather than resorting to the NDL and applying for use rights, much of Senegal's rural population continues to gain access to and control over agricultural land through customary and local practices. While socially legitimate, these practices are not legally recognized. Descendants of old landowners (called *maîtres de la terre*—land masters) continue to "hold" vast areas of arable land, whereas other groups—mainly women—are deprived of access. At a local level, customary practices generally have more social legitimacy than a simple land rights certificate, and encompass an array of rights to access, use, or manage land. These may be held by a single individual or group or distributed among different individuals or groups.

In Senegal, as in most countries in Sub-Saharan Africa, agricultural land is traditionally seen as a family asset to be handed down the generations.⁵ As such, it is collective and indivisible. Despite not being recognized by the NDL, therefore, **inheritance** remains the traditional method par excellence for passing on land, enabling both operational and management rights over land to be passed on.⁶ Aside from inheritance, the two most common customary ways of transferring rights to land are borrowing land (free loan) or donating it as a gift.

5 According to Senegalese tradition, a family is not limited to the "nuclear family" but can encompass several households and people with no blood ties to the head of the family. Single-family land may therefore be used by several households, necessitating a distinction between the family and the household (the nuclear family).

6 Operational rights include the right to access and use land, while management rights include the right to alienate/transfer ownership or grant secondary rights—such as rights to access and use land—to others.

Borrowing land (via a free loan) involves the main land holder granting temporary use and access rights without any financial or in-kind compensation. It does not usually involve any formal documentation and is widely practiced within the family circle. Wives often borrow a plot of land from their husbands and are allowed to decide what to grow on it but must return the plot at the end of the season.

Land **donated as a gift** normally involves the permanent transfer of both operational and management rights, and again does not involve any financial or in-kind compensation.

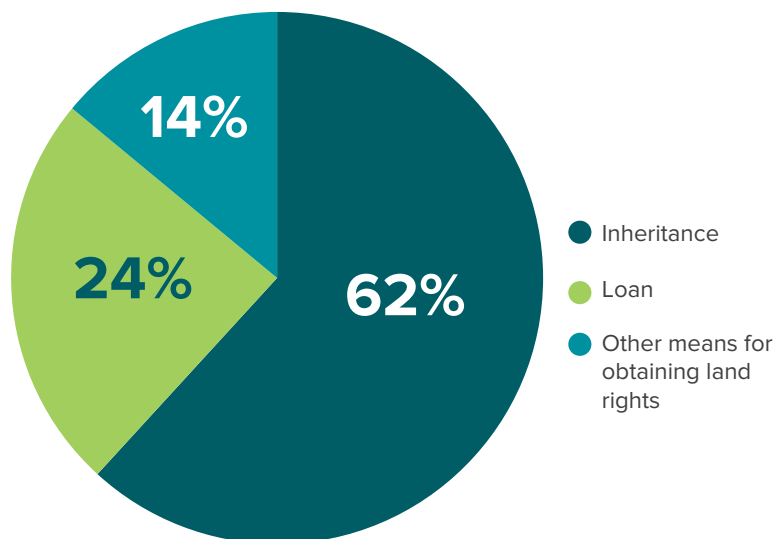
With the growing commoditization of land, new practices have emerged, such as land purchase and rental. Although officially illegal, —national domain land being inalienable and nontransferable—these such practices are rampant, particularly in areas with significant commercial pressure where land is limited. While **purchase** allows for the transfer of the entire bundle of land rights, **rental** provides a secondary and temporary right. Both involve these land rights being exchanged for financial compensation.

Alongside these endogenous practices (of traditional or situational origin) goes **allocation of use rights** by the municipal council, in compliance with the NDJ. This process involves several steps. Firstly, a request is submitted by the right holders to the commune, following which a land survey is carried out by the local land commission to, among other things, clarify boundaries and assess the plot situation. Upon completion of the survey, use rights may then be granted through a municipal council resolution (*délibération d'affectation*). Finally, a '*titre d'affectation foncier*'—a document certifying the use rights—should be issued.

In practice, this legally recognized method of obtaining land rights is used either to regularize existing rights (obtained from usage or the customs mentioned above) or obtain new rights on vacant land. Data suggests, however, that most of the population does not currently avail itself of this formal process.

This tendency to draw on usage and local custom is confirmed by the quantitative data, which reveals that both men and women obtain rights to agricultural land primarily through inheritance (61.8 percent) and borrowing (loan) (24.2 percent). The other methods for obtaining land rights (purchase, gift, rental, allocation of use rights by municipal council, etc.) are only rarely encountered (none above 6 percent) (Figure 1). In particular, only 1.1 percent of people who declared they hold land rights also held formal land allocation decisions from the municipal council.

Figure 1 Principle Ways of Obtaining Land Rights in Study Areas (All Genders)



Multiple bodies govern rural land. The multiplicity of institutions is reflected in how land is governed. Given this, it is important to consider the full diversity of actors and institutions involved when attempting to understand gender and power relations in Senegal’s land governance system (Touré and Seck, 2013).

At the local level, these land actors—despite coexisting in a single community space—occupy different areas of legitimacy and power. Although the government and local authorities are officially responsible for protecting and administering national domain land, in practice customary and religious bodies also play a role.

Formal land administration structures consist of central, deconcentrated, and decentralized government institutions. They include municipal councils, sub-prefects, prefects, technical services, ministries, and directorates.⁷

Local authorities (communes) play a key role in terms of national domain land management. In 2013, Senegal established full communalization, transforming rural communities into communes.⁸ By delegating management of national domain land to these communes, the government sought to empower local authorities through entrusting them with the allocation, revocation, and reallocation of use rights. The aforementioned Decree No. 72-1288, on the allocation and revocation conditions of national domain land, clarifies the responsibilities of municipal councils in matters of land management.

⁷ At central level, the main public bodies involved in land administration are: the Presidency of the Republic; the Ministry of Finance and the Budget, together with the Directorate General of Taxes and Domains and its services (Cadastré, State Domain and National Domain, Conservation, Taxation, and Collection); the Ministry of Agriculture and Rural Equipment and its directorates; and the ministries of Livestock Farming, Urbanism, Land Management, and Local Authorities.

⁸ Law No. 2013-10 of December 28, 2013 creating the General Local Authorities Code.

Customary bodies, which include land chiefs, chiefs of lineage, and notables, remain extremely influential despite not being formally recognized by the administrative system. They continue to influence local land management and the settlement of disputes, using endogenous approaches to resolve issues (CAGFS, 2013).

Traditional practices and power dynamics also play a role within local authorities. The chances of being elected or appointed to certain official land management bodies depend greatly on a candidate's gender and social status, with the latter closely linked to an individual's social affiliation and their family's social position. Any attempt to address the question of women's land rights must take account of this complex context of established norms and traditional practices.

2.2. The Persistence of Informal Practices Fosters Land Tenure Insecurity

Given the continued sway of the customary norms and practices described in Box 1, coupled with the difficulties in implementing the NDL, very little land situated in *zones de terroir* (national domain land reserved for agriculture and housing) has been officially allocated by municipal councils.

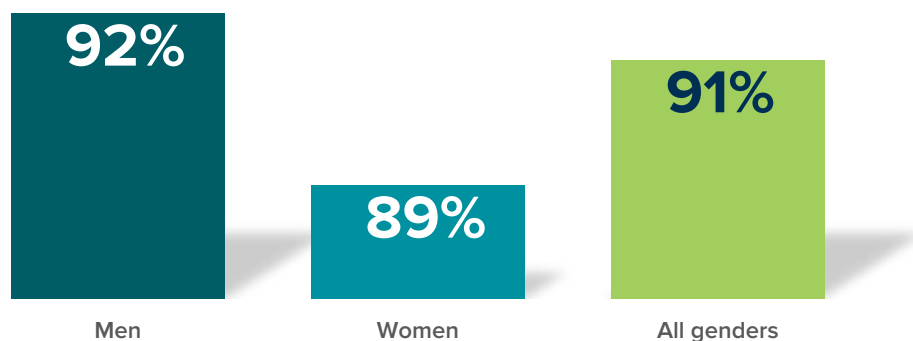
Moreover, the NDL does not appear suited to dealing with recent land tenure trends in urban and peri-urban areas. While the legal framework has changed very little in 50 years, land tenure practices in these areas have changed profoundly: land rights have become highly individualized, with an informal land market developing as a result. The lack of formality applied to these land transactions deprives communes of essential resources when it comes to providing effective land administration services (PROCASEF, 2021). In addition, the introduction of full communalization in 2013 blurred the boundaries between rural and urban land, further complicating matters (see Box 2).

Box 2 Urban and Peri-urban Areas in the National Domain: Chaotic Practices

Under the 1996 Local Authorities Code and provisions of the NDL, the delineation between rural and urban areas within the national domain was clear. Differentiation was based on an area's actual purpose and which authority was managing it: land in urban areas was under the management of communes and used for urban housing and productive activities associated with cities, whereas rural areas referred mainly to land in *zones de terroir* managed by old rural communities and dedicated to rural production activities, rural housing, agriculture, and livestock farming. The introduction of full communalization in 2013, however, blurred the boundaries of this delineation between rural and urban areas. This in turn led to the repurposing of land in peri-urban areas and the private appropriation of land as immutable property for housing or speculation, thus strengthening land individuation and commodification.

The results of the quantitative surveys carried for this study confirm the absence of formalized land rights across Senegal's rural areas. In all the rural communes surveyed, the vast majority of those holding agricultural land (92 percent of men and 89 percent of women) stated that they did not hold a formal allocation decision securing their land rights (Figure 2).

Figure 2 Percentage of Interviewees Who Do Not Hold Land Certificates



As a result, most of the population’s access to land is based exclusively on informal practices, which, though socially legitimate, are not formally recognized or secure.

Not having secure land rights poses a risk to the food security and livelihoods of the most vulnerable social groups. It can also be a source of conflict. Furthermore, it is a major obstacle to increasing agricultural productivity, as well as public and private sector investment in the country. The Government of Senegal has said that it is gravely concerned by land speculation, asserting there is an urgent need for land tenure security.

It is undeniable that the NDL is out of step with current land practices, the country’s economic policy direction, and the new, liberal agricultural policy. At the same time, the reality is that the five previous government attempts between 1996 and 2017 to adopt a new land policy or reform the NDL were also unsuccessful.

Despite the most recent attempt resulting in the National Commission on Land Reform issuing a land policy document that was affirmed by civil society, the process was eventually suspended. Since then, the government has tried to implement its vision for land as set out in its public policy documents. In the 2019 Plan for an Emerging Senegal (PSE)—the nation’s development strategy—access to land and property is key to structural change in the country’s economy, as well as transforming Senegal’s agriculture and social policies. Further, the plan includes reforms aimed at establishing an integrated national cadastre.

PROCASEF is part of this dynamic, conceived to support Senegal’s structural transformation of the land sector, economic development, and long-term social stability. The project is part of a progressive approach that involves encouraging local populations to abandon customary norms and practices, register their land in the cadastre, and request formal land allocations based on the NDL.





WOMEN AND LAND IN SENEGAL: A RELATIVELY EGALITARIAN LEGAL FRAMEWORK

This section provides an overview of the legal framework impacting women's access and control over land, including international commitments

and laws concerning equality, parity, and protection of women's rights; national legal provisions relating to land tenure; and family law.

3.1. Equality and Parity: A Commitment to Protect Women's Rights

Adherence to international declarations that protect women's rights. The Government of Senegal has acceded to the main international mechanisms promoting and protecting women's rights. In ratifying the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985, the government publicly committed to facilitating women's access to credit, agricultural loans, commercialization services, and appropriate technology, as well as ensuring equal treatment with men when it comes to land and agricultural reform and rural development projects. Toward this end, CEDAW recognizes equality of rights between husband

and wife in matters of the acquisition, management, administration, and enjoyment of property.

Senegal is also a signatory to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol of 2003). This constitutes a symbolic commitment by signatory states to guaranteeing the rights of women, and specifically the right to acquire, administer, and freely manage their own property. Article 19 also stipulates that men and women have equal rights to access and control productive resources, such as land. With respect to access to housing, the Maputo

Protocol recognizes that women enjoy the same right as men to have acceptable housing conditions in a healthy environment.

In addition, Senegal signed up to the 2015 African Heads of State Commitment Declaration (toward achievement of Agenda 2063) aimed at strengthening women’s land rights, specifically by allocating at least 30 percent of arable land to women.⁹

Nevertheless, the May 2013 National Strategy for Good Governance recognized that national legislation had in some respects failed to integrate the provisions of these international conventions. Recommendations made by UN treaty bodies have also not been applied with any urgency. Thus, despite Senegal’s ratification of CEDAW, discrimination against women remains common and is rarely punished, while efforts to bring national legislation into line with ratified conventions remain ineffective.

Policy documents and national laws. The Government of Senegal has adopted several policy documents and national laws that align with the principle of recognizing the rights of women and targeting gender equality. For example, the 2016 National Strategy for Gender Equality and Equity (SNEEG) is an “operational tool that highlights gender issues at all levels, proposes appropriate measures to remove obstacles to equality between men and women, and achieves desired changes in matters of gender.” The PSE also promotes gender equity and equality, describing questions of gender as “a transversal challenge for all national development programs.”

Article 7 of Senegal’s Constitution promotes equal access to elected office for both men and women, a provision reinforced by Law No. 2010-11 of May 28, 2010 (the “Law on Parity”), which instituted absolute parity between men and women in all elected institutions. As such, no list of electoral candidates should be deemed valid if it does not respect gender parity. Article 2 of Decree No. 2011-819 of June 16, 2011, specifies that relevant elected institutions include regional, municipal, and rural councils, as well as their offices and commissions.

In 2012, following adoption of the Law on Parity, 64 women out of a total of 150 representatives (42.7 percent) were elected to the National Assembly. This ratio was maintained in 2017, with 70 women out of 165 elected representatives, and rose to 73 women out of 165 representatives (44 percent) in the 2022 elections.

3.2. Women’s Access to Land: National Texts that Contain No Gender Discrimination

Article 15 of the **2001 Constitution** permits no gender discrimination in matters of property rights, stating that “men and women have equal right to possession and ownership of land under conditions determined by law.”

9 AU Declaration on 2015 Year of Women’s Empowerment and Development Towards Africa’s Agenda 2063.

Meanwhile, in establishing the principal legislation governing land administration in rural areas, the **NDL** does not specify a gender for occupants, with Article 8 stipulating that “land in the *terroirs areas* is allocated to members of rural communities who guarantee to improve and develop it under government control and in compliance with all laws and regulations.”

Similar language is used in setting out options for passing on allotments when the rights holder dies. Article 22 of Decree No. 64-573 of July 10, 1964, establishing the NDL’s terms and conditions, states that, in the event of an occupant’s death, “the heirs obtain occupancy of all or part of the land allocated to the original occupant within the limits of their development capacity, so long as this does not lead to creating plots that are too small for profitable use. An allocation request must be addressed to the president of the rural council within six months from the date of death, under pain of forfeiture.” The gender of the heirs is not defined.

As the above implies, the NDL does not discriminate against women, granting them the same rights as men in matters of allocation. At the same time, the law does not specifically include provisions promoting gender equality.

Moreover, as mentioned earlier, Decree No. 72-1288, on the conditions of national domain land allocation and revocation in communes, restricted the assignment and registration of national domain land to “individuals or a legal person,” significantly constraining the possibility of registering the names of several individuals on allocation decisions. This Decree de facto penalized women, as it is customarily the head of family (man) whose name is registered. The decree was finally modified in 2022 to enable allocation of collective use rights (Decree No. 2022-2307 of December 30, 2022), with several names allowed to be registered. This provides an opening for women to be registered formally on land certificates, thereby strengthening their tenure rights.

Other relevant laws and regulations include Law No. 2004-16 of June 4, 2004—the Agro-Sylvo-Pastoral Law—which mentions women in two instances. Firstly, Article 9 defines agricultural professions broadly (farmers, livestock farmers, loggers, fishers, rural artisans, etc.), without distinction to men, women, or working age. Secondly, Article 54 states that the government guarantees equal rights to women and men in rural areas, particularly for farming. In addition, the law includes provisions promoting women’s access to land and credit. In practice, however, the law is ineffective, as it lacks an implementation decree.

The Ministry of Agriculture, Food Sovereignty and Livestock’s (MASAE) **Circular No. 0989 of June 5, 2018**, on the use of quotas for women, aims at reducing gender inequalities in agricultural activities. It specifies that at least 15 percent of developments made from surface waters and 20 percent of developments made from groundwater should be allocated to women. The circular also raised the ratio of women on decision-making bodies to 20 percent.

Based on data published by MASAE in 2020, the circular has helped achieve clear results: overall, 16 percent of women had access to land, 46 percent of whom had access to developed land amounting to a total surface area of 6,580 hectares.

3.3. Family Law and the Continued Validation of Patriarchy

Although the NDL does not provide for land rights to be passed through inheritance, local practices mean that several family law provisions influencing land practices warrant review.¹⁰

Senegal's **Family Code (Law No. 72-61 of June 12, 1972)** acts as the reference framework for the various legal provisions on family relations. It assigns rights and responsibilities to family members and organizes family life. In the context of marriage, the Code grants husband and wife reciprocal rights and responsibilities in matters of cohabitation, fidelity, and mutual assistance. Nevertheless, some rights and responsibilities are assigned to the husband alone: for example, Article 152 stipulates that "the husband is the head of the family and exercises this authority in the common interest of the household and the children." Therefore, although parental authority belongs jointly to father and mother, it is exercised in a marriage by the father as head of the family.

Not only do these provisions discriminate against women by institutionalizing the husband's authority, they all but ensure it is the husband who administers the family's property. According to Article 277 of the Family Code, this authority is only exercised by the mother in the event of "the forfeiture of the father's rights; incapacity, absence, or relocation of the husband; conviction or abandonment of the family; delegation of paternal authority to the mother." Furthermore, the role of head of family can only be conferred on the mother following a request to a justice of the peace. Here, women's poor understanding of legal texts is a problem, as they may be unaware of this right.

It should be noted that the Family Code uses the terms "household" and "family" interchangeably. For example, Article 376 stipulates, "Should one spouse severely fail in their duty to contribute to household responsibilities and thus imperil the family's interests, the judge may prescribe all urgent measures required by these interests."

Regarding the question of housing, Article 153 states that "selection of the household's residence belongs to the husband; the wife must live with him, and he must welcome her" This in fact limits married women's access to housing, as they must live in the residence chosen by the husband unless this poses a moral or physical hazard to the family.

Nevertheless, regarding separation of property, Article 380 provides for the management, authority, and free disposition of personal property by each spouse. As a result, the wife can purchase housing, which is then hers to manage.

In addition, Article 529 states "the surviving spouse, against whom there is no final judgement of separation, inherits, even when there are relatives, under the conditions set by the following articles. When there are several widows, the shares set by said articles are shared amongst them." According to Article 610, if there are several widows, they between them share one-eighth of the deceased's property.

Under the Family Code, the rules applicable to inheritance are governed either by modern law or Muslim law. According to Article 571, each person may choose during his/her lifetime whether, upon

¹⁰ Formally, the NDL only allows heirs to apply for the deceased's use rights to be reallocated to them.

their death, his/her succession should be governed by Muslim or modern law. If no choice is made, modern law applies. In practice, the vast majority of people opt for Muslim law.

Modern law makes no distinction between men and women (brothers/sisters) in the division of an estate, with Article 574 stating that under such circumstances, “legitimate male heirs are: the father; a male ascendant on the male side of any degree; a brother; and the surviving husband. Legitimate female heirs are: the daughter; the son’s daughter; the daughter of a grandson from a son; the mother; a female ascendant on the mother’s or father’s side of any degree; a female sibling; and the widow.” This provides recognition of the right of a wife or daughter to inherit family property.

Muslim law, by contrast, confers two shares to boys and only one share to girls. According to Article 609, the wife inherits a quarter of the estate in the absence of the deceased having any descendants (sons or daughters), and an eighth when the deceased has surviving children. As mentioned, this eighth is shared out equally if there are several widows.





4

WHAT LAND RIGHTS DO WOMEN HAVE IN PRACTICE?

Despite the generally egalitarian legal framework (Gaddis et al., 2018). How is this situation to be understood if women represent 70 percent of the working population in rural areas (Senegal, Ministry for Family and Women’s Entrepreneurship (SNEEG 2, 2016) and are significant contributors to agricultural production, specifically food crops (Khairy Coulibaly-Tandian et al., 2021).

Against the above backdrop, this section explores the following questions: What is the current situation for women in terms of access to and control over land? What are the problems and constraints women face? What control and what rights do women have over agricultural land? What is the situation regarding residential land and housing? And what is the situation in peri-urban areas where pressure on land is particularly high?

4.1. Gender Dynamics and Agricultural Land: Male Domination



“A woman has no right to the land. That is the reality.”¹¹

The research and focus groups discussions indicate that both men and women regard land management as being the preserve of men, with women having little or no decision-making role. Moreover, women are rarely if ever includ-

ed when land property is distributed/divided.¹² These practices are based on sociocultural norms that assign well-defined roles and responsibilities to men and women (Sow, 1992).

¹¹ Head of a polygamous household, 56 years old, Toubacouta.

¹² Widow, Foundiougne.

The head of family is responsible for feeding the family and land management. In rural areas, the main source of livelihood and income is derived from cultivating the land. Traditionally, the head of family has the right to hold and manage the land (Sow, 1992). As such, the community provides him with land to discharge this responsibility. Agricultural land is therefore primarily a family asset managed by the head of family, who may be responsible for several households. The quantitative survey data confirms the positive correlation between the role of head of family/ household and holding land. Of the heads of household surveyed (men and women together), 75 percent answered that they held agricultural land, compared to 32.4 percent of those who were not head of family.¹³

Being head of family is a male privilege. As indicated in the previous section, the Family Code endorses the husband as head of family. This is reinforced by the fact that, in rural areas, men are socially recognized as head of family and/or of a legitimate household. Although women can also obtain this status in certain circumstances—for example, when a man cannot assume responsibility—in practice this remains the exception.¹⁴

The quantitative surveys confirm these trends. Out of 457 households surveyed, 85.1 percent are headed by men, compared to the 14.9 percent headed by women (see Table 1). Moreover, only 5.1 percent of the 1,016 women questioned were heads of household. These results reflect the results of the national census, according to which 89 percent of households in rural areas are led by men.

Table 1 Breakdown of Households According to Head of Household’s Gender

Commune	Gender of Head of Household	
	Male (%)	Female (%)
Bambilor	84.4	15.6
Diembéring	84	16
Dodel	89.5	10.5
Tomboronkoto	97.7	2.3
Toubacouta	80.6	19.4
Total	85.1	14.9

The predominance of men as heads of family has considerable influence on the management of family land. Furthermore, while there are some women heads of household, this status does not necessarily ensure they have the same level of security as men (see Box 3).

13 This correlation seems independent of the individual’s gender, since 88.1 percent of the surveyed women heads of household said they owned agricultural land, compared to 25.3 percent of women who were not heads of household.

14 Women can make a formal request to the justice of the peace.

Box 3 Who Are the Women Heads of Household and What is Their Level of Access and Control Over Land?

When it comes to female heads of household, widows form the largest group (42.6 percent), followed by married women in monogamous marriages (37.5 percent) and second wives (14.2 percent).

Socially, a woman may be considered the head of household upon her husband's death if the following conditions are met: her children are small; she has boys to inherit in the future; none of the deceased husband's brothers claims right of patrimony; and she is supported by a village elder, ideally the head of the village. Even in such an exceptional case, a widowed mother can only act as steward until her elder boy reaches the age of majority, and she holds no rights other than to ensure the handover.

Although these women state that they are heads of household, and despite the Family Code granting them a quarter of their deceased husband's property—or an eighth (to be shared) in a polygamous marriage—they do not have control of the land. Widows are thus usually dispossessed and only able to gain access to the land through a temporary “loan” or thanks to the “goodwill” of their male children.

Women can acquire the status of head of household when their husband is absent—that is, when he has moved to town or abroad, or when he is on transhumance, which is regularly the case in the Fouta region, where pastoralism prevails.

Of the women heads of household, 52.9 percent stated that they had access to land through loans, 31.4 percent by inheritance, and 7 percent through purchase. This was for either individual or familial access (see Box 1 regarding the different ways of gaining rights to land).

While 62.5 percent of the women heads of household who had gained land rights by loans claimed to be worried or very worried that they would lose these rights, 95 percent of those who gained land rights by inheritance responded that they were not worried about losing their rights.

Women work the land but have limited operational (access and use) and management (i.e., decision-making) rights over it. Traditionally, although women in rural areas use land for production activities aimed at ensuring their family's food security, they have no control over it. In normalized situations, where the family gets on well, the wife does not usually make any claims for her own piece of land (see Box 4). This situation is reflected in the field surveys: 75.7 percent of women compared to 59.5 percent of men responded that they held no rights whatsoever (informal or formal) to agricultural land.

Box 4 Standard Baseline: A Married Woman in a Monogamous Marriage Working on Family Land

This case represents a normalized, non-adversarial situation. Fatou (the name has been changed) is 28 years old and has been married for 11 years. She is the mother of four children and lives in Foundiougne. Her husband, as the elder son of his family, has inherited some fields and housing from his father, as well as responsibility for his mother and young, unmarried brother. His sisters, who are all married, have left the family land. The family dwelling is shared by the entire family. Although the husband has not sought legal recognition of the land, believing he is “not ready,” he has had the family house recognized as a plot. Fatou works with her husband and the younger brother, shares in his decision making, and does not feel aggrieved in terms of access to land.

This is a common situation in a monogamous marriage, which both facilitates a woman’s access to land and puts her at low risk compared to a polygamous marriage. Given this, Fatou states that she has never thought about acquiring her own land, as she does not see the need or benefit. Nevertheless, she believes she could ask for land should she one day feel the need and does not see why her husband would refuse her individual access. In parallel to her collective work, she works outside the home: *“I have a business making breakfast here. I also sell ice.”* Thus, she has her own income, which she puts in the collective pot to buy seeds and contribute to the household.

Fatou’s account is corroborated by her husband: “She has not asked [for land] because according to her we are one. The field belongs to all of us, to all the family. ... [If she asks for land] of course I could do it, because men and women are equal. But since it is collective property, I think the field belongs to her as well as me. We already have children, and my children have a right to this land.”

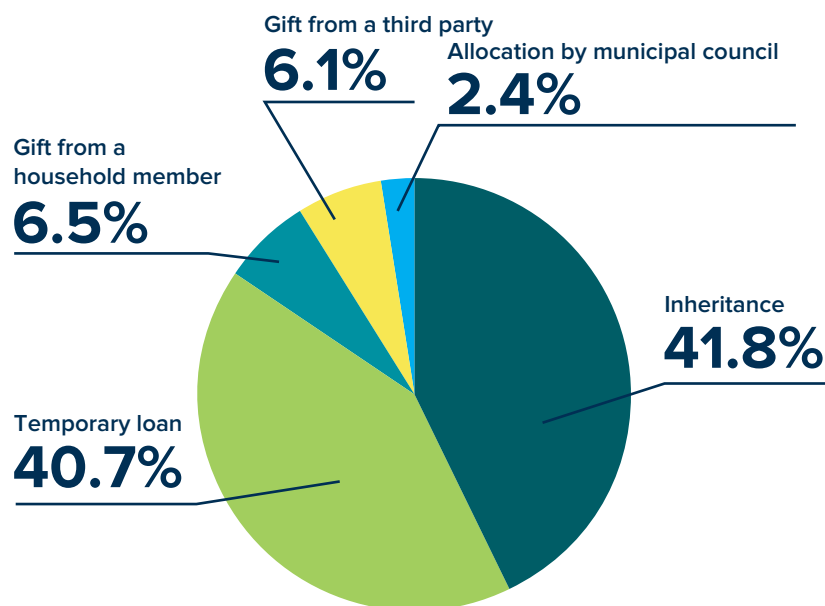
However, on the possibility of women making decisions about, or even taking control over, land, he says: “A woman must be able to make decisions, but in my opinion, if the head of the family gets on well with his wife, then the man should make all the decisions.”

Only a minority of women hold land rights, which are often secondary or temporary access and use rights. For this study, “land rights” include any operational rights (such as accessing and using land to cultivate one’s own crops) or administrative rights (the ability to alienate land or grant secondary rights) over land. Simply working on family land held by the head of household without any decision-making rights—as in the example in Box 4—is not considered a land right for the purposes of this study. Taking all the categories of women together, only 24.3 percent of women questioned stated that they held rights over agricultural land (compared to 40.5 percent of men).

For almost half these women, these rights were obtained through temporary loans (40.7 percent, compared to 15.7 percent of men) and are thus secondary operational rights to access and use land. However, almost 56 percent of these women in theory hold the whole bundle of rights

(including both operational and management rights), as 41.8 percent reported obtaining their land rights through inheritance (compared to 72.5 percent of men); 6.1 percent through a gift; 6.5 percent by grant from a member of the household; and 1.6 percent through purchase. In addition, 2.4 percent obtained their land rights by allocation from the municipal council (see Figure 3).

Figure 3 Breakdown of the Ways Women Gain Land Rights



Overall, the data confirm that not only do fewer women hold rights to agricultural land than men, but the rights that women do hold are largely operational ones, which are secondary, temporary (partial bundle of rights), and unsecured. In addition, the qualitative data analysis suggests that these rights are often based on the possibility of agricultural land being “offered” to women by men—on whom they depend socially—rather than constituting real rights.

It should be noted that the ways women gain rights to land varied significantly from one location to another across the study areas. Of the women who stated they had access to land in Dodel, 83.6 percent had gained their rights through inheritance, compared to 24 percent in Toubacouta; 23.2 percent in Tomboronkoto; and 5.6 percent in Diembéring. Meanwhile, access through temporary loans stood at 88.5 percent in Diembéring, compared to 38.5 percent in Toubacouta and 2.6 percent in Dodel. This method of access was entirely absent in Tomboronkoto, where gaining land rights through a gift rose to 69.6 percent, compared to less than 10 percent in the other localities (see Table 2).

Table 2 Ways for Women to Obtain Rights to Agricultural Land, by Locality

	Women Without Land Rights ^a (%)	Percentage of Women Stating that They Hold Land Rights: by Method of Obtaining Rights							
		Women With Land Rights (%)	Inheritance	Temporary Loan	Gift	Intra-family gift	Purchase	Rental	Allocation
Tomboronkoto	90	10	23.2	0	69.6	7.3	0	0	0
Dodel	47.3	52.7	83.6	2.6	4.9	6.6	0.3	1.9	0
Diembéring	81.2	18.8	5.6	88.5	2.5	0	3.5	0	0
Toubacouta	74	26	24	38.5	9.1	14.7	0	0	9.4
Average	75.7	24.3	41.8	40.7	6.1	6.5	1.6	0.8	2.4

a. Women who do not have access to land or work on family land

In terms of the relationship between women’s access to agricultural land and marital status, the majority (50.4 percent) of women who hold rights to agricultural land are in a monogamous marriage. Those in a polygamous marriage account for almost 30 percent of female right holders, of whom 14.8 percent are first wives and 13.2 percent second wives, suggesting that women’s access to land is also dependent on marital rank, with second wives in a more vulnerable position.

The following section analyzes in greater detail the various methods of obtaining agricultural land rights, the conditions under which such rights were obtained, and the inherent constraints faced.

4.2. Women and Agricultural Land: Ways of Gaining Land Rights and Constraints

Gaining Rights Through Inheritance: A Practice Dominated by Men and Patriarchy. As previously discussed, land is mainly passed on through inheritance. According to customary rules, the entire bundle of (operational and management) rights can be transferred through inheritance. While this is not legally recognized due to national domain land being nontransferable and untransmissible, inheritance remains the most common means of passing on agricultural land in the study areas (61.8 percent).¹⁵

However, gender-disaggregated data indicate a significant gender gap: only 10 percent of the women surveyed (102 out of 1,016) declared they had gained land rights through inheritance, compared

¹⁵ Transmission of land by inheritance is generally not formally set down in writing.

to 29.4 percent of men. In addition, as previously outlined, the data vary greatly by study area: an overwhelming 83.6 percent of women in Dodel who had obtained rights to agricultural land did so through inheritance, compared to a mere 5.6 percent in Diembéring.

This section analyzes the factors limiting women's land rights gained through inheritance and seeks greater understanding of the profile and situation of women who benefit from this way of gaining land rights.

Overall, inheriting land remains a male privilege. Society not only confers decision-making powers and responsibility for land management on the man, as the head of family and household, but accords him primacy when it comes to inheritance (Sow, 1992).

Although there are different models of inheritance depending on family configurations (see Box 5), in a baseline situation the family holds on to the tradition of undivided family land, thereby conserving what it has. As such, the eldest male—who will become the head of family—inherits responsibility for managing the family's entire land. When his younger brothers in turn become heads of their own household (i.e. have wives and children), he will grant them land to provide for their needs, but will retain overall control. Women (wives and daughters) are generally excluded from the allocation and inheritance process under this scenario, and therefore from obtaining control over land.

Box 5 Inheritance Scenarios Upon the Death of a Patriarch

Various situations may arise when dividing inherited land. Variables include the age and situation (single or married) of the eldest male and his brothers and sisters; the land area; the number of dependents; the level of agreement within the family; and the descendant's choices, values, and perception of his responsibility.

In practice, the following trends were observed in the qualitative surveys.

Baseline situation, on the death of the patriarch

When the eldest in the family is a young man (in his 30s) in a monogamous marriage, he inherits responsibility for the family (both his own family and the livelihoods of his siblings). He thus manages his father's entire property inheritance, including land (agricultural and housing), voluntarily sharing out this patrimony in consultation with his brothers or by negotiation. Work in the fields is collective, with decisions falling to the new head of family, which he may or may not share depending on his values and relationship with other family members. In this baseline situation, the wife of a head of household contributes to collective work in the fields, while also managing the home and young children.

Possible variations

1) The eldest inherits responsibility for the land, which he then distributes among the different family households, who each go on to cultivate separate plots. The eldest retains a right of control and management over the entire land patrimony.

2) The father prepared for his death by, in his lifetime, distributing agricultural land and housing among his male heirs. Only in exceptional cases would he take his female descendants into consideration.¹⁶ In such a case, with his sons' agreement, the father might set aside housing and possibly an agricultural plot for his wife (or wives) and/or daughters. In rare instances, he might follow administrative procedures at the town hall to provide security for his children and/or wife/wives.

3) Regarding the family home, it may be kept by the whole family, including the mother or mothers; by the eldest, who will take care of his mother; or even the widow while her children are still young—there are many, diverse possibilities.

Laws establishing equality between men and women in matters of inheritance are only partially applied. Under the Family Code, either modern law or Muslim law is applied to inheritance, according to the deceased's choice. While modern law allows women to inherit on an equal footing with men, Muslim law provides each daughter with a one-third share of the father's property, and wives a quarter share in the absence of descendants (Or an eighth when the deceased leaves children).

In practice, it is Muslim law that is most often applied, although the data indicates that this is done in different ways depending on the region, particularly regarding land. Whereas in the Fouta region (Dodel), Muslim law provisions regarding women appear to be—at least to some extent—respected, in Toubacouta these provisions are often ignored, meaning few women actually inherit land. In Casamance (Diembéring), where the Diolas are in the majority, customary rules apply rather than Muslim law, also to the detriment of women (see Box 6).

Box 6 Women, Land Inheritance, and Diversity in Regional Practice

In Casamance, where inheritance is primarily governed by customary rules rather than Muslim law, traditional practice does not grant any inheritance rights to daughters. Interviews reveal the predominance of deeply rooted patriarchal norms:

*Women have no rights to land. They cannot take a plot of land and work it without men's authorization. ... On inheritance, if a woman has no brothers, all land will be given back to the extended family because women have no rights to this land.*¹⁷

This situation is confirmed by the quantitative data, with only 5.6 percent of the women who hold land rights in Diembéring indicating that they obtained them through inheritance.

In the other study areas, where Muslim law is primarily applied, the men and women surveyed said that proper application of the law depends on the goodwill of the men concerned. Socially, daughters cannot inherit without the express authority of their father (in his lifetime), their brothers, or potentially their uncles. This stems from social norms that consider land to be nontransferable

¹⁶ The interviews did not produce any such case.

¹⁷ Head of monogamous family, Cabrousse (Diembéring).

outside the family circle or household. A woman or girl who might marry into a household outside the family circle is seen as a risk, as this might lead to the loss of family land. This conception of household assets explains the frequency of marriages within extended families among many ethnic groups in Senegal. Inheritance of land by women also depends on the family's social status, as well as approval by representatives of traditional authorities, whose social legitimacy allows them to decide on behalf of the groups involved.

In Toubacouta, several women interviewed attested to such “dispossession.” Despite recognition by Muslim law, girls are often disinherited by their brothers, uncles, or even the men responsible for interpreting and applying Islamic or traditional texts. One respondent recounted how her mother was disinherited by the village elders in favor of her brother.

In Dodel, on the other hand, it seems that Muslim law is better respected in land matters, since 83.6 percent of women with land rights stated they had obtained them through inheritance.

Although discriminatory, such dispossession practices are part of a social rationale endorsed by the wider group. Control of land assets by the eldest son upon the father's death confers on him as many duties as it does rights. While the new holder of the land patrimony may decide the overall direction of activities on the land, as well as who may use it, these acquired rights are accompanied by duties that underpin their very existence and recognition. The most important of these duties is taking care of the sister(s) and her/their children where necessary and offering her the opportunity to manage the family breadbasket of her eldest brother's household. In fact, women's absence from inheritance of land is, in social terms, less a reflection of exclusion than a delegation of rights and the transfer of care responsibilities to the eldest brother. Sociologically, since land is considered the family's patrimony, it cannot be entrusted to someone who may leave the family once she gets married. Following this rationale, women are de facto discriminated against in favor of men, who are considered to be the legitimate heirs of the father and his estate.

Nevertheless, a sizeable proportion of women state that they gain rights to land through inheritance, in reality the rights they gain are actually limited. While Muslim law does not provide for equality between men and women in inheritance matters, it does nevertheless offer women an opportunity to obtain some rights. This is particularly so in Dodel, where 83.6 percent of the nearly 53 percent of interviewed women who held land rights gained them through inheritance. These data seem to be corroborated by the qualitative surveys, despite several focus group participants indicating that women did not have access to land through inheritance. Of the seven women interviewed in the commune, four said they had (or knew of another woman who had) inherited land from parents or grandparents who were “landowners.” In most cases, however, the area of land was much smaller than that inherited by the men in the family.¹⁸

Moreover, although inheritance in principle gives both operational and management rights over land, some interviewees indicated that women often gain only restricted, temporary rights, with men, particularly brothers, retaining overall control:

¹⁸ Institutional interviews, Dodel.



I inherited this land from my parents with the agreement of my older brothers because here, in Fouta, the men run the households and keep the right of ownership over the land for themselves. Morally, I have decision-making power over my land, but always with the agreement of my older brothers¹⁹

The practice, in contradiction with Islamic practices, is driven by a tendentious interpretation of these norms.

Furthermore, the data suggest that some women who gain land rights through inheritance are in consanguineous marriages, allowing the family to maintain a certain degree of control over the land the woman has “inherited,” and so exploit it.

While most women who have access to land through inheritance seem to inherit it from their parents or grandparents, some women do inherit from their husbands, although this is often conditional on the existence of male descendants (see Box 7).

Box 7 Producing Male Descendants as a Guarantee of Land Inheritance

Having children, especially boys, is decisive in aspiring to have a share of land inheritance. If you don't have children, and more specifically boys, you'll have nothing here, no matter how many years you've been married. This is what pushes women to remarry, elsewhere mostly.²⁰

If you are the first wife and you have boys, that means you'll have land because the children will inevitably inherit from their father. If you are the first wife and you don't have children and the second wife has boys, that means that she'll get more land because her children will inherit the land. Women who have children inherit, and the best is to have sons. It doesn't matter if you're the first or last wife because it's the children who inherit, and the best is to have boys, who are always prioritized over daughters when it comes to inheritance.²¹

These testimonies spotlight the prominent role ascribed to men in Senegalese society. Indeed, having a male child offers a woman the guarantee of maintaining strong ties with her husband's family in the event of divorce or death, thereby allowing her continued access to land resources. This social rule is not without consequences for the situation of women, who participate in devaluing girls at birth, even their own daughters, who are not seen as providing protection from the risks attached to divorce or widowhood. Moreover, in describing the importance of inheritance, an often-used expression is “as rare as an eldest son.” This reflects the pervasiveness of patriarchy, which determines how power and resources are accessed within Senegalese households, even when this conflicts with modern or Muslim law.

19 First wife, polygamous household, Dodel.

20 Widow, Foundiougne, Toubacouta

21 Second wife, Dodel.

Nevertheless, some testimonies indicate that awareness raising carried out in Toubacouta by CSOs has pushed women to assert their right to inheritance in land matters, leading to a change in practices.²²

Gaining Land Rights by Borrowing Land. Borrowing land is the second most common way for women to gain rights to land in the study area. It provides secondary, temporary rights to land and does not involve any financial compensation. Such borrowing of land is not legally recognized if it is on national domain land, meaning it does not provide any formal tenure security.

Of the 24.3 percent of women surveyed who said they held land rights, 40.4 percent referred to borrowed access to land (temporary loans). This figure rose to 52.9 percent for female heads of household (83.6 percent of whom are widows) and 47 percent for married women (monogamous marriages or first wives). Although this method for accessing land is extremely widespread among women, the data again vary greatly by region: 88.5 percent of women in Diembéring who had obtained rights to agricultural land did so via temporary loans, compared to just 2.6 percent in Dodel and none in Tomboronkoto. Thus, in areas with strong pressures on land, such as Fouta (Dodel), borrowing land is no longer the norm.

While the data collected do not identify whether women are borrowing land from a family member or a third party, the qualitative data seem to indicate a prevalence of borrowing within the family. How, then, is the importance of borrowing as a method of access explained and what are its limitations?

Women “borrow” agricultural land from their husbands when they have land. Independent of the collective work women undertake on family land, some wish to borrow land to set up their own activities. The resulting produce is used to feed the family and/or sold at market. Women can thus independently conduct a small business and generate income, although they generally contribute most of this income to the family budget. Land is the primary production factor in rural areas, which is why women wish at some point in their lives to have their own access to land. This leads them to try to borrow land:



“Borrowing occurs mainly within the family because it is more accessible than elsewhere. It is rare to see women access land on an individual basis through loans other than through the family. ... Men lend small areas to women because they consider that women cannot work large areas without a man to back her up. Hence, there is distrust. Because they are only small plots, production is often low and unprofitable. Men agree to lend land when they lack seeds; then they offer women a small part of it. ... This is how women generally gain access to land.”²³

This borrowing within families is common practice given the man is the guardian or manager of the family’s land patrimony, allowing him to transfer some of it to other family members in the form of loans. Even in these circumstances, however, the men in the family take priority, with women only allowed access if there is available, unexploited land. Although the reason often given is that

²² Focus group, Toubacouta.

²³ Man, head of household, monogamous, 47 years old.

women's income is not considered a priority in meeting household needs, the unfavorable socio-economic situation in rural Senegal means that this income is essential when it comes to dealing with the various unpredictable shocks that households face. Men have become increasingly aware of women's contribution to meeting household needs, inclining them toward lending women land for agricultural activities. The resulting income is almost always mobilized for household needs.

Generally, however, only a small plot is made available, and the husband or lender can take back "what belongs to him" at any time. In Foundiougne, a husband and his first wife spoke independently about how they organize their farming. Since the husband has insufficient land to grant part of it to his wife on a permanent basis, he "lends" her a plot in the dry season, which he then farms during the winter. For her to engage in market gardening, he has had a well dug.



"Land is the property of men", one of the interviewees stated. "We lend it to the women and, when winter comes, we take everything back."

"I work in trade and market gardening. It depends on the season. For example, I grow bissap, bitter and sweet eggplant, onion, etc., but only in the dry season. After that, I use what I made to buy cashew nuts, which I will later resell at a good price." During the winter, the husband takes over the field. "As far as I'm concerned, I admit that this limits me a little in terms of my activities. But, well, I must make do with what my husband lends me."²⁴

Thus, although borrowing land offers women a means of accessing land, it involves numerous constraints in terms of plot size and tenure security. Furthermore, the practice is rarely, if ever, practiced in certain study areas (Tomboronkoto and Dodel), where other methods of gaining rights to land are favored (gift in Tomboronkoto, inheritance in Dodel).

Land rights can be gained by means of a gift from either a household member or a third party. Of the women interviewed who said they held land rights; 6.5 percent gained them via an intrafamily gift (the percentage varied between 0 percent and 14.7 percent according to the study area). As with borrowing, this practice points to the fact that the family circle and/or household are important vectors of women's access to land. Given that land is treated as a collective resource belonging to a household or family, access often depends on the connection between the person making the request and whoever holds primary rights over the land. In this context, women often exploit their connections with family members to access land by means of a gift.

The giving of intrafamily gifts is also used by household or family members both to retain land and divest themselves of certain social responsibilities. For example, a brother's responsibilities toward his sister in the context of deeply rooted social logic, as demonstrated by the words of this village chief:

²⁴ First wife, 30 years old, Koran school, Tomborokoto.

“I gave land to my sister. She is a widow and normally I’m the one who must almost take responsibility for her household; as we live only from agriculture and she has children old enough to farm the land, I prefer to give her land. This way, I relieve myself of this responsibility.”

It thus appears that this type of practice, despite helping women gain some rights to land, is also a way of relinquishing social responsibilities and bears elements of patriarchy.

Gaining land rights by means of a gift from a third party. Meanwhile, access through a third-party gift enabled 6 percent of the surveyed population to hold land. For women, this rate was 6.1 percent among those who said they had access to land. Again, this varied greatly depending on the study area, amounting to 69.5 percent in Tomboronkoto (yet only representing 14 of the 193 women interviewed in the area), and only 9 percent in Toubacouta, 2.5 percent in Diembéring, and 4.9 percent in Dodel.

This way of gaining land rights is similar to a gift by a household member. Qualitative data suggest that it is often the result of negotiations between socioeconomically vulnerable women and notables who hold land in the community. As a woman in Tomboronkoto explained:

“A notable from our village gave me land. I am a widow, and my husband came from a family that doesn’t have any land, and the village chief really wanted to help us. That’s why he offered me land to allow my family to farm and feed themselves.”

Although the practice can benefit certain women individually, it mainly benefits women organized into groups, with the president of a women’s promotion group (WPG) recounting:

“When our group wanted land, we requested it from the village notables. After consultation, one of the landowners granted areas to our WPG to develop a community garden.”

Overall, gifting from a third party remains a marginal way of gaining land rights and seems limited to specific situations.

Gaining Use Rights via Allocation by the Municipal Council. The allocation of usage rights is the most secure method of gaining rights on national domain land, and the only legal one. The way that people in rural areas conceive of and represent land, however, means they give more weight to social legitimacy than legality, although the interviews suggest that such attitudes may be changing. The quantitative data indicate that people rarely seek legal means: only 1.1 percent of respondents claimed to have accessed land by council decision. On the other hand, the rate is higher among women (2.4 percent) than men (0.4 percent). Furthermore, looking at the data by area, while 9.4 percent of women access land by council decision in Toubacouta, the rate is practically zero elsewhere.

The data seem to suggest that women are using this approach more than men, at least in Touba-couta, where they have benefited from several initiatives. An elected official explained:



“In our town, people, especially men, are not used to seeking formal land allocations. It’s true that some men simply don’t know how to do it, but most often it’s because they consider it their land and don’t feel the need to obtain an allocation decision.”

For women, an allocation decision (*délibération d’affectation*) is a land security strategy aimed at limiting the risk of losing their access to land. It should also be emphasized that allocation decisions in favor of women are often made to women’s groups rather than individuals.

Thus, gaining land use rights through formal allocation decisions seems mainly to take place collectively and is often the result of civil society initiatives (see Box 8).

Box 8 Women’s Promotion Groups (WPGs) as a Strategy for Securing Access to Land

Women have developed several circumvention strategies in order to overcome the difficulties they encounter over individual access to land. One such strategy involves women forming an association or group that can collectively request land from local authorities and establish an economic activity, however minimal.

WPGs emerged in the 1970s under the impetus of the government and development organizations. They were initially created to promote the socioeconomic empowerment of women living in the same village, enabling them to pool resources, ideas, and experiences to increase their income (Dia and Sutz, 2023). Today, they often act as a gateway for initiatives aimed at mobilizing women.

Men perceive group access by women as less threatening than individual access. In addition to facilitating access for women, the method provides greater tenure security: this is not only due to its greater social legitimacy, but because allocation requests from WPGs are more easily granted in light of the fact they are often supported by socially important men. In many cases, WPG requests are the result of CSO-led initiatives, or government-funded irrigation schemes where specific quotas for women are imposed. While accessing land through WPGs allows women to circumvent challenges around access to land, the small size of the plots they obtain compared to men in the same area remains an issue. Despite such limitations, WPGs are recognized as a favorable strategy for women to gain rights to land. This is particularly the case in Dodel:

“Women group together at village level when they want to work the land. They ask for land at village level. They indicate where they want to farm, and the men will tell them which family the land belongs to. Then, the villagers negotiate with the family that holds the land.”

However, the weakness of this approach is often that a group with several members will gain access to a small area of land where soil conditions are unfavorable for crops, with members lacking the means to improve and irrigate the land. As an interviewee in Dodel commented:

“Land belongs to men. They are the ones who control the land. Women get land through collective projects. We have access to a collective plot. It was the men of the village who helped us get this land. They were the ones who chose the plot so that the women could have something for their market gardening. We’re not satisfied with the land the men gave us. The surface area is very small compared to the number of women in the village. We only have 15 hectares for 100 women, so we want to increase the size of the plots so that every woman can benefit from it. In addition, we don’t have enough water or inputs to farm with. ... These lands are formalized with papers in our name that we obtained thanks to our association. We have an association with a committee made up of a president, a vice-president, and a secretary. They made the request to the municipality and took all the other necessary steps to obtain the papers providing legal access.”

It should also be underlined that one of the conditions for the formal allocation of use rights is that productive use must be made of the land. This can pose an obstacle for women, as they do not always have the financial or technical means to use the land productively. Support measures therefore need to be made available allowing them to farm the land effectively. This could include facilitating access to financing; providing equipment such as motor-pumps and agricultural materials; or giving training and advice on crop management.

Productive support for women is therefore key not only for gaining formal access to land, but also making a profit out of it and so improving women’s livelihoods.

Gaining land rights by purchase. Only 1.6 percent of the women surveyed who said they held land rights obtained them through purchase. These practices were mainly recorded in Dodel and Diembéring, two localities where land has become a commodity.

Although legally prohibited, the practice of purchasing land rights is starting to gain momentum and seems tolerated. More generally, the commodification of land is becoming increasingly widespread in Senegal. For women, purchase appears to offer a strategy for circumventing sociocultural constraints, provided of course that they have the financial means. In this regard, mobilizing economic power to access land can be as much of an obstacle as an advantage. As shown in the International Labor Organization’s 2020 diagnostic study of Senegal’s informal economy, 85.7 percent of women in the sector have a turnover of less than CFAF 100,000 (US\$171) per month, while 77.9 percent of women employed in informal businesses earn less than CFAF 37,000 (US\$63) per month. On average, men earn three times as much as women.

Interviewees in all the survey areas testified to the equalizing power of purchasing land, whether agricultural land or housing. The proportion of women with the ability and means to do so, however, remains unknown. Although purchase allows women to access land, the practice can pose risks

given their limited financial capacities. Women who pursue this path are mainly those who have succeeded in raising financial resources through other activities, which they can then reinvest in land. The purchase of land constitutes a social marker, allowing women to break out of the socio-cultural constraints hindering their access to land. This is what stands out from the testimony of a woman encountered in Diembéring:



“I am a businesswoman and when my husband died my children had trouble farming, and it hurt me. When I saw land for sale, I bought a field, and this allowed my children to gain social standing in our village.”

In Diembéring, a commune where one of the most visited tourist areas in the country is sited, the rush for residential land is reducing the availability of arable land and increasing the cost of land, which is now “CFAF 6,000 per square meter” according to a member of the municipal council. This has consequences for women’s ability to access land through purchase.

Gaining rights to land by leasing. Only 0.5 percent of respondents said they had access to land through a lease. More specifically, the ratio was 0.8 percent for women (that is, two women out of all those interviewed) and 0.1 percent for men. Here, it should be noted that the practice was found in only one of the study areas, Fouta, with both the women who indicated they had access to land through a lease resident in Dodel. This (emerging) practice of gaining land rights by leasing can potentially be explained by increasing pressures on land.

The rush for land in this region has resulted in a reluctance to lend land for free (see above). This is due to the perceived risk that the beneficiary of the loan might later request an allocation decision in their name once they have made improvements on the land. To counter these risks, land “owners” resort to leasing as a means of asserting their ongoing rights to this land.

Although this increasingly common practice conflicts with the NDL, it appears to be widely accepted by stakeholders. As with the purchase of land, however, this practice’s social legitimacy places additional constraints on women in rural areas, most of whom have very low incomes. In addition, access to land by leasing is done without legal contract and is therefore insecure.

Finally, risks linked to price uncertainty for agricultural products is another factor dampening women’s enthusiasm for accessing land through a lease, especially in areas such as the Senegal River Valley and the Peanut Basin, where the principal crops are rice and peanuts—low-profit products on the national market. Overall, the testimony below of a woman in Dodel is indicative of the situation faced:



“The women of our village can only borrow or rent. It isn’t about being male or female, you just need to have the money for the owners to rent you land for a period of time. That’s what matters. It’s not a question of whether you’re wearing a man or a woman’s hat, but rather whether you can pay the money they want.”²⁵

25 Dodel, first wife, and second wife without children (with her Marabout husband on transhumance, she considers herself head of household in his absence).

4.3. Vulnerable Women and Access to Agricultural Land

When it comes to land access, Senegalese women are mostly dependent on men—primarily their husbands. As such, a woman can find herself in a highly vulnerable position if her husband dies or there is a separation, as she will then have to rely on the benevolence of her own family and community. This section takes a closer look at women’s access to land when they are in vulnerable situations.

When their husbands die, women are often dispossessed and placed under the guardianship of their sons. If their husbands do not hold land, they risk uncertainty and extreme poverty. All the women interviewed said that their main guarantor of security was having their own financial means, and all the widows whose husbands held land at the time of their death testified to a change in guardianship. With no financial means, a woman’s only security factor is “having boys” (see Box 7). Traditionally, whether they hold land or not, sons are responsible for their mother after the patriarch’s death. Mothers are dependent on them and under their guardianship. When the father dies, the family farmland is generally divided among the male children, with the mother(s) retaining the right to stay in the family home, usually with their eldest child. The disinherited mother changes guardianship and remains a dependent.

The situation of widows described above is corroborated by the quantitative data, which reveals that less than 2 percent rate of widows in the areas surveyed hold land rights. Widows’ access to land is determined not only by the number of children they have, but by the children’s gender. Widows rarely inherit land outright: in most cases, they simply oversee the transition until their male children are mature enough to manage the land and property themselves. Even in these cases, the widow often manages in collaboration with her brothers or those of her deceased husband, or another man to whom the deceased has entrusted management of his household in the event of his death. This practice is normal and widespread, even if there are exceptions, as shown in the cases below.

In Kédougou (Tomboronkoto), the researchers met two women, co-wives, who were raising their minor children. Their husband had died young. Knowing he was dying, the husband took steps to formalize his wives’ rights. As such, the wives hold land use rights over the fields and the house, although the latter is in the first wife’s name. Similar testimonies abound of husbands, anticipating their own death, undertaking to secure land for their wives and young children. In Foundiougne, the second wife of a now-deceased polygamous husband, with minor children in her care at the time of his death, recounted how her husband negotiated the division of the family land with his brother and first wife in order to grant her a plot of land. He then took the legal formalization steps in his own name.

The condition of divorced women. Despite many marriages being forced, divorce is perceived as a social failure in Senegal, with the woman often blamed regardless of circumstances. A woman can only divorce if she is accompanied by another man who will act as her authority in the community and thus position himself as her guardian. Such situations create massive uncertainties and threaten to plunge women into insecurity. Given that a woman’s rights (if any are recognized) are subject to male validation, she may be dispossessed of everything should her new guardian choose. This male validation is often provided by a brother, father, or uncle, who may break away as

marriages are arranged within the extended family. In such cases, it is often divorced women with older children who manage to make the most of the circumstances, with their adult male children acting as social guardians.

When the husband himself borrows farmland, the wife's access is even more limited. Some 27.5 percent of the male heads of household surveyed said they had accessed land through loans from the village community, thereby making it more difficult for their wives to gain individual access and pursue their own economic activities. In such cases, women experience greater land vulnerability because the head of household, who owns no agricultural land, himself borrows from the village community. This situation further complicates women's access to land, compromising land security for the whole family and increasing household vulnerability to exogenous shocks. Such households are actually more receptive to receiving a formal allocation decision, which they consider more secure than borrowing land that is not guaranteed in the longer term. Furthermore, in this highly insecure environment, both husband and wife are likely to prioritize family subsistence over individualized access to farmland for women.

The women and men facing circumstances such as these are often non-natives or members of social castes traditionally marginalized when it comes to land access. Thus, to gain access to land and break away from the social groups excluding them from the process, it is only logical to resort to legal and regulatory mechanisms such as a land allocation decision.

The husband's vulnerability exacerbates the wife's vulnerability, as the latter's hopes of accessing land are primarily dependent on her husband. Given this, women in the situations described above tend to be more concerned with their husbands' access to land than their own. Moreover, when a woman comes from a landowning family, it is sometimes she who will negotiate with her family of origin on behalf of her husband.

4.4. Access to Housing in Rural Areas

Access to residential land and housing on national domain land does not seem to pose any major challenges in rural areas, even for women in vulnerable situations. As in the case of agricultural land, however, most women gain access to housing through male relatives (father, husband, son) and therefore do not necessarily have formal rights to their dwelling.

Field data show that 47.2 percent of people surveyed in the study areas claim to have access to their own housing: this breaks down to 54.6 percent for men and 39.2 percent for women. Here, it should be stressed that having a home in rural Senegal does not necessarily mean exclusive rights to a building in one's own name. Rather, the concept of housing is interpreted as possession of a hut or even an individual room in a building or house, which is sometimes collective. It is this perception that explains these elevated figures (as compared to those for agricultural land).

Among the individuals surveyed, the greatest access to personal housing was seen among heads of household. Indeed, 96.2 percent of those claiming to have their own home were heads of household. When broken down by gender, the rate rises to 98 percent for men and falls to 90.2 percent for women.

For women, access to their own housing can be seen as a means of social empowerment. The study suggests that women concerned about having their own home are rare in rural areas, a desire to empower themselves does drive some women (shopkeepers, teachers) to seek out housing in their own name. This can be achieved in several ways and may be due to a variety of reasons. The main spur, however, seems to be a woman's desire to symbolically break her socioeconomic dependence on men and build her own identity away from the social structures that keep her under a man's tutelage. A 50-year-old male respondent who is a polygamist, producer, and development worker commented:

*"Yes, women have access to housing, especially widows. There are also young women who manage and earn something. They often used to live with their families. They tend to look for homes for themselves these days. Some women entrepreneurs who have small businesses are looking for land to build on so they can be independent. As soon as they start to amass small sums of money, they look for premises to build a house to live in or rent out."*²⁶

While money plays a role in access to agricultural land, it is even more of a deciding factor in women's access to housing, as reported by the teacher we met in Dodel:

*"I don't think that marriage gives you access to housing. What's decisive when getting your own home is that you need money...People say that women inherit houses because they stay at home if the husband dies. But in reality, the house belongs to their son."*²⁷

4.5. Land Dynamics in Peri-urban Areas and Their Impact on Women: The Case of Bambilor

Converting rural land into urban land. Bambilor is a commune on the outskirts of Dakar, in the department of Rufisque. Originally, it was an agricultural area where most of the land was national domain land used for farming. More recently, driven by the depletion of Dakar's land reserves and urban sprawl, Bambilor has gradually become a peri-urban area, with national domain land changing in purpose and status as it becomes urbanized and privatized. Today, the area faces a major urban push, with land speculation a recurrent reality. Surveys reveal that most women no longer work in farming, but in the selling of produce.

The conversion of agricultural land into private housing developments generates income (land transactions, taxation, etc.). For certain players, this change in land use is a way of bolstering their

²⁶ Second wife, Dodel.

²⁷ Female teacher, 35 years old, Dodel.

position in the local political arena, allowing the distribution of plots to their electoral clientele. Underlying these transformations is a common theme: namely, the intensification of commercial pressures on land in a context where rural-urban relations are becoming increasingly antagonistic. Some farmers are canvassed by property developers to set up housing development schemes with the municipality, based on a well-defined distribution between developer, municipality, surveyor, and “owner” of the field.

Land transactions and gender discrimination. Given the increased risk of being deprived of their land, as well as financial opportunities presented, many farmers have indeed agreed to convert their fields into private housing developments. These land transactions harbor the seeds of discrimination against women when it comes to access to housing and property, since land is traditionally held by men.

While most of the plots resulting from these subdivisions are sold, some are shared within the family, giving members access to land for housing. In these cases, contrary to regular agricultural land practices, women are not always excluded, even if they benefit less than men from the sharing mechanisms. Allocating shares in allotments to sisters, wives, and daughters is also a savings strategy for men, who can then draw on these assets to cope with economic uncertainty. Even when women benefit from shares in housing development and are at liberty to enjoy them to the full, however, social dynamics may push them to favor their brothers, husbands, sons, or fathers, as the following testimony demonstrates:



“When we subdivided my father’s field, I got five plots, while each of my brothers got ten. A few years later, I sold three of them to help my brothers and my husband who were having financial difficulties, and I gave one to my son, and now I’ve only got one left, which I’m keeping because you never know where a need will arise.”

Women’s challenges in accessing their own housing. In Bambilor, conversion of farmland into housing plots and a reduced land base means that the commune no longer allocates national domain land to community members, even for housing. As such, unless they have inherited (a practice in favor of women that is more common in this commune than in the rural study areas), the main options for women hoping to access their own housing are buying or renting (see Table 3).

Table 3 Buying property, a Decisive Way to Access Urban Housing in Bambilor

Gender	Acquisition Method for Dwelling Land (%)					
	Granted by a Household Member	Inheritance	Purchase	Rental	Allocation by Mayor's Office	Gift
Male	0	25.3	51.6	0	0	23.1
Female	2.7	18.1	50.5	0	0	28.7
Total	0.7	23.3	51.3	0	0	24.6

In Bambilor, land is highly monetized due to the attractiveness of the area's territory. As a result, the underprivileged—particularly women—are excluded from acquiring real estate or land. On this issue, a local councilor observed:



“It should be noted that here in the commune, the main problem we encounter is the privatization of land through leases to developers, which has an impact not only on the commune’s land base, but also on access for men, women, and young people alike. Our women don’t have access to land. We can’t allocate land to them, because the commune no longer has any land to allocate, and most of the land is privately owned and leased. It was the state that granted us land management powers; it was the same state that acquired these lands by privatizing them and giving them to private companies, developers, and urban elites, who in turn parceled them up and sold them to the population. As a result, it’s not just women who have difficulty accessing land; it’s a problem that cuts across the whole community, since it’s our land that’s being sold.”

Thus, the major constraint on women’s access to their own housing is lack of financial means.

Furthermore, the interviews suggest an absence of gender discrimination in accessing housing when financial means are available, confirmation of the equalizing power of money.

4.6. Initiatives to Promote and Secure Women’s Land Rights

A growing number of projects and programs run by civil society, technical and financial partners, and the Senegalese government are targeting—entirely or partially—improving women’s secure access to land. This section therefore provides an overview of the different types of initiatives implemented in this field, as well as their impact and potential for replication. The analysis is based on data collected during field surveys carried out as part of the present study, as well as the “**Catalog of Tools, Mechanisms, and Initiatives for Reducing Gender Inequalities in Land Tenure in Senegal**” that accompanies this report.

The initiatives identified by the fieldwork often encompass several activities. Nevertheless, broadly speaking, three main types of initiatives aimed at securing women’s land rights were apparent: 1) capacity building, awareness raising, and advocacy; 2) financial support for securing land use rights; and 3) use of quotas.

Capacity-building and awareness-raising sessions. A significant proportion of the initiatives identified seek to strengthen women’s secure access to land through an integrated approach involving: i) capacity building for women; ii) awareness-raising sessions; and iii) advocacy activities. These initiatives sometimes also include direct support for women applying for land use rights.

Capacity-building activities aim to develop women’s knowledge of the legal framework governing land tenure, land access procedures, advocacy techniques, leadership, and social negotiation skills. Activities frequently take the form of local workshops, seminars, or community forums, often led by paralegals or land animators. Awareness-raising campaigns, by contrast, are generally aimed at all members of a community, and are designed to highlight the importance of women having secure access to land. They may involve, among other things, community talks and forums, radio broadcasts, or awareness-raising caravans. Finally, advocacy activities consist of raising the profile of a particular issue and promoting it at a local and/or national level, thereby ensuring it enjoys consideration within the institutional agenda (international, governmental, ministerial conferences, etc.).

This integrated approach has been employed in some ten initiatives listed in the Catalog, producing interesting results in several regions of Senegal.

In Toubacouta, the Land Rights and Equal Opportunities project, run by the National Council for Rural Consultation and Cooperation (CNCR) from 2013 to 2018, helped 327 women obtain formal land use rights. It has also raised women’s awareness of their rights and contributed greatly to changing the attitudes of men, who have since shown significant cooperation thanks to awareness-raising sessions, training, and the mobilization of female land facilitators.

The Support for Food Security in Matam Region project (ASAM—financially supported by the European Union and French Development Agency) has, for its part, used caravans to raise awareness of rural women’s land rights among customary authorities. Growing support by opinion leaders for recognition of women’s land rights has enabled mayors when it comes to facilitating the allocation of land use rights to women. Through building on existing land-related social and religious norms and practices, this approach has managed to co-construct inclusive responses to bolstering women’s land rights.

In this way, messages and recommendations from marabouts and imams in favor of women’s access to land were directly recorded and widely broadcast locally via community radio stations.

As part of its program of national workshops on women’s land rights, the Association of Senegalese Women Lawyers (Association des Juristes Sénégalaises, AJS) has supported a number of women in obtaining land use rights certificates in different regions of Senegal. Support was provided at every stage of the process: submission of applications by the women; “legitimate approval” by village chiefs; examination of the application file; social and land use investigations by the land commission; validation by municipal councils; and, finally, approval by the prefect. AJS’s support for women’s land application procedures has produced satisfactory results in the target communes. In Ziguinchor, for example, 132 land use rights certificates were granted to women, including 119 individual certificates and 13 collective certificates, with similar results achieved in other local authorities.

Promoting knowledge of land laws to improve women’s access and land security seems to offer a promising intervention strategy. The same applies to advocacy activities aimed at influencing decision making at local government and other decision-making centers. The data suggest that training, awareness-raising, and advocacy activities focusing on parity in land rights are more impactful than activities focused only on women’s land rights, as they avoid potential marginalization of or misunderstandings by other segments of the population that might result from targeting women’s issues alone.

Financial Support for Securing Land Rights. As the data collected in the field demonstrate, finances can be a major constraint on women’s access to land. This is confirmed by various studies carried out by civil society players, notably the Framework for Reflection and Action on Land in Senegal (Cadre de Réflexion et d’Action sur le Foncier au Sénégal, CRAFS). In some local authorities, strong land pressures have increased the market value of land, while some communes charge high survey fees, which are often unaffordable to vulnerable groups such as women and young people.²⁸

In a context of increasing rural impoverishment, especially for vulnerable groups such as women, securing land rights undoubtedly requires the mobilization of financial resources. As such, women view the costs involved in financing the administrative procedures necessary to obtain a land use rights certificate as a major constraint.

“Given the financial costs involved, it is almost impossible to undertake land formalization by yourself. The total cost is almost estimated at over CFAF 100,00029 on average per hectare in Fandène,” says a woman member of the National Network of Rural Women of Senegal and rural facilitator in the commune of Fandène.”

Implementation approaches. At least three initiatives led by CRAFS member organizations have implemented approaches aimed at reducing financial constraints on women’s tenure security. While these approaches vary depending on the organization involved and the intervention zone’s specific

28 The law instituting survey fees does not set a maximum, leading to abuses in certain communes whereby rates are set at a level that only private companies or those from relatively affluent social classes can afford.

29 Approximately US\$165

features, they all require collaboration with the municipal authorities, particularly the mayor, meaning women must develop relevant social and political negotiating skills.

In terms of outcomes, the reduction in boundary-marking fees under the Land Rights and Equal Opportunities project acted as a catalyst for increased land use rights applications benefiting women's groups in the commune of Toubacouta. This approach, adopted by the mayor in conjunction with elected representatives, enabled financial support to be provided to women and young people. It should be noted, however, that this approach was adopted against a backdrop of multiple, overlapping projects in the commune.

Survey fees for housing land were reduced from CFAF 5,000 to CFAF 15,000 (US\$8-25), and for agricultural land from CFAF 10,000 to CFAF 25,000 (US\$16-41) for men and CFAF 5,000 (US\$8) for women, on condition that applications be made through village committees. This condition ensured the committees became operational very quickly, triggering a slew of land use rights applications from women. In 2021, 403 applications for women were made at a special session, with 260 accepted. By the end of the project, 38 percent of the granted land use rights had gone to women, compared to 28 percent in the baseline situation. According to land facilitators in Toubacouta, this upward trend looks set to carry on, as the number of allocation requests from women for land use rights to village committees has continued to rise.

In the communes of Fandène and Chérif lô (Thiès region), ENDA Pronat, through its “Improving and Securing Women’s Access to Land for Inclusive Land Governance in Senegal” initiative, has set up a financial support mechanism to help women obtain land use rights. This involves covering the costs of having cadastral plans drawn up by a surveyor and providing payment to the state commission (for travel expenses). The strategy has enabled 22 women in Fandène and 29 women in Chérif lô to obtain land titles.







Perceptions of effectiveness and sustainability. While the strategy of providing financial support appears to be effective, the scope of its impact remains fairly low, as it requires significant mobilization of financial resources and is best suited to peri-urban areas where land dynamics are more market driven (as is the case in the communes of Darou Khoudoss and Fandène). Moreover, the approach is largely dependent on the presence of projects and programs, the limited time spans of which limit long-term sustainability. Outside of these projects, women are rarely able to break out of the many constraints they face to take the initiative in applying to the municipality for land use rights.

In addition, the sustainability of the survey fee reduction strategy is largely dependent on the mayor’s awareness of women’s land access issues.

Allocation of Land Quotas to Women. Land use rights on public hydro-agricultural land development projects are generally allocated to men in their head of family or household role, often to the detriment of women and young people. To correct these gender inequalities and facilitate women’s access to land, some projects have introduced quota systems. This involves allocating women a percentage of the land involved in a hydro-agricultural development project. In particular, the practice has been applied since the 1990s, at the request of partners and/or women, by the National Society for the Development and Exploitation of the Land of the Senegal River Delta (SAED).

This practice was bolstered in 2018 when the Ministry of Agriculture, Rural Equipment and Food Sovereignty adopted Circular No. 0989 on reducing gender inequalities in agricultural activities. Among other measures, the circular provides for a quota of at least 15 percent of development projects irrigated through surface water and 20 percent of development projects irrigated through groundwater to be allocated to women.

In terms of how the SAED quota system is operationalized, a multistakeholder selection and validation committee is set up to allocate the plots arising from a new public hydro-agricultural development, generally using a household approach and according to criteria specific to each zone. Women benefit from the quota system through their groups, so access is collective. This practice is integrated through the various projects and programs implemented by SAED in the delta zone of the Senegal River Valley. Key activities supporting implementation include:

-  Local agreements on the principle of a systematic 15/20 percent quota for women
-  Identification of beneficiary groups
-  Allocation of plots
-  Support for the development of plots
-  Training and support for marketing
-  Experimentation, then scaling up within the framework of various projects.

Outcomes. Application of the quota system has allowed several previously marginalized women to gain access to developed land (rice plots and market gardens) through their groups.

As early as 1996, the village of Diawar in Diama commune (Saint-Louis region) benefited from development of the Mboudoum basin, where the quota system was applied in favor of women.³⁰ The development covered 600 hectares, of which around 6.67 percent was allocated to women, equating to 40 hectares for the village’s women’s group.

In 2004, interviews with SAED staff revealed that the same system had been adopted for development of the Kobilou partition (a commune in Matam region). Out of the 700 hectares developed, 40 were granted to women, translating into eight women’s groups benefiting from 5.71 percent of the land.

As part of the quota system implementation in Matam region, several vegetable gardens were developed for the benefit of 14,523 women in 87 WPGs, covering a total area of 504.49 hectares.

Perceptions of the level of efficiency and sustainability. Overall, while the practice of quotas has contributed somewhat to the reduction of gender inequalities in the agricultural sector, by allowing women to access land which benefited from hydro-agricultural land development projects when they were previously excluded, its effectiveness remains marginal. Based on data collected in the field, the quota access rate is approximately 5–6 percent, which is very close to the national rate of women’s access to agricultural land. As such, this mechanism is yet to guarantee significant access

³⁰ “Illustration of Women’s Strategies for Securing Land Rights in a Context of Large-Scale Land Acquisition in Senegal”, presented to the 2019 Conference on Land Policy in Africa.

to land for women and falls far short of the commitments made by the Senegalese government in this context.

Moreover, although the mechanism is integrated into most land development projects and programs executed by SAED, it poses the danger of restricting the promotion of women's land rights to quotas, rather than strict application of the constitutional principle of equality between men and women in land access.³¹ In some cases, therefore, the quota becomes a ceiling for women instead of a floor (IPAR, 2019).

According to SAED stakeholders, application of the quota system in the Senegal River Valley is still subject to societal resistance, as well as the constant risk of achievements being called into question. All this is in a context where women's freedoms remain tied to their family environment and/or the demands of their community.

Of the three approaches presented above, capacity building, awareness raising, and advocacy appears to have delivered the most promising outcomes in terms of actual land use rights allocation and social norms changes. The integrated nature of the approach, combined with the fact that certain municipalities benefited from multiple initiatives, has led to greater impact. The data suggest that the series of initiatives deployed in Toubacouta have—over time and in terms of the complementarity of activities—had a positive impact on women's secure access to land. While the impact and scope of the two other approaches seem more limited, it may prove useful to employ them in an integrated way alongside other activities.

31 SAED's land development projects include: Support for Food Security in the Matam Region (Appui à la Sécurité Alimentaire dans la région de Matam, ASAM); Support for Irrigated Agriculture in the Podor Area (Projet d'Appui à l'Agriculture Irriguée dans la Région de Podor, AIDEP); and Regional Support Project for Irrigation in Sahel (Projet d'Appui Régional à l'initiative pour l'Irrigation au Sahel, PARIIS).





WOMEN IN LAND GOVERNANCE: PRESENT BUT SILENT

A key element in strengthening women’s land rights is to ensure that women can participate effectively in land governance processes (Stanley and Lisher, 2023). Following a brief overview of the land governance mechanisms in place in Senegal, this section evaluates the rate of

women’s participation in formal land decision making at the local level, as well as the barriers they face. Finally, it presents an inventory of initiatives aimed at strengthening women’s participation in land governance.

5.1. Local Land Governance: Formality Versus Tradition

As shown in Section 2, land governance at the local level in Senegal is based primarily on two building blocks: 1) customary rules and practices; and 2) formal rules and practices. Customary rules and practices refer to any socially determined practices and norms. In Senegal, these are rooted in patriarchy and revolve around the view that land is a communal resource that

falls under the remit of men as heads of family and the community. Formal rules and practices, meanwhile, are based on the NDL and other relevant legal mandates. Although legally formal law governs land in Senegal, customary norms shaped by patriarchy hold important social legitimacy, as demonstrated a village chief interviewed in Dodel:



“When we talk about how land is managed, it is men who make the decisions. Occasionally, women are consulted, but very rarely. But now things are changing because communes also have a say.”

At the commune level, formal land management institutions include the municipal council, which has an executive role, and its land commission. The land commission, composed of municipal councilors, is tasked with evaluating allocation and withdrawal requests for agricultural or residential parcels; monitoring implementation; and submitting input to the municipal council's decision-making processes. To this end, the land commission conducts social and land use surveys in the field. The commission is also responsible for supporting the municipal council when it comes to conflict prevention and resolution concerning village land issues. In theory, absolute gender parity should exist at both the municipal council and land commission level.

Indeed, Article 7 of the Senegalese constitution states that “the law should promote women and men’s equal access to positions of authority.” In addition, Law No. 2010-11 of May 28, 2010, instituted absolute gender parity in all partially or fully elected institutions. This was followed by an implementation ordinance specifying the institutions affected, including municipal and rural councils and their offices and commissions. Thus, land commissions should in theory consist of at least 50 percent women.

5.2. Women’s Participation in Local Formal Land Governance Institutions: Mixed Results

Despite the parity law, formal land governance institutions are often subject to the same social dynamics that exclude women from decision-making. Although officially the state is committed to abolishing all forms of discrimination in local land governance institutions, in practice the desire not to disturb established social rules works to strengthen, or at least maintain, discrimination against women. Despite such barriers, women are increasingly trying to access positions of power in local land governance as a means of defending their rights.

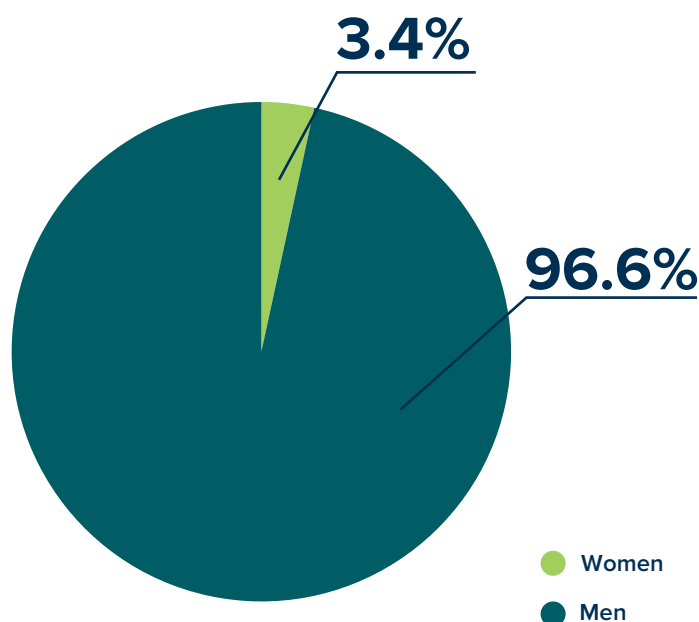
Within the survey zones, quantitative data indicate that women have a strong presence in municipal councils (45 percent). While these results point to the effects of the Law on Parity, they do not necessarily demonstrate genuine sociocultural change or the meaningful participation of women in these decision-making bodies.³²

Women recognize the progress made in terms of participation in formal institutions but continue to harbor doubts regarding their qualitative contribution. The social rules infiltrating these institutions discourage women from making their voices heard, placing them in situations where they often prefer to be absent or abstain rather than suffer the social stigma associated with women’s perceived place in society.

Furthermore, the strong presence of women in municipal council offices has unfortunately had no positive impact on their representation in land commissions: in fact, they make up only 3.4 percent of commission members across the communes surveyed (see Figure 4), with the notable exception of Bambilor, where the figure is more than 50 percent.

32 Following adoption of the parity law, the proportion of women municipal councilors reached 47 percent in the 2014 municipal elections, compared to 10.9 percent in 2007—statistics from the Union of Elected Officials Associations (UAEL, l’Union des Associations des Élus Locaux).

Figure 4 Representation of Women in Land Commissions



While the shortfall of female representation on land commissions constitutes a violation of the parity law, it nevertheless reflects the sociocultural reality that land issues are generally regarded as a masculine preserve is a major barrier to women’s access, limiting their influence over the decisions made within these institutions. This lack or weak representation of women means they are excluded from the spaces where legal decisions about land governance are discussed and shared. Land commissions are often the first to benefit from land-related capacity-building sessions organized by communes or their partner organizations. Women therefore miss out on opportunities to learn about the procedures that could help them better defend their rights. In this context, one of the primary barriers to women’s land access mentioned across all the communes surveyed was poor procedural knowledge (28.1 percent).

5.3. Tools and Mechanisms to Promote Women’s Participation in Land Governance

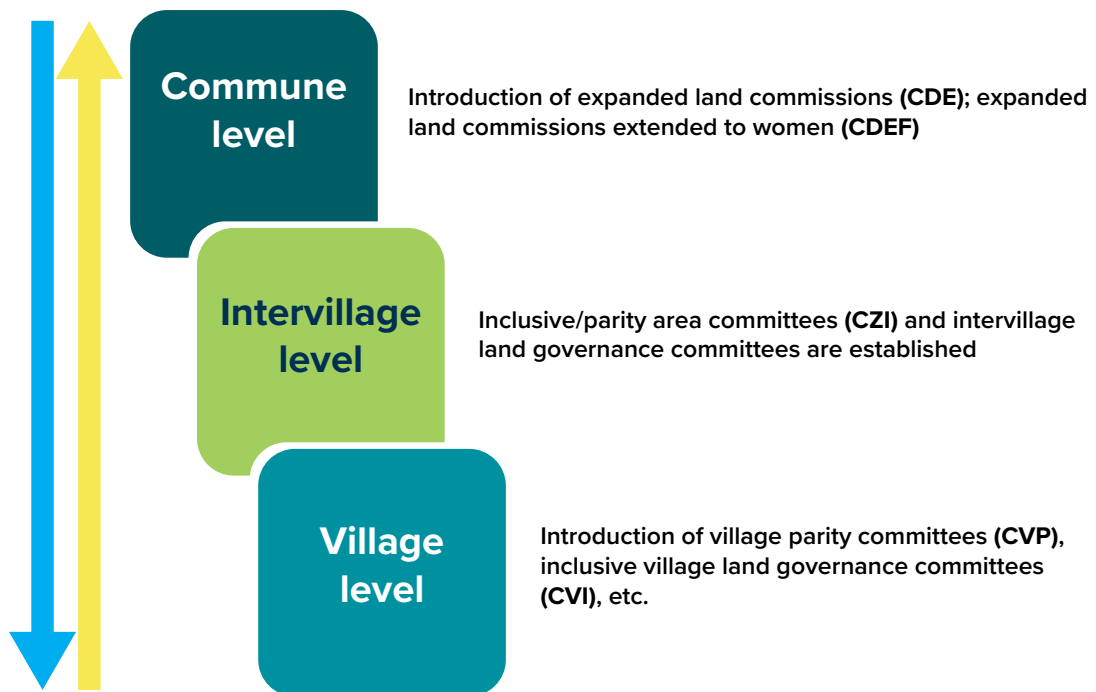
Confronted with these social barriers, local support structures and CSOs have taken advantage of the opportunities provided by decentralization to develop a variety of operational tools and mechanisms aimed at strengthening women’s participation—both quantitative and qualitative—in formal and customary land governance institutions. Drawing on the literature review, field survey data, and the accompanying Catalog, this section provides an inventory of existing tools.

Although the tools may take different forms or names depending on the administrative level where they are located (commune, village, etc.), they all address a common objective: creating space for dialogue and consultation on land issues at the local level, while engaging representatives of different social categories, particularly women, in local land governance. Relying on local authorities

and preexisting dynamics, the tools mobilize power and legitimacy at the local level while also including marginalized social categories such as women and youth.

The tools identified are shown in Figure 5 and further defined below. Within the communes surveyed, 4.4 percent of women identified as members of expanded land commissions; 28.4 percent as members of area committees; 28.6 percent as members of local land charters; and 22.3 percent as members of village gender-equal committees.

Figure 5 Land Governance Structures Extended to Women, by Administrative Level







NB: the core principles underlying the design and management of these instruments are: **participation, inclusion, transparency, representation, democracy**. The choice of members for these governance structures, as well as the rules governing them, are determined by the communities themselves in accordance with relevant legal frameworks. The various structures have a dialectical relationship.

The **expanded land commission (CDE)** is an experimental commune-level tool created for the purposes of engaging and consulting unelected local actors regarding the work of the land commission. The actors involved are chosen by local populations through local frameworks that take into consideration different social groups. The **expanded land commission extended to women (CDEF)** is a variation on the CDE in which only unelected women are eligible for selection. The goal is for the chosen women to represent their peers and ensure the specific needs of women are considered in land issues.

Inclusive village and/or intervillage parity committees and area committees are civic advisory and oversight councils for public action in land matters, established at the area (group of villages within a commune) or village level. Their goal is to engage representatives of different social groups (women and youth in particular) in village-level land governance, as well as strengthen participatory democracy and decentralization at the local level. Committee members are nominated by community actors at constituent meetings, with committees required to include an equal number of men and women.

The specific aims of these bodies vary between communes, but most commonly involve:

-  Creating spaces for discussion and consultation that are open to women and allow them to make their voices heard on local land issues;
-  Exercising citizen oversight over local land governance policies;
-  Managing and preventing conflict over land issues at the local level; and/or
-  Strengthening the land rights of local communities, especially for women and youth.

Establishment of these local advisory bodies is supported by provisions in the General Local Authorities Code (CGCT) which now includes citizen participation as a driving principle.³³

Implementation procedures/approaches. A variety of procedures have been adopted for formulating these gender-equitable land governance tools, based on the specific needs and context of each commune. The initiative may be endogenous (brought about by the local community, particularly women’s organizations) or exogenous (stemming from CSO projects and programs). Regardless of the approach or the level at which tools are implemented (village/neighborhood, area, commune), the steps described in Figure 6 are essential for the successful completion of the process.

Furthermore, use of **these tools may be regulated by a local gender-equitable land governance charter**. This is an agreement, developed through participatory sessions, establishing the overarching principles governing land management within the commune and setting out consensually defined rules agreed upon by all stakeholders. This helps ensure sustainable, peaceful, transparent, and inclusive land management. Such charters also clarify the relationships and responsibilities of various committees (village and area), the CDE, and the land commission when it comes to promoting land equity.

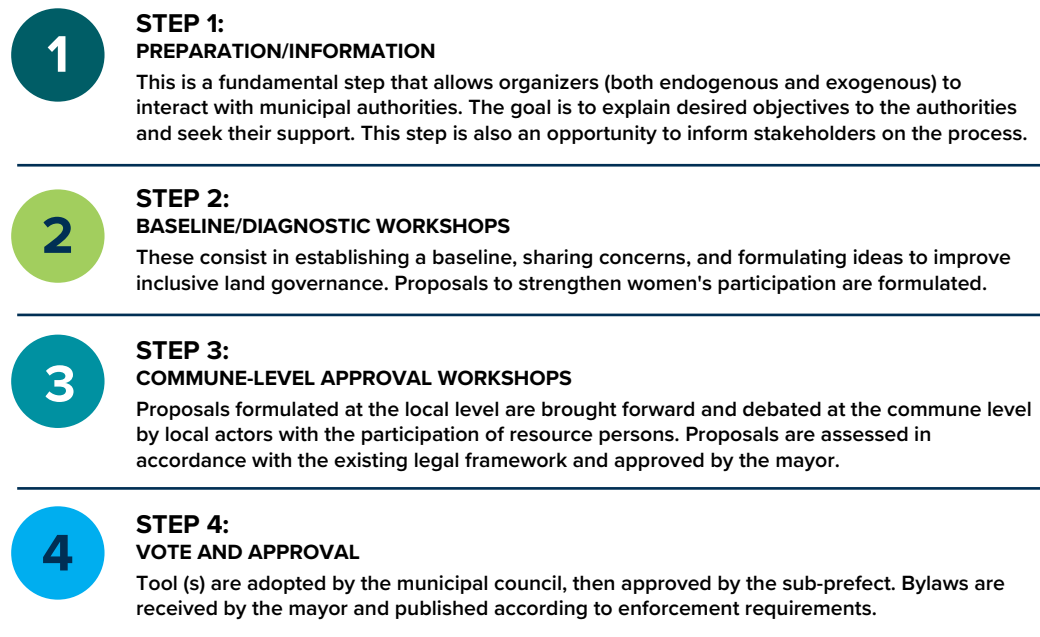
The inclusive land governance charter developed in Mbadakhone commune (with the support of IED Afrique), for example, includes a provision strengthening women’s access to agricultural land: “the commune commits to promoting equity in access to land resources for men and women; and to grant at least 30 percent of annual land allotments to women who submit requests.”

³³ Article 83 of the CGCT states: “Citizens or association representatives from a neighborhood or village may form a consultative council. These councils are consulted by the mayor and may make proposals on any matter of interest to the neighborhood or village.” In addition, Article 156 enables the municipal council to form commissions (hence the land commission) to research matters within its purview. The commune may call upon any person whose capacities might inform the work of the commission (hence the expanded land commission).

Figure 6 Main Stages in the Creation of Tools Promoting Women's Participation in Land Governance

The four steps outlined below provide opportunities to help prepare stakeholders—especially women—through awareness-raising and capacity-building workshops on legal frameworks, land access procedures, social and political leadership, etc. They also allow women to build their social negotiation capacities when it comes to forming alliances with men, as well as customary, religious and municipal authorities.

NB: It is important to recognize that this process is iterative, non-linear, and relies on participation, inclusion, and local democracy.



Encouraging results. As part of its Gender, Land, and Accountability initiative, IED Afrique supported the communes of Mbadakhone and Darou Khoudoss in establishing CDEs with gender parity (50 percent of women members). Meanwhile, ENDA Pronat, in collaboration with Ndiob commune, experimented with setting up gender-equal village committees in two villages. These committees allowed the respective villages to engage in discussions and inclusive dialogue around land and natural resource management.

In Méouane, an intercommunal charter for gender-equitable land governance was set up by the Council of Non-Governmental Organizations for Development Support (CONGAD) and Policy Initiatives in the Agricultural and Rural Sector (IPAR). The charter includes a provision requiring that women be given priority access to land rehabilitated and restored by the extractive industries (the land was initially granted under concession to these companies).

While understanding of the impact of these tools and mechanisms remains limited, initial results are encouraging. Formulating such innovative strategies is, however, demanding in terms of time, respect for participation and inclusion, local engagement, and stakeholder ownership. Furthermore, their long-term sustainability is dependent on the level of involvement of the various stakeholders and social groups involved. In short, these tools can only become fully operational if local authorities take gender issues seriously and are motivated to enforce the measures that have been put in place.







CONCLUSIONS AND RECOMMENDATIONS

Access to and control over land in Senegal is governed by both formal rules and traditional practices. Although statutory law does not discriminate against women when it comes to land rights, in practice such rights are mainly shaped by patriarchal social and cultural norms. Here, the Family Code provides patriarchy with an institutional foundation by establishing the husband as head of family. Traditionally, land is a collective family asset under the control of the head of household, generally male, who can then determine who does or does not have access to it. As such, **women benefit primarily from secondary or indirectly held rights granted by male relatives, which may be withdrawn as circumstances change.** The data collected reveal the pervasiveness of male power in controlling land: only 24.3 percent of women surveyed said they held rights to agricultural land, compared to 40.5 percent of men.

Inheritance, loans, and gifts are the major ways in which women obtain access to land, primarily within the family context. **To benefit, women must demonstrate they will safeguard land resources within the family.** In addition, the data indicate that **rights obtained through these channels are**

generally temporary and secondary in nature. Even when women acquire land through inheritance, they rarely receive full administrative rights to land, unlike men.

Essentially, **women access land under male supervision** (husbands, adult sons, or brothers). This practice is consistent with long-held concepts of a woman's place in society. While social norms are often cited to perpetuate such discrimination, false interpretations of religious rules are also used. In many municipalities, a biased interpretation of Muslim law has led to women's exclusion from land inheritance. Aware that they are being excluded, women have attempted to use the various land tenure systems (formal and informal) to their advantage.

The gradual commodification of land and property appears to offer women a means of circumventing the difficulties they face in customary situations. Although money can give women the power to acquire land and circumvent sociocultural norms, the reality is that women's economic resources are, for the most part, very limited. Thus, **while money could be a factor in women's emancipation, its absence puts them**


in a situation of vulnerability, particularly in localities where land pressures are strong. Moreover, women’s limited knowledge of land access procedures works against them.

To overcome these constraints, **women are formulating their own strategies, such as collective access** through WPGs. In certain municipalities, CSOs, the state, and even technical and financial partners have implemented simultaneous initiatives combining a variety of approaches, such as capacity building, awareness raising, advocacy, support for land use rights allocation applications, reducing survey costs, and quotas. These initiatives have yielded encouraging results in improving women’s land tenure security.³⁴


Local-level land governance is also characterized by formal institutions colluding with male-dominated customary institutions. At the local authority level, while the Law on Parity has ensured women now have a stronger presence on municipal councils, they remain poorly represented in land commissions, with very few women actively participating in debates. The few who have been able to assert themselves have benefited from capacity building and empowerment activities. The patriarchal norms underlying these forums, however, give women little or no voice, and can reinforce their marginalization. Finally, women’s marginalization in relation to land tenure is further exacerbated by a lack of transparency at the decision-making level.

6.1. Recommendations



Based on the study’s findings, the following measures should be taken to strengthen women’s land rights in Senegal:


Legislative Amendments			
Responsible Actors	Recommendations	Rules for Implementation	Time-frame
 GOVERNMENT AND LEGISLATOR	Bring into national legislation all provisions of the conventions on women’s rights that Senegal has ratified and apply the recommendations made by treaty bodies		Medium term

³⁴ For more details on these initiatives and others, see the accompanying “Catalog of Tools, Mechanisms and Initiatives for Reducing Gender Inequalities in Land Tenure in Senegal.”

Responsible Actors	Recommendations	Rules for Implementation	Time-frame
 GOVERNMENT AND LEGISLATOR	Adopt a legal framework imposing a 30 percent land quota allocated to women in each municipality, in accordance with the Council of Ministers' Statement of June 27, 2017 and the African Union's Framework and Guidelines		Medium term
	Institutionalize and operationalize local-level citizen oversight and joint participatory governance tools—such as land charters, extended land commissions, and village committees—to promote multistakeholder dialogue, as well as better oversight of local public actions in land tenure matters		Medium term
	Adopt a decree implementing Article 54 of the Agro-Sylvo-Pastoral Code, which sets out the state's responsibility to ensure gender equality in rural areas—particularly regarding agricultural operations—and grants women access to land tenure and credit facilities		Medium term
	Include women's secure access to land tenure in the legislative agenda, as per the Pan-African Parliament's recommendations ³⁵		Within the next year (end 2025)

35 The 7th Annual Conference of Chairmen of African Parliaments, "For Women to Have Better Access to Land," urged the Pan-African Parliament to engage with regional and national parliaments in advocating for reforms and monitoring support for women's access to land tenure and security. Participants asked that national parliaments encourage national-level governmental support for the target of 30 percent of new land allocations to be given to women.

Responsible Actors	Recommendations	Rules for Implementation	Time-frame
Implementation of the Relevant Legal and policy Framework			
 LOCALLY ELECTED OFFICIALS	Operationalize the good governance principles identified in legal texts and policy framework documents, including the 2019 Plan for an Emerging Senegal		short term
	Establish equitable gender-sensitive land access and management mechanisms		short term
Awareness Raising and Capacity Building			
 STATE, LOCAL AUTHORITIES, CIVIL SOCIETY, STAND FOR HER LAND	Undertake a national awareness-raising and information campaign specifically targeting men on land equity, stressing the importance of women having secure land rights	Target campaign at village chiefs, local elders, religious leaders, state representatives, and members of local authorities; support this with male role models; address the various existing types of access to land tenure; and—toward these ends—develop relevant informational tools and media	Within the next year (end 2025)
	Enhance public information and education campaigns on the procedures for women to obtain formal land use rights (including female elected officials)	Focus on campaigns targeting strengthening women’s capacities and building their self-confidence regarding land tenure laws, regulations, and procedures; develop media materials explaining the various types of access to land tenure and registration procedures (in summary and animated format); and take into account obstacles related to language, illiteracy, and gender constraints	Within the next year (end 2025)

Responsible Actors	Recommendations	Rules for Implementation	Time-frame
Land Tenure Security			
 STATE, LOCAL AUTHORITIES, CIVIL SOCIETY, PROJECTS (PROCASEF, SEN SUUF)	Promote the various forms of land tenure access available to women according to their situation: e.g. family land allocation; allocation in their own name for those with individual access	Hold trainings and sensitization campaigns presenting women with the pros and cons of the available land tenure options	Within the next year (end 2025)
	Support women's groups at the national and local level in obtaining allocation decisions and making productive use of the land	Women's groups to be supported in gaining secure access to, exploiting, and improving land	Within the next year (end 2025)
	Establish mobile land registry offices in order to decentralize registration procedures and make them more accessible to rural populations, particularly women		Within the next year (end 2025)
	Promote the presence of female land agents and raise land office awareness around issues of women's access to land tenure		Within the next year (end 2025)
	Apply a quota system favoring women and young people as part of the projected systematic registration framework in land security projects, taking advantage of the opportunity provided by Decree No. 2022-2307		Within the next year (end 2025)

Responsible Actors	Recommendations	Rules for Implementation	Time-frame
Promote Inclusive and Participatory Local Governance			
 STATE, CIVIL SOCIETY	Promote the implementation of citizen oversight and joint participatory governance tools at the local level, such as land charters, CDEs, and village committees	Develop a practical guide aimed at facilitating implementation of these tools	Within the next year (end 2025)
 STATE, DECENTRALIZED AUTHORITIES, LOCAL AUTHORITIES	Apply absolute parity to all decision-making bodies, offices, and strategic commissions at the local level. Enforce strict compliance with the legal provisions favoring equality and non-discrimination between men and women		Within the next year (end 2025)

ANNEX 1

Study Methodology

A two-step approach was adopted to carry out this study:

- Firstly, an exploratory phase, which included a critical review of the documentation on women's access to land tenure in Senegal, as well as a contextual diagnosis carried out in five target municipalities.
- Secondly, a data intensification phase, which included both quantitative and qualitative field surveys (carried out in the same five municipalities).

The documentary review identified the existing literature to guide the research process. It consisted of making an inventory of scientific studies and work on women's access to land tenure in Senegal, thereby facilitating a situational analysis of known obstacles, challenges, and issues, as well as the identification of gaps not yet addressed in previous research.

The contextual diagnosis was carried out in five target municipalities (Diembéring, Dodel, Touba-couta, Tomboronkoto, and Bambilor) to:

- Obtain a better understanding of the issues and challenges concerning land tenure in general, and women's access in particular, across agroecological areas in Senegal; and
- Prepare the in-depth field surveys by confirming the relevance of the chosen sites and guiding the design of the collection tools.


Specifically, the purpose of this diagnosis was to:

- Characterize the agroeconomic and sociocultural environment surrounding the land tenure issue, including specific area details;
- Identify the major land tenure issues and challenges, particularly those related to women's HLP access and ownership; and
- Identify past and current initiatives that seek to improve women's landowning rights.

Five municipalities were chosen as representative of Senegal's various agroecological areas (Dakar, Casamance, Senegal River Valley, Eastern Senegal, and the Peanut Basin), and due to the fact that they are PROCASEF intervention zones.

The diagnosis consisted of a series of semi-structured individual interviews and discussion groups (focus groups) with key informants, all of whom were stakeholders in land governance, including: decentralized administrative authorities; elected officials; community leaders; farmers' organizations; women's groups; property developers; households; NGOs; and project sponsors.





Additional in-depth field surveys were subsequently conducted in the five chosen municipalities where the contextual diagnosis had been made. This phase was built around two complementary stages: quantitative surveys followed by qualitative surveys.

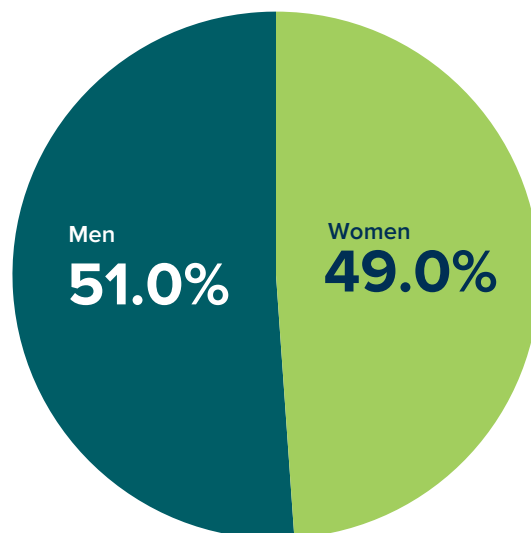
The purpose of the quantitative surveys was to obtain a clear picture of the situation in the target municipalities regarding: women's secure access to agricultural land and housing; effective barriers to women's secure access to agricultural land and housing; and barriers to women's participation in land governance bodies.

The methodology was based on a classic research approach that identified: targets; tools; survey frame; sampling plan and type; size of the population to be surveyed; composition of the quantitative data collection staff; collection tools; training; data processing; and collection reporting and analysis options. The survey targeted both agricultural and non-agricultural households to understand the situation of women compared to that of men in each of the target municipalities. Given that women generally obtain access to land through their household, aspects concerning intrafamily power relationships as determining factors in accessing and controlling land were studied. In attempting to measure the level of access to land within households, it was imperative to target the men and women responsible for decision making. The data collected at the household level highlighted the overall situation in each municipality.

The study covered one suburban municipality—Bambilor—and four rural municipalities: Toubacouta, Diembéring, Dodel, and Tomborokoto. In the four rural municipalities, the survey targeted agricultural households with the aim of gleaning a better understanding of access to agricultural land and housing in rural areas. In Bambilor, meanwhile, the survey targeted non-agricultural households, putting greater focus on access to housing in an urban environment.

Overall, the quantitative survey covered households across 30 villages in the five targeted municipalities. By the end of quantitative data collection, 457 households had been surveyed, with all the sampled localities covered. Among the 457 survey units, 363 were agricultural and 94 non-agricultural households. The total adult population interviewed (individual household members) was 2,068, consisting of 1,052 men (51 percent) and 1,016 women (49 percent).

Figure 7 Distribution of the Population Surveyed by Gender



Based on the quantitative survey results, qualitative surveys were conducted to gain more in-depth data from the five target municipalities; analyze the perceptions and practices that stand in the way of women gaining secure HLP access; and identify best practices and opportunities for change.

More specifically, the qualitative study's objectives were to:

- Identify the customary practices and social norms that determine women's access to land tenure and control over the land, and document the obstacles diminishing their rights;
- Analyze how legal and regulatory frameworks on land tenure are applied, what the determining factors are, and what inconsistencies exist between law and practice; and
- Document the procedures and outcomes of initiatives, as well as the conditions for replicating and upscaling the good practices identified.

The qualitative study comprised semi-structured individual interviews and discussion groups (focus groups) with various categories of stakeholders selected from the quantitative survey's database. An added category—comprising, among others, elected officials, customary and religious authorities, and women's organization leaders—supplemented the household group.

The qualitative surveys encompassed 100 semi-structured interviews and 20 discussion groups.





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Relevant Legislative and Regulatory Texts

Laws

- Constitutional Law No. 2021–41 of December 20, 2021, revising the Constitution of Senegal of January 22, 2001
- Law No. 2021–38 of December 3, 2021, amending Law No. 2013-10 of December 28, 2013 on the General Code of Local Authorities, amended
- Law No. 2017–06 of January 6, 2017, relating to Special Economic Zones
- Law No. 2013–10 of December 28, 2013, creating the General Local Authorities Code.
- Law No. 2011–07 of March 30, 2011, governing land ownership
- Law No. 2010–11 of May 28, 2010, establishing absolute parity between men and women
- Law No. 2004–16 of June 4, 2004, relating to the Agro-Sylvo-Pastoral Orientation Law
- Law No. 94–64 of August 22, 1994, authorizing the sale of state land for industrial or commercial use
- Law No. 76–66 of July 2, 1976, on the State Domain Code, amended by Law No. 85–15 of February 25, 1985
- Law No. 74–20 of June 24, 1974, classifying the national road network and establishing its territorial regime
- Law No. 72–61 of June 12, 1972, relating to the Family Code
- Law No. 64–46 of June 17, 1964, relating to the National Domain

Decrees

- Decree No. 2022–2307 of December 30, 2022, amending Decree No. 72–1288 of October 27, 1972, relating to the conditions for allocation and decommissioning of lands in the national domain
- Decree No. 2011–819 of June 16, 2011, implementing the law establishing absolute gender parity
- Decree No. 72–1288 of October 27, 1972, relating to the conditions for allocation and abandonment of lands in the national domain included in rural communities, amended by Decree 2022–2307 of December 30, 2022
- Decree No. 64–573 of July 30, 1964, establishing the conditions of application of Law No. 64–46 of June 11, 1964, relating to the national domain
- Decree No. 64–574 of July 30, 1964, implementing Article 3 of Law No. 64–46 of June 17, 1964, relating to the national domain, authorizing, on a transitional basis, registration in the name of occupants who have made permanent enhancements

Circular

- Circular No. 0989 of June 5, 2018, on reducing gender inequalities in agricultural activities

PHOTOGRAPHY

Cover Photo

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APR 25, 2017: Unidentified Fulani woman in a shirt with opened shoulder walks along the street. Fulanis (Peul) are the largest tribe in West African savannahs.

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Two African women transporting water with a great container in the head, in Ziguinchor's city, Senegal.

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MAY 1, 2017: Unidentified local woman in colored clothes and headscarf looks ahead.

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African woman posing in the window of her house.

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MAY 4, 2017: Unidentified local woman in headscarf walks along the street.

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APR 25, 2017: Unidentified Fulani woman in headscarf stands near the gates. Fulanis (Peul) are the largest tribe in West African savannahs.

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September 3, 2021: Unidentified woman selling fruits and vegetables in the street, Sandaga Market.



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