Land, Women and Socio-Economic Development in the Arab Region

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A Literature Review within a Study on the Evidence-based Linkage between Access to, Use of and Control over Land and Women’s Empowerment and Socio-economic Development in the Arab Region

UN-Habitat/GLTN AoC3: Land, Women Empowerment and Socio-Economic Development

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Table of Contents

Introduction ......................................................................................................................... 1
Interrogating Assumptions ................................................................................................. 2
Impacts Overlooked ........................................................................................................... 3
Discrimination in Process ................................................................................................. 4
Human Rights ..................................................................................................................... 5
Universality? ...................................................................................................................... 6
Emphasis on Access .......................................................................................................... 6
Alien Influences ................................................................................................................. 7
Inheritance ......................................................................................................................... 8
Tenure .................................................................................................................................. 9
Deprivation and Violations: Contexts and Impacts ......................................................... 10
Women at Risk ................................................................................................................... 11
Why Is Land Important to Women? .................................................................................. 11
Patriarchy and Violence .................................................................................................... 12
Subservience and Dependence ......................................................................................... 13
Awareness of Rights .......................................................................................................... 13
Political Will and Policy ................................................................................................... 13
International Organizations ............................................................................................. 14
Theology and Liberation Theology .................................................................................. 15

Islam and Marital Property ............................................................................................. 17
Women in Agriculture ....................................................................................................... 18
Women and Land Grabbing ............................................................................................. 19
Indigenous and Traditional Land ..................................................................................... 20
Reparation ......................................................................................................................... 21
Tools .................................................................................................................................... 21

Policy Instruments .......................................................................................................... 23

SDGs methodologies for measuring indicators ............................................................... 27
Learning .............................................................................................................................. 28
Gaps ..................................................................................................................................... 30
Possible Opportunities ..................................................................................................... 30
Recommended Division and Complementarity of Roles and Tasks ............................... 31
ANNEX 1: ............................................................................................................................ 33
Arab Women and Land: A Bibliography ......................................................................... 33
Annex 2: Arab Region Treaty Ratification Status ............................................................ 67
My iman fortifies me, and I find great joy in listening to the singing of other peasant women in the field... Land is our life and my taqwa brings me even closer to the land, to the beautiful fruit trees. When I die, I will be buried in the land, and I won't be estranged because I am filled with taqwa. I also feel total satisfaction when I gather the fruit and vegetables, what God gave us to survive before we join Him.

—Fattouma, small-scale family farmer in Morocco (Sadiqi 2016, 49)

Introduction

The compilation of this literature review and annexed bibliography on the subject of women and land in the states comprising the Arab region is a welcome assignment, challenging in its objectives to be ambitiously comprehensive, while offering something new to the field as a subject of progressive civilizational change. These changes involve the dynamic development and interpretation of norms of law and institutions, including institutions of social practice (North 1991).

The breadth of this review is defined in the Terms of Reference (ToR) as encompassing multiple tasks, which include:

- Reviewing the different theoretical definitions of land access, use, control and tenure;
- Reviewing how women currently access land, which rights women hold over land, and their current status of land tenure security in each area of the Arab region;
- Review and defining the socio-economic indicators and SDG gender indicators and measures, that will be used in this study that fit the women context in the Arab region;
- Explain why women need access to land and secure land rights in the Arab region, especially focus on why women need access to land for their socio-economic development;
- Key factors that enhance women’s access to land in each area;
- Factors hindering access to land for women in each area and how this negatively impact their socio-economic development;
- Effectiveness of land dispute resolution mechanisms, whether formal or informal;
- Empirical evidence of the role of tenure security and enhanced access to land in promoting socio-economic development of women (explain why and how the level of land tenure security and socio-economic development are linked, first in “general” and secondly with regards to women);
- General review of the role of policies and customary laws in enhancing/hindering access to land and tenure security for women in the Arab region and their extent of application;
- Reviewing previous publications and reports by UN-Habitat/GLTN, SDGs methodologies for measuring indicators 1.4.2 and 5.a.1; and 5.a.2 on land tenure and legal frameworks and others that are concerned with the impact of land access, control on socio-economic development of women.

This exercise is followed by the following literature review of what the desk study has revealed to date, and identifies learning, gaps, possible opportunities, and team roles; i.e., (1) what we know about the access to land, and use control of land and land tenure; (2) what have we learned from the literature review; and (3) what the analysis has revealed.

This scope and analytical process are necessitated by (1) the pursuit to proffer new dimensions to the already-existing policy, analytical and operational frameworks and guidance for addressing women’s land tenure (i.e., access to, use of and control over land) and related empowerment and socio-economic development in the Arab region. The ToR also stipulate that this review should “contribute to the realization of human rights and to the empowerment and participation of women
in decision making.” Therefore, the literature review must be broad enough to capture the codified human rights and corresponding state obligations as a minimal standard for participation, monitoring and analysis. That normative framework is, by its nature, general in the sense that the instruments speak to all states, whether under treaty or general principles of international law and peremptory norms. The assignment required also a multi-disciplinary and country-specific approach that also may fill lacunae in the development literature and legal texts (e.g., a “human right to land”).

Another reason for such a broad scope of the review is also due to the volumes of literature on the subjects of women, gender, empowerment, human rights and social development in the Arab region. The target is confined to a very specialized field of land-related issues and factors, which, however important, remain relatively uncovered by, or deeply embedded in the more-general literature. This effort could not be exhaustive of the available sources within the time and other resources available. Nonetheless, this review and the accompanying bibliography of consulted texts (Annex 1) can provide a faithful impression of the what literature exists and what gaps remain on the region. (N.B.: Not all consulted sources are cited in the body of this literature review.) Annex 2 provides a table of the region’s relevant treaty ratifications by state as guide to the corresponding obligations referred to in this review.

Many accessed sources are critical of certain aspects of laws and realities in the region that other parochially disposed authors perceive as divinely ordained or part of the natural order (Sharafeldin 2015). However, as this review has been conducted within the criteria of the United Nations and in cooperation with a UN Charter-based specialized organization (UN Habitat), it is de rigeur to include the universally recognized and codified human rights and corresponding obligations of states within its purview. Therefore, these are also cited throughout.

**Interrogating Assumptions**

Possible reasons for these gaps and the need to fill them include the historic indifference to land as a subject of curiosity and inquiry in connection with women, in general, and women in the Arab region, in particular. The circle of land specialists with an interest in gender is even smaller. The few sources on the specific intersection among land, women and Arab region may also arise from certain assumptions that emerge as fissures throughout the coverage of the body of both historic and contemporary work. One of those assumptions may be linked to the common and enduring belief in the world that land is not—nor should be—a subject of women’s concern. This assumption may not necessarily manifest as misogyny, but may suggest at least a blind spot in the treatment of land.

A latter-day shift and continuing interest in women and land is accompanied by the development of norms, especially arising from the dual interpretive and monitoring mandates of the UN Human Rights Treaty Bodies (CESCR; CEDaW), as well as the numerous and often overlapping global policy commitments that states have assumed in the final quarter of the last century and renewed through the present period. In addition to states’ binding obligations and voluntary commitments, the evolution of the development-related disciplines also has given way to econometric findings that argue for an economic incentive in gender equality that projects to add $12 trillion to the global economy from women’s contributions, notably including through women’s access to, and
control of adequate housing, land and other productive resources (Wodon and De La Briere 2018; Woetzel et al 2015).

The subject of women and land appears to have remained in the shadows of foregoing debates because of at least three factors. First, the situation of women’s relationship to land is often overlooked because of a pattern of the denial or dismissal of such a relationship that explicitly targets women for deprivation and dispossession because they are women. The dominant patriarchy in every region sustains an assumption that material discrimination against women is “normal” and, therefore, unremarkable. This prejudice is especially apparent in the context of generally lower wages for comparable work (ILO GWR; Payscale), unremunerated labour on, and inferior inheritance of land and other productive resources (Mazingira Institute and HIC-HLRN).

When such deprivation takes place in areas where rural conditions prevail and food production is the dominant economic activity, violations against women’s economic relations and corresponding economic, social and cultural human rights (ESCHRs) to adequate land are especially overlooked because they are rural. Certain ideological trends, including in development circles, have relegated rural sectors and the people who inhabit them as inferior, envisioning and pursuing a triumphantly and overwhelmingly urbanized world vision without considering them (Jones and Corbridge; Lipton 2005; Schechla 2016).

In a related aspect, the conditions of women food producers and providers, in general, fall outside the typical purview of reporting, including by the press and human rights monitors. The sheer concentration of activity, resources, decision making and newsworthy events in urban centres relegates rural areas—and even more, rural women—to a lower priority. Occasions such as days of commemoration (e.g., World Day of Rural Women, 15 October) help to raise rural women’s profile for the moment. However, one of the reasons that rural women food producers and providers become invisible is because of the patterns of reporting (LT21a).

Beyond the combined factors of urban bias and prevailing patriarchy, this literature review suggests that, over decades, such monitoring, documentation and reporting have typically focused on instances of large-scale deprivations such as widespread disasters and mass evictions, creating certain gaps in the literature. The very scope of that attention often overlooks the incremental nature of deprivation, complicating the purview of the diffuse cases of inheritance denial, lack of access to credit and the grinding deprivation of daily wage discrimination that accumulate to alienate women from land. The wealth, well-being and habitat losses, costs and damages are rarely calculated or reported, overlooking that crucial and materially significant story.

**Impacts Overlooked**

Meanwhile, even in the cases of mass violation and deprivation in rural (as well as urban) contexts, the majority of reports omit essential details such as the number of affected persons and/or households and the value of homes, lands, incomes, biodiversity and other criteria of human habitat, wealth and wellbeing at stake. Not to be forgotten are the grave impacts of violent displacement and dispossession imposed on rural and urban women caught up in conflict and war, as in Syria and Yemen and numerous other ongoing conflicts, as well as women under occupation in such cases as Iraq, Palestine, the Syrian Golan and Western Sahara. Even in the best examples of monitoring, documentation and reporting on such gross violations, the longer-term
consequences are rarely captured. The convergence of these factors too often consigns women to neglected minutiae. Given the shortcomings of common methods, some civil society organizations (CSOs) monitoring human rights have encouraged members and allies to enumerate as much as possible in reporting (HIC-HLRN 2013), including through its own monitoring tools and techniques (VDB 2006–present). However, while this labour-intensive effort remains beyond the capacity and resources of most CSOs in the field, these values and impacts remain largely unknown.

The resources available reflect no compilation of women’s land-related losses, costs and damages arising from unequal inheritance. This would require much accounting and research in even a single case, and any thoroughgoing quantification effort on a larger scale would exceed the capacity of most institutions. Only one instance in the region’s literature reflects such quantification as a prerequisite function in the case of a women renouncing her inheritance (GLTN 2018, 76–77).

Nevertheless, two notable efforts have emerged in recent years to measure the impacts of deprivation of women’s rights by addressing economic values. One reviews the methodologies for costing violence against women in the Arab region (ESCWA 2017, 45–53). Another treats the quantifiable consequences and other values at stake specifically arising from deprivation of women’s housing and land rights. These efforts challenge any assumption that women have no land-related values to lose. However, although the authors of this method are based in Cairo, its gender-specific applications have taken place in India and sub-Saharan Africa, not yet in the Arab region (HIC-HLRN 2017–present).

**Discrimination in Process**

Due to social constructs of marital economic relations, a further assumption militates against the notion of a woman’s place as an owner, manager or other decision maker in the context of land. The traditional dependence of a woman on her husband as provider suggests that the need for land is a figment of the male domain. Even in matrilineal systems, as in the Comoros and communities with such African systems of lineage and inheritance, a woman may be the nominal owner, but lack access to credit and other resources needed to realize the land’s full economic potential without a male guarantor or his collateral (AfDB and AfDF 2009).

The lack of consensus in the literature on any one causal factor of the low labour force participation of the region’s women reflects the multiplicity of issues at work, their complex interplay, and the inability of any of these factors to independently solve the puzzle. The complex interactions of these factors are evident also in this review. For example, one analysis attempts to quantify the role of oil and religion, two of the primary explanations for women’s low participation put forward in the region’s development literature (World Bank 2013, 60).

Rightfully, a woman’s human rights to participation in public life and decision making meaningfully and with respect for her equal dignity and value in the Arab region do not substantially differ from those of women in other parts of the world. Across the literature, observers rightly note that the social position of women in the Middle East and North Africa resembles that of their counterparts in other regions (COHRE 2006). This perspective is emphasized by writers from a global perspective and contribute the added value of comparative
analysis. Such cross-regional inquiry, as with such pedagogical devices as surprise, seeming contradiction, irony and humour, tend to be affective at dismantling certain stereotypes. This comparative approach has been used skilfully by Women Living Under Muslim Law, Habitat International Coalition, COHRE and GLTN/UN Habitat to show the striking similarities of women’s land- and housing-tenure reality across continents.

The learning from such a global perspective forms another reason for approaching this literature review from a wide scope that draws out the many points of commonality and interrogates regional stereotyping. Women the world over typically can access housing and land only by virtue of their relationship to a man. Interrogating women’s use, access, tenure and control of land, including through ownership, brings these planetary fault lines into high relief.

**Human Rights**

Further theoretical and policy development promises also to disabuse societies of the notion that women do not need land. However, this still requires a merger of disciplines not often found in mutual conversation. On the question of land, the natural science and legal literature remain as two ships passing in the normative night. However, the development of the UN Committee on Economic, Social and Cultural Rights (CESCR) poses an opportunity to bridge that outdated estrangement by its current effort to develop a General Comment for state parties on the subject of land under the International Covenant on Economic, Social and Cultural Rights (ICESCR). At this juncture, CSOs are advocating that CESCR consider issuing a recognition of a “human right to land” (HIC-HLRN 2020).

That codification process would involve acknowledgement of the finding of the natural sciences, in particular, geophysics, electromagnetics and gravitational biology, that land constitutes a universal human need, rather than merely the first element in a chain required for the fulfilment of other ESCHRs. This hybrid method merges with that applied in the CESCR and UN General Assembly recognition of a human right to water, in 2002 and 2010, respectively. By combining the natural science arguments with *A Theory of Human Need* (Doyle and Gough 1991), the universality of the scientifically proven human need for land and, therefore, human right to land becomes clear and applicable to everyone, regardless of geographical location and gender.

In this vein, a human-rights—that is to say a “human right to land”—interpretation of the subject of women, women’s empowerment and sustainable development differs from the commonly assumed understanding of land as “property.” Neither of the two Human Rights Covenants enshrine the human right to property introduced contained in the Universal Declaration of Human Rights (UDHR, Art. 17). However, the narrow UDHR version of the right to property speaks only of the human right to “own property individually or in association with others” (UDHR, Art. 17).

In human rights methodology, if something were truly a “human right,” it would be universal; i.e., arising from a common human need. While “ownership” was not perceived as a property right that both Cold War blocs could uniformly agree upon, we have the two separate International Covenants on Civil and Political Rights (ICCPR) and ICESCR that both ideological sets of governments found incompatible to enshrine such a human right to property ownership with its corresponding state obligations. That said, a “human right to land” arising from ICESCR and the
core of its normative content adheres to human rights values and preeminent criterion of equity, not property.

As is natural in the operation of human rights beyond property, as well as in the identification of violations of the gamut of human rights addressed across the consulted literature, the false Cold War-inspired dichotomy of bifurcating human rights has dealt a further blow to more-holistic approaches to the subject of land. The literature on women and land in any region, let alone the Arab region, has yet to catch up to this universal perspective of human relations with land and its various implications. In fact, much more literature and other efforts are needed to advance respect land as a universal human need before treating it as more than mere property to be exploited and exchanged for other values. In any case, the assumption that a woman does not need land is unsupported by the science. While humans in various circumstances may have greater or lesser need of land to realize other ECSCHRs (UNDRIP; UNDROP), corresponding to human rights to decent work, health, food, housing, livelihood, culture and self-determination (individually and collectively), each holding and tenure type accompanies corresponding responsibilities, not least those applicable to the commons, public purpose and notions of social function of land and property (Schechla 2015, p. 7).

Universality?

In a related observation, the potential role of international human rights law literature in contributing to social change in any society remains controversial, but this controversy is by no means unique to the Arab region. Social movements in Latin America manifest much the same apprehensions: whereas, some see such law as a specifically Western (or, alternatively, Northern) construct. Others advocate the universal application of human rights, while global involvement of standard setting and normative development continue to make the regionalist assumption less valid (COHRE 2006; Alazmi 2016).

Emphasis on Access

Much of the literature also refers predominantly to a women’s relationship to land as a matter of “access” (UN Human Settlements Programme Governing Council (Madbouly 2005; SIDA 2010; HSP/GC/23/17 2011; Nairesia 2019). This distinction seems to arise from a focus, again, on landed property relations and tenure that could be theoretical fact, but contradicted by physical estrangement from the land in question. While avoiding such a contradiction, the test of theoretical possession and actual enjoyment is resolved by the distinguishing physical access to land from effective control and disposition rights over it.

Therefore, we learn to exercise caution about the documentary evidence that women undoubtedly did inherit, manage and own property. That does not presume equality. For example, women’s trusts (awqaf) were usually fewer and smaller than those of men and did not usually comprise the most important asset, namely land. It is not merely ownership, but management and control of land that is critical (UN Habitat 2005).

However, from a human rights methodology, “access” is only one among a bundle of the right holders’ entitlements, which would be complemented by availability, quality, acceptability, effective use, cultural appropriateness, affordability, location, control and secure tenure over the land in question. These would be included in the normative content of the human rights, were it to
be defined in a General Comment and suitably supporting literature. However, that standard-setting day has not yet come, as of this writing.

Accordingly, the ToR for this review refer to a more-ample set of attributes, augmenting mere access with “use” and “control.” This indicates both the need for, and the emerging fact of a more-wholesome approach to the subject of “land rights,” albeit still rooted in the mono-dimensional treatment of land as property, about which both Covenants are silent. However, the focus on decision making makes whole the approach of ESCHRs and the process/accessory human rights of the ICCPR that also apply. (See Discrimination in Process above.)

Gender-disaggregated asset ownership data also are an indicator of the multiple constraints affecting women, however. Given the patterns, opportunities and constraints of land ownership, the region has the lowest level of women’s land ownership in the world (5%). A recent progressive measure in Egypt has 20% of land titles in new (reclaimed) lands distributed to women (Najjar, et al 2020). In Oman, the government has encouraged women to apply for land from the government and has implemented strategies that increase significantly women’s secure tenure relationship to land and housing (ALC 2018; Oman VNR, 72).

Alien Influences

Pragmatists argue that Islam, other religions, traditional value holders and international human rights must engage with, and inform each other through dialogue. Most of those involved in such debates in the Arab region agree on the principle that change must be decided on, and initiated by those whom it affects, rather than by outsiders (UN-Habitat 2010; Sharafeldin 2015). The same is true of women and men affiliated with diverse religious or cultural traditions; namely, that the solutions should come from within their own community.

The question of how such faults are to be remedied and how changes are to be brought about is highly sensitive. The critical analysis and theoretical literature on women’s equality of rights, emancipation and economic liberation in the Arab region are predominantly hosted and/or resourced by European and North American institutions. Given the geopolitically interested nature of historic literature on the region on the part of most Western scholars (Said 1976), the intentions behind this pattern come into question. However, to indulge conspiratorial thinking in this matter may be equally stereotypical.

At the same time, many women of the region, in particular, Arab women, including those advocating change, appear uncomfortable with the notion of Western attitudes and practices being imposed on non-Western cultures as a panacea for what are perceived in the West as problems. Indeed, some critiques of women’s status in Islamic society arguably descend into anti-Arab and/or anti-Muslim stereotyping and racism, and an undertone of the literature reflects this inevitable tension (Abdul Jamal 2005; Chaudry 1997; Wadud-Muhsin 1992).

These advancements in the literature reflect critical thinking and monitoring over time. Critics point out concerns also that pure economic calculations and individualising property risk the crucial support of extended family and kinship relationships. Community property notions are often resisted on the unproven assumption that “foreign” social constructs and marriage models
could destabilise Muslim society and increase rates of divorce (Sait 2013), which is considered, in Arabic, *aghdar halal* (the most treacherous of permissible acts).

**Inheritance**

While the bulk of the literature treats land primarily as property to be owned, distributed and/or exchanged, the overwhelming majority of works intersecting on the subject of women and land in the Arab region is immersed in the matter of transfer of land by inheritance, bequeathed under a will and testament, or adhering to Islamic criteria. While this upholds the assumption that land originates with a male person. The accompanying exegesis turns to the revealed, written and edited Qur’an, interpreting intentions of the Prophet Muhammad (*pbuh*) from his documented words and deeds (the Ḥadīth; plural, Ḥawādīth), and the later-developing Islamic law (*shari`a*) according to the seven main jurisprudential schools (*madhāhib*) operating in the region: Maliki, Hanafi, Zaidi, Hanbali, Shaf`i, Ibadi and Jaafari (in order of prevalence). While relevant persuasions in the literature involve multiple layers of exegesis, including interpretation (*ijtihad*), jurisprudence (*fiqh*) and contestation (*ikhtilāf*), these consume much ink and social thought (Sait 2013; UN Habitat/GLTN).

However, this dominant set of references and analytical methods are by no means the only tools of determining rights or justice in a woman’s relationship with the land. Other religious traditions coexist throughout the region, including Christian, Durzi, Jewish, Yazidi, Zoroastrian and other theological and faith-based ideologies, as well as nonsectarian, feminist, liberal, Marxist, cooperative, civil law, solidarity-economy and other primordial, traditional and modern fashions of understanding women’s relations, including tenure relations, with the land.

The literature reflects a great debate over whether these conventions in Islam are the greatest inhibitors to a woman’s enjoyment of her rightful tenure relationship to land. As learnt from this review, despite the literature’s overwhelming focus on Islam-inspired inheritance laws and practices, their interpretation at the expense of women in the region is often due to other mitigating conditions. The report from a survey conducted in Gaza in 2006 revealed that women were variously constrained from claiming their inheritance rights. Some 60% of women were afraid to claim their inheritance out of fear from “family boycott,” 13% lacked awareness about their rights, 10% claimed ignorance of the laws and procedures related to partition of inheritance, 7% for lack of resources to pay court costs, and 5% felt that they would face social criticism as a woman who would “embarrass her husband” (WAC 2006; UN Habitat/GLTN 2018). A survey in villages of Egypt’s Beni Swaif Governorate indicated that the actual practice of women inheriting land had little or no correlation to religious affiliation, but was determined by a variety of local custom, differing from family to family, and even within families (Shahid 2003).

That is not to say that ownership by inheritance is not a factor. Research findings show only 5% of agricultural land in Egypt is owned by women, traced back to women’s inability to inherit land (Khodary 2018). In Tunisia, the Islamic criteria are not always followed, especially in rural zones (Tarhouni 2008). In Somalia, one study describes how Xeer laws circumvent Shari’a law with respect to women’s inheritance, denying women ownership of land, camels and other assets in order to protect the property of the patriarchal line (UNICEF Somalia 2002).
Tenure

Reviewing the various definitions of tenure in the literature beyond the two definitions in the AoC3 Project Brief and Methodology reveals a range of interpretations at global level since the First UN Conference on Human Settlements (Vancouver 1996). The definition offered by the UN Special Rapporteur on adequate housing echoes the interpretive guidance of CESCR, namely:

A set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s home in security, peace and dignity. It is an integral part of the right to adequate housing and a necessary ingredient for the enjoyment of many other civil, cultural, economic, political and social rights. All persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats (Rolnik 2013).

Notable also is the “continuum of land rights” (CoLR) concept that is identified as a system of thought in which diverse practices of land access and use patterns coexist. The recognition of a plurality of a person’s legitimate relationships with land that allows for a diversity of tenure situations, ranging from the most informal types of possession and use, to full ownership. The supposed continuum, which was adopted at the 2011 UN-Habitat Governing Council resolution by Member States, is now widely accepted by the development community and UN member states (HSP/GC/23/17). The CoLR approach recognizes that:

- Tenure can assume a variety of forms;
- The various rights do not actually lie on a single line, but may overlap with one another;
- Rights at the most-formal end of the continuum should not be seen as the preferred or ultimate form of land rights;
- The points on the continuum are each one of several appropriate and legitimate forms that may coincide; the most appropriate form depends on the particular time and context (du Plessis 2012).

The CoLR’s actual depiction of the various types of tenure actually forma a linear progression, rather than a continuum, despite its guidance that they not be seen on a single line or with hierarchical preference to any one type, has proved problematic (GLTN 2015). An Urban Thinkers Campus in 2015 posed an alternative illustration to remedy this seeming contradiction. The result was to replace the single line with a Möbius strip and add tenure types presented in the wider literature. The alternative illustration is as follows:

This depiction takes note also of the constant and cross-cutting condition across all tenure types arising from the commons, public purpose and social function considerations that mitigate any claim to absolute tenure rights across the spectrum (Schechla 2015). As noted also in the Committee on World Food Security’s Tenure Guidelines,

All parties should recognize that no tenure right, including private ownership, is absolute. All tenure rights are limited by the rights of others and by the measures taken by States necessary for public purposes. Such
measures should be determined by law, solely for the purpose of promoting general welfare, including
environmental protection and consistent with States’ human rights obligations (CFS 2012).

Deprivation and Violations: Contexts and Impacts

The wide scope of this literature review reveals factors affecting women’s access to, use, tenure and control of land as the result of many and varied actors, circumstances, reasons and root causes. In any case however, the state bears the primary and binding obligation to respect, protect and fulfil human rights, including to ensure that women and girls to fulfil their human right to land on equal terms with men and boys. The obligation to respect requires the state, its organs and agents to avoid deprivation/violation of a woman’s human rights related to her use, tenure and control of land. The obligation to protect requires the state, its organs and agents to ensure that third parties do not violate her human rights related to her use, tenure and control of land. The fulfil obligation requires the state, its organs and agents to promote those relevant human rights, to facilitate and assist her to realize them. Within the states of the Arab region (see Annex 2), the deprivation of needed and violation of women’s related human rights, including property rights (UDHR 1948, Art. 17), may take place under the following contexts and circumstances:

- Activities of national investors
- Activities of transnational corporations
- Agricultural investment
- Annexation
- Armed conflict and war
- Climate hazard
- Colonization
- Development or infrastructure project
- Displacement
- Divorce
- Ethnic cleansing
- Exclusion from decisions
- Forced eviction
- Foreign occupation
- Gentrification
- Land grab
- Land reform
- Marriage (formal or informal, with or without prenuptial agreement)
- Mega-event
- Military operation
- Natural/environmental hazard
- Political corruption
- Political violence
- Population transfer
- Preying on women per se
- Public-purpose acquisition/eminent domain
- Punitive action (by nonstate actor)
- Punitive action (by state)
- Refuge (refugee status)
- Repatriation after displacement
- Resettlement
- Separation from spouse
- Squatting
- Titling programme
- Transitional justice processes (gender insensitive)
- Urban land tenure insecurity in informal settlements
- Urban planning schemes
- Widowhood
- Any combination of these.

Whether a resulting deprivation land or violation of land-related human rights or other normative standard, the denial of land could lead to any of the following impacts:

- Autonomy/dignity loss
- Denial of livelihood
- Discrimination against the entire gender
- Dispossession of property/material loss (land, housing, other possessions)
- Domestic violence or increased risk
- Economic status diminished
- Family disruption/estrangement
- Food insecurity for self and prospects for providing for children and future generations
- Inability to produce food, or other means of sustenance and livelihood
- Inadequate housing and/or homelessness
- Increased expenditures (for food, health, housing, transport, etc.)
- Lack of protection (from police or others)
- Litigation costs and hazards
- Power loss over household decisions
- Precarity and/or dependence on others (e.g., family, state, charity)
- Privacy lost or degraded
- Security of person violated
- Social capital loss
- Social relations loss
- Social status diminished
- Stress/distress
- Subservience
- Time loss

**Women at Risk**

The literature portrays women, as a class, to be vulnerable or subject to negative discrimination and/or loss of access, tenure and control over land because of patriarchy and decisions and behaviour materially favouring males. However, at the same time, studies and testimonies also point out certain the types and categories of women who are particularly vulnerable to dispossession or loss of property. These include women who are:

- Part of a disadvantaged (e.g., minority, impoverished, marginalized) social group or community;
- Widow not allowed to stay in their matrimonial land/home (or her daughter);
- Divorcée unable to claim rights to marital land/home or to natal family land/home (or her daughter);
- Common-law wife or unmarried woman with no claims to land/home (or her daughter);
- Subject to violence or threat of violence (physical, psychological, social) to dissuade her from claiming land rights (or her daughter) (or her daughter);
- Accused of unauthorized sexuality (or her daughter) (or her daughter);
- Without, or separated from their tenure documents (or her daughter);
- Woman who tried to register their land/home, but faced barriers and were unable (or her daughter);
- A woman who did not inherit land/home from parents, or inherited less than their brothers (or her daughter);
- Women who lost their right to stay on/use land when family/clan land sold (e.g., by husband or other family or clan member) to a buyer outside of the family/clan (or her daughter);
- With a statutory claim to land/home, but local leaders dismiss statutory law and rely on customary law or practice, resulting in loss (or her daughter);
- Widows in polygamous marriages, now competing with other wives in their claim to husband's land/home (or her daughter) (Meneley 1996, Dahlgren 2010, 285; 15–17; HIC-HLRN 2017–present).

**Why Is Land Important to Women?**

One of the examples from the contemporary literature has sought to inventory to the reasons why land is important for women, in particular, in addition to their human need and human right to land shared with men. The First Arab Land Conference offers the following variety of reasons:

- Women’s secure tenure relationship to land is key for realizing women’s rights, promoting development, and creating just and peaceful societies.
Women are often disproportionately affected by housing, land and property (HLP) violations that are assuming monumental scale in the context of displacement in the Arab region. Women are rarely parties to lease agreements or other HLP documentation in some Arab countries, which leaves them particularly vulnerable to evictions. Economic empowerment and land ownership are interlinked. Boosting economic empowerment for women is important to secure ownership of land and property and vice versa. Top-down policies and approaches targeting the improvement of women’s conditions can achieve a lot there is enough political commitment and resources for implementation. Land-related national laws, customs and practices coexist in Arab states; there is the need to look into these different dimensions to increase women’s secure tenure relationship to land and tenure security effectively. Women’s secure tenure relationship to land and housing goes beyond individual ownership: it includes joint ownership, use rights, etc. (the continuum of land rights). Community-based land rights are important to protect women’s access, use and control over land (paraphrased from ALC 2018 to expand the concept beyond only access, replacing “access” with “secure tenure relationship to”).

It is necessary to apply the formula for adequacy in the enjoyment of other human rights, which is provided in the literature on human rights methodology as an indivisible construct of availability, access, affordability, acceptability, quality within a framework of over-riding principles maintained as an obligation of the state, namely to ensure the conditions of self-determination, non-discrimination, gender equality, rule of law, progressive realization/continuous improvement (of living conditions), maximum of available resources and international cooperation (ICESCR Arts. 1–3).

**Patriarchy and Violence**

The complexity and near male monopoly over interpretation of inheritance arrangements, male domination over public policy and, in certain families, over domestic decision making is a phenomenon overarching all groups and categories of women everywhere. Various sources refer to wide-spread or generalized violence practiced against women to enforce the social construct of patriarchy. One source contends that one in three women in the region experiences beating at her husband’s hand (Dedieu et al 2003), for example. A country-specific study found that 95% of women in Bahrain experience violence against them at home or at work (Ghanim 2013), while another reports that 93% of Saudi women experience violence from their husbands, 30% of which cases involve economic violence (VCSS 2010).

The violence that a woman may experience upon the death of her spouse, for example, is critical to understanding the intense cultural dimensions of the inheritance question. However, the practice of violence is decisive in the deprivation of land rights in many circumstances. It highlights the deadly seriousness of the context in which women must decide whether to fight for their rights, flee or submit to convention. Faced with the choice between violence and ostracism on the one hand, and dependence and hardship on the other, many opt simply to maintain the status quo, forfeiting their inheritance rights in the process. If this deprivation takes place as a function of inheritance arrangements, other hazards pertain. Several sources recount how a woman who refuses to relinquish inheritance may become subject to public shaming, physical threats, violence or worse (HIC-HLRN 2004; COHRE 2006, UN Habitat/GLTN 2018).
**Subservience and Dependence**

Receiving a less-than-equal—or greater—share of inherited land is, at its core, an outcome of self-interested patriarchal interpretations of inheritance arrangements. Other factors leading to the same end may include inferior purchasing power to acquire land for livelihood purposes due to other consequences of discrimination in accessing or knowing about opportunities for economic advancement. Such causative forces weigh on women’s ability to compete in the market or claim her right to particular land. These losses and opportunity costs may have continuous and cumulative consequences.

Even retaining the inheritance share could leave a woman at the mercy of the relatives who have allowed her to receive that share of land. A woman in such a situation may be forced to play an even more-subservient role in the family, making her yet more vulnerable to ill treatment at the hands of her relatives and/or a lower standing in wider society. Furthermore, abandonment is a very real possibility, especially as a woman ages and is perceived as no longer worth maintaining (COHRE 2006).

**Awareness of Rights**

A common theme across the literature is that many women are unaware of their rights and/or fear attracting disfavour or retribution from family members or the wider community for taking her fare share. Instead, they tend to comply with the demands placed on them, and are coerced into abandoning their share of the inheritance, quite apart from the entitlements under Family Law, Personal Status Law or *shari‘a*.

Therefore, realizing a woman’s ESCHRs related to land may be determined by the realization of her human right to information (ICCPR, Art. 19), a so-called civil and political. That and other process/accessory human rights such as freedom of movement, assembly and association, nationality, participation in public life and are key (ICCPR, Arts. 12, 21, 22, 24 and 25). In the common era, these rights are hard to distinguish from the category of ESCHRs such as education (ICESCR Art. 12) and benefitting from scientific achievements (ICESCR Art. 15), including access to the volumes of information available through the internet (e.g., see links in Annex 1).

The reports of numerous women’s rights organizations reflect a rigorous effort at awareness raising, using a variety of media and pedagogical methods. It is known that this effort is constant and effective; however, little in the available literature indicates how or how much this takes place with a focus on land rights. Some references are made to training and awareness-raising events (GLTN 2018, 91), for example. The significant findings from the literature are those references to the importance and need for much more awareness raising. A survey conducted in Gaza in 2006 revealed that 13% of women lacked awareness about their rights and 10% claimed ignorance of the laws and procedures related to partition of inheritance (WAC 2006).

**Political Will and Policy**

A critical survey concluded that patriarchal governments across the region “hide behind religious laws, or cite culture and/or tradition,” when, in reality, women’s rights are being systematically denied their rightful tenure of housing and land often by use of force and violence otherwise prohibited in statutory law. Although the state is the primary duty holder in the *obligation to*
protect women’s rights, relatives often abuse and dispossess widows, for example, with impunity. To the state, its organs and agents, these actions are often regarded as “family matters,” falling within the private domain and, therefore, not a subject of public scrutiny, censure, protection or intervention. For this reason, police and other authorities often lack diligence and/or willingness to serve or protect (COHRE 2006).

Even historically, the modernist land reforms initiated across the Middle East did not achieve much by way of redistribution, and certainly bypassed most women. Writing in the context of Egyptian land reforms, Hatem has noted that the main beneficiaries were rural middle-class men and, to a lesser extent, some rural working-class men (Hatem 1998, 88). Women who gained tenure to land were few and largely confined to widows as guardians of young sons, although divorced women in a similar position were moved to protest the law’s application in 1952.

Others concur that women’s empowerment is not the automatic result of increased labour force participation (Gómez and Winkler 2015, 16). Thus, the women’s integration policies seemed disingenuous and superficial. For peasants, in general, the land reforms were not deep enough to align the judiciary with land-reform objectives. Judges tended to rule in favour of their historic land-owner class roots, and the newly gained land tenure was often reversed through the courts (Ismail 2019). Egypt’s “state feminism” focused rather on encouraging women to join the formal workforce, and the feminization of agriculture that resulted from so many men migrating for work did not necessarily lead to women’s emancipation or improved land tenure (Hatem 1992, 239).

**International Organizations**

Multilateral and international agencies tend to operate as arbiters of women’s equal rights, however, not uniformly nor always in coordination. In its cooperation with members states, FAO has made efforts toward comprehensive women's tenure reform, which takes into account inheritance, marriage and the right to enter into contracts, as a priority issue related to food security. FAO advice to states calls for legislative and policy initiatives to reflect the actual experience and needs of women, that the reform process should be participatory and that reform should be matched with training in legal literacy for both men and women, particularly regarding the relationship between law and rural productivity. FAO emphasizes that greater attention should be given to alternative forms of ownership and management such as cooperative groups and self-help groups. These are aligned with the Beijing Platform and the FAO’s Plan of Action for Women on removing barriers that hinder women's access to land (FAO 2003). However, a distinct policy stream on women and gender on FAO’s 2014 Near East Regional Conference (NERC 32) was subsumed under a regional priority for supporting small-scale family farming at NERC 2016, and has not returned to the subsequent biennial agendas (FAORNE 2014, 2016, 2018, 2020).

The United States Agency for International Development (USAID) has supported women's rights to land under its policy for gender equality and women's empowerment of 2012, taking into account the inclusion of women's empowerment in all programs across 17 countries. These have sought to help women gain better access to land and property ownership, financial services, education, fair employment and other services that reduce their vulnerability to exploitation or abuse. However, none of these are indicated as project in the Arab region (USAID 2009; USAID 2015), and its Land Tenure and Women’s Empowerment portal does not cover the Arab states. Instead, these reported
included leadership programmes to promote public-private partnership in Egypt and Yemen with the goal is to promote 10–14-year-old girl leaders in vulnerable communities by:

1. Cultivating opportunities to practice leadership skills;
2. Creating public-private partnerships to promote girls’ leadership; and
3. Enhancing global knowledge to implement and promote girls’ leadership programs (USAID 2015).

The European Union (EU) also maintains a land policy for development cooperation with a gender focus. However, that policy is dated 2004 and no more-recent iteration could be found. A review of the Tunis-based Center of Arab Women for Training and Research (CAWTAR) includes economic issues and human rights, including water-sector projects, but does not seem to have focused on land issues over the past decade of searches for this literature review.

In 1999, the United Nations Center for Human Settlements began an internal reorganization and prioritization process with a focus on establishing international principles and standards in two main areas: Security of tenure and good governance. Women’s Security of Tenure was incorporated into the Security of Tenure Campaign. In response to the international campaigns, some states began to pay attention to women’s land tenure issues and integrate them into policy.

GLTN has since assumed the forefront of UN Habitat-related efforts to promote women’s land rights in the Arab region, as represented by the series of studies and publications appearing since 2006, following adoption of the pivotal Cairo Declaration. One of the workstreams of GLTN has been the Arab Land Initiative on land issues across the Arab region, in general, as well as women’s tenure relations to land, in particular. While the GLTN publications on Islamic Law and Land and the most-recent study Women and Land in the Muslim World (English with an abridged Arabic version). This unique contribution takes a comprehensive view, dealing with a variety of topics, including theoretical approaches, applicable international law, domestic law, technology, tenure, marriage, land administration, credit and finance, and displacement. The attributes of, and arguments for women’s relationship to land nonetheless emphasizes the “access” dimension.

It includes country-specific vignettes from Egypt, Iraq, Jordan, Lebanon, Morocco, Palestine, Tunisia and UAE. In Morocco, it memorialises the 2004 revision of the Moudawana (Family Code), interpreting the Maliki madhhab of Islamic jurisprudence to allow for joint property in marriage. In Gaza, Palestine, the report summarizes a case of customary dispute-resolution mechanisms filling gaps left by the formal nizami (civil) courts system in a woman’s a fragile conflict-affected context, despite hazards of facing socially connected and potentially less-neutral decision makers (See also NRC 2012; NRC March 2012; NRC 2013; NRC 2014; NRC 2015; Birzeit 2006, 31). Another case in Palestine involved Gaza’s Chief Justice of the shari’a Court issuing an administrative order ensuring pre-condition before a woman’s renunciation (tanazul or takharuj) of inheritance to include a complete inventory of values and a four-month waiting period. This was achieved in cooperation with the Palestine Ministry of Women’s Affairs and local NGOs (GLTN 2018, 76–77).

**Theology and Liberation Theology**

The literature reviewed does not discuss any religious text explicitly discriminating against women in the access to, use and control of land, except in inheritance. However, much discussion of
Islamic principles focus on the distribution of estates after death governed by the Qur’an, primarily verses 11, 12 and 176 of *Surat al-Nisa’* (the fourth chapter, on women). Although other verses relate to the issue of inheritance, none of them deals in detail with the distribution of estates.

The *shari’a* (body of law inspired by Islam) makes no distinction between religious and secular life. According to Islamic scholars, the *shari’a* is drawn from two primary and two secondary sources: primarily the Qur’an and the *sunna* (the way the Prophet lived his life); and the secondary sources are the *qiyas*, or extension by analogy of existing laws to new situations, and the *ijma*, or consensus.

Islam-inspired law—in particular, the *shari’a*—and its jurisprudential interpretation (*fiqh*), have significant influence over family life. In this religio-cultural context, issues of women’s personal status, including matters related to marriage, divorce and inheritance, are very sensitive topics and their interpretation is usually deferred to Islamic law experts, who are predominantly male. It is precisely in the area of personal status law and its application that historically have entrenched patriarchal attitudes based on what some critical authors contend are misconceptions of the meaning of Islam. These can and often do lead to blatant, widespread and persistent discrimination against women (Abdul Jamal 2005; COHRE 2006; Engineer 1990; Nuryatno 2000; Powers 1986, 52; Shahid 2002; Sil 2003).

In Lebanon’s “confessional” system of diverse personal status laws, Shia, Sunni, and Druze women enjoy a greater ability to end their marriages before their religious courts than do Christian women. In the Christian denominations, those who follow the Roman Catholic Church find it very difficult for either spouse to terminate the marriage, even consensually. However, some situations apply in which couples can end their marriages through annulment, dissolution, and divorce, or apply for desertion, although provisions for this vary among Catholic, Orthodox, and Evangelical confessions (HRW 2015). However, terms of land-property settlement in divorce or inheritance are diverse and subject to local convention. The lack of a civil code in Lebanon and the diversity of personal status regimes applied not only disadvantage Lebanese women, but also tend to discourage a sense of citizenship and national cohesion. However, patriarchy and its consequences persist across all faiths in the region (Ziedan 2010).

A Muslim woman’s ability to inherit land and to directly contract a marriage without a male guardian depends on the theological school of thought prevailing in the country. Even within particular schools of thought, interpretations evolve over time. Reforms that have enhanced women’s participation have been crafted to suit the existing legal framework and have taken into account local customs and norms. For instance, all of the 2004 Moroccan family law reforms were achieved in consultation with, and with the endorsement of, the religious institutions (Collectif 95 1996; El Quahabi and Lemrini 2005; Catalano 2010).

The research literature reviewed expresses disappointment with the activities and influence of educated Arab women after re-entering their wider society after studies. Others challenge that pattern to expand the theories concerning the dynamics of social change brought about by educated women (Weiner-Levy 2006). The secular feminist literature tends to blame Islam for the laws and customs in Arab countries for the inequities they produce and maintain. Devout Muslim Women still tend to defend the “ideals of Islam” against secular and, especially, Western challenges (al-Hibri 1997).
For example, al-Hibri cites a press release circulated at the Huairou NGO Forum, held in the conjunction of the 1995 Beijing Conference (al-Hibri 1997). Sisters In Islam, the Malaysia-based women's organization, circulated a press release there, referring to “two dominant and opposing views on Islam,” characterizing the former as “comparing the ideals of Islam with the reality and ills of the Western world.” Concerning the latter position, it “rejects religion as a reaction against Islamic conservatism and abuses committed in the name of Islam.” Sisters In Islam rejects both positions and “advocates a reconstruction of Islamic principles, procedures and practices in light of the basic Qur'anic principles of equality and justice” (SiI 2003). This third trend interprets the Qur'anic tenets on inheritance of (land and) property to offer a floor, a minimum of entitlement not to be breached, rather than a ceiling or maximum inheritance.

Other reformers (Benani 1995; Ubaidat 2017; `Azza 2017) exemplify the progressive arguments in the region that call for *ijtihad* (interpretation) of the directives of the *shari`a* and *Hawadith* in the context of contemporary times. Given that the *shari`a* is a relatively late-coming development of Islamic tradition (i.e., during the Ottoman era), classic religious scholars rely on the Qur`an to assert what Sisters in Islam contend. That is that nothing in the text or traditions prevent a woman from inheriting at least an equal share, as justice is to be served (Engineer 1990; Nuryatno 2000). They cite as the overarching Qur`anic principle:

\[
\text{اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ۖ وَاتَّقُوا اللَََّّ ۚ إِنَّ اللَََّ خَبِيرٌ بِمَا تَعْمَلُونَ}
\]

Do justice, for that is the closest to piety, and remain pious unto God, for God knows all that you do.

(*The Holy Qur’an*, “Surat al-Ma`ida,” verse 8)

However, it must be emphasized that this interpretation belongs to the “liberation theology of Islam,” which term and corresponding social thought arise from Islamic practice in southern Asia. Several factors have prevented this stream of thought from developing in the contemporary Arab region. Among them seem to be (1) the isolation of the Arab region from the far-wider practice of Islam in the world and (2) the apparent estrangement of secular civil society in the Arab region from believers and the gap in the discourse, social intercourse and literature that results. This divide is less pronounced in Asia, as reflected in the wider literature (Nuryatno 2000; SiI 2003).

**Islam and Marital Property**

Marital property (or matrimonial property) regimes define the legal ownership of assets brought to and acquired during the marriage. In Islam, they exclude non-marital property, which is owned individually by a spouse prior to the marriage, or acquired as an individual inheritance or gift. These regimes differ radically across countries and sometimes within countries where Muslims reside in the Arab region. They are broadly divided into separate property and community property regimes. Under separation of property, each spouse owns his/her property, including land, which is often registered in his/her name prior to and throughout the course of the marriage. Such property does not create any legal presumption of co-ownership over the assets acquired by the other spouse. Such separate property systems prevail in most countries in the Arab region (Sait 2013).

Muslim women have historically used “the underlying logic of marriage as a contract...as an effective strategy to negotiate their marital terms” (Mir-Hosseini 2007, 57). Some have been campaigning for development of a model contract in North Africa, with sample conditions, in order to give them examples to draw upon (Global Rights 2008).
It must be reiterated that the challenges women face in accessing, using and controlling land in the Arab region do not substantially differ from those women in other parts of the world face. Prescribed gender roles; socially constructed professional opportunities and economic activities; power dynamics; discrimination within family practices; unequal access to opportunities, institutions and land-administration processes; traditional norms; and local tenure relationships typically deny women the chance to achieve equal tenure relations with land as men. In the First Arab Land Conference, a High-Level Panel and technical sessions on women and land affirmed these challenges in Arab countries to increasing women’s effective acquisition and retention of land and housing (ALC 2018).

**Women in Agriculture**

FAO estimates that women comprise 43% of the agricultural labour force in developing countries (FAO 2011a, 7). In the NENA region, the percentage has risen sharply over recent decades, from about 30% in 1980 to 45% in 2010 (FAO 2011a, 9), which is faster than any other region of the world (FAO 2011a, 10). In several countries, women make up more than 60% of the agricultural labour force, giving rise to what has been termed the “feminization of agricultural labour” (Abdelali-Martini et al. 2003; Abdelali-Martini and Dey de Pryck, 2014).

Across the Arab region, is a trend for rural-to-urban migration in several countries of the region, including Egypt, Lebanon, Morocco, Syria and Tunisia. Young people, in particular, do not find sufficient employment opportunities and income in the agricultural sector in rural areas (UNESCO 2012, Vol. 2, 708). In many instances, men move into jobs in industry or services, or they migrate to urban areas or into the Gulf countries for work (de Schutter 2011, para. 20; UN Women 2014, 64), with women becoming more involved in agriculture, wage labour, irrigation, and water management, as a result (UNESCO Chair 2007, 76). In most countries, where male migration from rural areas is important, the migrants are mainly males from the same household who are unemployed, whereas the male head of the household remains to manage the farm, deal with the market and other institutions outside the household boundaries, and more women are drawn into the agricultural labour force to perform mainly manual operations and tasks (Abdelali-Martini et al. 2003).

However, in other areas, such as the plains of the Sais in Morocco, farming is being professionalized in the context of land privatization and the introduction of modern techniques and planting high-value crops. This process offers new opportunities for young men, while making it increasingly difficult for women to engage in farming activities (Bossenbroek and Zwarteveen 2015, 152–153, 162).

Almost two thirds of agriculture in the region is rain-fed. Among those working on these lands are many small-scale farmers who cultivate less than two hectares. Women farmers tend to have smaller acreage and less irrigation than male counterparts (Minoia 2007, 23; FAO AQUASTAT 2014, 9 [on Egypt]).

The role that women play is very diverse ranging from being farmers on their own account, to labourers, to unpaid workers on family farms (FAO 2011a, 7). Although information on the exact roles women play are limited, available data at national level show that unpaid labour is very
common (UN Women 2014, 63). In Yemen, women usually work as unpaid labourers on family farms (UNESCO Chair 2007, 75).

Sources report that, in most countries of the region, women only represent a small minority of farm managers, but that current household surveys do not capture all dynamics. Some data from the early 2000s for Morocco, Tunisia and Algeria indicate that only between 4% and 6% of women were farm managers (FAO AQUASTAT 2014, 9). Women tend to be farm managers only in instances where there is no adult man in the household due to rural-to-urban migration. A study carried out by AQUASTAT across the four geographical areas studied found 22% of women farmers were farm managers (up to 50% in Algeria). Usually widows, unmarried, or divorced women, but not married women, are farm managers and, in many cases, have become responsible for new productive tasks (FAO AQUASTAT 2014, 16–17).

Less than 14% of landowners in Tunisia are women and less than 10% of women run farmlands (Tarhouni 2008). In Lebanon, the share of female agricultural holders is 7.1%, whereas it is only 0.8% in Saudi Arabia (FAO 2011a, 121). Where women’s access to land is restricted, livestock raising may substitute. FAO estimates 400 million poor livestock keepers worldwide, two thirds of whom are women (FAO 2011a, 14–15). Studies over the past decade have found animal husbandry and livestock supporting many women’s livelihoods in Morocco (CGIAR 2014, 10).

Women’s activities in agriculture are often not seen as active work (Minoia 2007, 19). However, where men migrate for work, women increasingly take charge of farms, without being the land holder officially and without formal rights to water and irrigation services (World Bank, FAO and IFAD 2009, 230).

Preliminary results from a study in Syria indicate that the increasing role women play in agriculture as waged labourers did not go hand in hand with reducing the burden of domestic or caring work, or with a redistribution of task between women and men. Yet, it also found that women valued their paid work, because they enjoyed working in the community, and the income they earned increased their self-esteem (Abdelali-Martini and Dey de Pryck 2014). Where women take on roles as de facto farm managers, in some instances, this position may still allow them more control over resources and the ability to exercise choices at least during the times of men’s absence (Khattabi et al. 2013, 175). In some instances, those women have gained more bargaining power in the household (Gómez and Winkler, 16).

However, women’s empowerment is not necessarily a linear or clear-cut process. Some aspects of life may be empowering while others are not, showing the complexity of transforming gender relations.

**Women and Land Grabbing**

The question of financialisation of land across the region is largely absent from the academic debate on the region, despite large-scale food and agriculture investments (foreign and inter-regional), and these issues are rarely discussed outside of newspaper articles and policy documents (Hanieh 2018). Therefore, an investigation that breaks that silence is Adam Hanieh’s work exploring the industry, agribusiness, finance, real estate, retail, port-acquisition, telecommunications, energy, infrastructure, and water-investment strategies of Gulf states in light...
of the inevitable decline in fossil-fuel industry. He further extends this assessment to the crisis of numerous political and military conflicts in the region.

Large-scale land acquisitions have received significant attention in recent years, and in particular criticism when such land deals have resulted in small-scale farmers being forced to lose their land and become impoverished. Women small-scale farmers’ tenure is often already insecure (Behrman et al. 2011).

Land grabbing has important international dimensions, in part because land grabbing is seen as a strategy to offset food insecurity. For example, “Persian Gulf states invest [in] countries such as Ethiopia, where the Saudis own tens of thousands of acres, Brazil, where the Qatars are producing sugar, and Sudan, where the UAE owns 700,000 acres of farmland” (Hermann 2014). Within the Arab region, research also identifies such large-scale land acquisitions in Algeria, Egypt, Sudan and Morocco (Salih 2014). Four countries are responsible for more than 90% of the land grabbing in the region: UAE, Saudi Arabia, Egypt and Qatar (Salih 2014).

Water grabbing is also a concern in the region, and closely related to land grabbing as water is “both a target and driver” of land grabbing (Mehta et al. 2012, 193). Notably, Israel’s Hafrada/Apartheid Wall follows the contours of the ground water in Palestine, segregating the water-catchment side of the aquifer behind the wall, while closing access to Palestinian farmers’ land in the discharge side of the Wall. In such cases “water scarcity may be a constraint even where land is available, and priority in water use may prove a source of conflict” (Cotula et al. 2009, 43).

Some Arab nationalist commentators tend to treat the inter-Arab investments and large land grants to royal Gulf family members as positive manifestations of regional development (Zurayk 2011). However, local testimonies indicate that these transactions bear all the features of land grabbing elsewhere, including forced evictions and dispossession of small-scale land holders (Tamim 2010; HIC-HLRN 2017; HIC-HLRN 2019).

### Indigenous and Traditional Land

Coverage of the Souliyate, in Morocco tells the story of Imazighen women on collective land (ardh jamu`) amid encroaching commodification. The term, “Souliyate,” first appearing in 2007, refers to women belonging to communities that exercise collective land ownership, and their movement confronted the exclusion of women from distribution of compensation when collective land was transferred to public or private companies. Gendered collective land tenure is not a new phenomenon; however, the right to use land is generally limited to male heads of families with patrilineal link to the community. In those communities, women benefit only indirectly through usufruct rights, and are not considered legitimate landholders (Berriane 2016; al-Kassab 2019; Saadi 2019).

An inquiry into the constitutional, legislative and administrative provisions affecting indigenous peoples in Egypt also raises questions about the historic and ongoing displacement of the Nubians and their lingering land claims (ILO and ACHPR 2009; Janmyr 2016; Islam 2017). Egypt’s 2014 Constitution prohibits “All forms and types of arbitrary forced displacement of citizens…[as] a crime not subject to statute of limitations” (ARE 2014, Art. 63). It also recognizes the Nubians as underprivileged, but not their indigenous-people status.
Reparation

Women form at least half of the nearly 33.5 million people in the Arab region who are living displaced and forced from their homes and lands (LT17 2019). Each is entitled to reparations for the gross violation committed against them, including restitution of their HLP (UN Habitat 1999).

The forthcoming UN handbook on Housing and Property Restitution for Refugees and Displaced Persons Implementing the Pinheiro Principles in the Middle East and North Africa contains specific guidance on HLP restitution for so many refugees and displaced across the region. Principle 4.1 calls for “the equal right of men and women, and the equal right of boys and girls,” consistent with the Convention on the Rights of the Child (CRC). Under the Principle 4: The Right to Equality between Men and Women, the handbook provides legal bases for the Principle, opportunities for applying Principle 4, responses to common questions and other useful guidance for implementing it (OHCHR et al forthcoming).

The guidance rests also upon studies of the UN Sub-Commission on Prevention of Discrimination and protection of Minorities in the early 2000s, as well as the reparation framework adopted in the UN General Assembly without a vote (A/RES/60/147 2006). That framework recognizes the inextricable bundle of seven entitlements to those suffering gross violations of human rights related to HLP, which include restitution, return, resettlements, rehabilitation of all kinds, compensation for those values that cannot be restored, effective guarantees of non-repetition, and satisfaction of the victims that justice has been done. These elements also form part of the processes toward transitional justice.

The handbook provides analysis and legal bases of each of the 21 Pinheiro Principles, as well as a set of scenarios that pose Opportunities for Applying Principle, answers to Common Questions and Useful Guidance from other sources reflecting both theory and practice from the field. Accompanying the handbook are also training materials under development.

Among the resources supporting Pinheiro Principle 4 has been the Women’s Commission for Refugee Women and Children. Displaced Women and Girls at Risk: Risk Factors, Protection Solutions and Resource Tools. Also in the context of humanitarian interventions is the UN Office for the Coordination of Humanitarian Affairs, whose 2005 tool kit supports implementation of OCHA’s policy on gender equality in the field (OCHA 2005).

Tools

Other land tools include those that GLTN interprets as any means applied at any scale to realize the land governance principles of a nation, community or group. This encompasses relevant laws, policies, plans, guidelines, operational manuals, training modules, land tenure instruments, land records databases, monitoring and evaluation instruments, and all others that influence the state and management of land tenure, land use and land values.

FAO also has produced numerous policy tools such as Taking Action: Achieving Gender Equality and Empowering Women, produced by the Task Force on Education and Gender Equality (FAO 2005). It urges action to invest in infrastructure to reduce women’s and girls’ time burdens (Chapter 5), to guarantee
women’s property and inheritance rights (Chapter 6), and to consider the financial costs of interventions to achieve gender equality (Chapter 11).

In 2013, FAO produced a technical guide to support the achievement of responsible gender-equitable governance land tenure. This is an internally produced tool to guide operations in the field. It complements and parallels deliberated policy instruments adopted through the Committee on World Food Security, but more specifically focused on legal pluralism from a gender perspective to assist in drafting laws, regulations and procedures for land-tenure governance and exercising rights to land (FAO 2013).

A seminal work from UN Habitat is a guide for policy makers on Women’s Land, Property and Housing Rights across the World (UN-Habitat 2007a) seeks to raise awareness about a repertoire of gender dimensions of land policy and legal issues. Although it draws examples from all other regions, the Arab region is not cited except for reference to negotiating Islamic property rights related to marital property and inheritance. It includes a section on accessing land through legal rights, but also makes no mention of binding obligations of states as UN members States or treaty parties. Rather, it focuses instead on the temporary and non-binding global commitments in favour of the granting of tenure security, for example in Millennium Development Goal (MDG) No. 7, Target 11: on improving living conditions of slum dwellers, and Target 10 on access to improved water and sanitation, as well as MDG 3, which considers women's land, property and inheritance rights as an important indicator of women's empowerment and human development.

A core instrument in GLTN’s repertoire is the Gender Evaluation Criteria tool, a set of gender-evaluation indicators for large-scale land “tools” that poses 22 questions to determine how to judge if a land tool is responsive to both women and men’s needs. The questions are cast in terms of equality between both men and women. However, Question 15 focuses exclusively on women to determine if the tool in question promotes innovation in economic models to favour women’s benefit from land.

These Gender Evaluation Criteria are the outcome of extensive global discussion around land policies that both work for people who are poor, and cater to both women and men. This tool responds to often-insufficient attention paid to the development of methods for actually implementing these pro-poor land policies, while understanding how policies may impact women and men differently. At the same time, it operationalizes the realization that, for such a tool to be effective, it needs to go beyond a technical dimension and also consider social dimensions such as gender and the embedded power relations that affect (i.e., disadvantage) women. The tool comes in a simple table format featuring evaluation questions, outcome indicators and examples of sources that prove the desired outcome was reached.

Although this tool emanates from a UN Charter-based specialized organization it seems to be produced outside of that context by omitting the obligations of the Member State whose organs are bound to report on gender-equality measures under existing treaties. It mentions none of these duties or other complementary global policy commitments, but seeks to objectively assess which land interventions are, or have been, more or less gender responsive. The criteria can also be used as a check-list in the design of new land interventions, and for monitoring purposes, but remains delinked from human rights and binding treaty criteria that form the weight-bearing human rights pillar of the UN System and its foundational Charter.
The CGIAR (formerly Consultative Group for International Agricultural Research) Research Program on Dryland Systems has produced gender strategies such as its 2014–17 Gender Strategy (revised 2015) for dryland systems. (CGIAR 2015). It sets out the challenges and targets for including gender aspects and addressing gender issues socio-economic, legal, and political rights and gender equity in access to, and control of agricultural assets as core activities and outcomes of dryland systems. It seeks to align technologies, services, products, and income in dryland systems, especially to enhance the food security, well-being, and resilience of poor vulnerable households through four gender-responsive objectives that seeks to improve women’s lives and shares of that increased productivity in arid regions.

Several references designed for training purposes include Designing and Evaluating Land Tools with a Gender Perspective: A Training Package for Land Professionals (Sait et al 2011), which complement the GLTN Gender Evaluation Criteria by building capacity at applying the criteria in practice. The seven-module curriculum covers the principles of the Gender Evaluation Criteria and illustrates how a land professional could use them to evaluate the gender equality aspects of other land tools.

With greater specificity for the Islamic context is GLTN’s booklet “Islamic Principles and Land: Opportunities for Engagement.” This product has come out of GLTN’s work on Islamic dimensions of land, which began in 2004 with the commissioning of research leading to Sait and Lim’s Land, Law and Islam: Property and Human Rights in the Muslim World (UN Habitat 2006). Based on this research, GLTN produced a training course on “Islamic Land, Principles and Housing Rights in the Muslim World” in 2010. It derives examples from Arab country contexts and treats women as a vulnerable population group, but is more of a general reference to Islamic land tenets (GLTN 2010).

**Policy Instruments**

One of the earliest examples of deliberating a policy instrument in the UN System with ample input from civil society has been the Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, also known as the Right to Food Guidelines, adopted by the FAO in 2004. Following the reform of the UN Committee on World Food Security (CFS), the highest-policy-making body of the UN System on food security and nutrition, in 2009, the enhanced participation of civil society contributed significantly to subsequent System-wide policy instruments such as the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (CFS-VGGT) in 2012. That instrument prioritises equity and justice and, in particular, gender equality as principles of implementation, and promotes special consideration and action in favour of women and girls to overcome the obstacles they face in realising land tenure rights.

Especially relevant to the Arab region is the treatment of land in the 2015 Framework for Action for Food Security and Nutrition in Protracted Crises (CFS-FFA 20015), which is a deliberated policy instrument of CFS. It enshrines overarching values and 11 Principles, including a commitment to exercise policy coherence that harmonizes and aligns short-term emergency humanitarian relief with longer-term institution-building sustainable development approaches
within the framework of human rights obligations of states, having both preventive and remedial dimensions (CFS-FFA 2015, paras. 15–16).

Principle 4 addresses the need to “Protect those affected by or at risk from protracted crises,” including women for the differentiated impacts on them. Principle 5 is explicit in ensuring that practitioners and interventions “Empower women and girls, promote gender equality and encourage gender sensitivity,” and refers to obligations arising from CEDaW (CFS-FFA, para. 27viii). These Principles are cross referenced to “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (CFA-VGGT) and Principle 9: “Contribute to peacebuilding through food security and nutrition and its general guidance, taking steps by all stakeholders, and in all types of protracted crises, to respect the existing rights under international law of members of affected and at-risk populations, and their ability to access and use their natural resources” (CFA-FFA, para. 32v).

Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI 2014) contains two especially relevant Principles 3: Foster gender equality and women’s empowerment, and 5: Respect tenure of land fisheries, forests and access to water. Principle 3 calls for states and all stakeholders to ensure that responsible investment in agriculture and food systems fosters gender equality and women’s empowerment by:

1. Ensuring that all people are treated fairly, recognizing their respective situations, needs, constraints, and the vital role played by women;
2. Eliminating all measures and practices that discriminate or violate rights on the basis of gender;
3. Advancing women’s equal tenure rights, and their equal access to, and control over productive land, natural resources, inputs, productive tools; and promoting access to extension, advisory, and financial services, education, training, markets, and information;
4. Adopting innovative and/or proactive approaches, measures, and processes to enhance women’s meaningful participation in partnerships, decision-making, leadership roles, and the equitable sharing of benefits.

Principle 5 stipulates that responsible investment in agriculture and food systems respect legitimate tenure rights to land in line with the VGGT. (See also discussion of Tenure above.)

UN Habitat’s has effectively remained the custodian of its central principal policy instrument, the Habitat Agenda, as its normative framework. The latest iteration of that is the “New Urban Agenda” (NUA), adopted by the UNGA in 2016. Other positive achievements of the Habitat III process include its NUA’s consistent recognition that urban development must seek gender equality and that gender-sensitive policies and approaches constitute the standard of the current period. Also, thanks to vigorous civil society lobby efforts, the NUA gives special recognition also to the needs and participation rights of persons with disabilities and the commitment to combat discrimination against them. However, Russia and Egypt will remain forever on record as the states that militated against recognition of discrimination on the basis of sexual identity and orientation, as well as states’ obligations to eliminate that form of discrimination. The NUA makes no reference to women’s human rights, but commits to achieving gender equality and the empowerment of all women and girls (NUA 2017, paras. 5, 13.c).
For operational policy across the UN System, the UN Secretariat engaged GLTN in a consultative process to develop a Guidance Note on land and conflict for all UN organs. It presents guiding principles for UN engagement related to all stages of land conflict, provides a framework for the Organization’s action across the UN Charter’s three pillars and describes UN system arrangements. Section A.5: “Support Human Rights-Based and Gender-Sensitive Approaches” begins with a recognition of both the preventive and remedial functions of human rights obligations. It further instructs UN organs to “incorporate gender-responsive approaches to promote women’s rights to own, access, control and inherit land, particularly in the context of UN assistance to national dialogues, transitional justice and legal reform initiatives.” That support should include domesticating land-related gender-responsive international standards, protecting women’s access to land particularly during restitution processes and ensuring due attention is given to enforcement measures (UNSG 2019).

One of the methods by which women can retain, control and derive livelihood from land is through the management of cooperatives. These are autonomous associations of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly owned and democratically controlled enterprise. The ILO defines and trains in the field on how the legal and operational structure of cooperatives can function as a separate legal person that owns property, takes out loans and benefits its members. From voluminous ILO literature, including policy guidance, project reports and training materials applied for women’s land-based cooperatives in Egypt, Jordan, Mauritania, Palestine, Tunisia and other Arab countries, we learn how cooperatives can work to women’s advantage, including managing and controlling land, by adhering to a set of values, including self-help, self-responsibility, democracy, equality, equity, solidarity, honesty, openness, social responsibility and caring for others. Accordingly, ILO advises that cooperatives operationalize seven basic principles:

Principle 1: Voluntary and open membership
Principle 2: Democratic member control
Principle 3: Member economic participation
Principle 4: Autonomy and independence
Principle 5: Education, training and information
Principle 6: Cooperation among cooperatives
Principle 7: Concern for community (ILO 1913).

These helpful materials, including many in Arabic, address all phases of cooperate management, as well as provide guidance on running other forms of social and solidarity economy enterprises for women deriving livelihoods from land (ILO 2005; ILO 2008; ILO 2009; ILO 2011; ILO 2012; ILO 2014; ILO 2018a; ILO 2018b; ILO GWR; ILO SSE).

Two recent FAO instruments of regional policy advice are the 2017 Study on Small Scale Family Farming (SSFF) and another, in 2019, “Towards a new generation of policies and investments in agricultural water in the Arab region: fertile ground for innovation” (IAW) (FAO 2019). As noted, the previous NERC focus on women and gender has been subsumed under the regional priority of support for small-scale family farming (SSFF) since 2014 (NERC 32). Therefore, it was expected that the current policy would reflect women and girls as a priority. However, the NERC 35 in 2021 did not reflect that anticipated emphasis.
Small-scale Family Farming in the Near East and North Africa Region is published as a synthesis document, with accompanying country-specific applications for Egypt, Lebanon, Mauritania, Morocco, Sudan and Tunisia, none of which has appeared in Arabic. The Lebanon iteration provides data on the gender pay gap, the Mauritania and Morocco versions punctually mention gender considerations. Together, this policy advice raises several concerns:

1. It seemingly takes for granted the trend of “rural transformation” and urbanization, rather than challenging or mitigating the phenomenon; it lacks support to agricultural livelihoods, but promotes alternatives;
2. The SDG framework is mentioned in the preface, but is not connected to the rest of the study;
3. The acclaimed farmer and civil society participation in producing the study is unsubstantiated;
4. It omits SSFF priorities such as the state respecting rights to freedom of assembly and association, and the need to alleviate crushing debt, while instead encouraging more indebtedness.
5. With sustainability as a priority, agroecology is noticeably excluded as a sustainability model;
6. It omits human rights criteria for policy formulation and implementation, as required of a UN agency.
7. The study repeatedly follows the trend in multi-activity—i.e., work in addition to farming—without addressing the problem of SSFF unable to gain a living wage, and without acknowledging the structural obstacles to viable small-scale agricultural livelihoods (LT19b 2019).

The IAW was prepared for a high-level ministerial meeting on agricultural water policies and investments at FAO’s Near East and North Africa Land and Water Days (2019). This regional policy guidance evokes many of the same methodological and content concerns as its SSFF predecessor. On the positive side, the 2019 policy does acknowledge that the role of women as not formally recognized in farming, particularly in the NENA region (FAO 2019).

The IAW study briefly addresses the impacts of conflict on water and agriculture in the region, a contextual priority issue lacking in the SSFF study. However, an understanding of its manifestations and impacts remains absent. The only mention of Palestine, for example, is on the subject of desalinated water use. The core issue of water in Palestine is the institutionalised plunder of the people’s vital natural resources, including land and water, under the country’s ongoing colonization and occupation. This omission also obviates the SDG policy commitment to “effective measures and actions… to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation” (Agenda 2030, para. 35).

The study does highlight a best practice example from conflict-affected Somalia (IAW 2019, p. 110), financing the rehabilitation of existing irrigation canals, restoration of catchments and erosion control (co-financed by FAO, World Bank and ICRC). However, that chosen example was in response to drought, not conflict.

The IAW does a much better job of aligning with the SDGs than the SSFF Study. However, contextualizing them in the policy document would enable readers to appreciate the extent to which the paper’s recommendations relate to fulfilling the SDGs.

More problematic is the prioritization of high-value, export-oriented crops: This accompanies a variety of hazards, including farmers’ economic vulnerability to volatile international markets, costs and other challenges in meeting conditions for export, and, perhaps most important, lack of focus on meeting the food and nutritional needs of the local population with fresh, locally grown and culturally appropriate foods. That would, in turn, contribute toward food and natural-resource sovereignty, which is seemingly not an objective.
Rather than focusing on local women—or men—assuming land and water management, the study attempts to make a case for private-sector capture of agricultural water. FAO’s promotion of the study quotes its Investment Centre director asserting that “Private sector engagement is key to making the Arab region’s agriculture sector greener and more resource-efficient and productive.” The study advises governments to turn to private agribusinesses and venture capital for investment (SSFF 2017, 43). However, the rationale for this assertion rests solely on the funds they have to offer, not on the accompanying hazards.

Small-scale food producers and land-tenure holders appear absent from this study also. They are mentioned only once, in connection with types of new technology expected to change farming techniques, but the technology proposed is: (a) expensive, (b) largely imported and (c) requires a level of comfort with new technology that such farmers in this region demonstrably do not have. The IAW study also makes no mention of agroecology, although it was published at the end of 2019, when agroecology was already high on the FAO global agenda.

Lastly, human rights criteria, approaches and obligations are regrettably absent in this report. Worse than an omission, the report uses the term “rights” without clarity, most often implicitly referring to property ownership when speaking about rights to water. As a UN Charter-based specialized organization, FAO is nonetheless bound to reflect an understanding of the human right to water, and the way that water interacts with other human rights, outside of a focus on property rights.

**SDGs methodologies for measuring indicators**

SDG 1: End poverty in all its forms everywhere has a Target 1.4: By 2030, aims to ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance. The measure to ensure achievement of that Target is Indicator 1.4.2: Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure.

This unique recognition of tenure as a factor in the Agenda 2030 implementing and monitoring methodology also raises expectation that the treaty-bound duties of the state would figure in the guidance literature. It does entertain some of the types of tenure (e.g., perceived tenure) in the 2012 CoLR. The Metadata twice mention eviction, the principal and “gross” violation of the human right to adequate housing (UNCHR 1993/77; UNCHR 2004/28). Although the longer-term positioning of the UN Development System promised to use assets across the system, including scattered data, neither the indicator or the Metadata consider capturing states’ already treaty-bound obligation to collect and report data on forced evictions from land and housing and their impacts every five years. Instead, it instructs on the formulae for disaggregation of data.

Goal 5: “Achieve gender equality and empower all women and girls” has one women-and-land Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws. Target 5.a has two indicators:

- **Indicator 5.a.1:** (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure, and
- **Indicator 5.a.2:** Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control.
In both indicators, the Metadata provide technical advice on calculating data, but omit any guidance on the substance of what is to be measured from a gender perspective. They also omit reference to the more-thorough and more-specific guidance on fulfilling related treaty obligations, in particular, under CEDaW GR 34. The needed process indicators are absent, in favour of static structural or outcome indicators, without seeking or measuring measures and steps toward change. These land “tools” suggest the need for some deeper and more inter-disciplinary synergy is needed to measure envisioned transformation of our world (Doss and Meinzen-Dick 2020).

Meanwhile, other policy tools from academia acknowledge little consensus on how to understand women’s tenure security. Analyses of women’s land rights often use very different definitions of land rights, from formal ownership to women’s management of plots allocated to them by their husbands. They identify aspects of women’s tenure that should be included in indicators and provide a conceptual framework to identify the various dimensions of women’s land tenure security and the myriad factors that may influence it. Comparing women’s tenure security in different places requires information on the context, the threats and opportunities facing tenure security, they argue. Outlines key factors influencing women’s tenure security across contexts (Doss and Meinzen-Dick 2020).

In the region’s SDG reporting, women’s land issues are mostly absent. The old “state feminism” approach of women’s employment in the formal workforce was replicated in Egypt’s 2016 Voluntary National Review (VNR) of progress toward SDG Target 5.a. Conflating jobs with land tenure instead, it claimed that the Target was being reached under a project to “Create clusters of agro-industries… expected to provide job opportunities for young people and women in rural areas” (ARE 2016). To ascertain whether the Target 5.a were implemented in the urban context, consulting the concurrent Greater Cairo Urban Development Strategy found no mention of women at all (GOPP and UN Habitat 2012).

In Morocco, 2019 saw a major land-policy input from the national Economic and Social Council calling for reforms, noting that “Gender equality in the management of land assets is imperative, especially on collective land, because it is an essential condition for the effective participation of women in the economic and social development of our country” (CESE 2019, 18). By contrast, Morocco’s 2020 VNR omitted Target 5.a from its report (RM 2020). Indeed, of the region’s 18 VNRs since 2016, none has reported on Target 5.a. Only Israel noted that “Laws do not differentiate and do not discriminate between men and women, with both equally entitled to property rights to land in Israel” (Israel VNR 2019, 109) and Oman has reported “ensuring that women obtain a piece of land as a grant from the state” (Oman VNR 2019, 72).

**Learning**

Amid the often-abstract theoretical academic literature, the available literature teaches us much about good examples of operations and models derived from practice. For example, apparent innovation—however grounded it may be in primordial knowledge—tells us how the lives of women in Egypt’s Salam Canal land reclamation mega-project passed through the prism of gender, class, culture and place in land and water management. A report identifies “communing” (collectivisation/cooperatives/solidarity economy) as a strategy to reclaim room to manoeuvre in accessing resources, and present three cases of women exceptions in male-dominated landscape, negotiating over land, water, and natural resources (Rap & Jaskolski 2019). We also learn how
quotas are set to ensure women ownership in land reclamation schemes (e.g., 20% in Egypt), *de facto* decision making is often transferred to male family members. However, contrasting experience comes from Egypt’s Western Desert reclamation scheme, significantly empowering women landowners (Najjar *et al* 2020).

From the comparative and cross-regional literature, we learn that neither religion, however a powerful cultural force, nor school of Islamic jurisprudence is the underlying factor in transferring or depriving land to women. More common and universal are the factors are custom and degrees of patriarchy that often are at the root of decisions and actions determining women’s access to, use and control of land. Rather, we note also that a woman’s ownership on paper does not always translate into control over land or changes in gendered power relations, but may depend on acquiring credit, finance or other inputs needed.

“State feminism” that saw women surging onto the work force in previous decades did not translate to empowerment or increased tenure rights, especially for those involved in the feminisation of agriculture. That is despite rural women assuming greater management roles in the process.

Patriarchal and gendered constructions of land ownership often over-ride and become conflated with Islamic-inspired law. This conflation of patriarchy with the region or with Islam leads to stereotyping that can obscure deeper understanding made clearer through comparative analysis.

A “rights” approach, if it seeks to invoke codified human rights, cannot be based on assumptions of “property,” or freehold bias. Rather, appreciating the human rights approach to land (a “human right to land”) requires greater respect for the symbiotic relationship between human and land first; the corresponding human need for land is not gender specific. An assumption that a woman does not need land is unsupported by the science, nor this literature. So, a man’s relationship to land is not distinct from a woman’s. A *universal* human rights-approach to land sees the guaranteed process rights as complementary and enabling equitable access and enjoyment of land and its benefits.

Access is only a fragment of the entitlement inherent in a land right (property, either individually or in association with others). The test of theoretical possession and actual use is not resolved only by the distinguishing physical access to it, but effective control over it.

Even in the still-typical treatment of land primarily as property, a wider array of tenure types needs to be recognised as legitimate and, thus, protected from forced eviction, dispossession, destruction and privatisation.

Inheritance law can be a symptom, but not the root cause of discrimination. Rather, patriarchy is, regardless of geographical location, theology or faith tradition. The injustice is enforced through coercion, violence and intimidation. However, discrimination through inequitable and unequal inheritance arrangements accumulates to disadvantage women as a class.

Linked to *status quo* social and political-economy structures, patriarchy and a lack of political often combine to offer the principal challenge to equitable and secure land-tenure distribution. Both legal and evidence-based economic counterarguments can be effective in that work.
Gaps

The literature reflects little effort, experience or methodological guidance at the important task of quantifying real or potential losses, costs and damages, in particular, women’s values for evidence-based inquiry, whether in monitoring, litigation, in the case of renunciation of inheritance (تنزل/تخورج) or other violations of women’s land rights and related entitlements. This is despite the UNGA adoption of A/RES/60/147 unopposed in 2006.

The need emerges for a more-wholesome approach to the subject of “land rights,” especially while it is still rooted in the mono-dimensional treatment of land as property, about which both Human Rights Covenants are silent. Law-based norms on women and land rights have been lacking or couched in very abstract terms (CEDaW, Arts. 13–14). The development literature, including the reporting and its guidance for Voluntary National Reviews on SDG progress omit what more-specific interpretations of actual treaty-based state obligations do exist for the relevant Goals, Targets and indicators (CEDaW GR34; SDG 1.4.2; SDG51.1–2).

Much of the policy advice and land tools across the UN System seem delinked from the UN Charter, in particular the human rights pillar and other related obligations of states. This makes it difficult to distinguish UN operations from other sectors, and renders those instruments without some of the most-important added value of UN delivery, including impartiality, upholding human rights, linking those and other obligations as statecraft, and conveying the authority of those norms already deliberated and adopted by states.

The contrast between the Arab region and the wider Muslim community in approaches to shari’ā and Islam-inspired laws, their interpretation and practice with regard to women and land, in particular, on inheritance, reveals a yawning gap between human rights defenders and other secularists, on the one hand, and believers, on the other. One seems to operate in one valley, and the counterparts in another.

Possible Opportunities

Despite the many related SDG land-related Targets (1.4, 2.3 5.a, 2.4.1, 10.5, 10.6, 11.1, 15.1–4, 15.a, 16.5–7, 17.1 and 17.13–14), the monitoring criteria are left wanting. A long-standing opportunity presents itself to align these with the promises of the long-term positioning of the UN Development System to align development processes, including SDG reporting, with states human rights obligations (ECOSOC 2016; ITA 2016), resolving the data gap, while assets are scattered across the System (A/72/124 2017, para. 32), coordination, accountability, pooling expertise and assets across the Organisation (ECOSOC 2016; A/72/124 2017, para. 53). And emphasising the preventive aspect human rights and seeing violations as first signs of trouble (A/71/63 2015, para. 9). This could involve, for example, restoring data on forced evictions and their impacts already collected and reported every five years as a function of Treaty Body reporting obligations (CESCR 2008, para. 54). This approach would require the assertion of the permanent and binding obligations of states over their temporary and voluntary commitments in all development processes, including reporting.

1.
Bridging the urban-rural divide promoted by the narrowing of the Habitat Agenda to the New Urban Agenda. While the negotiation process may have largely corrected the imbalance to restore the “rural-urban nexus” as if a new discovery, the subjects of both women and land do not stop at city limits. Therefore, this realization poses an opportunity to remind ourselves of the foregoing definition of the habitat approach as a “cross-sectoral human settlements planning, implementation and governance approach that emphasizes rural/urban linkages and considers villages and cities as points on a human settlements continuum in a common ecosystem” (H2 1996, para. 104).

2. Future work on women and land could reflect more the individual, collective, domestic and extraterritorial human rights obligations of states and responsibility of international organizations (MPETO 2011) that require stakeholders operating in the humanitarian and development fields to align short-term, emergency humanitarian policy and action with longer-term and institution-building development approaches within the over-arching framework of human rights and corresponding duties (ILC 2011; A/RES/790/1 paras. 3, 7–8, 10, 19, 29, 35, 74(e); FFA paras. 15–16).

The expressed need for awareness raising and training present the opportunity for all competent stakeholders to increase and develop new training curricula to be delivered to women and men concerned with land administration, litigation, legal drafting, judges, media, and others.

Dialogue between secular and religious, human rights- and secular-oriented communities and devout faith communities in the Arab region could help widen the parameters of both approaches to find common ground, especially in the complementary field of economic, social and cultural rights and Islam, as well as the Liberation Theology of Islam known in the Asian region, but not yet habitual in the Arab countries.

**Recommended Division and Complementarity of Roles and Tasks**

In light of the learning, needs and gaps identified above, a division of labour is foreseen to advance women’s access to, productive use of and control over land in the region:

- All those engaged in the inquiry related to the region’s apparent discrimination against women’s access to, productive use of and control over land could emphasise more what embedded cultural or ideological bias lies beyond and behind inheritance or other tenure criteria that are used as devices of material discrimination not necessarily supported by scripture.

- Theoretical academics, researchers and analysts could develop and publish more on the understanding the universal and cross-gender “human right to land.”

- Trainers and others convening Muslim adherents and secular practitioners could emphasise and develop approaches/curricula and dialogue with a vision to develop jointly a manar (beacon) of just practice across the region.

- GLTN could further develop and improve the CoLR to relate to a wider set of tenure type, to promote their legitimacy and to correct the freehold bias created by current presentations of the concept.
• Those working on land tools, especially for monitoring and evaluation, should adopt and further defining the theoretical framework and survey instruments to be used in defining the measurement processes and instruments, especially quantifying women’s potential and actual losses, costs, damages and any other values at stake for women denied their equitable share of access to, productive use of and control over land (HIC-HLRN, 2017–present).

• In turn, the quantification methods should align with the reparation framework provided by the UNGA, especially in cases of recovery and reconstruction planning and implementation for the 33.5 million displaced persons and refugees, including affected women (A/RES/60/147 2006).

• UN specialized organisations clearly need to take more seriously and better integrate the human rights obligations of states into their work related to women, gender and land, including pursuit of the 2030 Agenda, as committed in numerous UN policy instruments (A/RES/70/1 2015; A/71/63 2015; ECOSOC 2016; A/72/124 2017).

• While some actors are working to restore vital documentation needed for restitution of HLP in the region, a more-concerted effort could and should emerge to coordinate the efforts and offer greater uniformity and legitimacy to the documentation process and outcome instruments (E/CN.4/Sub.2/2005 2005; Schechla forthcoming).

• Civil society driven National Land Observatories could go far to restoring lands grabbed and lost in prominent situations (e.g., Yemen, Sudan), ensuring a multidisciplinary approach to dispute resolution and public information apart from the usual politicisation and militarisation of land tenure that have generated crises of dispossession and displacement (LT21b 2020).

• Civil society also could play the catalytic role in developing and promoting a set of Responsible Agricultural Investment (RAI) Principles for the Arab region, taking into consideration the need to uphold people’s sovereignty over land and natural resources, also adapting and building upon the established principles of food sovereignty (IPC 2007; Hanieh 2018).
ANNEX I:
Arab Women and Land: A Bibliography


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**Totals:** 24 2 18 5 1 18 0 22 2 24 20 19 0 6 17 8 3 0 0 8 9 24 7 4 0 13 11 7 6 7 5

**Note:** Unchecked countries are marked with an asterisk (S).
Legend:

1 = ratification
- = no signature, ratification or accession
S = signature only
** The Convention for the Protection of All Persons from Enforced Disappearance entered into force on 23 December 2010
*** For CRC, OPIC States are signatories only. Optional Protocol has not yet entered into force
No statutory limit = Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity
Kampala Convention = African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
ACtHPR = African Court of Human and Peoples Rights
AU Refugee Conv. = OAU Convention Governing the Specific Aspects of Refugee Problems in Africa