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I. How to Use This Framework

Who is This Framework Designed to Help?

This framework is designed to assist anyone who is interested in understanding the complex issues associated with women's land rights--officials, grassroots organizations, international technical advisers, policymakers, development practitioners, women's rights advocates, land rights advocates, people who are developing programs to assist women farmers, people who are concerned with food security, etc.

How to Use This Framework for Analysis

This framework is intended to help you assess the current situation for women's land rights in a specific country, state, or community. This framework looks at a single issue: Women's rights to property. Some of the questions in this document will overlap with questions in other single-issue frameworks posted on this site. Duplicate questions are marked with an asterisk (*), so you will know that you should look at this question in relation to more than one issue.

The framework is intended to help you think through both formal legal and [customary rights](#) to property and to help you identify the gaps between law and practice. For analysis it is helpful to think about formal law and customary law separately but it should be noted that they often overlap, particularly when the formal law codifies or otherwise recognizes [customary rights](#).

You can use this framework as a checklist. It does not matter which order you answer the questions. The purpose is to alert you to the issues that might be important. .

The framework was not created with any one particular legal system in mind. We assume that you will have a basic understanding of the hierarchy of laws for the jurisdiction you are analyzing. Answers to the questions in this framework may come from more than one law. For example, in some countries all laws relevant for women's land rights are national level laws and apply throughout the country, in other countries the land law may be a national law but family law is a state-level law with local variances.

Start by familiarizing yourself with the glossary and note that some terms have a different meaning in different jurisdictions. Using this framework, you will be able to analyze laws governing women's land rights, and apply the framework to any legal system, using any legal terminology.

Understanding the text of specific laws that govern property rights is important because the law is an expression of the intent of the state, even if the law is not broadly known or followed. There are many reasons why a law may not be put into practice: it may not be known; the law may not be followed because it makes no sense in a specific situation; or perhaps the majority of people disagree with the law. Good laws can be used to help bring about change in behavior and society..

This framework also includes a section to help analyze customary law for women's land rights. Customs and practices influence the effectiveness of law and policy. Understanding custom is the first step; to assist with advocacy on improving land rights for women, it is also helpful to know which customs are firmly entrenched, and which customs may be waning or changing. It can also be helpful to know if there is an underlying logic to the custom, a premise based on fairness, or maintaining peace for example. This type of analysis helps identify what kinds of adaptation may be feasible within that system.

A guide on conducting legal and non-legal research is available [here](#).

Examples of How This Framework Can Be Used

Example 1: I work at a large international aid agency, and I have designed an agricultural extension program. No women attend the training sessions on crop management, although it is clear to me that women provide much of the agricultural labor. I want to know why women do not attend the sessions and how to get some women involved.

You will want to use this framework to consider what role women play in agricultural production: how they see their role and how their husband sees their role. You will want to review both the legal and customary sections to understand whether women have legal or social rights to the land they farm and whether they are able to make decisions or have control over decisions on crop management or spending resources if they are married or if they are head of their household. You will want to know who has rights to the land and how secure those rights are.

Example 2: I am an academic in China and I am asked to help write regulations for land registration. I want to know how to make sure women's names are documented.

You will want to review this framework and pay special attention to the legal section on individual and household rights to land. You may also want to look at the [research guide](#) to see whether there are readily available resources for you to find other countries' regulations.

II. Introduction to Women's Land Rights

Introduction to Women's Land Rights

Rights to land can be broadly categorized as public or private, collective or individual. A plot of land may have overlapping rights. For example, state owned pasture land may have a private well on it, or land that is owned by an individual may be subject to a public easement which allows the public access over that land. There are no examples of absolute private ownership, as states always reserve some rights to land or impose obligations on land rights holders, often to protect broader social interests. This framework looks at how to determine whether women, as well as men, have secure rights to the land they are using, and to determine whether and how women's rights are weaker than the rights of men.

Secure rights are clear, long-term, resilient, well protected, and are both legally and socially legitimate. It is useful to think of security of land rights in terms of a continuum moving between weak/insecure to strong/secure, which can shift at different moments in time or when different events take place. What makes land rights more strong/secure varies from setting to setting. We define secure land rights for women as:

- Legitimate (legally and socially recognized)
- Able to withstand changes in their families and their communities
- Long-term
- Enforceable
- Exercising them does not require consultation or approval beyond what is asked of men

This framework is looking specifically at women's secure land rights (this is also referred to as "land tenure security." See the [Glossary](#) for a more complete definition of land tenure security).

Common Issues of Note

- **Understanding that statutory rights may conflict with customary law or practices**

Legal rules, which on their face are not discriminatory, can be discriminatory in practice because of the specific customs of a country or area of a country. For example, many laws state that spouses jointly own marital property including land, except in the case of inheritance or gifts to one of the spouses. However, marriage may be legally defined in ways that preclude certain kinds of marriages, even if they are commonly practiced, such as polygamous, informal, customary, or religious marriages; the rules around joint ownership may not apply to those marriages that do not meet the legal criteria. Also, in some legal frameworks, when the law grants equal inheritance rights to daughters and sons but excludes certain kinds of land it may inadvertently limit women's rights to inherit; for instance, if the inheritance laws excludes ancestral land, and most land is ancestral and the culture is patrilineal (where rights transfer along the male bloodline) then women will not in practice inherit land rights from their fathers as compared to their brothers because the most common kind of inherited land is excluded.

- **Understanding how other seemingly unrelated rules can impact land rights for women**

There are many other laws - outside of those directly related to land and preoperty rights - that can influence women's legal rights to land. Some common examples include: rules governing the legal age of marriage (underage girls do not fall under the [presumption of joint ownership](#) for married couples); women may be considered minors because they are women, not because they are of minority age under the law and minors are not eligible to own land; men are legally presumed the head of the household and only the head of the household has the right to manage property; polygamy is outlawed but is widely practiced and marital property rights only apply to legally married persons; proving a right to land requires a document that only men have access to, such as a tax receipt or identity card; or where statutory law provides for equality between men and women and also recognizes customary law as a source of law, but, if there a conflict between the two legal systems, customary law will apply.

Similarly, in customary systems, If [dowry](#) or [brideprice](#) was exchanged for the woman at the time of her marriage, she may be considered to have received her share of family wealth even though she may not have control over it, and therefore not entitled to marital property or inheritance from her father.

- **Uncovering structural impediments to enforcement of rights that exist in law**

Even when women have legal rights to land under the law, if their names are not on land documents or their rights are not registered, they may have difficulty enforcing their right to land because to do so would require making a claim in a court of law. Women may not have access to dispute resolution bodies due to lack of funds, time, knowledge, or ability to travel, or if there are different courts (civil, religious, or traditional) one or more may be more favorable to women than the other(s). Even when a woman can get to the appropriate forum there may be reasons why she will choose not to pursue her rights because she may lose important social relationships with a husband, father, brother or other family or community member on whom she depends.

- **Understanding that a woman's security of rights to land can change when a her marital status changes**

In some contexts, customs allow women to use their husbands' or fathers' land but not to own or have other rights to the land. Provided that they remain married to their husbands or continue to live with their fathers, women's rights to land are relatively secure. However, if a husband or father dies, or if a husband takes a new wife, or abandons his wife, or if there is war, displacement, or a natural disaster, women can be left without rights to use that land.

In some customary systems, the security of a woman's rights to land may depend on whether she bore a son, whether she has children, or whether she is considered marriageable, young or old.

- **Identifying how gendered social roles may impact women's ability to exercise their rights**

In many cultures, decision-makers are men, men are the face of the family, and land related matters are considered men's responsibility, while women are responsible for other matters.

This can create a situation where women are informed of their land rights, or, may not participate in programs that seek to map or document their rights, or may not have their rights registered when men's rights are. Unpacking these issues can require deep analysis, and asking nuanced questions. For example, if a focus of analysis is ownership of land, women and men might agree that men own land and women do not. But often, women have overlapping rights on that same land, for example, she might have a life time right to use the land of her husband. Neither she nor her husband will regard it as ownership but it is still a right that can be strengthened and protected against threats.

III. Analyzing the Formal Legal Structure

Broad Principles of Land Rights

Note: The below information may be found in a country's constitution.

- What rights to land does the State retain? (State owns all land; State owns natural resources but not urban or agricultural land; State has the right to take private land for public purpose, etc.)
 - Does the law recognize private property rights? What is the nature and scope of those rights? (These could have different names in different legal systems such as ownership in fee simple, freehold, leasehold, right of emphyteusis, contract, etc the key feature is that some rights to the property are in the hands of individuals or households rather than the state or communities)
 - Does the law recognize customary rights to land and property?
 - Does the law recognize collective rights to land?
 - Does the law recognize women's rights to land and property?
 - What categories of land does the law recognize? (Public, private, customary, church, communal, tribal, forests, pastures, etc.)?
 - Does the law recognize the equal rights of men and women generally?
 - Does the law make it illegal to discriminate based on a person's gender?
 - If the law recognizes custom as a source of law, how does it handle conflicts between the statutory law and customs, particularly when it comes to land rights for women? Which law is dispositive?
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Individual/Household Rights to Land

Legitimacy

- Does the law limit the category of land women can own (vs. men)? For example, there may be restrictions on women owning ancestral land.
- Does a woman's marital status have an impact on her right to own land?
 - If yes, which land? In what way?
- Are there court cases that interpret the law on women's land ownership?
- Is there more than one [personal law](#) regime (or family law) that applies to different people?
 - Is there civil, religious, and/or codified customary law?
 - If yes, who decides which law is applied? At what point? Are the boundaries of who is covered by each law clear?
 - TIP: If yes, an analysis of each of these laws will be required, and you will need to consider each of the questions in this section for each law.

Marital Status

- What types of marriages are legal (customary, religious, civil, etc.)?
- What is the legal age of marriage for boys? What is the legal age of marriage for girls?
- Does the law recognize [consensual unions](#)/cohabitation/de facto marriages/presumption of marriage?
 - If so, what property rights may arise from those relationships? Are they treated the same as a "marriage" by law?
- *Is polygamy legal?
 - TIP: If the law does not state that polygamy is legal it may be presumed or interpreted by reference to the context. For example, if the law recognizes customary marriages as legitimate, and everyone knows that polygamy is permitted under customary law, then it can be said that polygamy is "legal" for customary marriages, noting that this may not mean that it is also legal for formal marriages
 - *If yes, is it legal under all [personal laws](#) or only certain laws (e.g. for Muslims or customary marriages, etc.)?
 - *If yes, is there a limit to the number of wives a husband can have? Are there any other limitations?
 - *Are there provisions regarding marital property, or inheritance when there is more than one wife? Is land referred to specifically?
 - *Are there provisions related to the children of more than one wife?
 - If yes, how is land (or other property) divided between the children? Is land referred to specifically?
- Does the law require that a marriage is documented?
 - If yes, what documents are required? Does this vary based on of the type of marriage? Does the failure of documentation limit of affect the right to marital property?

- Is dowry or brideprice prohibited or regulated by law?

Shared Tenure

- Does the law permit common ownership (co-ownership) of land between individuals- married or not? (This may be in the law on property rights, land laws, or personal laws or elsewhere.)
- Does the law restrict who may be a common owner? Does the law restrict what category of land can be co-owned?
- Does the law provide for joint property rights that arise because of the marriage relationship? Do married couples select which regime they would like and/or is there a default regime that applies? (Often marital property regimes are a combination of separate property, joint or common property, or limited joint or common property).
- What is the nature and scope of the property rights
 - Which property is presumed to be jointly owned by spouses or part of the marital community? Which property is considered separate (often this is gifted, inherited or property owned by one spouse prior to the marriage)
 - Is there a right of survivorship for the spouse? (Does the living spouse have an automatic right to all of the jointly held property at the time of his/her spouse's death?)
 - TIP: Legal language can be important here. In some jurisdictions terms like "joint ownership" or "co-ownership" can have a different legal meaning, and very often it has to do with the right of survivorship. No matter the name used in the law, the key thing to distinguish in marital property regimes is the nature of the joint right between spouses and the right of survivorship. For example:
 - A co-ownership scenario without the right of survivorship looks like this: A and B are married and they are co-owners of a parcel. This means that A owns 50% and B owns 50%. If A dies, then A's heirs inherit A's 50% share in the parcel, and B continues to own her 50% share
 - A joint ownership scenario with the right of survivorship looks like this: A and B are married and joint owners of the marital property which is a parcel of land. This means that both A and B jointly own 100% of the parcel. If A dies, then B retains 100% ownership of the parcel. When B dies, the heirs of B inherit the parcel.
- When do the marital rights begin? And how/when are marital rights terminated? (At the time of death, divorce, partition, etc.?)
- Does the law provide for separate property for married couples?
 - What is the nature and scope of the separate property in a marriage? Can it apply to all property?
 - If the law provides for separate property, will the income from that property be owned by the individual or by both spouses?
 - Does a spouse have the right to inherit all or part of the separate property if the deceased spouse dies without a will?
- If the law permits or requires joint property between spouses, are the rights to land of both spouses equal
 - TIP: Sometimes, the law may provide for joint ownership in name but then limit that joint ownership in some way, for example, giving the surviving spouse a right to marital property until

and unless he/she remarries. In these cases the property right of the surviving spouse is severely curtailed by this requirement.

- Does the law designate who manages marital property?
 - TIP: In Islamic contexts there can be rules around property between spouses that are established by contract (as part of the marriage contract); you can check on whether this is covered by law and also whether it is a common practice.
- When it comes to joint property rights between spouses, does the law consider consensual unions in the same way it does legally married persons? (Consensual unions may also be called de facto unions, common law marriage, informal marriages, etc. The key feature is that the couple is living as if married, and the law determines that if they meet certain criteria those relationships will be covered by marital property law. For example, the law may provide that a couple who live together for seven years and have children will be treated as if they are legally married, even if they have not solemnized the marriage).
 - If so, when does the right to joint property in a consensual union arise? Does the relationship have to be solemnized in some way for the rights to take effect?
 - Does the law require mandatory joint documentation and/or joint registration for marital property held jointly between spouses?
 - Does the state/national government provide any incentives for titling and registering land in the names of both spouses if the property is owned jointly between spouses? Or in the name of the woman only
 - What documents are required to title and register land jointly?
 - What documents are required to prove eligibility joint ownership or separate ownership of property in the context of land titling and registration?
 - In the context of documentation and registration of land rights, are there legal rules for how to treat polygamy, or informal marriages and jointly owned land?

Vulnerability

- How does the law define divorce? Is it permitted by law? Are there limited reasons divorce is allowed? (Adultery or abandonment, for example?)
- What does the law say about division of property upon divorce?
 - What does the division depend on? Is it linked to [marital property](#) regimes?
 - Do children from the marriage factor into the division of property?
 - Who decides the division of property in divorce? (e.g. families, courts, community elders, etc.)
 - Are there restrictions on division of property? Are there minimum size limits for land? Can land of a certain size be divided?
 - Are all categories of land treated similarly?
- What does the law say about abandonment or disappearances of spouses and property rights?
- What does the law say about out migration and property rights?
- Under what conditions can land be taken or compulsorily acquired by the state?
- What does the law say about compensation for [compulsory acquisition](#) and/or the state taking land?

- What rules or principles are used to determine the amount of compensation, and what form the compensation takes (e/g/ cash payment, resettlement)?
- How does the law define who is eligible for compensation? Is it based on land rights or on benefits or interest in the land or some other measurement?
- TIP: if it is based on land ownership, the question may arise of how ownership is proven if the land rights exist in an area where rights are not documented or registered. If ownership is based on customary rules, it can inadvertently exclude women who may not have customary ownership rights, but who may stand to lose the benefit of using the land if the land is taken.
- If it is a cash payment, to whom is the payment made? And how is it made? If it is intended to assist the whole household are there any legal protections to make sure that the cash cannot be taken by one family member at the expense of all others?

Enforcement

- What forums have statutory jurisdiction to hear property or land rights related cases? (e.g. formal courts, courts of special jurisdiction, traditional dispute resolution actors recognized for certain cases, etc.) Do those forums have female representation?
 - Is the forum the same for inheritance and marriage issues?
 - For division of property upon divorce, are there any requirements for getting into court? Are there any up-front payments?
 - If there are multiple legal systems that deal with marital property, what is the process for determining which law and adjudicative body applies?
 - Are there barriers to accessing the formal system of adjudication? I.e. fees, assumption of literacy (does something need to be written), identification documents, etc.
-

Collective Rights to Land in formal laws

Legitimacy

- Are collective rights to land recognized by law?
- For which resource or what kind of land? (E.g. are collective rights recognized on agricultural land, forest land, grazing land, mountains, etc.?)
 - If so, what is the nature and scope of the collective rights in formal law? Does the state retain any rights or authority on the collective rights? Does the law vest authority in leaders or representative group? Does the formal law determine how the collective group should be formed and managed? Must the group be registered or otherwise prove its legitimacy to have the collective rights? Does the law determine membership in a group or put any restrictions on how the groups can be formed?
 - TIP: Women may not be members of a landholding group under customary rules.
- Are the tenure and governance rules of the collective land holding group codified or otherwise written? Or is there a law that provides for how collective lands should be governed?
 - If the rules are codified, review them for the following questions which may be applicable in a given context. Generally this analysis should be done for each different resource/type of land as the law may treat them each in different ways. If the tenure and governance rules are not codified this information should be gathered through research into the customary rules.
 - Who determines what the scope and nature of the collective rights are? Are they pre-determined or left to the discretion of certain individuals such as elders or leaders? Are they subject to legal review?
 - What are the different rights to the land/resource? And are they distinguished by gender (e.g. men have grazing rights, women have residence rights?) Are they overlapping? (For example, right to collect firewood, right to collect herbs, right to cut trees, etc.)
 - Do the rules for collective governance vary depending on the community? Do they apply to all communities? Whose rules have been codified?
 - Do the rules vary depending on the land/resource?
 - Who (which institution, individuals, groups of people?) has authority to govern land held under collective tenure? For which resource?
 - Does the formal law require certain conditions in the rules governing the collective land/resource? For example, does the law mandate that any governance rules must have a quota for women's participation that are not negotiable?
 - Does the law provide for how the people who govern collective land are chosen? Do they have a term? Are their decisions subject to review? If so, by whom and under what conditions?
 - What is the role of the governance group/committee in the law? What are their functions? Are there mechanisms to ensure good governance?
 - Does the law require the the governance of collective lands is formalized in any way, such as through incorporation, registration, or administrative recognition of the formal

group?

- Does the law determine or otherwise influence who has rights to the collectively held lands?
- Does the law determine or otherwise influence who is a member of the landholding group?
- Does the law cover how the rules governing collectively held lands interact with laws governing marital property (i.e. do laws on marital property and inheritance apply?)

Vulnerability

- Are there circumstances within the formal law covering collectively held lands or that codify customary laws on collective land in which women lose their rights to collective land?
 - If so, what are these circumstances (divorce, death of spouse, abandonment, etc.)?

Enforcement

- Which forums have statutory authority to hear property rights cases involving collective land?
 - Are these the same for cases of division of marital property for those married under customary rules? Are they the same for private land rights?
 - If the law requires the use of traditional or customary dispute resolution actors for disputes on collective lands, is there a law that governs the processes, administration, and decision-making of the traditional or customary actors?
 - Does the law recognize or require any pre-steps before taking a case to court (e.g. compulsory mediation, alternative dispute resolution, traditional courts, etc.)?
 - If so, are the findings of those hearings used in the formal court?
 - Who is responsible for enforcing traditional court decisions?
 - Are there legal restrictions on women with regarding accessing the dispute resolution body on their own, or is there a required intermediary?
 - Is there any recourse to a higher authority/right to appeal?
 - If so, to whom are appeals filed and under what conditions may they be filed?
-

State Distribution of Land

- If the Government has a land distribution program, who is eligible for land?
- Who is prioritized?
- What documents are required?
- Do both women and men have access to the documents required for eligibility?
- Are both women and men's names on the documents required for eligibility?
- Are women and men treated equally in the program? If not, in what ways?
- If state land is distributed and formalized to households, by law, whose name must be listed on the title?
- Whose name(s) has to be registered?
- What are the rules for transfer of state land once it has been distributed to households? Are there restrictions on sale, lease, or inheritance or other transfers or transactions?
- Can the land be physically partitioned?
- What does the law say about the land rights of household members who leave the household after distribution? (e.g. for divorce, married out, etc.)

IV. Analyzing the Customary Law Framework

Legitimacy

- Does the customary land governance system recognize women's rights to own land?
 - Under what circumstances? (What if a woman is married, single, divorced, widowed, remarried, has children out of wedlock or children from a former marriage?)
 - What is the nature and scope of this right? Is it different from the rights of similarly situated men?
- Does the customary land governance system recognize women's rights to make land-related decisions?
 - Under what circumstances? (What if a woman is married, single, divorced, widowed, remarried, has children out of wedlock or children from a former marriage?)
 - What is the nature and scope of this right? Is it different from the rights of similarly situated men?
- Does the customary land governance system recognize women's rights to use land?
 - Under what circumstances? (What if a woman is married, single, divorced, widowed, remarried, has children out of wedlock or children from a former marriage?)
 - What is the nature and scope of this right? Is it different from the rights of similarly situated men?
- Does the customary land governance system recognize women's rights to exercise decisions over land and income from the land?
 - Under what circumstances? (What if a woman is married, single, divorced, widowed, remarried, has children out of wedlock or children from a former marriage?)
 - What is the nature and scope of this right? Is it different from the rights of similarly situated men?
- Is the ethnic or tribal group [matrilineal](#) or [patrilineal](#)?
- Is the ethnic or tribal group [matrilocal](#) or [patrilocal](#)?
- *Is polygamy practiced?
 - *If yes, do wives live separately or together with their husbands? Does each wife live in her own house, or is there another arrangement?
 - *Does each wife have her own piece of land allocated for her use?
 - *Are there any restrictions on polygamy (e.g. number of wives, religion practiced, etc.)?
- Who decides when and whom a person should marry?
- Is [dowry](#) or [brideprice](#) practiced and what are the property rights related implications of those practices?
 - Who receives dowry/brideprice?
 - What is the common value of bride price? Does it ever include land?
 - Who determines the amount?
- Do men bring land and/or housing or movable property to a new marriage?
 - Are men allocated land by their families upon marriage? Are women?
- How are land rights allocated within marriage?

- When a couple marries, do they keep separate control over the land they brought to the marriage?
- If new land is purchased during marriage, who does it belong to?

Vulnerability

- At what age do girls customarily marry?
 - Does it make a difference whether they are rich or poor?
 - Does the age of marriage influence the [dowry](#) or [brideprice](#) amount?
- What must occur for a marriage to be considered finalized under customary law? (i.e. [brideprice](#) must be paid, [dowry](#) must be given, etc.)
- Are there marriages that are not solemnized by customary rights? Are there property rights implications for these kinds of relationships?
- What happens when marriage ends because of separation or divorce?
 - Can a women return to her parents' home? Can she remain on her husband's land?
 - Does it matter whether or not she has children?
 - Does it matter whether the children are girls or boys?
 - Their age? Are the children still considered part of the husband's tribe/clan?
 - If she has to return to parent's home, is land allocated to her there? By whom?
- Do women who leave their husbands receive any land from his family?
- Do they receive any other property or assets?
 - Who decides this (e.g. husband, judge, tribal leader, etc.)?
 - Is this decision appealable?
- What is the process a woman has to go through to receive land if she leaves her husband? What about with other property/assets?
- Does her family have to return the [brideprice](#)?
- Does this differ if she is the first wife, the second wife, or a later wife?
- Does it change if she has children? Sons? Daughters only?
- Do any answers change if the marriage was not solemnized under customary rites?

Enforcement

- Do women know their rights under customary law?
- Who do women go to first when they have a land related dispute on customary land?
- What is the basic system for resolving disputes on customary land?
 - Formal court? Which level?
 - Tribal or customary court?
 - Elders?
- Are women able to access all enforcement institutions?
- What are the barriers women face in resolving disputes on customary land?
 - Possible barriers include: costs associated with dispute resolution, location and hours of dispute resolution or enforcement bodies, comfort dealing with these systems, social barriers, complexity of paperwork requirements, etc.
- Where do women usually go first when they have a land dispute? Are there informal steps that she might take first, even before going to local authorities or traditional dispute resolution actors?
- Is it likely that a dispute will be resolved in favor of a woman?
- What are some of the social costs that women may face in terms of seeking to enforce rights to customary land?
- Which dispute resolution actors know and/or support women's rights?

V. Glossary

Glossary

BRIDEPRICE: Money, property, or services paid by a groom or his family to the family of the bride.

CO- or COMMON OWNERSHIP: A form of shared tenure (defined below) where more than one person or organization owns land or other property—each person owns a portion of the whole, divided equally unless otherwise stated. Typically, with co-ownership if one owner dies, his heirs inherit his property but only up to his portion.

COLLECTIVE TENURE: A form of shared tenure (defined below) where a group holds rights on land, and decision-makers of that group have the power to allocate, manage, and govern land of the collective group.

COMPULSORY ACQUISITION: The formal power of the state to acquire land that is owned by either individuals or communities through legal action, usually in return for some kind of compensation, and often based on statutorily defined "public purpose".

CONSENSUAL UNION: Two people who choose to live together as if they were married, without either the civil or customary marriage ceremony. This is also known as an informal marriage, de facto union, or common law marriage.

CUSTOMARY RIGHTS: Rights acquired by custom - rather than by statutory law - and recognized by all inhabitants of a particular place, and available to those who are part of covered by the customary rules.

DOWRY: Money, goods, land or other possessions that a woman brings into a marriage with her; very often paid by her family and sometimes paid to the groom's family.

JOINT OWNERSHIP: A form of shared tenure (defined below). More than one person or legal entity owns land or other property together – each person owns the whole of the property, jointly. If one owner dies, the surviving owners retain ownership of the whole property.

LAND TENURE SECURITY: Land tenure is defined as the legal or customary institutional relationships among people with respect to land. These relationships define how rights to land are governed. Land tenure refers to a bundle of different property rights in land which can include the right to own, use, sell, gift, bequeath, mortgage, and transfer land. Land tenure security exists along a continuum, where factors influencing security include the breadth, scope, and duration of rights; the social, legal and cultural legitimacy of rights; and the adequacy and enforceability of rights. Understanding land tenure security in this more robust way is important because it creates conceptual space for the complexity of land tenure systems that exist around the world, especially in places where individual private ownership is neither the norm, nor the preference. Relationships that underlie land governance are tethered to social relationships and reflect power structures, economics, social norms, symbolic or cultural meaning, and sometimes systemic inequities. This means that, within the same society, the factors making land tenure insecure for some groups may not be the same for others and the factors that make land tenure insecure for men may be different for women.

MARITAL PROPERTY: Moveable or unmoveable property considered to be part of the marital community, owned by both husband and wife.

MARITAL PROPERTY REGIMES: Legal regimes that define legal rights to property acquired in marriage. Types of marital property regimes include: community of property, limited community of property, and separate property.

MATRILINEAL: Tracing descent and family relationships through the maternal line.

MATRILOCAL: The married couple resides with or near the wife's parents or people.

PATRILINEAL: Tracing descent and family relationships through the paternal line.

PATRILOCAL: The married couple resides with or near the husband's parents or people.

PERSONAL LAW: A body or collection of laws dealing with an individual and his or her family.

PRESUMED COMMON OR JOINT OWNERSHIP: Common or joint ownership (defined above) is, by law, the default property regime for marital couples unless otherwise stated in law. That is, all property acquired after marriage is presumed to be the common or joint ownership of the married couple unless it fits into a legal exception.

SHARED TENURE: The broad category of rights to land and housing shared by two or more people. Shared tenure can be formal or informal. Formal shared tenure conventionally refers to co-ownership or co-lease rights; shared tenure also refers to the joint ownership of marital property between spouses. Those holding shared rights may be related to each other, such as where heirs co-own property of their parents, or where a community share rights to collectively held forestland, or where a married couple have joint rights to property acquired during a marriage. Those holding shared rights might also be unrelated such as when through cooperative ownership, or where business partners own property together.



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