

Women's Access to Land in Mauritania

A CASE STUDY IN PREPARATION FOR THE COP

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INTRODUCTION

Mauritania is a vast country covering over a million square kilometers, where a relatively small population of 3.5 million people lives on just one-fifth of the country's total area. With extremely advanced desertification, the country is particularly vulnerable to the impact of climate change and other external shocks. The main sources of income in Mauritania are agriculture, which is either irrigated or rain-fed, and livestock. This is especially the case in the Senegal River Valley, where people make their living farming, raising livestock, and fishing, while mining is prevalent in the north. Arable land is therefore one of the country's main resources, but it is also a major source of contention due to increasing urbanization and the limited availability of arable land.

Land governance in Mauritania represents a major component of sustainable development and poverty reduction. The implementation of effective land policies is a crucial prerequisite for reducing poverty through stimulating economic prosperity and greater self-sufficiency. Viable and inclusive land governance stimulates the consolidation of social peace and the inclusion of women and the poor in an open discussion about access to land security. It is essential to systematically address the following: challenges to achieving food security, the recent explosion of urban living, and the sustainable management of natural resources in the context of the negative effects of climate change, including recurrent drought, periodic flooding, and other unforeseen disasters.



This presentation relies on the key recommendations emphasized in the *Land Governance Framework Report* (LGAF), published by the World Bank in 2014. This report established a far-reaching and more inclusive national land policy that strengthens the security of land tenure for vulnerable groups, including women. This framework was the first to propose a national platform for all stakeholders—including women—to openly discuss and reach consensus around land issues. The inclusive workshops that were held by LGAF helped stimulate discussion at all levels, from civil society—both men and women—to senior officials, promoting a national debate on land issues with a strong gender perspective. The workshops were particularly beneficial for many female participants, as these women now have increased access to information about land issues in their own communities.

This presentation is a preliminary assessment of women's access to land in Mauritania, with particular reference to the Senegal River Valley regions (*walis*) of Trarza, Brakna, Gorgol, and Guidimaka, along with an overview of land issues in the Mauritanian oasis environment and Maghama.

KEY ISSUES RELATED TO WOMEN'S ACCESS TO LAND OWNERSHIP

FACTORS INFLUENCING WOMEN'S ACCESS TO AND CONTROL OF LAND

Despite the strong desire among many Mauritanian women to obtain access to land ownership, of the 27,000 title deeds registered at the national level, only 2,146—slightly less than 8 percent of the total number of deeds—are held by women. This percentage drops as low as approximately 5 percent for the Senegal River Valley.¹

TABLE 1: Land Titles Disaggregated by Gender

| Titles | Total | Disaggregated by Gender | | Percentage by Gender | |
|---|--------|-------------------------|--------|----------------------|-------|
| Permis d'Occuper (PO; occupying permit) | 38,574 | Women | 3,864 | Women | 10% |
| | | Men | 34,710 | Men | 90% |
| Official Deeds | 27,075 | Women | 2,146 | Women | 7.9% |
| | | Men | 24,876 | Men | 91.9% |
| Urban | 27,003 | Women | 2,143 | Women | 7.9% |
| | | Men | 24,860 | Men | 92.1% |
| Rural | 72 | Women | 3 | Women | 4.2% |
| | | Men | 16 | Men | 22.2% |

Source: Directorate of Land and State Assets

Despite a more limited access to permits and land titles among women, the authorities have yet to adopt an affirmative action policy that promotes increasing women's access to land. Investigations conducted with the help of officials and an analysis of the Land Tenure Office database showed that most of the data had not yet been disaggregated by gender. Recently, however, the Land Tenure Office has put forth efforts that allowed for the disaggregation of these data through identifying names by gender, notably creating a database that includes gender as a key variable.

Trarza has the highest incidence of land ownership. The regional land office was created in the early 1990s following the implementation of a project that was financed by donors that included the African Development Fund, European Union, and World Bank. Despite this support, however, only 1.6 percent of registered land is owned by women, as shown in table 1.

¹ Direction Générale des Domaines et du Patrimoine de l'Etat

The creation of this new land office in Trarza, combined with the development of a new agricultural policy that encourages large-scale production, public investment in infrastructure, and lenders' increased access to farm credit, explains the rush of domestic and foreign investors to the Senegal River Valley. Most women, however, have not yet benefited from these new investments and have not enjoyed increased access to land.

Survey data indicates a strong interest among women—especially those operating as part of cooperatives—to secure their access to land by obtaining a land title. Nevertheless, these women tend to have less-than-full information on the procedures for obtaining the title. The women's cooperatives in Garak, Toungene, and Cheagara (Trarza) interviewed for this study provide an informative example of this phenomenon. Indeed, women in cooperatives often make their case for more than a year, encountering among other things red tape and application fees that exceed their finances.

However, it should be noted that the land registration process is simpler and faster for women in urban areas. In urban areas, the Department of Land and State Assets exclusively issues land titles. The applicant should have already received a letter of award and an occupancy permit, and met all of the requirements included in the documents. The final title is the last step of the transfer of ownership process.

WOMEN AND LAND SECURITY IN MAURITANIA

The Mauritanian government and its key partners—including the World Bank—recognize the urgent need for a broad vision of land governance in the country, one that is accompanied by a coherent national strategy that links land tenure to economic and social development and to achieving a reliable national land registry that avails of the best and newest technologies. The LGAF study revealed that land governance must improve in the majority of indicators and dimensions covered by the LGAF framework. Indeed, there is an overlap of responsibilities among the various government departments dealing with land issues. For example, the Ministry of Finance is responsible for the allocation of land, while the Ministry of Housing, Urbanization, and Planning (MHUAT) is charged with land management. The lack of a centralized vision has allowed individual departments to sometimes unilaterally interpret land legislation that is at times already quite general. This was particularly true during the 1990s, which witnessed an increase in the number of ministries involved in the management of land policy. Today, between four and seven departments are involved in the formulation of land policy at any given time. This demonstrates the urgent need to formulate a unified vision to guide the process, along with the establishment of a centralized national land registry and efforts to increase public awareness of land governance issues.



Empirical data shows that the majority of Mauritians are living in insecurity in terms of being unable to register for their individual and collectively owned land. This is even more pronounced for women. Although gender-neutral laws introduced in the 1980s have resulted in some success, they included no provisions that address existing systems of discrimination in Mauritanian society, including those against women. In practice, furthermore, national

laws are often ignored in rural villages in favor of customary law. In many of these communities, land is viewed as someone's property, regardless of official titles, and previous governments did not see the need to formalize the registration process in a transparent and inclusive manner. Consequently, land rights in these communities are not recognized by the state, and there is little recourse for achieving formal recognition of land ownership except through cooperatives and associations. Furthermore, the vast majority of the population lives according to a common system of customary land law that is not recognized by the state,

which, in practice, makes the system more problematic and opaque. The government needs to recognize and build upon the positive aspects of customary law. Tenure arrangements within the traditional system have always been inclusive of both men and women, where male landowners with large land holdings take responsibility for ensuring that all members of the community, including vulnerable groups, have access to land. These arrangements, however, have not been formalized, making the situation more precarious—even for powerful landowners.

Only 27,000 formal property titles were recorded in Mauritania since independence in 1960, including land titles issued by the colonial authorities that were transferred to the Mauritanian government under cooperation agreements in 1961. This is slightly more than 1 percent of some two million potential landowners, while fees and taxes are levied on only 3,000 properties, representing just 1 percent of total tax revenue in 2014 (\$ 4.3 million USD). In addition, there are only 3,177 title holders registered in the Senegal River Valley, namely in the regions of Trarza, Brakna, Gorgol, and Guidimaka. It is also important to note that these title holders are not necessarily the sole owners of these lands. Indeed, agricultural land titles contain specific provisions that mandate the land be used exclusively for agriculture.

The number of provisional property deeds is estimated at more than 500,000 for the capital city of Nouakchott. Most holders of temporary titles are seeking to formalize them but face multiple obstacles, including overlapping jurisdictions, lack of coordination, and the absence of a land administration system. This causes

delay and sometimes increased costs, complicating the process of regularization. Historically, several departments, or offices, within the same department, were authorized to issue temporary permits. This institutional overlap has therefore resulted in many properties having multiple provisional titles, causing a number of complex land and property disputes. This situation is untenable. And as there is currently no register or fiscal cadastral map—a complete registry of real estate and property that includes details of ownership, tenure, precise location, dimensions, area, culture (whether the land is rural or otherwise), and the value of individual plots—it is difficult for tax authorities to enforce the law in a systematic way. Instead, they are often left with stop-gap solutions, such as using addresses



registered by the national electric company. An electronic land archiving system (TEHLIL) was also established in 2014 for the first time, with support from the World Bank, and a significant number of formal titles were recorded in the system. The duplicate titles and/or false titles were eliminated and regularized through the registration process. The government has also expressed its desire to standardize land registration by formalizing land titles and establishing a comprehensive cadastral map. TEHLIL has evolved gradually toward an integrated geographic information system, documenting ownership and establishing the national land register.

The absence of a national land registry is an important challenge for formalizing land and property registration in Mauritania and hampers the state's ability to mediate land disputes. It is an essential tool for the administration in the formulation of land policies and a fundamental resource for resolving disputes between landowners. The proliferation of land conflicts in the Senegal River Valley zone in recent years illustrates the urgent need to address land and property ownership.

Women represent only 7.9 percent of registered landholders and continue to face barriers in access to land, especially in rural areas where patriarchal traditions are strong. Although the current land law recognizes the right of women to own land, positive discrimination has not been promoted to counter the longstanding negative discrimination against women in accessing land titles. The common use of customary law in rural areas where land governance is weak has helped maintain the tradition of denying women equal access to land. Other reasons for this relate to the extremely high poverty rate among women and their low levels of

education. As shown in Table 1, only 4.9 percent of titled landholders in the Senegal River Valley are women. Women also face significant challenges in retaining their property after divorce or widowhood.

Although the amount of women-owned land in Mauritania is slowly increasing, barriers to land ownership and the economic security of women continue, mainly due to persistent patriarchal traditions and a lack of awareness of women's legal rights.

TABLE 2: Types of Land Titles Disaggregated by Gender and Region

| | | | Region | | | | Total |
|--------|------------------|-----------------|--------------------|--------|--------|-----------|-------|
| | | | Trarza | Brakna | Gorgol | Guidimaka | |
| Gender | Men | N | 1923 | 178 | 897 | 23 | 3021 |
| | | % in the region | 97.4% | 70.1% | 97.3% | 85.2% | |
| | | % of total | 60.5% ^z | 5.6% | 28.2% | 0.7% | 95.1% |
| | Women | N | 51 | 76 | 25 | 4 | 156 |
| | | % in the region | 2.6% | 29.9% | 2.7% | 14.8% | |
| | | \$ of total | 1.6% | 2.4% | 0.8% | 0.1% | 4.9% |
| Total | Count | | 1974 | 254 | 922 | 27 | 3177 |
| | \$ in the region | | 100.0% | 100.0% | 100.0% | | |
| | \$ of total | | 8.0% | 29.0% | 0.8% | 100.0% | |

Source: Trarza Land Tenure Office

Women are a small minority among landholders in the four regions of the valley, representing approximately 30 percent of titled landholders in Brakna and only 2.6 percent in Trarza. Men account for more than 95 percent of titled holders in the valley area, with numbers reaching as high as 97.4 percent in Trarza, 70 percent in Brakna, 97.3 percent in Gorgol, and 85.2 percent in Guidimaka.

Nevertheless, women continue to play a significant role in the management of productive resources. Although their socioeconomic activities are constrained by land insecurity, many women engage in agriculture, gardening, and gathering and harvesting timber, all of which are critical to the national economy and to improving food security.

The current land registration system allows smallholder farmers—especially women—in rural areas to register their property as common territory in the name of their cooperative. For the past two decades in particular, agricultural production in the valley zone has been carried out by cooperatives, whether male, female, or mixed. Strengthening the role of the cooperative has been favorable to women because it affords them access to larger plots of land and credit, and increases their ability to organize in order to receive government and donor support. Women's cooperatives have expressed a strong interest in acquiring definitive titles for the land they work to secure their investments. As of today, throughout Trarza and parts of Brakna, several women's cooperatives have received permanent titles, while others are at an advanced stage of acquiring them, including the women's cooperative in Garak. But of the 21 women's cooperatives registered in the

regional database in Trarza, only a small number of women hold a land title; the rest of the titles are pending.

INSTITUTIONAL FRAMEWORK OF LAND POLICY AND ITS APPLICATION IN PRACTICE

Women's rights are high on the development agenda in Mauritania, particularly in light of the recent introduction of a series of progressive laws that increased the number of women in elected positions. This, however, has not translated into a sufficient promotion of women's rights in current land policy discussions. While modern law in Mauritania recognizes the right of women to own land, there are currently no legal provisions to prevent discrimination between the sexes and no positive discrimination measures in favor of women's access to land. Accelerating and simplifying the process for obtaining the final title only occurs in particular cases, for example for cooperatives.

The current land registration system is defined by a series of laws and decrees issued between 1983 and 2014. The 1980s saw a series of major land reforms in Mauritania, the objective of which was to eliminate traditional land tenure systems that were considered an obstacle to development. The 1983 reform mandated that all land fell under the national domain and was therefore state property. The decrees of 1986 and 1987 delegated the authority to manage communal land to decentralized regional authorities (*walis* and *hakem*).

Regional land offices, however, are under-equipped and lack the necessary vehicles to carry out their work in remote villages, particularly in rural areas. The Department of Land and State Assets, however, has expressed its intention to increase the current number of regional offices to 15, which should greatly enhance the state's ability to inform the public, regularize and speed up requests for land titles, and support women in the registration of their land.

The process of obtaining a permanent land title is cumbersome and requires multiple steps (seven to eight at the time of this writing). When the plot exceeds 1,000 square meters in urban areas and 100 hectares in rural areas, further approval from the Council of Ministers is also required.

There are notable differences between obtaining land titles in urban areas and in rural areas. The procedures for obtaining rural land titles are initiated through regional land offices. Urban land title applications are initiated and processed by the Department of Land and State Assets.

WOMEN AND LAND TENURE IN THE OASIS ZONE

The oases of the Senegal River Valley are a major agricultural system in Mauritania where women play an important role. The main oasis regions are:

- Adrar
- Tagant
- The Assaba
- The two Hodhs

Agriculture and livestock are the main activities of citizens living in the oases, and the ownership system is generally patriarchal (except in a few cases where the head of the household is a woman, for example, due to divorce or widowhood).

The date palm is the dominant crop grown in the oasis production system. While rain in the Saharan region

is very rare, the date palm tree is resistant to desertification and is associated with various crops growing around it, including vegetables, barley, wheat, cowpea, and henna.

Arable land resources are very limited in the oases, yet they constitute the main resource in the Saharan region. Land tenure laws are very rigid and less contentious here than in other parts of the country.

In 1990, the revision of the 1983 law recognized the property of the current users of land for an unlimited amount of time. This revision finally established the right of ownership by recognizing current users as permanent owners of the land. The oasis land tenure system has remained unchanged for most of its existence, with property rights being managed by a customary code based on the agreement and recognition of traditional property rights by the state.

The 1983 land reform expressly recognized women as being equal to men, giving women the right to own land. However, traditional attitudes and social norms persist among oasis societies. There is currently no data on plots owned by women. According to the regional Land Office for Oasis Regions, most women have no access to land and have not benefited from recent development programs. While there are cases of women-owned pieces of land and houses, they are very few in number, with



large disparities existing between urban and oasis areas. Land is often acquired by inheritance or when the woman changes status to become the head of her household following divorce or the death of her husband. Women heads of household and widows represent only 16 percent of all households in the oasis regions and do not have access to land titles that can be used as collateral for bank loans. Unequal access to land is one of the major causes of gender inequality in oasis areas. In rural communities in northern Mauritania, the accumulation of ownership of real property (*iqar*) is a major life goal and achievement, but the patrilineal inheritance system excludes most women from owning land (even communal land), and the issue of land tenure remains complicated and tenuous. The key development objective for the oasis zone is therefore to make this production and land tenure system more inclusive, especially for women.

Most women are also excluded from the exclusively male Djama'a and other community land committees that are primarily made up of men. In reality, access to land ownership is difficult for women, and they need the approval of a third party to conduct a land transaction, usually because they do not know the procedures for accessing land.

WOMEN AND LAND ALLOCATION: THE SUCCESSFUL CASE OF "ENTENTE FONCIÈRE MAGHAMA"

A quick assessment of the experience of the Entente Foncière Maghama (Land Tenure Consensus Agreement in Maghama) was conducted to include another example of women's land tenure in Mauritania. In Maghama, in the valley zone, traditional landholders of 28 villages communally own land of 12,000 hectares and have now voluntarily agreed to share this agricultural resource with other members of the villages. Women are included in the process.

In the past, vulnerable social groups (*samba remora*) known as "the landless," including women, were subject to restrictive practices such as "*rem-peccn*" and "*ndioldi*." To ensure greater fairness for all farmers, including women, a land agreement was signed in 1995 between the state and the landowners. The land tenure system introduced by this agreement helped provide women and families who did not have traditional land resources secured access to land. To achieve these objectives, the new Entente Foncière Maghama allocates

land based on the principles of justice, solidarity, and efficiency. In applying these principles, land distribution was implemented on the basis of negotiations between the traditional landowners and the landless. Rather than imposing top-down solutions, the application of these principles of the state-funded project constituted a win-win for all stakeholders thanks to a successful dialogue that included community members. It has provided for the continual use of land and land security for many generations to come and has helped improve the sustainability of livelihoods throughout the region, as all of the land is put under cultivation with a shared infrastructure. Application of these principles especially improves the living conditions of people with smallholdings and has encouraged landowners to grant additional land to expand the fields of *waalo* (“recession agriculture”) farmers. Five years after the start of the project, the agreement is still respected by all sides, and land security in all of the eight villages has greatly improved.

To ensure efficient management of land agreements and to guarantee all stakeholders’ interests, community management structures were created to support vulnerable groups and to supervise the implementation of project objectives and land agreements. The agencies set up in this context include:

- The Association of Waalo Users, responsible for the management of hydro-agricultural structures built by the state in the project.
- The Village Development Committees that support villagers’ interests and ensure the application of land agreements in village communities and the sustainable integration of the landless.
- The Committee of Wise Men, an endogenous mechanism for regulating collective and individual conflicts that participates in the implementation of land transactions.

ACHIEVEMENTS AND CHALLENGES IN THE IMPLEMENTATION OF INCLUSIVE LAND POLICY

1. MAIN ACHIEVEMENTS

The Mauritanian government is dedicated to promoting the acquisition and registration of land by women. This political will is seen in the arrangements made by the Department of Land and State Assets and in the regional offices that facilitate and have accelerated the registration process for cooperatives and women, in particular. The commitment is also evident in practice, following the introduction of gender disaggregation into the land data and registration system.

2. MAJOR CHALLENGES

The development of an overall national vision of an inclusive and coordinated land policy is the main challenge that the state faces. The LGAF study identified several indicators and dimensions that deserve special attention: overlapping jurisdiction among the state bodies responsible for land policy, the lack of public access to land and property information, the various approaches, and at times, contradictory motivations of the highly centralized decision-making bodies regarding land, and finally, the absence of a national land register and cadastral map.

GOVERNMENT COMMITMENT TO ADDRESSING GENDER ISSUES IN LAND POLICY

In practice, women have not acquired the same rights and duties as men in the Mauritanian land tenure system. While women's rights are formally recognized in the new system, customary law and other traditions persist. There is a definitive need for affirmative action on the part of government to make up for the past exclusion of women from landholding, especially as Sharia and the new law both recognize the right of women to own land.

The important finding here is that many women own land in both urban and rural areas, but rarely have access to property by succession. There has been a slight improvement in women's access to land, particularly through irrigated perimeters. But the underrepresentation of women in decision-making spheres at the national and local levels remains a major handicap for women. This is particularly reinforced by the fact that most women are not familiar with the law and do not understand their rights.



The rapid urbanization of Mauritania and its openness to the world have accelerated the movement for the emancipation of women, whose work is becoming more visible. This is especially true in urban areas, where the customary law is less influential and integration opportunities in various networks are multiplying. The proportion of women who are heads of households is increasing in the city, and women are becoming more independent and vocal in their struggle for recognition of land rights equal to that of men. Important progress is being made, especially in political and economic arenas.

Politically, Mauritanian women are now very much present in the conduct of public affairs, since the law provides for 20 percent representation in government bodies. Although this ratio is still far from being achieved, and more needs to be done, women's representation and roles in government are significantly improving.

Recommendations:

- Allow equal access to property rights to men and women in both urban and rural areas.
- Enforce all laws and regulations regarding access to land.
- Promote access of women to land, especially when, in practice, she has been cultivating that land.
- In preventing conflict, we need to take into consideration the role of the key stakeholders, including women, who need to be an important part of the discussion, with the goal of finding amenable compromises such as what was found in the positive experience of Entente Foncière Maghama.
- In the prevention and management of conflicts, the role of local actors—particularly women—needs to be included in the negotiation process to promote amicable agreement.

ACTION PLAN

MAIN RECOMMENDATIONS, SUGGESTED ACTION AND MONITORING INDICATORS

Recommendations: Women and Land Governance

| No. | Issues | Proposed Action | Term | Institutions in Charge | Mentoring Indicators |
|-----|---|---|-------------|---|--|
| 1 | Local land practices, based on the social organization of peasant communities, largely continue to favor men in the access to land and its management, although the role of women in agricultural production is very significant. | Revise the texts regulating land ownership in order to grant equal access to property rights between men and women, both in urban and rural areas. | Medium-term | Ministry of Finances Ministry of Justice MIDEC | The texts governing land are revised and take into account the effective access of women to land ownership as well as men. |
| 2 | The ignorance by women of the law and regulations governing land tenure and limited organization is significant. | Organize an extensive outreach campaign targeting women and raising awareness around their rights under the law in force. | Medium-term | Directorate of Land and State Assets | The number of training sessions carried out and a number of women's groups sensitized. |
| 3 | Women are generally excluded from agricultural development projects while they are involved in vegetable gardens that contribute to the resilience of households and to fight against food insecurity. | Support women's cooperatives for better access to agricultural land. Provide a quota of secured titles of land for women in any future agricultural projects.. | Medium-term | Ministry of Rural Development, SONADER, Funding Agencies | The number of agricultural land put under cultivation that respect the quota reserved for women cooperatives is tracked. |