

Examples from East Asia on Strengthening Women's Land Rights

Land is one of the most valuable assets for rural people. First, it is a productive asset, and second, land is often the only available collateral for credit in rural areas. Despite strong recent economic growth and overall development, gender disparities in access to and control over land remain pervasive in the East Asia Region. Women remain less likely to own land than men and, even when they do, their holdings are likely to be smaller and less valuable than those of men.

There are a number of distinct factors limiting women's access and ownership of land in the region—from gender-biased legal frameworks to cultural norms and practices that deem land to be a "male asset." Therefore, effective policies aiming to reduce gender disparities in land ownership, increase female land holdings, and improve women's livelihoods must take context-specific constraints into consideration. In recent years, several countries in the region have made headway toward increasing ownership and control over land by women. For example, Indonesia and Vietnam identified and addressed gender inequalities and adopted gender-sensitive reforms in land titling projects.

This *Note* offers an overview of land titling, land administration and management, as well as post-disaster reconstruction projects in the East Asia Region. It provides an account of gender actions that helped improve women's access to land. The *Note* concludes by summarizing lessons learned that can be used to inform future interventions.

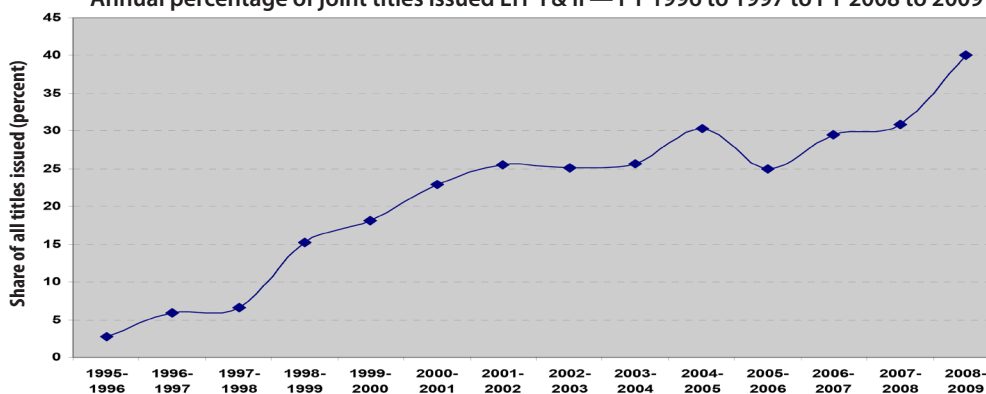
LAO PDR — Land Titling Project (LTP, 1997–2005) and Land Titling Project II (LTP II, 2004–09)

LTP I and LTP II ensured that women equally participate in, and benefit from, land titling, by registering land in their names. Compared to other East Asian countries, women in Lao have greater access to, and control over, land, since more than 50 percent of women live in areas with strong matrifocal and matrilocal traditions. The project's outcomes also reflect these customary traditions, whereby women are more likely to inherit land than men. Under LTP I, gender-disaggregated data suggest that about 38 percent of all parcel titles were registered under women's names, 41 percent were joint titles and 21 percent were registered under men's names. Under LTP II, the outcome of the land titling system was highly satisfactory, with almost 38 percent of titles registered under women's names,

Protecting Women's Land Tenure Rights

- 37.5 percent of titles issued to women—compared to 23.4 percent to men.
- 29.3 percent issued jointly to spouses under LTP II.
- Over the life of both LTP I & II, the share of conjugal joint title issuance increased from less than 3 percent in PY 1996 to 1997, under LTP I to almost 40 percent, in PY 2008 to 2009, under LTP II.

Annual percentage of joint titles issued LTP I & II — PY 1996 to 1997 to PY 2008 to 2009



Source: World Bank. Implementation Completion and Results Report: Lao People's Democratic Republic, Second Land Titling Project. May 20, 2010.



23 percent under men’s names and about 30 percent registered jointly. These numbers were achieved by:

- a. Ensuring that women’s customary land rights are reflected in the new official land registration systems and are not altered during the transition
- b. Promoting women’s employment in land institutions at all levels
- c. Expanding women’s access to specialized technical tertiary education, thus ensuring they are proportionately represented in the medium- and long-term.

Engaging the Lao Women’s Union (LWU) during both projects significantly contributed to the project’s effective implementation. The organization facilitated village meetings, increased land rights’ awareness and improved information dissemination on inheritance law provisions and government land services specifically targeting women.

PHILIPPINES — Land Administration and Management Project: Learning and Innovation Loan (LAMP-LIL, 2001–04) and Second Land Administration Management Project (LAMP2, 2005–14)

In the past, women in the Philippines lagged behind men in terms of getting their names on land titles, especially for conjugal properties. This was amended under the LAMP-LIL with the issuance of an Administrative Order in the Department of Environment and Natural Resources (DENR) which removed gender bias in the acceptance and processing of Homestead Patents and other Public Land applications.

A further step was taken under the next project (LAMP2). Specifically, the formal adoption of “and/or” between the names of the spouses was introduced in the title registration forms. According to sex-disaggregated data (2006–11) on the number of beneficiaries who had their lands titled under the LAMP2 52 percent of land title holders were men and 48 percent women. Women’s participation in LAMP-LIL meetings and mobilization activities was reported at 50–80 percent. The project adopted a Gender Mainstreaming Guidebook that provided specific strategies to ensure gender-sensitive mechanisms and activities in project implementation, such as the collection of sex-disaggregated data of land titling applicants and beneficiaries, showing that the project extended services to 55 percent men and 45 percent women.

INDONESIA — Land Management and Policy Development Project (LMPDP, 2004–09)

This systematic land-titling program aimed at ensuring women’s land rights. The traditional land-titling system accorded women land ownership even though formal titles usually named men

rather than women as landowners. Overall under LMPDP, more than 23 percent of titles were issued to women owners and another 4 percent were issued jointly. The number of land titles issued in the name of women increased as the project progressed, with 46 percent of the titles distributed in 2009 issued in the name of women. In most cases, a woman’s name on a land certificate reflects the land she inherited and contributed to the marital property. Using both names on land titles demonstrates women’s equal status on inherited and commonly held marital property.

INDONESIA — Reconstruction of Aceh Land Administration Project (RALAS, 2005–09)

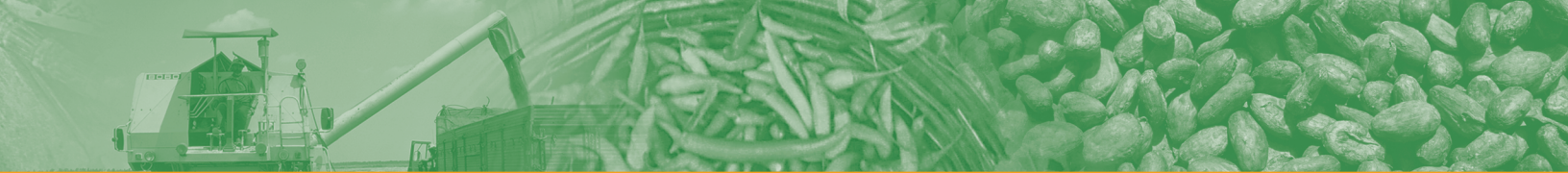
The RALAS took place in the aftermath of the 2004 tsunami and focused on recovering and protecting land ownership rights in the affected area. It focused on rebuilding the land administration system and promoting women’s rights by introducing the option of jointly registering land. Before the project less than 4 percent of joint titles had been issued, reflecting the registration practices of married couples whereby land is registered under the husband’s name. Under RALAS, in conjunction with the Sharia courts, a manual provided guidance on inheritance and guardianship procedures and introduced safeguards against the dispossession risks usually faced by widows and children. Certain obstacles were experienced regarding women’s participation in the titling process:

- a. Women were insufficiently represented in field teams
- b. Time and place of meetings were often inconvenient to women caring for family members
- c. Presentations were not made in the local language



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Women apply for land titles, LAMP2.



- d. There were no women-only meetings.

Despite these obstacles, women benefited from the land titling process. Overall, almost 30 percent of the titles were distributed to women or joint owners (by 2008 the percentage was 45 percent). This number is consistent with inheritance practices in Aceh, whereby daughters inherit the land and sons inherit the productive assets.

CAMBODIA — Land Allocation for Social and Economic Development Project (LASED, 2008–14)

The project aims to promote and secure women's land rights by prioritizing female-headed households in the land allocation process. The project promotes participation of both women and men in project activities and has specifically targeted support measures for women. Given the sensitivity of land issues in Cambodia and the importance of land to the livelihoods of the rural poor, various social assessments identified issues and opportunities to strengthen social equity in the project. A gender assessment was carried out and several consultations were undertaken in villages, and at the provincial and national levels. These assessments consistently highlighted the importance of:

- a. Effective information dissemination strategies targeting vulnerable groups, particularly female-headed households
- b. Promotion of men's and women's participation in land recipient households participating in Social Land Concession planning and implementation activities
- c. Follow-up household visits by social support teams to identify issues between men and women.

In order to address these issues and further promote gender equality in terms of accessing land:

- a. Guidelines on gender mainstreaming and extensive training materials for government staff at all levels were developed. Specific materials were prepared for commune councils and community members to enhance gender awareness related to the achievement of the project objectives and to provide tools for ensuring gender balance in project implementation.
- b. Key elements of gender mainstreaming were incorporated into regular project monitoring, the anticipated mid-term and final evaluation framework as well as the impact assessment. For example, as of August 2012 it was documented that more than 35 percent of recipients were female-headed households, while 50 percent of training participants were women.

VIETNAM — Land Administration Project (LAP, 2008–15)

The project aims to increase access of all stakeholders to land information services by introducing an improved land

administration system and further contributing to good governance. Women were identified as a vulnerable group; hence the project has a strong gender focus. The project funds the re-issuance of a large number of Land Use Rights Certificates (LURCs) in areas with no up-to-date land survey (and some issuance of new LURCs in newly surveyed areas). Gender equality is being promoted by issuing certificates in the names of both husband and wife where appropriate, thus strengthening women's land rights and social status. From early on, the Center for Legal Research and Services (LERES), a national NGO advocating for women's land rights, has been actively promoting the issuance of joint land use certificates with World Bank support. The project built on this earlier successful initiative and expanded it.

Following Vietnam's 1993 Land Law, a matched sample of households from the 2004 and 2008 Household Living Standards Survey¹ examined whether increased land titling led to considerable improvements in the economic security of households, and whether land titles in women's names had markedly different effects as compared to titles held by men. The study found that on balance, land-use rights held exclusively by women or jointly by couples result in beneficial effects such as increased household expenditures and women's self-employment, and lower household vulnerability to poverty. LURCs registered in women's names only were found to increase per capita household expenditures by 10.4 percent; increase the share of household women who are self-employed in agriculture by 5.5 percent; and reduce the incidence of poverty by 6 percent. LURCs held jointly were found to increase the share of household women who are self-employed in agriculture by 5 percent and reduce the incidence of poverty by 5 percent.

Lessons Learned

- Projects in Indonesia and the Philippines showed that **land titling is a powerful tool for empowerment** and thus it is critical to ensure it is accessible to both women and men.
- **Customary land practices may often function as safety nets** to protect the most vulnerable groups, including women. Therefore, it is important to understand and not undermine these safety nets when transitioning from customary rights to statutory land tenure.
- **The LTP (Lao PDR), LAP (Vietnam) and RALAS (Indonesia) experiences illustrate the importance of carefully designing an implementation strategy that takes gender concerns into consideration**, for example the time and place of meetings, women-only meetings, and literacy, language and other social barriers affecting women's

1. Kennedy, A., N. Menon, and Y. Rogers. 2013. Land Reform and Welfare in Vietnam: Why Gender of Land-Rights Holder Matters.



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Beneficiary shows the land she now owns, LAMP2.

participation. In Vietnam public awareness campaigns focusing on women emphasize the issue's complexity and make sure women are aware of the gender-sensitive solutions provided under the project.

- In a disaster context women have the potential to subvert local traditions.** In Aceh, women sought to re-assert their land and property rights using a number of innovative approaches. For instance, temporary markers were used to claim land rights and women used the names of their male family members to mark their land, as women are formally barred from owning land. Women also widely participated in community-level land mapping exercises. Interestingly and quite contrary to commonly held beliefs about Islam, the Sharia courts supported the rights of women and their engagement in the reconstruction of land rights.
 - Local knowledge is an essential ingredient in order to empower women.** During the RALAS project in Indonesia, making local communities own the gender agenda by building on local ideas and customs significantly empowered women. These were then integrated into the public awareness campaigns to ensure that gender sensitivity was a local requirement.
 - Establishing a formal relationship with a women's organization during project implementation can help overcome obstacles regarding women's effective participation.** In the two Land Titling Programs in Lao PDR for example, engaging the Lao Women's Union contributed toward providing useful information on local traditions,
- awareness-raising and conducting women-only meetings. Similarly, partnering with an NGO to focus explicitly on protecting women's land rights could have helped to better meet the gender objectives of RALAS in Indonesia.
 - Land agencies in the region (and worldwide) are usually not engaged in the collection of gender-disaggregated data.** After the completion of land administration projects, it is important that governments continue to maintain a system for collection of gender-disaggregated data for first time registration, transfers, mortgages and other actions.
 - The LASED distributes land to women by giving them access to agricultural land for production and residential land for building a home.** Securing and protecting this land requires additional support measures that enable women to productively use the land and establish a sustainable livelihood in their new location. The project had to design specific measures to address the specific needs of female-headed households who often have limited physical (wo)manpower in their families, need to attend to children, and sometimes face other social constraints. A joint approach by government agencies and specialized NGOs was best suited to respond.
 - Finally, it is important that the issuance of titles (or other rights) in the names of women or jointly is seen as an enabler to securing and ensuring gender equality in tenure rights and not as the solution.** It is the laws, regulations, procedures and norms associated with access to credit taxation, inheritance, marriage and divorce that seriously circumvent women's access to land.

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