

Women's rights and access to land: Southeast Asian context

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International Land Coalition

International Land Coalition :

A global alliance

- Established in mid-1990s as: **Popular Coalition to Eradicate Hunger and Poverty**, which became ILC in 2003
- A global alliance to promote **secure and equitable access to and control over land for poor women and men**
- **118 members**, including intergovernmental organisations, farmers' organisations, research institutes, NGOs and CBOs
- Global Secretariat hosted at IFAD (Rome)
- Regional Nodes: **Manila (Asia)** , Kigali (Africa), Lima (Latin America)

HOW DO WE WORK? With and through our members and partners:

- **Capacity building**
- **Land monitoring, knowledge generation and sharing**
- **Policy dialogue and advocacy**
- **System organising and support to collective action**

Trends – Challenges / Opportunities

- Land issues at higher in the international policy agenda
- Pressures on Land and NR → **intensified competition**
- Increased **recognition of the linkages between poverty and secure access to land**
- Emergence of new actors, **shifting power dynamics**
- Increased recognition of the rights of women and indigenous peoples
- **Policy implementation still a problem**, including in context where advocacy has resulted in formulation of progressive policies
- **Unpreparedness of the world/the land community** to respond in coherent manner to emerging land-related challenges (e.g. surge in FDI and Land grabbing)
- Poor countries **ill-prepared to respond** to the challenges

Key areas for intervention

- Land Reporting Initiative
- Commercial Pressures on Land
- Women's Access to Land
- Land Alliance National Development Partnership
- Indigenous Peoples and Pastoralists
- Securing the commons

CEDAW:

Focus on Articles 13, 14, 15, 16

- *A13: States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*
 - **(a) The right to family benefits;**
 - **(b) The right to bank loans, mortgages and other forms of financial credit;**

CEDAW:

Focus on Articles 13, 14, 15, 16

- A14:

- 1) States Parties shall take into account the **particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy**, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

CEDAW:

Focus on Articles 13, 14, 15, 16

- A14:
 - 2) States Parties shall take **all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development** and, in particular, shall ensure to such women the right:

CEDAW:

Focus on Articles 13, 14, 15, 16

- A14:

2)

a) To participate in the elaboration and implementation of development planning at all levels;

...

g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

CEDAW:

Focus on Articles 13, 14, 15, 16

- A15:
 - 2) States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall **give women equal rights to conclude contracts and to administer property** and shall treat them equally in all stages of procedure in courts and tribunals.

CEDAW:

Focus on Articles 13, 14, 15, 16

- A15

3) States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

CEDAW:

Focus on Articles 13, 14, 15, 16

- A16

1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

.....

h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Other conventions

- Beijing Declaration and Platform for Action
16) Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice **requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development**

Other conventions

- Beijing Declaration and Platform for Action
26) Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by **addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas**, as vital development agents, to productive resources, opportunities and public services

Other conventions

- Agenda 21, 3.8

Governments, with the assistance of and in cooperation with appropriate international, nongovernmental and local community organizations, should establish measures that will directly or indirectly:

f) Consider strengthening/developing legal frameworks for land management, access to land resources and land ownership - in particular, for women - and for the protection of tenants

o) Consider making available lines of credit and other facilities for the informal sector and improved access to land for the landless poor so that they can acquire the means of production and reliable access to natural resources. In many instances special considerations for women are required. Strict feasibility appraisals are needed for borrowers to avoid debt crises

Conventions: Theory vs. Practice

- CEDAW
 - National laws and policies are “officially” in conformity with CEDAW
 - However, implementation of policies enforcing equality in land rights has been weak

Women and access to land: The reality

- The majority of poor people live in rural areas; lifestyle relies heavily on agriculture
- Male migration leading to feminization of agriculture
- In spite of this, still many great challenges in the way of women's access to land

Women and access to land: Southeast Asian context

- 45% of economically active women are engaged in agriculture
- Land is acquired through customary inheritance systems
- Cultural and religious norms shape and complicate policies and practices regarding land ownership and acquisition

Women and access to land: Southeast Asian context

- Male and female migration is prominent in Southeast Asia
- Variation in practices related to inheritance
- Many women are not title holders but control farm work and act as safety nets against men's risky ventures
- Feminization of agriculture

Issues and challenges

- Division of household labor: men as heads of households, though many women are also decision-makers
- Fluidity/instability of women's property ownership in marriage (natal vs. marital)
- Inheritance (customary laws - male heirs favored over female heirs, loss of ownership after marriage, no ownership in marital family)

Issues and challenges

- Land grabbing denying access to land - abolishing customary rights (IPs, etc), reverting to the state rather than the community
- Women losing access to resources/sources of livelihood as a result of land grabs
- Land records not updated to include women title owners
- Small plots, especially those owned by women, continue to be excluded from state support and services
- Exclusion of women from leadership and decision making roles

Final thoughts

- Policies need reform and proper implementation; compliance with international conventions must be enforced
- Knowledge sharing and capacity building needed
- Social recognition and visibility needed
- Gendered perspective needed in policy and research to bring sharper focus to women
- Women's rights need to be supported to ensure food security

THANK YOU!