

Analysis of Land Tools in the Philippines Using Gender Evaluation Criteria

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GEC project

- Gender Evaluation Criteria (GEC) project is a joint project of PAKISAMA and Asian Farmers Association (AFA), with our partner International Land Coalition (ILC)
 - PAKISAMA (National Confederation of Small Farmers and Fishers Organizations) which traces its roots to grassroots consultations in 1986 right after the People Power Revolution which involved more than 10,000 men and women peasant leaders, and which led to formulation of a genuine agrarian and aquatic reform program which has become the core of PAKISAMA's campaigns and struggles
 - AFA a regional alliance of farmers' organizations (FOs) aimed to promote cooperation and solidarity among Asian farmers in the pursuit of sustainable rural development
- Objectives: 1) to increase awareness of GEC among AFA's member FOs and 2) apply GEC criteria in analyzing priority land issues of FOs in 4 countries (Myanmar, Nepal, Philippines, Vietnam).



GEC & Land tools

- Gender Evaluation Criteria (GEC) is a set of 22 questions based on 6 criteria developed by the Global Land Tool Network (GLTN) of the UN HABITAT to assess the extent to which “land tools” promote and protect gender equality in land rights. GEC is prescriptive and can be localized to country context.
- Land tools are laws, policies, governance structures, plans, guidelines, operational manuals, training modules, land tenure instruments, land records database, monitoring and evaluation instruments, etc.

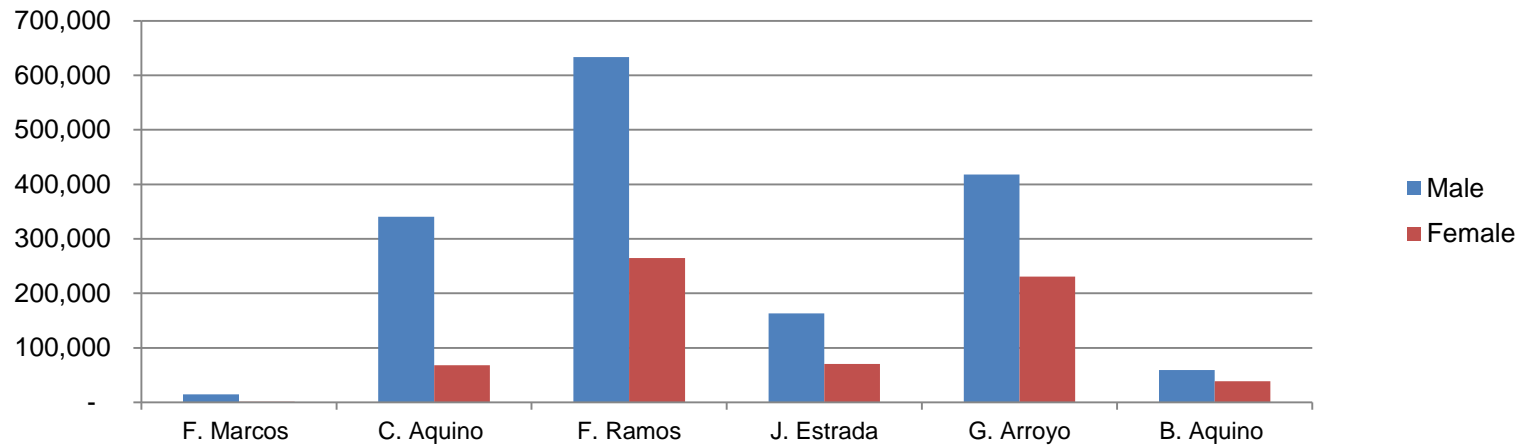


Premise : there is gender inequality in land access, land use and tenure security...

... and the situation is disadvantageous to women.

Official data (DAR): Out of 2.3 million agrarian reform beneficiaries (ARBs) as of end-2012, **only 29% are women**; this has increased from **8% in 1972-1986**.

Fig 1. Women and men ARBs (1972-2012)



1987 Philippine Constitution recognizes land rights and gender equality rights

- *Art XIII, Sec 4: mandates the state to “undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof”*
- *Art II, Sec 14: Ensures the “fundamental equality before the law of women and men”*



Land tools analyzed for gender-responsiveness

Continuum of national laws and guidelines on women and land rights:

1. Comprehensive Agrarian Reform Law (***CARL of 1988***)
2. Comprehensive Agrarian Reform Program Extension with Reforms (***CARPER of 2009***)
3. Magna Carta of Women (***MCW of 2009***)
4. Guidelines Governing Gender Equality in the Implementation of Agrarian Reform Laws and Mainstreaming GAD in the Department of Agrarian Reform (***DAO 1, Series of 2011***)



6 GEC Criteria

1. Equal participation of women and men and gender-responsive governance
2. Capacity development, organization and empowerment of women and men to use, access and benefit from the tool
3. Legal and institutional considerations in regard to women and men's access to land
4. Social and cultural considerations in regard to women and men's access to land
5. Economic considerations in regard to women and men's access to land
6. Scale, coordination and sustainability to reach more women and men



1. Equal participation of women and men and gender-responsive governance

- *Sample question: Is the decision making process in developing the tool, and within the tool itself, transparent and inclusive for both women and men?*
- Indicator: **Women's participation or representation in key decision-making bodies**
 - The land tools have provided for increasingly greater participation of women in key decision-making bodies – from “**guaranteed representation**” (CARL, 1988), to **at least 20% in Presidential Agrarian Reform Council** (CARPER, 2009), and to **at least 40% in all development councils at all levels** (MCW, 2009).



2. Capacity development, organization and empowerment of women and men to use, access and benefit from the tool

- *Sample question: Are financial resources explicitly allocated for capacity building of both women and men to benefit from the tool?*
- Indicator: **Provision of GAD budget**
 - MCW (2009) and DAO (2011) provides for a **GAD budget of at least 5%** of the agency's (DAR) total budget



3. Legal and institutional considerations in regard to women and men's access to land

- *Sample question: Is the tool based on the principle of gender equality and does it protect women's land tenure rights?*
- Indicator: **Equal rights of women and men in land ownership**
 - All the land tools give equal rights to women and men in land ownership:
 - ***“All qualified women members of the agricultural labor force must be guaranteed and assured equal right to ownership of the land”*** (CARL, 1988);
 - ***“rights of rural women to own and control land .. independent of their male relatives and of their civil status”*** (CARPER, 2009);
 - ***“vested right of a woman agrarian reform beneficiary is defined by a woman's relationship to tillage, i.e., her direct and indirect contribution to the development of the land*** (MCW 2009)



4. Social and cultural considerations in regard to women and men's access to land

- Refers to elimination of discriminating practices against women; enhancement or strengthening of status of women in families, communities and society
- Indicator 1: **Recognition of women's contribution to farmwork or land tillage (direct/indirect, paid/unpaid, productive/reproductive)**
 - Rural women defined as those “**engaged directly or indirectly in farming and/or fishing as their source of livelihood, whether paid or unpaid, regular or seasonal, or in food preparation, managing the household, caring for the children, and other similar activities**” (CARPER, 2009)
 - “... **vested right of a woman agrarian reform beneficiary is defined by a woman's relationship to tillage, i.e., her direct and indirect contribution to the development of the land**” (MCW, 2009)
 - Rural women's work defined as “(a) **direct tilling/farming**, e.g. land preparation, planting, weeding, fertilizer application, harvesting etc; (b) **reproductive work in the farms**, e.g. food preparation for the farmworkers; (c) **indirect work for the farm**, e.g., accessing of capital and farm equipments, hiring of labor, organizational participation; (d) **reproductive work in the farming households**, i.e. taking care of the children and other household chores and (e) **food subsistence work**, e.g., vegetable and livestock raising; securing water and fuel.” (DAO 1, 2011)



- Indicator 2: **Discriminatory provisions to women's access to land**
 - Recognition of women's indirect/unpaid contribution to farmwork does not qualify women as agrarian reform beneficiaries:
 - *“Qualified Beneficiaries – ... in the following order of priority: (a) **agricultural lessees and share tenants**; (b) **regular farmworkers**; (c) **seasonal farmworkers**; (d) other farmworkers; (e) **actual tillers** or occupants of public lands; (f) collectives or cooperatives of the above beneficiaries; and (g) **others directly working on the land ...**”* (CARL, 1988)
 - *“**only farmers (tenants or lessees) and regular farmworkers actually tilling the lands ... are the qualified beneficiaries**”* (CARPER, 2009)



5. Economic considerations in regard to women and men's access to land

- *refers to contributions of land tool to increase in women's access to economic resources e.g. income, credit, land market, land production technologies, and other support services*
- Indicator: **Equal support services for rural women**
 - ***“Equal Support Services for Rural Women: Support services shall be extended equally to women and men agrarian reform beneficiaries ... **rural women are entitled to self-organization in order to obtain equal access to economic opportunities** and to have access to agricultural credit and loans, marketing facilities and technology, and other support services, and **equal treatment in land reform and resettlement schemes.**”*** (CARPER, 2009)



6. Scale, coordination and sustainability to reach more women and men

- *Sample question: Can the tool be implemented at city or national level?*
- Indicator: **Presence of an implementing agency with nationwide scope**
 - CARL (1988) and CARPER (2009) designate the Department of Agrarian Reform (DAR) as implementing agency.



Scoring of Land Tools

by PAKISAMA's National Farmer Leaders (8 men, 2 women)

CRITERION	SCORE	INDICATORS
1. Equal participation	4.2	Women's participation and representation in decision-making bodies ; Women's participation in land ownership
2. Capacity development	4.2	Provision of GAD mainstreaming strategy, gender awareness or capacity-building mechanisms, GAD budget; Collection and use of sex-disaggregated data
3. Legal and institutional considerations	4.5	Equal legal rights of women and men to land ownership; Equal legal rights to legally married and common law spouses; Equal legal rights of women and men in land transactions; Presence of gender-sensitive alternative dispute resolution mechanism; Legal provision of women's bundle of rights
4. Social and cultural considerations	4.0	Recognition of women's direct/indirect, paid/unpaid, productive/reproductive work and contribution to farmwork / land tillage; Provisions that discriminate against women's access to land
5. Economic considerations	4.4	Equal support services for rural women; Establishment and maintenance of women's desks from national to municipal level
6. Scale, coordination and sustainability	4.2	Presence of an implementing agency with nationwide scope

* 1 – Very Poor; 5 – Very Good

Our key take-aways from the GEC project

1. Agrarian reform laws and implementing guidelines have increasingly recognized and protected the rights of rural women to land and other productive resources.
2. However, the weak implementation of existing the land tools, customary and discriminatory practices, lack of information, and ineffective gender mainstreaming strategies are the main obstacles in promoting and protecting gender equality in land rights.



3. Land rights improve women's situation in the family and in the community. Access to land can help women diversify her household's livelihood system. Women can use land for cultivating home gardens, raising poultry or other income-generating activities. Formal land titles contribute to improving women's access to production credit, and empower women to assert themselves better with agencies that provide inputs and extension services.
4. Agrarian reform laws are very clear on providing equal support services for rural women which should integrate the specific needs and well-being of women farmer beneficiaries. However, women are less likely to be targeted for extension services as many providers still do not recognize women as farmers.
5. Recognition of women's unpaid, indirect and reproductive work in the farm reflects a significant paradigm shift which should, however, also redound to women's equal access to land as men.



Salamat Po!
THANK YOU ☺

