

PHILIPPINES:

Women's Land Rights, Gender-Responsive Policies and the World Bank

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PAKISAMA participated at the *16th Annual World Bank Conference on Land and Poverty* held on March 23–27, 2015 at the World Bank Headquarters in Washington D.C. Organized by the Bank's Development Economic Research Group (DECRG), the conference is a key global event which fosters dialogue and sharing of best practices among representatives from governments, civil society, academia, the development community, and the private sector on the diversity of reforms, approaches and experiences that are being implemented in land sectors around the world. The theme for 2015 "*Linking Land Tenure and Use for Shared Prosperity*" highlights the effects of land tenure in the distribution of assets between men and women, generations, and social groups, and how patterns of land use will have far-reaching implications for welfare and other socioeconomic outcomes at household, community, or landscape level. PAKISAMA's participation was made possible with travel support from the International Land Coalition (ILC).

PAKISAMA presented a research paper on "*Analysis of Land Tools in the Philippines using Gender Evaluation Criteria (GEC)*". The GEC framework uses 6 sets of indicators: a) Equal participation; b) Capacity development; c) Legal and institutional considerations; d) Social and cultural considerations; e) Economic considerations; and f) Scale, coordination and sustainability. It was developed by the Global Land Tool Network of the UN-HABITAT.



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Violeta Corral of PAKISAMA (left) – [@PAKISAMA](#): *Women must be empowered with knowledge of laws/policies, so they can assert their rights.* [#womensland](#) [#LandConf2015](#)

The 1987 Philippine Constitution provides for an agrarian reform program founded on the right of landless farmers and farmworkers to own the lands they till or receive a just share from the fruits thereof. The Constitution recognizes the role of women in nation-building and

ensures the fundamental equality before the law of women and men. Agrarian reform laws and implementing guidelines have progressively recognized and protected the rights of rural women to land and other productive resources.¹ The *Magna Carta of Women* (MCW) enacted in 2009 has further promoted equal status of women and men in land titling and their equal rights to use and manage land, water and other natural resources. However, the weak implementation of existing laws, 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.

Here are the key issues raised by PAKISAMA at the Conference.

1- Women's access to land, food and resources for food production. Philippine land tools give equal rights to women and men, whether married or not, in land ownership. Women should make sure that their name appears as equal co-owner of the land they cultivate. In many cases, however, it is the lack of awareness and weak administrative practices that curtail women's access to land. Moreover, women's participation in land ownership remains weak. Government figures show that out of a total 2.3 million agrarian reform beneficiaries by the end of 2012, only 29% are women.

Land rights improve women's situation in the family and in the community. 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. Our women farmer leaders have shared positive changes in their family's lives brought about by more secure land tenure – they can plan farm production and diversify for longer term, they can get access to agricultural supply inputs and services, they can earn more income, and their children have access to better opportunities.²

Agrarian reform laws and the MCW also provide that equal support services be given to rural women. The MCW specifically provides that rural women have the right to resources for food production, e.g., land, credit, infrastructure support, technical training, and technological and marketing assistance, and farmer-based and controlled seeds. Indigenous practices of women in seed storage and cultivation is also recognized, encouraged, and protected.

Women, however, are less likely to be targeted for extension services as many extension agents still do not recognize women as farmers. Research shows that despite their primary role in the family's food security, only 36% of women farmers have access to irrigation, only 29% have access to seeds, 26% to training, 23% to extension services, 21% to fertilizers and seeds subsidy, 20% to pest control management, 20% to calamity assistance, and 14% to financial assistance. If women farmers were given the same level of support as their male

¹ *Comprehensive Agrarian Reform Law* (CARL of 1988); *Comprehensive Agrarian Reform Program Extension with Reforms* (CARPER of 2009); *Guidelines Governing Gender Equality in the Implementation of Agrarian Reform Laws and Mainstreaming GAD in the Department of Agrarian Reform* (DAO 01, Series of 2011)

² See for instance, the story of Belen, a woman farmer leader of Pecuaría Development Cooperative Inc (PDCI), https://drive.google.com/file/d/0B5H2YZdMxIfwYIZUOEI0bGNEUWs/view?usp=sharing_eid

counterparts, estimates show that food production by women will likely increase by 25% and total national food production by 1.5 to 3%.

The MCW as well provides for rural women's right to adequate food that is culturally acceptable and free from unsafe substances. Research shows that 60% of Filipino rural women exercise sole decision-making in their family households over what food to prepare for the family.

2- Recognizing rural women's unpaid, indirect and reproductive work. Land tools now recognize the direct and indirect, productive and reproductive, paid and unpaid work of women in farming communities. In current land tools, rural women has been 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.*" Similarly, rural women's work is now 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.*" These policies reflect a significant paradigm shift that treated rural women as a mere "special area of concern" in 1988 to the current recognition that women do contribute to farming/fishing and food production in ways that were not counted in the past.

3- Women's participation in land governance and need for capability-building. Agrarian reform laws ensure that key agricultural decision-making bodies have at least 20% women; this was increased to least 40% in the MCW. Government agencies are also mandated to develop a gender mainstreaming strategy that will: a) emphasize that gender inequality is caused by institutionalized patterns of discrimination and marginalization against women and girls; b) incorporate GAD as a cross-cutting concern for all interventions; c) build GAD capacity within the agency; d) create or strengthen GAD Focal Points; e) build and maintain a GAD database; f) conduct gender analysis and gender audit; and g) allocate at least 5% of its budget for gender-responsive programs, projects and activities.

4- Women's access to agrarian justice. Agrarian reform policies provide that women's desks and community-based dispute resolution mechanisms be created where rural women can be able to register their complaints and grievances. Women's access to agrarian justice is limited by socio-cultural and economic obstacles, e.g., high court fees, long and cumbersome processes, geographical distance (as courts are often located in towns) and language barriers (as many rural women may not speak the official language used in courts). Agrarian justice should also address high levels of violence against women such as physical assault, rape and murder as a result of conflicts in land. Very few women victims pursue legal actions as most women are economically dependent on their husbands who are often the perpetrator of such abuse.

5- *Addressing socio-cultural factors.* The disadvantaged position of women generally, e.g., in terms of education, access to information, etc) is a major barrier to women's access to land and other productive resources. Customary practices and traditional patriarchal relations in families and communities discriminate against women. It is assumed, for instance, that the husband as the traditional head of the family gets the first chance to apply for a land title. Women are often considered the "farmer" or "agricultural holder" only when there is no male adult in the family. After the death of a (male) farmer, ownership of the land is usually transferred to his eldest son and not to his widow. Many families still favor sons over daughters and land titles are usually given to male heirs due to the thinking that women cannot farm.

Conference keynote speaker Professor James Robinson of Harvard University discussed why the politics of land is important and how politics and property rights to land is intimately linked. Economic policies do not just have economic consequences, he said, they influence politics as well. The definition and regulation of property rights to land are at the heart of state formation and politics all over the world.

Robinson theorized that land reforms are not really an economic policy or tool to redistribute land but are rather linked to the construction of a new political order, e.g., Lenin in 1917, Kuomintang in Taiwan in the 1960s, etc. The "first pass" politics of land in colonial states in Africa, for instance, saw the rise of ruling families and political elites which eroded property rights under customary laws. Traditionally, the chief has the last say on who should have access to land. Increasing competition and the need to privatize land and provide titles or security saw African chiefs having less control over access to land. Robinson argued that paramount chiefs are trusted because people saw them (rather than politicians) as the "last line of defense" in the face of the onslaught of conditions adverse to them. The "second pass" politics of land in the context of English feudalism and 19th century Latin America also saw the large-scale and extremely inequitable privatization of land and reorganization of the state. Post-revolutionary Mexico, for instance, resulted in the massive reorganization of rural property rights.

Robinson concluded his keynote by offering lessons that can be learned by the World Bank. First, state-building in Latin America in the context of land rights have had disastrous consequences. Second, these consequences were associated with massive increases of land inequality. Third, from the perspective of political economy, state-building projects which look modernizing actually have negative effects, as in the case of customary land expropriated in the process of land titling. Fourth, it is no longer sufficient to think about land policy in mere economic terms, but issues should be framed in the context of profound political consequences of changing property rights to land and changing relationship of the state and its people.

These lessons are also important amidst an ongoing campaign for a new *World Bank Safeguards on Tenure of Land, Housing and Natural Resources*.³ CSOs argue that the Bank's land management and administration programs that seek to formalize land rights

³ See: Inclusive Development International <http://www.inclusivedevelopment.net/world-bank-safeguards-campaign/>

can have unintended adverse consequences by weakening the pre-existing tenure status of some groups and thereby increasing their vulnerability to forced eviction. In Cambodia, for instance, by exclusively focusing on registering title deeds, the Bank's project design failed to address the insecure tenure situation of those with other types of claims to land. CSOs also note that Bank-funded agriculture programs and advisory services put at risk rural households with tenure arrangements that are not fully recognized and protected by law or in practice. The World Bank's approach should shift away from a primary focus on formalizing individual property rights toward one aimed at increasing security of tenure of vulnerable groups across the continuum of land rights, e.g., informal, secondary, communal, collective or customary tenure rights. CSO campaigners call for a human rights approach to the Bank's land sector development operations that emphasize improving security of tenure for the poor and include measures to safeguard against "exclusionary treatment" of vulnerable groups.