

# SUMMARY

## MAJOR CHALLENGES TO WOMEN'S ACCESS TO/CONTROL OF LAND

### LAND OWNERSHIP

Either there is very little ownership or there is no ownership at all. Even when there is some ownership, in the form of land titles, it is not genuine or true ownership.

Women may hold land certificates merely for tax evasion purposes – as a result of men not wanting to pay more taxes to the government. In some countries like Nepal, women have become nominal land owners to circumvent land ceilings. Some owners from rich families with large tracts of land transferred their titles to their wives and other relatives.

In Nepal, women own only about 10% of the land. The landholders are not the actual farmers, and are mostly from the middle and upper classes. The women who are the farmers themselves have no land ownership.

### CUSTOMARY RIGHTS OF INDIGENOUS PEOPLES, INCLUDING INDIGENOUS WOMEN'S LAND RIGHTS

Policy makers and decision makers should recognise indigenous women's issues on land rights and improve their understanding of indigenous cultures and values.

### POLICY GAPS AND POOR IMPLEMENTATION

With regard to land policies, programs are gender-blind. Even when there are positive provisions in relation to land rights including land rights for women, law enforcement remains weak. Sometimes, laws that are pro-women conflict with other laws. Moreover, most governments are signatories of international commitments, such as the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), but such commitments go unfulfilled.

### PATRIARCHAL STRUCTURE AND CHANGING MINDSETS

In South Asian as well as Southeast Asian countries, the patriarchal structure of societies is arguably the biggest challenge for advancing women's land rights. Patriarchal values and attitudes, not only among men, but also women – permeating through society and bureaucracies, are dominant. Changing mindsets is an enormous challenge. Despite the crafting of laws and policies, women's rights are not safeguarded simply because certain biases against women prevail.

Women should be recognised as farmers, and as human beings – rather than as second class citizens. Women are always good daughters and good sisters, not claiming their rights.

### LACK OF CAPACITY OR ORGANISATIONS TRYING TO ADDRESS THE ISSUE

Capacity building is needed for farmers, including women farmers particularly in terms of legal literacy, policy advocacy, and leadership. Civil society organisations and people's organisations alike are working to advance farmers' rights, in a gender-sensitive manner. But these organisations also need to develop leadership capacity of women, for

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*Based on the summary of Ms. Julia Chitrakar, CSRC Nepal, with additions from the workshop discussions.*

women to occupy leadership and decision-making positions within their organisations and in the bureaucracy. In countries like Nepal, there is not a single woman in the land bureaucracy or in the land administration, making it more difficult to promote women's land rights.

#### RESEARCH

There is a need to conduct more studies and research work on women's land rights in various countries, to be able to truly understand exactly what takes place where women's rights are concerned. But specific local contexts must be taken into consideration, since situations are different depending on the region. For example, in Nepal, there are different tenure systems for different regions.

Documentation needs to be improved, but more importantly, the lessons should be shared among countries, highlighting the positive stories.

#### OTHER ISSUES

Other issues related to access to land are emerging, which affect poor communities throughout the region. An important point made during the workshop was the underlying issue of poverty as structural violence. Women in poverty are more vulnerable and tend to disproportionately suffer more. "Development" that is not pro-poor is taking place, making it critical to examine how these emerging issues particularly affect women.

Such issues include land grabbing. Throughout the region, communities are threatened by commercial pressures. Logging, mining and large-scale land acquisitions or "land grabbing" exacerbate the struggle for land and displace poor communities. Climate change is another critical issue that has an impact on access to land. Climate change has devastating effects in a region already prone to many natural hazards. Bangladesh, for example, is subject to perennial flooding, and some of its lands are regularly lost and gained because of flooding. Intensified weather events have had adverse impacts on many rural communities, with lost, damaged or poor crops. Furthermore, some farmers feel devastated or hopeless about the land.

## RECOMMENDATIONS

#### MAINSTREAM GENDER

Gender perspectives need to be integrated in all land rights programs, campaigns and movements. It should be crosscutting and should remain a priority area.

#### DEVELOP WOMEN LEADERSHIP

Promoting women to take the lead in organisations should be proactively pursued. More women are needed in positions of leadership, as well as in the bureaucracy, including the land bureaucracy.

#### LEGAL REFORM IN FAVOUR OF WOMEN'S LAND RIGHTS

Laws should be reformed to favour women's land rights; but at the same time, these laws should be strongly implemented and enforced. International commitments should be exploited as an opportunity to further women's land rights.

#### MORE RESEARCH AND DOCUMENTATION

Creating more knowledge on the status of women's land rights in various countries, including how women are differentially affected by emerging issues such as land grabbing and climate change, is important to understand the situation better and to in turn inform policy advocacy. ■