

Bangladesh



Bangladeshi woman farmer and her sunflower field

photo by ALRD

Condensed from Scoping Study on Women and Land Rights in Bangladesh by R. J. Moni and T. Sumaiya of Association for Land Reform and Development (ALRD). For more details of the study, contact: rowshanmoni@alrd.org or alrd@agni.com.

Land is the source of livelihood and economic development of Bangladesh, whose economy and subsistence is largely dependent on agriculture.

Traditionally, women share a significant amount of work involved in cultivation. Side by side with men, women work in the field, from planting to harvest to marketing. But despite their effective and valuable role in agriculture and land use, women have been barred from owning and controlling lands.

In a patriarchal society such as that of Bangladesh, social customs, values, and traditions combine to ignore women's rights to land. Indeed, as men control the country's productive resources, women's rights to land depend largely on their relationship with the male members of the family. Those rights are lost if women get divorced or are widowed. This insecurity has caused many women to silently tolerate domestic violence and all other injustices against them.

Given the discriminatory attitudes toward women, this study attempted to look into some key factors behind the subordination of women and its effects on their rights to land. It concludes with recommendations on how to address inequality and push for justice for women and their land rights.



Status of women's land rights

In Bangladesh, women are at a disadvantage because of the classic patriarchal social structure. Both religious and social values hinder women's ownership of land.

Various types of social and religious limitations are imposed on them from the time they are born. In many cases, a female child does not get the same access to food, health care, and education as a male child. As such, women lag behind men and their rights – including their rights to land – are largely denied.

A study shows that Bangladeshi women's involvement in agriculture is at nearly 88% (HDRC, 2002); however, they own only 4% (Sarwar, 2007) of the total land. Another set of statistics shows that women's contribution to food production is 80%, yet they are not recognized as farmers, reinforcing their disadvantaged position.

Their involvement in productive activities related to agriculture is undervalued and regarded as free housework. And if they do participate in other lands as wage laborers, they do not get equal wages as men.

Different national and international initiatives have already been taken to ensure equal rights for women in Bangladesh. Unfortunately, these initiatives have had little impact on women's land rights as well as on their livelihoods.

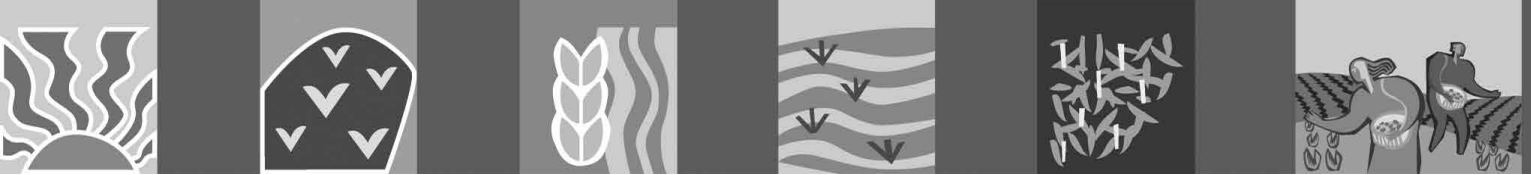
They continue to face enormous challenges. First, men own approximately 96% of privately owned land in Bangladesh. Second, women do not generally have the resources or access to credit necessary to purchase land in their own name. Third, the government has not historically titled government allocated land in the names of

women. Fourth, daughters and widows often do not inherit land despite legal provisions granting them some inheritance rights to land. Fifth, separated and divorced women have no right to claim any portion of their husband's land. Sixth, women's right to land and their traditional role in agriculture has been continually undermined against the backdrop of globalization and commercialization of farming. Finally, because Bangladesh does not have the legal concept of co-ownership of marital property, unless a woman's name is actually on the land document, she has no ownership interest in that family land, even if she contributes by working on it or processing the crops from it (Halim, 2006).

Challenges faced by women

1. Men own approximately 96% of private lands in Bangladesh.
2. Women generally do not have the resources or credit access to purchase land using their own name.
3. The government has not historically titled government allocated lands in the names of women.
4. Daughters and widows often do not inherit land despite the legal provisions granting them some inheritance rights to land.
5. Separated and divorced women have no right to claim any portion of their husband's land.
6. Women's rights to land and their traditional role in agriculture have been undermined due to globalization and commercialization of farming.
7. With no legal concept of co-ownership of marital property in Bangladesh, women have no ownership interest in their family land even they are tilling on it; unless a woman's name is actually on the land document.

Adapted from "Access to justice: situation of rural women and urban-rural migrant workers in Bangladesh" by Sadeka Halim (2006) in M. E. Brother and J. S. (Eds). Legal empowerment – a way out of poverty. December 2006, Issue 2. (pp. 117-141). Norway: Norwegian Ministry of Affairs.



This is the reality that women in Bangladesh face. However, it is difficult to paint an accurate picture of the extent of the discrimination against women because of the lack of reliable data and studies on the issue of women's rights to land.

Such lack of accurate data indicates the lack of government focus on the plight of Bangladeshi women. If this situation continues, it is likely that the country will eventually face a crisis in food security given the important role of women in agriculture.

Legal background

There are a number of laws, treaties, conventions, and policies at both the national and international levels that seek to ensure equal rights and opportunities for men and women.

Bangladesh, for example, has ratified the United Nations charter of 1945 that enshrines equal rights for all human beings regardless of sex, race, language or religion; the Universal Declaration of Human Rights of 1948; and the International Covenant on Economic, Social and Cultural Rights. Bangladesh also ratified the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), albeit with reservations on the provisions on marriage, divorce, and inheritance rights of women, citing religious grounds. Interestingly, the government ratified Article 14, which called for equal rights of women regarding access to land and other property. Bangladesh also committed to the Beijing Platform for Action (PFA), leading to the approval in 1998 of the National Action Plan that calls for the appointment of gender focal points in all central government ministries and committees.

Unfortunately, these laws have not been implemented as envisioned due to patriarchal

values and social customs that prevent women from taking their rightful place in society.

National framework: Laws and policies

Local laws allow private ownership of land with individuals allowed to own 33.33 acres (13.39 hectares) of land. There is no discrimination in terms of purchase, but the discrimination prevails in inheritance laws. Thus, although the Constitution of Bangladesh recognizes equal rights for both women and men in every aspect of life, property rights are still subject to religious inheritance laws that are discriminatory toward women.

As a general rule, females get one half of the inheritance share of the males under Muslim Law. However, under Hindu laws, women are not accorded equal rights with men. Many customary laws of indigenous communities are likewise discriminatory against women. In many communities, only sons inherit land. There are some communities that do allow women to inherit property, but control of the land is left in the hands of the male members of the family.

These inheritance laws help explain why, in Bangladesh, women own so little land. It is also worth noting that nearly half of the total population of Bangladesh is considered landless, and women constitute the majority of this landless population.

Public or khas land was supposed to be the only way for the landless to get access to land. Here, again, discrimination against women is apparent. Although the Khas Land Management and Distribution Policy recognizes joint ownership of husband and wife, some provisions, rules, and procedures ignore women's rights. For instance, a woman cannot acquire land as an individual.



She can only apply jointly with her husband. In the absence of her husband, she can apply with her son.

Overall, Bangladeshi women are unlikely to claim their share of family property unless it is offered to them. Women lack resources and knowledge of the law. The general lack of education makes them unaware of their legal rights. Moreover, legal processes are complicated, rife with corruption, and hampered by cultural norms that prevent women from effectively using international and local laws to protect their land rights (LANDac, 2012).

Hurdles to women's access to and control over land: Trends and issues

Women's subordinate socio-cultural and political status, increased commercialization of land, climate change, and the passage of gender-blind development policies have constrained women's access to land. This has resulted in a threat to food security and to socio-political and economic development in Bangladesh.

Women's involvement in the cultivation of family land and their entry into the agricultural labor market vary according to religion, land ownership type, and social class. This distinction holds true for women's household tasks as well.

Social customs dictate that Muslim (landholding class) and upper caste Hindu women almost never work in the fields, even though their households typically have land. It might even be impossible for such women to recognize their household's land. Even if women in these households have land titled in their own names, they usually do not visit their land nor do they supervise cultivation. These women greatly depend on the

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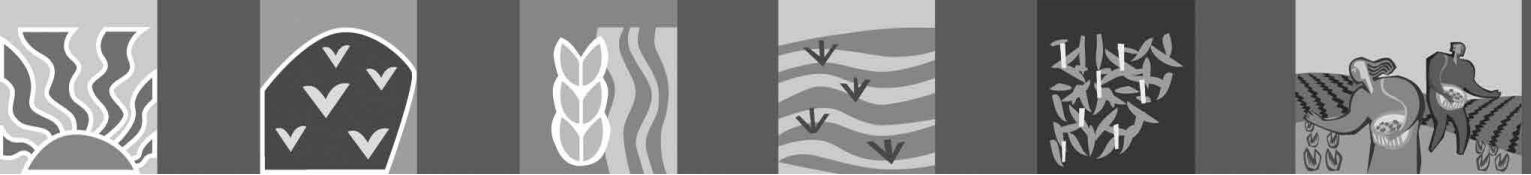
male members of their family for cultivation of their land.

In contrast, poor women do not own land, but they have a direct link with agriculture and they usually cultivate land without the support of hired labor.

Globalization, as well as technological and development interventions have added to the burden of women in agriculture. The aggressive acquisition of land for commercial plantations of cash crops such as rubber and tobacco, the development of economic zones and tourism estates, as well as infrastructure projects have given rise to a phenomenon termed as 'land grabbing.' This has displaced rural families from their land with little or no compensation.

The dispossession of small landholders due to massive development projects has made agriculture in Bangladesh more vulnerable. Increasing pressure to commercialize agricultural land has forced people to shift from their occupation to non-agricultural forms of livelihood and move to the urban areas in search of work and in the hope of better sources of income.

Women are, again, adversely affected by these dire circumstances. When male members of the family migrate to the urban areas, the women are left to manage the land and to put food on the table for the family. But in most cases, they are



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not in a position to invest money in improving the land. They also have limited access to technologies that they can use to improve their output. Thus, many of Bangladesh’s women are forced to give up their land to powerful land grabbers.

Globalization, paradoxically, also offers some hope for women as this force is transforming the traditional gender division of labor and increasing women’s mobility. There are now opportunities in the economic sphere that allow them some decision-making in their home as they contribute to family earnings.

Climate change and vulnerability of women

Like globalization, climate change is not gender-neutral in that it affects women more than the men.

Women, who represent the majority of Bangladesh’s poor, rely on natural resources for their livelihoods and are therefore more vulnerable to climate change.

Erosion, floods, cyclones, sea level rise all have a direct impact on natural resources including land. Increased salinity after a cyclone and the difficulty of plowing wet soil after flooding

decreases soil productivity and, in such cases, women face acute crisis to manage and cultivate those lands. They do not receive any agricultural assistance provided by the government because they are not recognized as farmers. With changes in climate, traditional food sources become more unpredictable and scarce. This exposes women to loss of harvests, often their sole source of food and income.

Violence against women affects access to land

Women and girls in Bangladesh have long been vulnerable to violence. The exact extent to which they have fallen victim to it is difficult to determine, however, due to lack of accurate and reliable data.

Data measuring violence against women (VAW) are not enough to provide an accurate picture of the full extent of this problem. Bangladesh Mahila Parishad in its 2011 report noted that 1,450 women died in 2011 as against 1,377 in 2010 and 1,373 in 2009, due to various forms of violence, including dowry related violence, rape, and assault (D’Costa, 2014).

This is the general picture of VAW in Bangladesh. As a result, women often do not claim their legal rights to land due to the fear of physical assault, thus limiting their access to land and endangering the country’s food security.

Gender biased socio-political context

As more male members of rural families migrate to urban areas to pursue better income sources as an effect of globalization, women are expected to take up the slack. The resulting feminization of agriculture, however, does not necessarily translate to greater empowerment of women.



Studies show that, although women are engaged in agricultural activities, 48% are deprived of access to land. This has constrained their receiving credit and negatively affected their productive capacity.

The lack of education and training as well as the non-cooperation of agricultural extension workers have also hindered the development of women's productivity. Moreover, women are not equipped to deal with tenants, handle the sale of produce, or reach lands located in distant places (Parveen, 2008). Even more basic to their plight is the fact that women are not recognized as farmers, thus further limiting their access to government-provided agricultural assistance, as well as seeds, fertilizer, and small credit.

Assessment of key actors promoting or impeding women's land rights

Global food security has never been more threatened than it is now, due to factors like climate change, population growth, and rapid urbanization. Ensuring equal gender rights, however, can be a weapon to battle against hunger and malnutrition. As women become more involved in food production, enjoying the same support and privileges as men, they can play a greater role in ensuring food security.

The Food and Agriculture Organization claimed in its 2010-2011 State of Food and Agriculture report that equal access to agricultural resources could reduce world hunger by 12% to 17%.

Role of government

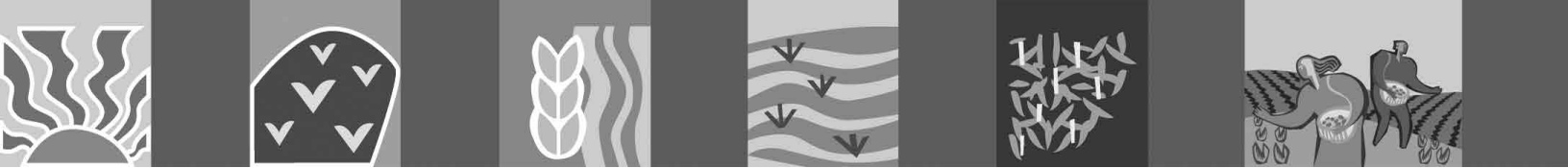
The Constitution of Bangladesh recognizes equal rights for all citizens irrespective of sex, caste, race, and religion. Different agencies of the government, such as the Ministry of Land and

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the Ministry of Women and Children Affairs, are also working on this issue. The Khas Land Management and Distribution Policy of the land ministry recognizes joint ownership of husband and wife.

Further, Bangladesh is a signatory country to the UN Charter, CEDAW, and the Beijing Platform for Action (BPFA) to promote gender equity. The Government of Bangladesh formulated the National Policy for Advancement of Women in 1997 in light of the Constitution of Bangladesh, the CEDAW Convention, the BPFA, as well as broad-based consultation with stakeholders including human rights organizations, women's rights activists, non-government organizations (NGOs), and civil society. The National Action Plan for Women's Advancement was adopted in 1998 with the aim of mainstreaming gender in all governmental policies by the ministries.

Law enforcement agencies, however, seem to be biased against women. These agencies are riddled with corruption and tied down by political pressures, apparently unable or unwilling to pursue justice on behalf of women, especially poor women. Thus, corruption, gender-blind policies, the lack of a proper monitoring system,



lack of awareness, and inefficient personnel are hindrances to upholding women's rights to land.

Role of political parties

The two main political parties in Bangladesh have always mentioned women empowerment in their election manifestos, but they have been largely silent on women's rights to land, even when discussing agriculture and rural development. Women's empowerment has largely been limited to greater representation in political bodies.

Role of local government: Formal and traditional features

Women hardly participate in decision-making in Bangladesh. The Local Government (Union

Parishad) Ordinance of 1983 provided the legal basis for the formation of Union Parishad. But it did not contain any clause for the role, power, and responsibility of the women members.

After a new law was enacted in 1997, the government increased the number of standing committees set up by the Union Parishad from seven to 12. At the same time, the government instructed that women members should hold the position of president in at least 25% of these standing committees. However, the terms of reference of these committees and their mandates are not clearly specified. Therefore, women's participation in these bodies is not clear.

The government did direct each Union Parishad to form Social Development Committees to be



Women farmers' working on their field without getting any incentives

photo by ALRD



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headed by women. However, the number of elected women is not taken into consideration. In truth, the ratio of male-female members virtually remains at 3:1, thus the men’s decision still holds sway. This scenario is even worse in the rural local arbitration system (e.g., Salish), where women’s participation in decision-making is routinely ignored and their arguments are never considered.

In rural societies, patriarchal beliefs, attitudes, and values are more entrenched, thus justice in favor of women is rare. Due to corruption, women hardly ever get a fair deal in disputes involving land and property rights, while incidents of violence – rape, killing, acid throwing – continue.

Role of donor agencies and international institutions

Various donor agencies and international institutions play a very important role in the development sectors in Bangladesh. Unfortunately, the land management and governance sector has received minimal attention – in fact, less than 1% of the overall Overseas Development Assistance (ODA) in Bangladesh.

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land rights, in particular, have not received much attention despite the issue being raised by many NGOs and civil society members. Increasing interest in the sector is being shown, however, in the light of the need to secure food, ensure land property rights, and uphold human justice.

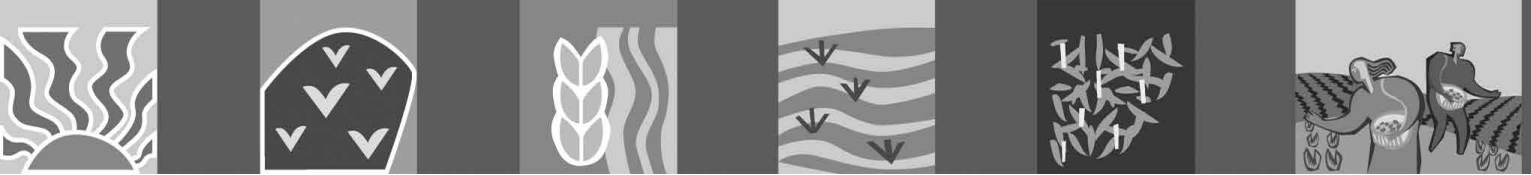
Private sector

The private sector has been providing job opportunities in Bangladesh since independence was declared in 1971. Women have benefited from the private sector’s efforts by getting wage work and attaining some degree of economic independence. However, private firms that pursue profit at the expense of land have further marginalized women in agriculture.

Civil society and the social movement

Civil society groups are involved in promoting women’s rights to land, by advocating issues and upholding women’s demands in the policy making process. As of 2009, there were 200 non-government organizations (NGOs) working to promote the land rights of the landless in Bangladesh (ANGOC, 2009).

The Association for Land Reform and Development (ALRD), for example, succeeded the NGO Coordination Council for Land Reform Program (NCCLRP), which was mainly established to



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support the government’s khas land distribution program by raising people’s awareness of government regulations, policies, and guidelines and by ensuring NGO participation in the khas land distribution program.

The ALRD is credited with the formulation of the Khas Land Management and Distribution Policy, the enactment of the Vested Property Restoration Act, and the development of the citizen Charter for the directorate of Land Records and Surveys (ANGOC, 2009). In all its activities, ALRD incorporates a gender dimension, including women’s land rights.

Role of media

Media plays a key role in shaping a society’s values. Media campaigns on women’s land rights, however, are neither specific nor extensive. Instead, land-rights actions and programs are simply linked with awareness-building campaigns related to gender equity in general.

Key opportunities and strategies to advance women’s land rights

Women’s rights to land are not regarded as part of the major political agenda in Bangladesh. The lack of political will and commitment,

lack of sensitivity among government officials, corruption at different levels, discriminatory laws and policies, and the prevailing socio-political status of women make it difficult to implement gender-responsive policies in terms of women’s land rights.

Despite these grim facts, however, there are opportunities to increase awareness of the need to secure women’s rights to land given the role of women in ensuring food security in the country. NGOs, international NGOs, intergovernmental organizations, UN agencies, as well as different international institutions, global initiatives, and platforms are contributing to the fight against discriminatory attitudes, laws, and policies that unduly burden the women of Bangladesh. Some momentum is building and this can be accelerated through the following proposed actions and strategies.

Mainstream gender

Gender perspectives need to be integrated in all land rights programs, campaigns, and movements; while land reform programs should clearly address women’s concerns. Towards this end, policy advocacy in the area of women’s inclusion in the policy making process, revision of existing land laws and policies, improved governance of land tenure, recognition of women as farmers, and equal access to education should be given the highest consideration. Agrarian reform advocates should link up with women’s rights groups, and vice versa, in order to mutually strengthen their perspectives and advocacies on the issue of women’s access to land.

Inclusion of women in the policy making process

Women’s participation in the policy making process is largely ignored and all decisions



regarding women's rights to and control over land are made by the state's highest officials who are mostly male. In fact, women's active participation in both policy making and implementation can play a crucial role in establishing women's rights to and control over land. To attain this, however, women should have equal opportunities to education, information, and technology. Women should be encouraged to take on positions of leadership in the bureaucracy, including the land bureaucracy.

Review of existing laws and policies

Existing laws and policies are often gender-biased. Inheritance laws of both the Muslim and Hindu communities disqualify women from equal ownership. All such discriminatory laws and policies need revision, along with a political and social commitment to make these more gender-sensitive in establishing and safeguarding women's land rights. At the same time, these laws should be enforced. International commitments should be used as an opportunity to further women's land rights.

Improve governance of tenure

As per the Transparency International Bangladesh (TIB) report, land is the third most corrupt sector in Bangladesh. From legal institutions to the land office, women face extreme difficulties when it comes to obtaining justice in their favor due to corruption. Majority of the women are disadvantaged and therefore not capable of offering 'grease money' (a bribe) to corrupt officials to carry out their tasks. Local institutions like the Shalish (local arbitration) are also anti-women, thus further denying women land justice. As a result, women often do not claim their rights, intimidated by the complexity, harassment, and unjust costs they are likely to face. Therefore,

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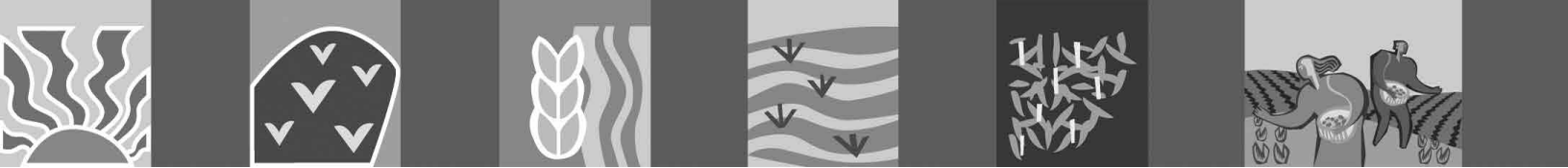
transparent land governance is crucial for state agencies responsible for ensuring women's empowerment and right to land.

Recognition of women as farmers

Traditionally, women are involved in agriculture through food production and management, seed preservation, caring for domestic animals, family gardening, and so on. However in Bangladesh, women are not recognized as farmers. Therefore, women are deprived of access to small credit, seeds, fertilizers, and other benefits provided by the government. This makes it difficult for them, using their traditional methods of cultivation, to compete with the hybrid seeds and advanced technology made available to those recognized as farmers. Since women are in fact significantly involved in and dependent on agriculture, immediate action should be taken to recognize them as farmers.

Equal access to education

Education is the primary tool to counteract all forms of discrimination, and the Bangladesh government provides free education for girls from the primary to higher secondary level. Despite this fact, the literacy rate among women remains low and most are not aware of nor concerned about their rights. As they are not self-reliant, women are taken into their brother's home upon



Women farmers' group discussion on the need for women cooperative.

photo by ALRD

the death of their husband or parents. Hence, they do not claim their inherited property for fear of losing this assured shelter. Education can therefore play a vital role in improving the condition and social position of women, making them self-sufficient and aware of their rights and privileges.

Capacity Building

Women – including women farmers, need to enhance their capacities, particularly in terms of legal literacy, policy advocacy, and leadership. Civil society organizations are working to advance farmers' rights in a gender-sensitive manner. But they need to develop the leadership capacity of women, by having them occupy leadership and decision-making positions within their own

organizations and in the bureaucracy (Chitrakar, 2011). Equally important is the initiation of training or other awareness-building mechanisms to sensitize government officials, the various ministries, and political parties, as well as making this issue a major agenda item or key area of intervention, so that these officials take on the role of effective land policy makers who represent the issues of men and women equally.

Effective role of civil society and other stakeholders

Besides government, civil society and other stakeholders such as international institutions, the private sector, and donor agencies can play effective key role in establishing Bangladeshi women's right to land and other natural resources.



Civil society can elevate the issue of women's right to land to the national level by advocating and supporting women's participation in policy debates.

Increasing role of media/ media mobilization

Raising awareness is fundamental to changing existing values and negative attitudes, and to challenging the stereotypes of women. Increased positive activities of media can change the social outlook and counteract any activities of government or other powerful players that are unjust to women. At the same time, efforts need to be undertaken to educate and sensitize media as well. So NGOs/CSOs can conduct orientations and knowledge sharing with media practitioners on emerging land issues and global trends to enable them to promote the issue more effectively.

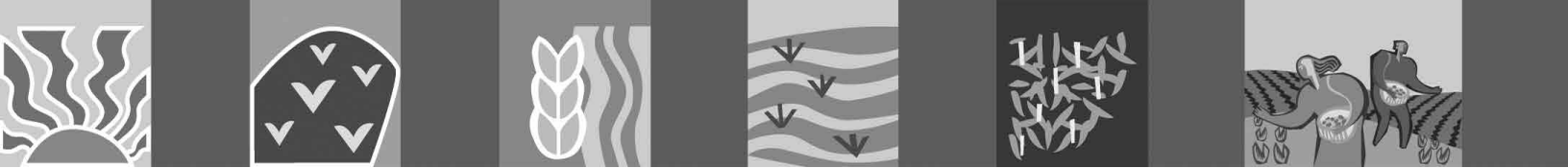
International networking

The issue of women's land rights is not only to be dealt at the national level, but must be linked up with regional and global institutions/actors to address the emerging challenges of commercialization, land grabbing, climate change, and the potential threat of all these on food security. Networking and alliance building with organizations such as the International Land Coalition (ILC), the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), concerned UN organizations, as well as platforms/processes/initiatives like the Alliance Against Hunger and Malnutrition (AAHM), the Civil Society Mechanism (CSM), the Committee on World Food Security (CFS), Land Watch Asia (LWA), and the National Engagement Strategy (NES) are crucial to promoting women's land rights as a key component of human justice and peace.

Extensive research on the status of women's land rights

In Bangladesh, no definitive study or statistics exist at the national level about the actual scenario of women's role in food production and agriculture, their status in land ownership and control over land, and the problems they face in different aspects of life relating to land ownership and their access to land. Up to the present, Bangladeshi women have still not been accorded recognition as farmers. It is presumed that they constitute a significant number but unfortunately no actual figures regarding deprived women farmers are available due to the lack of source data. As a result, the contribution of women to the Bangladesh economy in terms of their agricultural activities is not factored into the country's Gross Domestic Product (GDP).

Simultaneously, violence against women (VAW) is a most common crime in Bangladesh, with land-related violence believed to constitute a major portion of VAW incidents. Unfortunately, no sufficient data is available to provide an accurate picture of the full extent of the VAW problem; and specific data or studies on land-related violence in particular are totally missing in whatever VAW statistics there are. Therefore, an extensive research study on the women's land rights issue is vitally needed to generate data to be used as advocacy tools by different rights groups at the national and international level. Such a study should target the protection of women's right to land and identify the policy areas where state parties', as well as other international actors', long- and short-term interventions are required to improve the present status of women in Bangladesh.



Finally, even more important than the research and documentation, “the lessons should be shared among countries, highlighting the positive stories” (Chitrakar, 2010). ■

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For the complete list of references, please contact the authors of this study as indicated at the beginning of this article.