

Bringing Land and Gender Equity to the Surface

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SUMMARY

Why involve women in land administration and titling? Because it is every person's right to have equal opportunity to access and benefits from land; women's involvement in development is critical to enhancing economic empowerment and growth; participation strengthens the status of women and ensures there is common education; it provides an opportunity for dialogue and communication networks; participation ensures the recognition of women's place in family, including inheritance, as well as in community and society; and this shows our appreciation of the different capacities, functions and strengths females can contribute to land development and management.

Land administration projects in South East Asia have been in operation for over 20 years. Focusing on two major projects in the region, the Property Rights and Land Titling Project in Lao PDR and the Land Administration and Management Project in the Philippines, this paper shares a number of "gender-responsive strategies that have been developed through the project cycle. National land reform initiatives in the region have a responsibility, emphasized by the international community and donors, to ensure that the critical issue of gender equity is effectively managed throughout the project design, in the implementation process, as well as in the evaluation of short- and long-term impacts.

The paper will provide a description of gender-related land issues, a range of mechanisms that have been developed at various levels of policy, institutional settings and beneficiary level applications in both Laos and the Philippines. Engaging men and women equally in both policy making and implementation of development projects is critical. The integration of the Lao Women's Union within the Lao Land Titling Project has been invaluable in terms of realising a gendered approach to titling. The development and implementation of guidelines to ensure women and men's equal opportunity to apply for land titles, the placing of identified conjugal lands in the names of spouses, and the preparation of gender-disaggregated land information system are steps towards gender equitable land ownership in LAMP2 sites in the Philippines. Success is also due to the level of ownership and coordination in communicating the gender message and opening a networking platform for gathering participation momentum. This presentation will provide tangible lessons from two major land administration reform project attempting to reach Millennium Development Goal 3 – promoting gender equality and women's empowerment.

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1. INTRODUCTION

“Equal property rights of women and men are fundamental to social and economic gender equality. However, women often face discrimination in formal, informal and customary systems of land tenure.”¹

The notion that women and men around the globe enjoy equal rights, access to and benefits from land and property requires serious consideration in how this is achieved. An important starting point in most country constitutions is to state that citizens, men and women alike, have the right to property or legal instruments to this effect. However this basic right is often inadequately met in customs, practices and policies. Inarguably, women are more affected by inequities as a result of tenure insecurity than men and this often extends to dependent children and family members. The effects of tenure insecurity on women are further pronounced as nations undergo economic reform with the commoditisation and globalisation of large-scale land investments and opening up markets in land and resource. Women are also highly dependent on access to land and natural resources, directly translating to the provision of food, labour and security for the family. Female headed households are often at a further disadvantage as they experience increased vulnerability in terms of security, status, and economic opportunities. With weak land rights, a lack of representation in decision making on land, and disproportionately less access to economic opportunities, women have far less opportunity to benefit from land development and the economic mobilisation of land through open land markets.

Studies have shown a strong correlation between improved women’s land rights and the reduction in poverty. “Women are disproportionately affected by gender blind/neutral approaches”² and more effort is required to ensure women have access to land. This message is emphasised in the Global Land Tool Network of the United Nations Human Settlements program (UNHabitat) where since 2006 they have been involved in numerous studies and consultations on large scale land reform and land sector projects. The Millennium Development Goals are a platform for ensuring activities and awareness focuses on ‘gendered’ land tools which desperately need to be acknowledged by non-gender specialists, particularly throughout the land profession. Access to secure tenure is a critical stepping stone towards poverty alleviation and economic independence.

¹ UNHabitat, 2008. Gendering Land Tools: Achieving secure tenure for women and men. United Nations Human Settlement Program (UNHabitat & Global Land Tools Network (GLTN)): Nairobi, pp 5.

² UNHabitat, 2008. Gendering Land Tools: Achieving Secure Tenure for Women and Men, UNHabitat: Nairobi. [Accessed on 12 July 2009: <http://www.gltn.net/en/home/gender/gendering-land-tools-achieving-secure-tenure-for-women-and-men/details.html>]

Around the globe gender inequality affects women because of limited access to acquire and benefit from having rights to land or property. Social norms in many countries through tradition or custom do not acknowledge women as having a 'right' to own land, especially when married. This role is often assumed by men even where laws provide for equal rights. In addressing these and other issues of gender equality within the land sector, the authors' use experience from programs of improving tenure security in the Philippines and Lao PDR to provide positive progress and solutions. National land development programs typically have a dual objective in terms of economic and social development and this paper will specifically focus on the social development initiatives that have addressed gender inequities integral for effective, sustainable, and equitable outcomes.

The Philippines Land Administration and Management Second Phase (LAMP2) is the second phase of the AusAID / World Bank co-financed Land Administration and Management Project. The project is designed to extend the learning experiences of LAMP to other provinces and municipalities throughout the Philippines with the view of supporting the long term Land Administration and Management Program goal of reducing poverty and enhancing economic growth by improving the security of land tenure in urban and rural areas in the Philippines. LAMP2 focuses on building the institutional and human resource capacity to sustain land administration reforms. The program works closely with civil society, local governments and project partners to advocate for the passing of key legislation developed under LAMP I to create a Land Administration Authority and a National Appraisal Authority.

The Laos Property Rights and Land Titling Project (PRLTP) in June 2009 completed its second phase of a multilateral financed project between the Government of Lao, World Bank, AusAID and GTZ, developing the government's capacity to provide transparent and efficient land administration services. The emphasis of the second phase was to build institutional capacity, improve service delivery and human resource development. The project objectives were:

- to improve land tenure security;
- develop transparent and efficient land administration institutions at the national and provincial levels; and
- improve government capacity to provide social and economic services through a broader revenue base from property related fees and taxes.

The Philippines and Lao PDR are two contrasting South East Asian nations, physically, economically and culturally (Table 1). Although both projects were based on similar objectives for improving land administration and management as a pre-requisite for socio-economic development, different strategies of social development was required. Basic social development principles of inclusiveness, cohesiveness and accountability underpin the project activities, with a strong responsibility for incorporating gender equality. International development programs are also committed to the millennium development goals, which aim to end poverty by 2015. The third target of the Millennium Development Goals is to promote gender equality and women's empowerment. Reducing gender disparities and enhancing women's participation in the economic development of a country must be addressed in all aspects of donor projects. Principles of social and gender equality are translated into project

aims, objectives and outcomes for making sure that men, women and children, irrespective of economic status or ethnicity have equal access to project benefits.

Table 1. Country Brief

	PHILIPPINES	LAO PDR
³Population	97,976,603	6,834,942
- Urbanization	Urban 65%, rate of migration 3%	Urban 31%, rate of migration 5.6%
- Below poverty line	30% (2003 est.)	30.7% (2005 est.)
Geography (land area)	Archipelago, 7,107 islands 300,000 sq km Mountainous with coastal lowlands	Landlocked 230,800 sq km Mountainous with some plains and plateaus
Government	Republican	One-party communist
GDP (PPP)	~ \$321 billion (2008 est.)	~ \$14 billion (2008 est.)
HDI and rank	0.745, ranked 102 (2006)	0.608, ranked 133 (2006)
- Global Gender Gap ⁴	0.757, ranked 6 (2008)	(Not ranked)
Ethnic Groups	Tagalog 28.1%, Cebuano 13.1%, Ilocano 9%, Bisaya/Binisaya 7.6%, Hiligaynon Ilonggo 7.5%, Bikol 6%, Waray 3.4%, other 25.3% (2000 census)	Lao 55%, Khmou 11%, Hmong 8%, other (over 100 minor ethnic groups) 26% (2005 census)

2. GENDER IN LAND ADMINISTRATION IN THE PHILIPPINES

2.1 Gender Assessment in Land Administration

For three consecutive years since 2006, the Philippines has ranked 6th among 130 countries in gender equality (Hausmann et al, 2008). This ranking was based on the World Economic Forum Global Gender Gap Index, which examines the gap between men and women in four fundamental categories, economic participation and opportunity, educational attainment, political empowerment, and health and survival. The overall score of the Philippines in 2008 was 0.757 (on a 0-to-1 scale, with 0 corresponding to inequality and 1 corresponding to equality). This finding suggests that though the Philippines has not yet reached gender equality in these four categories, however the gender gap situation is not as alarming as that of other countries. However, the gender situation in land administration in the Philippines is another matter; it is a sector where efforts towards gender equality still need to be strengthened and rigorously pursued.

2.1.1 Gender Gap in Land Tenure

Land tenure accomplishment reports of the Department of Agrarian Reform for 2006 and Department of Environment and Natural Resources (DENR) for 2003 to 2007 show a gender gap in the list of beneficiaries of agrarian reform and land patent issuances. In 2006 women

³ Statistics reported from country pages on: <https://www.cia.gov/library/publications/the-world-factbook/index.html>

⁴ 2008, Hausmann, R., Tyson, L.D., Zahidi, S. *The Global Gender Gap Report*, World Economic Forum, Harvard University and University of California, Berkeley.
<http://www.weforum.org/pdf/gendergap/report2008.pdf>

comprised only 25% of the total number of recipients of Certificates of Land Ownership Awards and Emancipation Patents in the whole country. In the same year, only 18% of leasehold contracts (for land areas exempted from agrarian reform) included women as leaseholders. From 2003 to 2007, only 39% of the recipients of public land patents issued by DENR were women. This data indicates that more was needed by the Philippines government to improve gender equity in land disposition programs. A number of gaps and initiatives are identified in the following sections as practical examples towards gender analysis and gender based initiatives.

2.1.2 Inability of Land Tenure Instruments and Land Information System to Provide Gender Data

The analysis of sex-disaggregated data provides a good opportunity to assess the distribution of secure tenure between men and women. However, in the Philippines no gender data is available on the ownership of lands titled through judicial means (i.e., Original Certificate of Title and Transfer Certificate of Title). This is because the land records database of the Registry of Deeds (ROD) is not sex-disaggregated. Sex-disaggregation of land records is also difficult for all types of land titles, both administratively and judicially issued, because the land tenure judicial forms do not show the sexes of the owners. Sex-disaggregation at this period relies merely on the sounds of the names of holders and does not indicate the nature of ownership of lands titled to married individuals, for example individual or conjugal properties. Given this state of the land information system in the country, it is difficult to objectively assess the extent of gender gap in land ownership in the Philippines.

2.1.3 Need to set up mechanisms to ensure compliance with gender responsive land laws

Various legislations and departmental policies have been passed to support the achievement of gender equality in land tenure security. Some of these laws that are relevant to land administration are:

- Republic Act 7192 or the Women in Development and Nation Building Act of 1992, which declares that “women shall have equal access to all government and private sector programs granting agricultural credit, loans and non-material resources and enjoy equal treatment in agrarian reform and land resettlement programs.” (Section 5/2)
- DENR Department Administration Order No. 13 series of 2002, which removes gender bias in the acceptance and processing of homestead patent applications and other public land applications.

Section 45 of the Property Registration Decree of 1978 requires the titling of conjugal properties in the names of both spouses. The Supreme Court has ruled that the words “married to” preceding the name of the landowner in a land title as merely descriptive of the civil status of the titleholder, but is no proof that the said land is a conjugal property (Jocson vs Court of Appeals, Agustina Jocson-Vasquez and Ernesto Vasquez; G.R. No. 55322, February 16, 1989). To protect the rights of both spouses over their conjugal property, this ruling is used to underscore the importance of complying with Section 45 of the Property Registration Act.

The policy advocacy for gender equality in different arenas, including land administration and management, is expected to be complete with the recent passage of the Magna Carta of Women last August 15, 2009. The salient points of the proposed Magna Carta, which is considered a local translation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), include, among others, the increase in the number of women occupying third level positions in government within the next five years to achieve a gender balance and the promotion of equal rights in all matters relating to marriage and family relations, including in the administration of land properties. The Magna Carta will thus repeal sections of the Family Code which favour the husband's decision in case of disagreement with the wife in the administration of their community and conjugal property.

Given these laws and policies, the challenge is to set up systems and mechanisms for their implementation. The response of LAMP2 is defined in its Gender Policy Framework.

2.1.4 Preference for Men in Hiring in Land Administration Positions

A study commissioned under LAMP2 showed private organizations involved in land administration and management to have a stronger preference to hire men in land administration positions (SMART Research Services, Inc., 2007). More than half of the study's respondents from the private sector said that they preferred men for the positions of land use planner, survey aide, engineering assistant, project engineer, geodetic engineer, civil engineer, and drafters (formerly called draftsmen). Only one-third or less of the respondents from the public sector shared the same view although one-half of them preferred men for project managers. Given these gender preferences, the gender distribution of land administration personnel is 81.9% males and 18.1% females in the private sector; and 54.2% males and 45.8% females in the public sector. These study results show a need to advocate for the elimination of gender discrimination in the selection of land administration personnel especially in the private sector.

2.2 Gender-related Accomplishments of PA-LAMP2

Given the gender gap issues in land administration, the Philippines-Australia Land Administration and Management Project Second Phase (PA-LAMP2) includes the pursuit of gender equality as one of its core agenda. In line with the Philippine Plan for Gender Responsive Development, which is a 30-year (1995-2025) framework of the Government of the Philippines for pursuing full equality and development for women and men, PA-LAMP2 pursues the following gender objectives:

- Advocate for the passage of land administration laws – i.e., the Land Administration Reform Act, Free Patent Law Amendment, Valuation Reform Act, and Real Estate Service Act – that promote not only the effectiveness and efficiency of land administration systems, but also equal opportunity of citizens regardless of sex, religion, educational attainment, political affiliation, etc. to participate and benefit from land administration systems.

- Develop, install and mainstream land administration systems and procedures that are equally accessible and equitably beneficial to women and men. These include gender sensitive land mapping and survey procedures (e.g., installation of mechanism to identify lands that are male-owned, female-owned, conjugal property, etc.), providing equal opportunity for men and women to apply and have land titles, and placing of titles for conjugal properties in the names of both spouses.
- Develop and maintain sex/gender-disaggregated land administration and management system database to make the system capable of providing an accurate picture of the gender situation in land administration and management.
- Adopt gender responsive capability building programs for land administration and management. This is to ensure that gender is appropriately integrated in relevant training modules of the Project, as well as in courses/curriculums recommended to partner-universities that are providing courses related to land administration.

Gender mainstreaming is being undertaken in all five components⁵ of LAMP2. The Project management has assigned a gender focal person for each component to facilitate this. In its midstream (duration of the LAMP2 is from 2006 to 2011), the following section describes the gender accomplishments of LAMP2 classified according to the above mentioned gender objectives.

2.2.1 Advocacy for the Passage of Gender Responsive Land Administration Laws

During the first phase of LAMP, upon the recommendation of the then Project Management Office, the DENR issued Department Administration Order No. 13, series of 2002, which removed gender bias in the acceptance and processing of homestead patent applications and other public land applications. This Order repealed paragraph 8 of the Lands Administrative Order 7-1 as amended, which disqualified unmarried women from applying for homestead patent, and allowed married women to apply only if: (a) she is living separately from her husband and is not dependent on him; (b) her husband is insane or physically incapacitated to work; and (c) her husband is in prison serving a term of such duration as would prevent him from complying with the requirement of residency or occupancy in the applied land.

As these male-biased qualifications of a homestead applicant have served as part of the guidelines of DENR for its implementation of Section 12 of Commonwealth Act 141 for 66 years (from signing of Land Administration Order 7-1 in 1936 until its repeal by Order 13-2002) and may have also been adopted by other agencies, the Project Coordinating Office deemed it necessary to bring the removal of gender bias in land patent application to the level of a national law, such as the proposed Land Administration Reform Act and Free Patent Law Amendment. The incorporation of gender equality as among the principles of the proposed Act and of the representation of women in its proposed Stakeholder Advisory

⁵ The five components of LAMP2 are: 1) Policy Development and Advocacy, 2) Institutional Development and Capacity Building, 3) Land Tenure Security, 4) Land Valuation and Taxation, and 5) Project Management.

Committee were done way back 2004, after discussions with seven sectoral councils of the National Anti-Poverty Commission, including the Women Sectoral Council.

Under LAMP2, the Policy Development Unit LAMP2 in partnership with ten basic sectoral councils of the National Anti-Poverty Commission representing women, farmers, urban poor, indigenous people, workers in the informal sector, youth/students, non-governmental organisations, victims of disasters and calamities, formal labour, and fishers, continues to lobby in both houses of Congress for the version of the Land Administration Reform Act and Free Patent Law Amendment that contains provisions promoting gender equality and women's participation.

In addition to making the Act amendments gender inclusive, the LAMP2 Policy Development Unit will also push for the revision of the patent application and judicial forms to allow spouses to apply jointly and to place patents acquired as conjugal properties in the names of both spouses. Present forms assume all lands to be individually owned.

2.2.2 Installation of Gender-Responsive Land Administration Systems and Procedures

LAMP2 has a Field Operations Manual that contains guidelines to ensure that land rights of both women and men are equally recognized and recorded, and that both women and men have equal opportunity to participate in LAMP2 activities. This Field Operations Manual encompasses the major activities undertaken by the Provincial Project Implementation Offices. These include: Site selection and planning (Module 1), Base camp set up (Module 2), Convergence and community mobilization (Module 3), systematic adjudication (Module 4), correction and subdivision surveys (Module 5), cadastral surveys and approval (Module 6), base camp review and processing (Module 7), and community-based monitoring and evaluation (Module 8). Most of these Modules contain procedures on how to make the project operations gender responsive.⁶

In the establishment of the base camp, referred to as a Systematic Adjudication Field Office, the Field Operations Manual requires the design to be responsive to the differing needs of women and men (e.g., toilets, bedrooms, etc.). Also house rules are in place to equally share office maintenance tasks (e.g., office cleaning, washing of dishes, cooking) among men and women. All staff are oriented on the mandates and implementing rules and regulations of the Anti-Sexual Harassment Act.

In the conduct of land surveys and locating of land boundaries, surveyors are obliged to involve both men and women of households. The same policy is followed in all other activities of the Project. Thus, all information materials demonstrate the Project as respecting the land rights of both women and men. During the assembly of land claimants in a village for orientation on the Project, part of the discussions is on the land rights of women and tenants, and on the policy of LAMP2 – in compliance with the Property Registration Act – to identify and place conjugal properties in the names of spouses. To facilitate this, the patent

⁶ The Field Operations Manual is currently being reviewed, updated, and enhanced.

application form has been revised to include information on the sex of the applicant and on the nature of land ownership (i.e., capital, paraphernalia, conjugal, joint, and company).

The Project also has a Monitoring and Evaluation Framework which ensures the collection of gender information. An example is the collection and analysis of gender disaggregated data on free patents issued by the Project. As of July 2009, the monitoring and evaluation report shows that a total of 29,379 free patents have been transmitted to the Registry of Deeds. Of this number, 6,587 or 22.4% are capital property (or male owned); 6,526 or 22.2% are paraphernalia property (or female owned); 3,048 or 10.4% are conjugal or joint property, and 13,218 or 45% are joint property placed in the names of heirs (i.e., “Heirs of [claimants]”). The systematic adjudication approach includes procedures to identify types of ownership (i.e., capital, paraphernalia, conjugal, joint) so as to recognize all accompanying rights.

2.2.3 Maintenance of Gender-disaggregated Land Administration and Management Systems Database

On the whole, the gathering of gender information on free patents transmitted to Registry of Deeds is possible because of the maintenance of a gender-disaggregated Land Administration and Management System Database. Apart from the database, LAMP2 also maintains sex-disaggregated database on: a) its personnel, b) walk-in clients of the One-Stop-Shop; c) participants of training and non-training events; and d) participants of the activities of the Provincial Project Implementation Offices in the villages and municipalities.

On LAMP2 personnel, as of December 2008, the Project staff complement is 493. Of this total number, 55% were males and 45% were females. This falls within the desired gender ratio of 60-40 to 50-50. However, the proportions of males to females are outside these ranges in Provincial Project Implementation Offices in Bohol and Bukidnon, where the number of males is significantly higher, while in the Land Valuation and Taxation Component, staff numbers are dominated by women. This indicates a need to examine factors that block a significant number of women from being involved in Project Implementation Office of Bohol and Bukidnon, and for a significant number of men from being involved in the Land Valuation and Taxation Component.

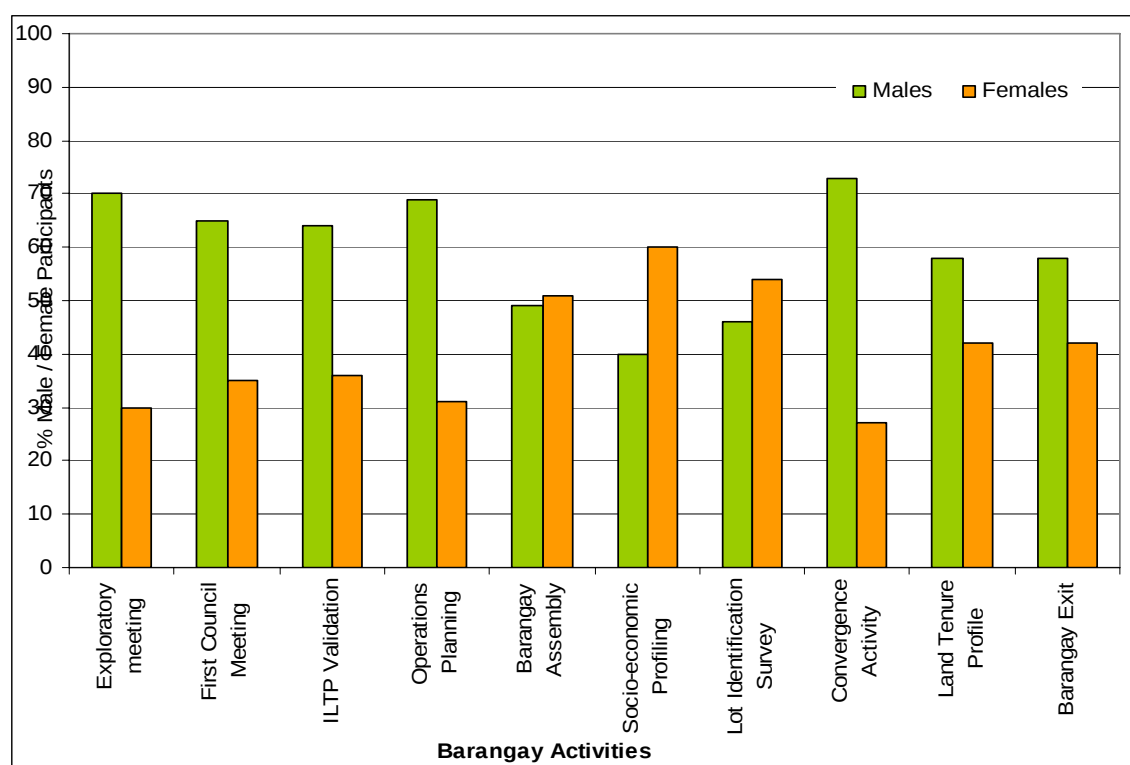
With regards to the walk-in clients of One-Stop-Shop in 2008, reports from Leyte show a total of 20,842 walk-in clients, 43.1% of whom were males and 56.8% were females. As this ratio falls within the desired gender ratio, the One-Stop-Shop services in 2008 can be said to have catered equally to the needs of both male and female clients.

From July to December 2008, 140 training and non-training events were conducted with a total of 4,999 participants, 56% of whom were males and 44% were females. Therefore the training and non-training activities of the Project for this period can be described to have equally benefited women and men.

Figure 1 is an example of sex-disaggregated data for male and female participants of *barangay* (village) level activities in four municipalities of Bohol from January to December 2008. Overall, the gender distribution of participants was 54% males and 46% females, within the

desired 60-40 to 50-50 gender ratio. This is across all activities where 5,686 men and women participated. Using this sex-disaggregated data can show clearly at what stages men's and women's participation is skewed. Men were more involved in the exploratory meeting, first barangay council meeting, initial land tenure profile validation, barangay operations planning, and convergence activity. These activities are attended by barangay officials, most of whom are males. On the other hand, the number of women was slightly higher, but remained within the desired range, during the barangay assembly, socio-economic profiling, and household lot identification survey. The latter are activities open to all members of the community. These data imply that a stumbling block to the achievement of the desired gender distribution in many of the barangay activities of Bohol implementation office is the dominance of men in the barangay governance structure, which is not within the control of LAMP2.

Figure 1. Sex-Disaggregated Data on Participants of Bohol Implementation Office for Barangay Activities with Stakeholders from January to December 2008



The Land Valuation and Taxation Component of LAMP2 has also developed sex disaggregated Real Estates Sales Analysis System for local government units. With this system, a local government unit is able to monitor the number of males and females who sold and bought real properties at a certain period in time.

2.2.4 Gender Responsive Capability Building Programs

The Institutional Development and Capacity Building component of LAMP2 has developed a module that will guide the orientation and training of all LAMP2 managers and staff on the social development and gender framework and strategies of LAMP2. So far, majority of managers and staff have undergone training in social development and gender. The Provincial Project Implementation Office in Leyte has also produced learning guides where detailed steps in undertaking the major activities discussed in the Field Operations Manual as well as important knowledge and skills to effectively perform each activity are presented. The Institutional Development and Capacity Building unit has also partnered with two universities for the integration of a curriculum in land administration in relevant academic programs. One of the courses included is on gender in land administration. Another gender-related course is on the use of alternative dispute resolution procedures for land tenure conflicts.

Studies have also been undertaken to assess gender issues in land administration. Among these were on the effects of LAMP land titling activities on agricultural tenants, and on the use of alternative dispute resolution procedures (e.g., mediation) for land disputes within the Department. These studies did not point to any gender influence. So far, studies undertaken suggest the absence of gender issues.

3. GENDER ASSESSMENT OF LAND ADMINISTRATION IN LAO PDR

3.1 Gender Assessment in Land Administration

Land market formalisation is considered a major pillar in the Lao PDR development strategy. The national Land Titling Project (LTP) was a joint Lao government and donor development initiative. It was implemented over the past 15 years through the Department of Lands, Ministry of Finance, which in 2007 was transferred to the National Land Management Agency. From an agency perspective the project contributed to land policy formulation, legislative reviews and institutional strengthening of the land administration and registration systems at national and provincial levels. A critical component of implementation of the Land Titling Project was managing land tenure security perceptions at the community level. The comprehensive community education and service program was designed and implemented by a Community Education and Services Unit of the Department of Lands in conjunction with project representatives from the Lao Women's Union, a mass organisation for women in the political system of Lao PDR. The Lao Women's Union has a network from central to grass roots level.

Gender mainstreaming as a development policy of Lao PDR was incorporated in all Lao Land Titling Project activities. A strong emphasis during the project was also placed on monitoring and evaluation of activities. Baseline studies, profiling and a monitoring and evaluation framework assisted in monitoring Lao land rights inheritance patterns and the capacity of women and their involvement in the land titling process. These social safeguard measures were a critical part of the donor and government project agreement.

The Land Tiling Project, similar to many other national land reform programs have a primary aim of formalising the land market, however often these are challenged by traditional or ethnic groups and societies based on customary practices versus the rule of law. Social safeguarding, a key donor requirement, equally acknowledged by the Government of Lao developed a strong community awareness program from the early stages of the design in the late 1990s.

The Land Titling Project was instigated in urban and construction areas of some more highly populated provinces for the first phase. During Phase II the scope was expanded significantly into new provinces covering 14 of the 17 Provinces in the country and also introduced broader selection criteria for properties that extended beyond original urban titling areas.

3.2 Gender Gap in Land Administration in Lao PDR

Laos has a primarily rural subsistent population and is one of the least developed nations in South East Asia. Laos does not rate highly in terms of gender equity indices, and only 84% of girls are in school compared to boys in school. In rural areas this figure is particularly lower where there is a high demand on children to assist in the care of siblings. This demand is greater for women where they are traditionally responsible for the household and family, a role that remains strongly embedded in Lao culture. However, women in Laos are increasingly playing a vital role in the economic contribution to households in both urban and rural areas. However, with this additional responsibility and the combined lack of education and literacy levels among women, they remain disadvantaged in their ability to deal with official documents and processes dealing with officials. This is particularly a problem at village and district levels.

Similarly to the Philippines Lao PDR is a signatory to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). As one of Asia's least developed countries, there is a strong emphasis in Laos to ensure that gender equity is fully considered within development.

The Lao Women's Union are committed to partnering with development initiatives to ensure activities are effectively gender responsive allowing women to play a fuller role in society and decision making and project activities are targeted towards villages.

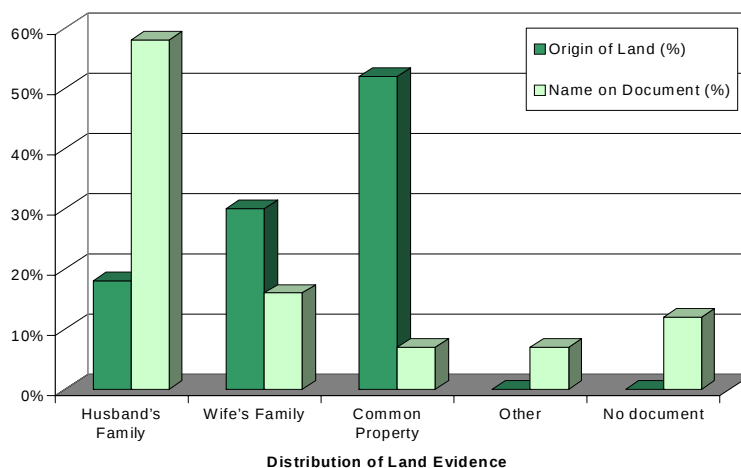


Figure 2. Land document distribution 1997
Source: Gender Resource Information and Development Centre, LWU)

In 1997, research by

the Gender Resource Information and Development Centre of Lao Women's Union (GRID) conducted a survey on the land documents that had been distributed before starting the land titling project. Research was carried out in 17 Districts, 100 Villages, surveying 2400 families which included 4255 parcels across the capital city and three regional provinces. The results as shown in the graph (Figure 2) demonstrated a huge difference between the origin of land ownership, mostly women, and the names found on land documents, mostly men. This highlighted a strong need to promote land titling among women.

Women are often removed from formal processes as men traditionally dominate in their role as "head of the household". It is important that women who have inherited land understand that it is their right to be able to register the title in their name. Where land was acquired during marriage then it is encouraged that both names be written on the title. There are a number of obvious reasons why this is necessary. Firstly to ensure women will not lose their land in case of divorce, and secondly to prevent the possibility of the husband transferring the land without the wife's consent. Thirdly, if the one person dies, jointly held and conjugal titled land will devolve to the spouse for the continued ownership and use for the benefit of the family. Finally, a land title provides some economic independence both men and women as a means to borrow credit from the bank using the land / property as collateral.

Many Lao Loum families retain the cultural practice of matrilineal land inheritance: women inheriting land from their parents. This tradition reflects the Lao values of caring for one's mother and father throughout their lives where upon their death, the youngest female would typically inherit the land and house of the parents, or the largest share of the property (GRID, 1999). While a women's status may be seen as lower than the male role, matrilineal inheritance of land offers them substantial security and economic resource (GRID, 1999). In making sure that this tradition is protected the land titling process has expended additional resources to educate women of their land rights and the significance of formalising traditional inheritance arrangements by having their name on the title. There has also been emphasis placed on the association between family and land laws, which provides for equal rights to all offspring, and equal rights to ownership.

Differences in traditional patterns of land inheritance and often the sense of 'ownership' is part of the ethnic fabric of the group. Hmong, as opposed to Lao Loum, have patrilineal and often polygamous inheritance and family structures, passing land through the male line, where brothers would be prioritized over widows. These customary arrangements require further addressing with a policy approach that adequately deals with gender equality and traditional welfare arrangements.

3.3 Land Administration Response to the Gender Gap

The first five-year phase of the project commenced on July 1st, 1997, and a second phase of a further five years was approved and commenced on October 1st, 2003. The project strengthened tenure security by the production of over 550,000 registered titles by the end of Phase 2, reported efficient Provincial Land Offices operating in nine provinces registering increasing numbers of subsequent transactions and mortgages, as well as government revenue from land transaction fees significantly increased. By the year 2012-13 the revenue, projected

to grow at the same rate as the first five years of the second phase, will be about 60 billion Kip (US\$7.02 m) per year.

Operating across nine provinces of Lao PDR, from central government through Provincial Land Offices and mobile Systematic Adjudication Teams, the wide project scope demands close support of local agencies for networking and helping align government policies and development emphasis. The mainstreaming of gender was implemented through (i) the inclusion of the Lao Women's Union as a member of the Project Oversight Committee at the Provincial Level; (ii) staff training on gender awareness; (iii) conscious effort to ensure female representation in the Adjudication Team; (iv) monitoring of gender statistics of land registration and other relevant key performance indications during the project implementation such as gender distribution of beneficiaries.

3.3.1 Community Education Service and Lao Women's Union

Two key components of the project, the modernisation of a land registration system and accelerated land titling through systematic registration the mandate and operational activities of the community education and services (CES) unit exists. This unit is primarily concerned with information dissemination to raise awareness and educate the community about how beneficiaries can actively participate in project activities. The unit also has a presence among the project partners to advocate for social and gender equity across all activities and training.

The central level CES unit perform core functions of policy, procedural setting, communication and material development, and training to support extended services of provincial land office project representatives, contractors working within systematic adjudication teams, and Lao Women's Union representatives from central, provincial and district levels. A strong collaborative relationship evolved between the Department of Lands and the Lao Women's Union. A Memorandum of Understanding between the Lao Women's Union and the project was forged to conduct gender awareness and development with women's groups focusing on the land rights of women, as well as family and inheritance rights. The formal inclusion of the Lao Women's Union at various levels of the project from grass roots to project steering committee ensures representation of women's concern.

The long tradition and embedded network of Lao Women's Union and their representatives provides a strong line of communication on women's issues. Gender awareness and development meetings piggybacked all village and household meetings to specifically address gender issues for land titling and basic land, family and inheritance rights education. The presence of women's representatives during and after the titling process helped to communicate women's issues concerning land rights and disputes.

They are equipped with quality training and experience, and have a good depth of knowledge on sensitive social issues particularly towards women. The Women's organisation during the project, were very receptive to engaging in villager feedback and dialogue. This significantly helped improve community engagement strategies and publicly disseminated materials. Particularly during phase two of the land titling project as the project expanded to more rural

and poorer areas their presence increased, providing additional capacity and invaluable resources for implementing project activities.

Representatives of the Lao Women's Union received extensive training on all areas of the project. This has equipped the organisation with a deep understanding of land issues and vice versa land adjudicators received sound gender training. As a legacy from the project, there are greater than 100 women across the nation in positions of community leadership who are fully trained in land rights education and the process for land registration.

3.3.2 The Titling Process

The thrust of the project is to issue land owners a land title which is a legally binding document certifying land user-rights to the owner. Land titles are issued in the name of the female, male, conjugal (married couple) or by joint ownership (more than one person), company or the state. This gives the named person, company or state authority the right to transact the said piece of land for mortgages, lease, sale, inheritance and other forms of transactions. The land titling process is introducing a formal and carefully documented process of land ownership that is foreign to many Lao people. As the process is ultimately voluntary it is critical that the public, both men and women are fully aware and comfortable with the process.

Community education begins with specific training for village authority, including the Village Chief/Head and Deputy, Village elder, and a female in the land titling concepts, operations and foreseeable issues. Following this a whole-of-village meeting is held introducing the project activities, benefits and their individual responsibilities. Another village meeting invites women only to specifically inform women of their new role and responsibility in terms of land titling activities. Where possible this is delivered by district Lao Women's Union representatives and community relations trained staff within the survey team. Supplementary household group discussions are conducted by the survey team staff to assist villagers with the gathering of documents to prove ownership, placing of boundary markers, and to provide assistance in negotiating land access and dispute agreements. The process from initial village profiling and public awareness to dissemination of land titles to their owners takes approximately 4 months.

Positive results in land titling were achieved throughout the project reaching 4% over the target number of titles delivered. The gender disaggregation of registered titles strongly reflects the matrilineal nature of land inheritance in Laos as 37% of titles were issued in the name of women, while 23% were issued in the name of men. Land registered jointly in the names of men and women amounted to 27%, and the remainder was registered as

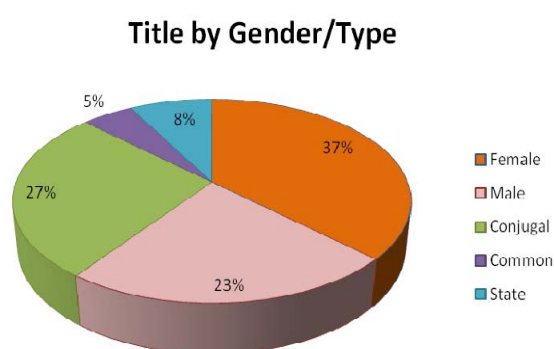


Figure 3. Lao Land Titling Project - Land Title Distribution

State land or common property.

Employment figures within the agency stakeholders of the Land Titling Project show that women make up approximately 32% of the workforce. However, this drops significantly when looking at figures for the systematic adjudication team, where only 22% of those employed on the teams are women. Although no studies were conducted on why this occurs it is possible to assume that the high mobility of teams, physically intense field work, and remote and difficult conditions of living away from one's village or home town, would strongly deter women.

3.3.3 Education

The Polytechnic College was set up through the project to meet the longer term education and training needs of land administration in Lao PDR. Initially developed as an in-country course for training key government officials and advisors on the project, it was upgraded for more permanent education as a High Diploma in Surveying and Land Administration. This significantly filled a skills gap for ongoing support for of project activities by providing technically trained survey and administration graduates for recruitment into the project. The course was proposed for upgrading to a surveying and mapping degree-level course, with plans for establishing an in-country valuation course. At the end of the project the Higher Diploma is implementing its own plans for building lecturer capacity.

Survey and engineering tend to be largely male dominated fields in education and this trend was obvious in the initial years of the course. Over the 5 years since the commencement of the High Diploma in Surveying and Land Administration the number of female students increased from 33% to greater than 50% over the last 2 years and ethnic minority female students increased from 38% to 50% in the last 2 years.

Figure 4. Graduating Students of Higher Diploma at the Polytechnic College: Land Survey and Land Administration Course



4. CONCLUSIONS

Social issues are often a secondary consideration for large economic and technically-driven projects. The Laos Land Titling Project and Philippines Land Administration and Management Program have gone well beyond this paradigm. Both projects have shown encouraging progress in addressing gender issues associated with women gaining access to and an understanding of secure land titles. Essential social development and gender equity analysis and integration is required in all stages of project design, implementation and evaluation from both an internal and external impact perspective.

A number of key strategies have been employed in the two project contexts described in this paper. Project strategies and ongoing service delivery by institutions must adopt a “gendered approach”, being proactive in identifying equitable strategies to ensure men and women benefit equally. There is also the need for flexibility and thus adopting “gender responsive” strategies whenever inequities in gender appear during monitoring and evaluation or impact analysis.

Initially it is important that the existing legal framework and policies which support gender equality principles in land tenure security are complied with, such as inheritance and family laws, as well as gender equality acknowledged in the constitution of a country. Alternatively, land specific legislation and regulations should be appraised to detect gender bias, and amended where bias exists. The benchmarks of gender equality set in these overarching frameworks must filtered down to implementation, ensuring that subsequent regulatory procedures, processes and even so far as application and registration forms are equally accessible and applicable to men and women.

Recognising and developing long term partnerships with stakeholders, is an important strategy for ensuring wide stakeholder engagement, as well as increasing the depth of capacity and advocacy on principles of tenure security and land market formalisation. Partnerships also increase the range of pathways to embed gender equality across land sector functions and vice versa where the lessons and capacity can assist project effectiveness and accountability, as seen through the Lao Women’s Union relationship.

Establishing a platform, such as a Social Development and Gender Framework, to mainstream gender equality ensures that all actions proactively address and respond through a flexible arrangement. The LAMP2 framework applies a gender equity policy through hiring, training, and capacity building activities with additional personnel assigned as a focal point on gender. Accompanying materials for training curriculums, manuals, community awareness information and communication media, and further education must also similarly highlight important gender equity aspects. Recognising that men and women almost equally make up society and land tenure security affects everyone, it is crucial that everyone is able to participate equally and understand their roles, responsibilities and the potential risks. In situations where social or gender inequities exist, for example low education, low socio-economic status, or limited opportunities for engaging in formal activities, additional resources may be required to educate people so they can make equally informed decisions.

Responsiveness to gender inequities can be most easily addressed when sex-disaggregated data is available to analyse. Therefore information databases, monitoring and evaluation frameworks and selection criterion must incorporate sex-disaggregated data and indicators for analysing the benefits and impacts on men and women. This is then reported back into the policy-making and reform implementation process.

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BIOGRAPHICAL NOTES

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Kate is a Senior Land Consultant at Land Equity International. Kate worked in Lao PDR on the Laos Land Titling and Property Rights Project Phase 2 over a number of assignments from September 2005 to June 2009. Recently Kate was involved in a design team providing a land, gender and HIV analysis for the National Land Development Program in Papua New Guinea. Kate also provides ongoing technical support and assistance to the Managing Director and team leaders contributing to the research dialogue and development of land administration strategies and policy.

Brenda Batistiana

Brenda Batistiana has been the National Technical Adviser for Gender of the Philippines-Australia Land Administration and Management Project since 2002. Brenda also serves as the link of the Project with civil society organizations, including women's groups. Brenda also became part of various gender initiatives in the Philippines, one of which was in the World Bank-administered Mindanao Trust Fund-Reconstruction and Development Program, where she developed training and field manuals on gender responsive peacebuilding process. Brenda is currently pursuing a doctorate degree in social and organizational psychology at the Ateneo de Manila University.

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