Women’s Participation in Land Governance in the Mekong: Moving Beyond Quotas to Meaningful Inputs and Influence

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State of Land in Mekong Region Webinar Series
15 February 2024

Mekong Region Land Governance (MRLG) and the Land Portal
Mekong Region Land Governance Project

**Objective:** Smallholder women and men farmers have secure and equitable control over agricultural land and forests in the Mekong Region countries of Cambodia, Laos, Myanmar, and Vietnam. MRLG also works with the ASEAN Secretariat and other regional partners. US$41 million, 2014-2025.

MRLG works:

- To support the development and implementation of **improved policies and practices** in the Mekong. Thematic areas include: **Responsible Agricultural Investment** and the Recognition of **Customary Tenure**.
- To **mainstream gender transformation** through a Community of Practice and gender-specific policy actions
- Through an **alliance-based approach**, involving more than 100 partners in government, development agencies, civil society and the private sector
Outlook on Gender and Land in the Mekong Region

Objective: to identify strategic priorities to meaningfully strengthen gender-equitable land governance across the region.

- Emergent from MRLG’s regional and national training programmes on women and men in land governance
- Commissioned to address a lack of data and information on the overall status of gender equity in land-related policies and practices
- For regional and national policy-makers and their development partners, including donors, development agencies, academia and local civil society
- Provides ‘Stock taking’ - Frames gender and land in Cambodia, Lao PDR, Myanmar, and Vietnam in their conceptual, regional and international contexts, and reviews land-related policy and legal frameworks, including gender-specific provisions
- Offers a forward look to guide policy and action on gender and land
- Presents recommendations to guide future policy and practice by identifying key gender issues and proposing priority actions
Emerging Themes with Recommendations

- Policy Strengthening
- Customary Tenure
- Legal Ambiguities
- Ethnic Minorities and Indigenous Rights
- Land Investment
- Land Administration
- Gendered social norms
- Knowledge and Data Gaps
- Land investments
- Policy-Implementation Gaps
- Participatory Land Governance
- Forest and Climate Change
- Capacity Strengthening For Action
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Policy Strengthening

Policy frameworks across the Mekong region countries generally provide an adequate basis for gender equity with respect to land, especially in Viet Nam. Of concern is the ‘gender blindness’ of many statutory provisions in all four countries, including some constitutional provisions. Highlight:

Vietnam stands out as a regional leader:

- The Constitution prohibits discrimination based on sex and supports special measures for ‘the comprehensive development of women and promotion of their role in society’ – thus, not just as mothers
- The Civil Code states that a contract will be invalidated if a contracting party uses gender difference as a reason to force signature or participation

Recommendation: Strengthen policy frameworks through explicit provisions for gender equality, and for constitutions to be amended to explicitly prohibit sexual or gender discrimination
Socio-cultural norms and practices

- Gender norms are the main reason why (some) women are marginalised within and outside the home.
- Gender norms also explain why women-headed households are often at risk of losing their rights to male family members, local elites and commercial interests.
- Changing social norms and values around gender and land, though challenging, is both possible and practical.

Recommendations:

- Civil society and government can work together with local champions of change, both women and men.
- Development partners can help with funding and technical support.
Policy Implementation Gaps

- Gaps between policy and implementation do not necessarily result from a lack of good intentions.
- All four Mekong countries face varying levels of technical and resourcing capacity to implement policies and laws.
- Focus on implementation is essential, but difficult to measure.

**Recommendations:** The everyday operational and procedural details of how, and by whom, laws and policies are implemented is what matters:

- How is a law being applied?
- What do implementing regulations look like?
- Have they been piloted with different social groups?

There are numerous barriers that may need to be resolved, such as differences in literacy and education. Coordination among development partners is needed to avoid duplication of efforts and to promote synergies.
Towards gender-equitable land policy and law-making in the Mekong Region

Objective: To assess the extent and effectiveness of gender-equitable consultation in land-related legislative reforms. This with a view to ensure that the views and experiences of diverse groups of women are included in processes of legislative reform in Cambodia, Lao PDR and Vietnam.

• Emergent from MRLG’s work on Contract Farming and Investment Regulation
• Based on desk and field research and consultations, to identify barriers and opportunities for government, CSOs, and academic institutions to be more engaged in legislative reform
• Ultimately to improve legislative consultation processes to ensure that these (i) adequately consider gender; and (ii) include the participation of diverse groups of women
Overall Findings

• All four countries have women-focused institutions that broadly address gender equality issues.
• It is unclear the extent to which these institutions, and the policy-making domain in general in the Mekong region, prioritize women’s land rights.

Examples of Sub-National Differences

*In Laos,* despite the longstanding existence of the Lao Women’s Union, women’s participation in decision-making about land and natural resources *remains limited, both in numeric terms and in their ability to make meaningful and effective contributions,* especially at higher levels of government.
Examples of Sub-National Differences (cont.)

• In Cambodia, there are no specific quotas for the appointment of women in land management and administration or quotas for the appointment of women in land dispute resolution mechanisms such as Commune Dispute Resolution Committees and Maisons de la Justice which operate at the subnational commune and district levels.

• This is despite the fact that politicians have begun discussing the general role of women in politics and leadership for some time.

• In Myanmar, the 2016 National Land Use Policy (NLUP) stipulates that committees of the proposed national land use councils shall consist of representatives from all ethnic nationalities, experts, women, and elders, but sets no specific quotas to ensure either any minimum level of representation or that this is meaningful and effective.
Common Barriers in the Region

The way in which consultations are conducted is not conducive to genuine participation:

- **Consultation** with communities **remains top-down** and typically comes **after** a new law or policy has been adopted.

- Women’s participation tends to be equated with women being represented or ‘present’ in consultations, with **insufficient attention paid to ensuring that their participation** is both meaningful and effective.

- **Presence,** however **does not guarantee** that either the consultations or the legislation arising will **be gender-sensitive or gender-equitable,** due to the overall power dynamics within the participatory process.
Recommendations

Improve women’s **meaningful participation in:**

- Leadership and decision-making at both family and community levels;
- Decisions-making platforms by supporting grassroots consultation processes

**Must:**

- **Amplify local voices and means of feedback**
- **Increase knowledge of gender equity among policy makers**, especially men
- Increase the collection and use of **gender-disaggregated data**
- Recognise and implement women’s rights to **own and inherit land**
- Improve women’s **capacity and understanding of land tenure issues and legal frameworks**
- **Ensure women’s access to land administration services**, despite educational differences and other barriers
- Highlight **linkages** between gender concerns and land laws and policies
- Close **accessibility** and **information gaps**
Thank you!

For any questions please contact Natalie Campbell: nataliecampbell.mrlg@gmail.com