

Gender Justice in Land Rights Struggle: CSO's Initiative

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KPA, Indonesia



ILC, Italy



- ✓ Consortium for Agrarian Reform (KPA), a non-government organization with 173 members organization, established in 1994 – *based in Jakarta*.
- ✓ KPA is member of International Land Coalition (ILC), a global coalition (CSOs, grassroots movements, IGOs) in the promotion of secure and equitable access to land for the most vulnerable people. In 2013 to 2015, appointed as the Host Organization (coordination unit) of ILC Asia.
- ✓ Members of KPA comprises of farmers, indigenous people, women, fisher folks organizations (96 POs and 77 NGOs) across country.
- ✓ Promoting agrarian reform implementation to achieve agrarian justice and welfare for the poor and marginalized group
- ✓ Focuses: 1) Strengthening people's organization (POs); 2) Policy advocacy at national level; 3) Advocacy on land conflict; & 4) Agrarian reform campaign;

More info: www.kpa.or.id; www.landcoalition.org

Commitment on women's land rights and gender justice

To achieve people-centred land governance, there are two actions to be put into practice by ILC/its members in relation to gender issue:

- **Respect, protect and strengthen the land rights of women and men living in poverty;** ensuring that no one is deprived of the use and control of the land on which their well-being and human dignity depend, including through eviction, expulsion or exclusion.. ; and
- **Ensure gender justice in relation to land;** enhancing the ability of women to defend their land rights and take equal part in decision-making, and ensuring that control over land and the benefits that are derived thereof are equal between women and men, including the right to inherit and bequeath tenure rights

Women's land rights: what is the main problem in global context?

The percentage of land owned by women is disproportionately small considering their crucial contribution to agriculture and especially the food security of households and communities.

This existing gender inequality in access to and control over natural resources is **an obstacle to their sustainable management and to sustainable development in general**.

Why we need to promote women's land rights?

- **Women's human rights are violated;** women are disproportionately affected by human rights violations, which keeps them trapped in poverty. Women have fewer benefits and protections under legal systems than men and are largely excluded from decision-making structures. Women also lack control of financial resources, have larger work burdens, and are more likely to suffer from social isolation and threats or acts of violence.
- **Women's key role in food security and natural resource management is not recognized;** Women are primary agricultural producers, cultivating between 60 - 80 % of the food in most developing countries, and ensure household food security. However, women's lack of access to and control over land is a key factor contributing to their poverty, with devastating results for households and communities, and needs to be addressed if poverty and hunger are to be reduced.

Keys challenges in promoting land rights and gender justice

- Lack of recognition on gender justice in relation to state-law/formal regulation, as well customary and religion law and practices;
- Lack of understanding and awareness of gender issues; women's' land rights, women's involvement in the decision making process;
- Lack of documentation of impact on women of land grabbing, violence, criminalization (disaggregated data based on gender)
- Lack of capacity building and empowerment
- Lack of policy/regulation which have a gender responsiveness – *if available, the practices is not in the table (gap between policy-practices).*
- *Etc.*

Some of ILC's Initiatives (regional and county level)

- ◉ Since 2012, ILC has been promoting the use of Gender Evaluation Criteria (GEC), which were developed by the Global Land Tool Network (GLTN) - UN-Habitat and its partners, including through some trainings.

Followed-up by several members adopted the tool at the national level (i.e.: AFA-Philippines and CDS &COLARP-Nepal in 2012–2013)

Lesson learnt and result so far: the tool is considered as relevant and useful, but it need to be more simplified to be able to used by local community/farmers organization/activist. Initial gender mainstreaming process for local community/leader is prioritized to be implemented before taking GEC training, use and application in country/district/village level.
- ◉ On-going research on inheritance rights of women in a Muslim context in Asia in three countries (i.e.: Indonesia, Bangladesh, Pakistan) in relation to state law, customary law and religious law; to find the challenges and solution.
- ◉ Incoming action plan in 2014 on the use of application of GEC by member in Indonesia (RMI & KPA)to review and analyze Land Bill Draft in responding to women's need on land and tenure security.

The Socialization, Use and Application of GEC tools (regional/country level) , ILC & UN-Habitat/GLTN



Country level action: an example based on Indonesia's context on land problem and gender justice

Contestation and against each other among these existing factors in Indonesia:

- 1) State-law/regulation/policy**
- 2) Customary law (culture)**
- 3) Religion law**

These factors strongly influenced the practices and perception of women's role and position, as well their rights in relation to land ownership, decision-making process, leadership and struggles (in many levels; the household, family and community)

Lack of understanding and awareness on gender perfective and problem

Lack of gender responsiveness in relation to law/regulation formulation process, land governance system and natural resources management

Ex:

- Basic Agrarian Law (UUPA) 1960 - umbrella law, have acknowledged both women's and man's rights to land and other natural resources
- Unfortunately, this gender equality on high-level policy did not reflect in lower law/regulation as well in action/practices (land management/titling program)

Country level action: an example based on Indonesia's context on land problem and gender justice

Major impact: Unequal land use, control and ownership

- Not only, land used and controlled between private/state companies with people's agricultural land/the poor (small scale landholder, landless).
- As well land controlled and ownership by women in community/society level, including land titling problem in the name of the head of household, which usually male



Women Farmers and Activist Struggling for Land Rights and Justice



The impact leads to:

1) Land conflict 2) Criminalization against farmers/activist struggling for land rights (including women leaders/activist); 3) Poverty (rural); and 4) Environmental degradation.

In regards to those problem, women and children are the most vulnerable group effected from.

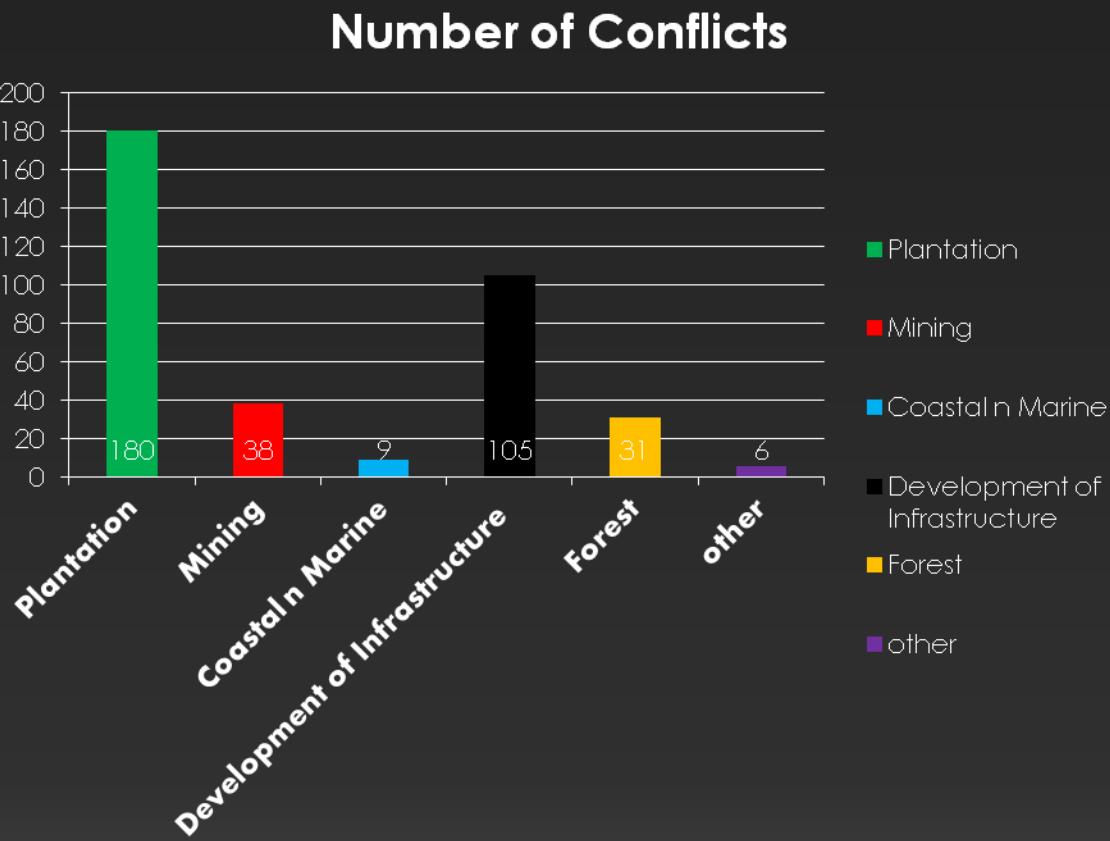
THE CHALLENGES ON AGRARIAN CONFLICT DATABASE

➤ 2013, KPA recorded 369 conflicts, grabbed 1.281.660.09 ha, and involved 139.874 households (rural) as victims.

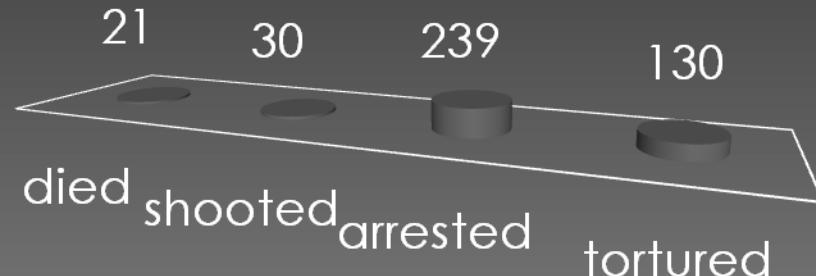
Note: Increased 86% compare to 2012 (198 conflicts)

➤ 239 farmers were arrested and 21 died in conflict areas.

Weakness: Lack of documentation of impact on women of land grabbing/violence/criminalization - lack of gender disaggregated data.



Victims 2013



Promotion of GENDER RESPONSIVENESS & WOMEN's OWNERSHIP through LANDREFORM IMPLEMENTATION in CONFLICT AREAS

In 2009 - 2012, In collaboration with National Land Agency and local government promote a collaboration of local land reform pilot implementation in 8 districts in Java (*plantation areas*) – Indonesia;

Through this initiative: 2,838 ha of land have been redistributed to 9,479 households. In this case, agrarian conflict resolved as well as peoples' land rights (titling ownership) and economic livelihood are strengthened, including women landholder/ownership being acknowledged; approx. 46 land titling are registered (house and agriculture land) in the name of women as the head of household/family farmer.

Critical process for women to be involved:
Identification and decision on object of reform (redistributed land); subject of reform (land beneficiaries); the amount of redistributed land per family to meet better economic livelihood and sustainable land redistribution; other related process.



What's Next: The challenges and opportunities to be addressed in the promotion of gender responsiveness on land issue –country level

- Related to advocacy on Land Bill Draft for people-centered land governance and agrarian justice – *training gender on the use and application of GEC tools (ILC & UN-Habitat-GLTN)*. Main position: Land Bill Draft must in line with gender perspective, especially on land ownership and tenure security
- Related to land reform best-practices in district level (pilot areas) as an alternative conflict resolution - to continue LR model, that ensure the active involvement of women group in community/ grassroots in the whole process of land reform (agrarian reform) implementation (advocacy, meeting, policy-making process, participatory mapping, determination of subject and object of land reform among community members)
- Related to capability improvement for women to be aware of their rights and important role; leadership training for women farmers/leaders/activist (local/district/national)
- Related to lack of gender desegregated data; Improved database and documentation which concern on the impact on women of land grabbing, violence, land ownership, etc. (continuum land rights by using relevant tools; such as GEC, Social Tenure Domain Model (STDM)).
- Multi-stakeholder support (civil society, academician, surveyor, state agency) in the promotion and support on women's land rights and gender justice on land management and administration, as well women empowerment.

Thank you, terima kasih!

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