



# ASSESSMENT OF THE GENDER DIMENSIONS OF LAND USE AND TENURE IN YWAY GONE VILLAGE TRACT, MINH LA TOWNSHIP

TENURE AND GLOBAL CLIMATE CHANGE (TGCC) PROGRAM



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Cover Photo: Women walk from village to paddy land in San Gyi

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## **DISCLAIMER**

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# ACRONYMS AND ABBREVIATIONS

|        |  |
|--------|--|
| CSO    | Civil Society Organization                                   |
| DoALMS | Department of Agricultural Land Management and Statistics    |
| FGD    | Focus Group Discussion                                       |
| LTP    | Land Tenure Project  |
| LUC    | Land Use Certificate   |
| MONREC | Ministry of Natural Resources and Environmental Conservation |
| NLUP   | National Land Use Policy                                     |
| NTFP   | Non-Timber Forest Product                                    |
| USAID  | U.S. Agency for International Development                    |
| VFV    | Vacant, Fallow and Virgin                                    |



# EXECUTIVE SUMMARY

In 2016, the U.S. Agency for International Development's (USAID) Land Tenure Project (LTP) in Burma undertook an assessment of the gender dimensions of land use and tenure in Yway Gone Village Tract, Minhla Township, the first of the project's three pilot sites. This assessment serves as a companion document to an overall land use and tenure assessment completed at the same site in 2015, and is intended to inform continued programming.

The key points emerging from the gender assessment of Yway Gone Village Tract are as follows:

1. Women and men work on agriculture together, although men more often take the primary role in certain agricultural tasks, such as plowing and clearing land, while women more often take the primary role in household work, cooking, and child care. Many respondents pointed to this gendered division of labor as a factor that contributes to women having less decision-making power within the household on land-related matters.
2. Some residents of each of the four villages in the village tract have a Land Use Certificate (LUC, or Form 7) for their agricultural paddy land. Almost all Form 7s within the village tract are in the name of the male head of household. While a woman's name can be on the document, it is usually not, unless it is a woman-headed household. A few women-headed households have Form 7s in their names. A woman whose name is not on the Form 7 cannot directly access the benefits of having the form, including agricultural credit, even if her husband is away for a long period of time or disabled. Women within the village tract only recently discovered that it was possible to change the Form 7 to be in a woman's name if her husband passes away.
3. Different respondents had different definitions of what constitutes a woman-headed household. Respondents reported that women-headed households use land in many of the same ways as men-headed households, but that women-headed households have a harder time cultivating as much land because they need assistance in some of the physical labor. Women who head households are reported as having more decision-making power over land than their counterparts in men-headed households.
4. There is a high rate of landlessness within this village tract, particularly in San Gyi, Bant Bway Gone, and Yway Gone villages, where most of the residents do not have any access to cultivate agricultural land or taungya land. Respondents thought that women-headed households are more likely to be landless than male-headed households, as women-headed households tend to have access to less labor for cultivation.
5. Practices around inheritance and division of land in case of separation, divorce, or abandonment are unclear and seem to be handled according to unwritten principles within the community. Based on the number of potential situations that the village leaders have never encountered and the lack of consistent responses, these seem to be taken on a case-by-case basis.
6. Land concessions in which the government has granted long-term use rights to agribusiness operations have negatively affected both women and men within these communities, but in different ways. While loss of available taungya land for cultivation and pasture land for grazing has adversely impacted all members of the households, the loss of forestland seems to have hit women particularly hard since they tend to be primarily responsible for firewood collection and foraging for non-timber forest products (NTFPs).

7. Women's participation in decision-making varies at the household level. While respondents said that men and women usually make decisions together, they also said that many decisions, particularly around land and agriculture, are ultimately taken by the man.
8. Residents of this village tract rely heavily on their village leaders to solve disputes within the community and to liaise with government departments and officials. All of the village leaders within this village tract are men. While most agreed that it would be in principle a positive development for women to be more involved in community decision-making, respondents had mixed opinions on the feasibility of achieving increased women's participation in practice.
9. Control over money in the household varied, but was more commonly held by men. Men are also more likely to have access to credit. Villagers also reported difficulties in accessing agricultural inputs, any sorts of training, reliable sources of drinking water, transportation, health services, and, in the case of Heingyu, education.

# I.0 PURPOSE OF THE ASSESSMENT

The purpose of the gender assessment is to better understand the gender dimensions of land use and tenure in Yway Gone Village Tract, Minhla Township, Thayarwaddy District, Bago Region, the first of LTP's three pilot sites.

The pilot activities are intended to help determine how the National Land Use Policy (NLUP) can guide the recognition of community land and resource tenure as well as effective land use planning at a localized level. The pilot work involves identifying village tract boundaries and major land use and management patterns at a village level. The lessons learned from the pilot will contribute to the identification of appropriate methods for the recognition of community land and resource tenure as well as sustainable land use planning within other rural areas of Burma.

In October 2015, at the start of LTP's engagement at this pilot site, the project team conducted a land use and tenure assessment, the objectives of which were to:

- a. Assess the status of natural resources and existing land use arrangements with attention to gender and social inclusion dimensions;
- b. Identify the institutions and rules (formal and informal) governing tenure over various land types and classifications such as agricultural, forest, grazing, shifting cultivation, etc. (including dispute resolution methods), including any existing conflict; and,
- c. Examine the types of drivers leading to transformation of prevailing land use and tenure arrangements.

The gender assessment builds on the work of the land tenure assessment, and thus will not reiterate the findings of that report. For these findings, including more general information on land use, resource tenure, and land administration in Yway Gone Village Tract, please see Jhaveri, N., & Thomas, N. (2015). *Land Use and Tenure Assessment of Yway Gone Village Tract, Minhla Township*. Washington, DC: USAID Tenure and Global Climate Change Program.

The objective of the gender assessment is to examine more closely the gender dimensions of land use and tenure arrangements within this village tract. This deeper understanding of the ways women and men use, access, hold, and make decisions around land will better inform this and other projects in shaping interventions in a more gender-responsive manner and prioritizing issues that may affect women and men in different ways.



## 2.0 ASSESSMENT METHODOLOGY

The assessment methodology involved (1) a desk review of notes and reports from the initial land use and tenure assessment of the village tract; (2) focus group discussions (FGDs) with women from the village tract; and, (3) follow-up conversations with men, village leaders, and other key informants from or familiar with the villages. The assessment team used a semi-structured questionnaire guide for the FGDs and a general list of questions for the follow-up conversations (Annex I).

For the Yway Gone Village Tract, the team conducted four FGDs that included women from each of the four villages in the tract, as follows:

- FGD1 of approximately 20 women from San Gyi;
- FGD2 of six women from Bant Bway Gone and five women from Yway Gone; and,
- FGD3 and FGD4, each with approximately 15-20 women from Heingyu.

The FGDs included a combination of married, single, widowed, and divorced or separated women between the ages of 17 and 70. The participants included women from both men-headed and women-headed households. Each FGD lasted about two hours and was held in a large open-plan home in San Gyi or the community open-air church in Heingyu. The interviews were conducted primarily with Bamar-English consecutive interpretation. In Heingyu, some participants helped to interpret some of the questions into Kayin as well.

The assessment team also conducted follow-up conversations with men from the village, some of the village leaders, and other key informants as follows:

- A group of about ten men from San Gyi, Bant Bway Gone, and Yway Gone villages, including the village heads of Yway Gone and San Gyi;
- A group of about eight men from Heingyu village; and,
- Three community organizers from local civil society organization (CSO) Public Network, led by U Win Tut.

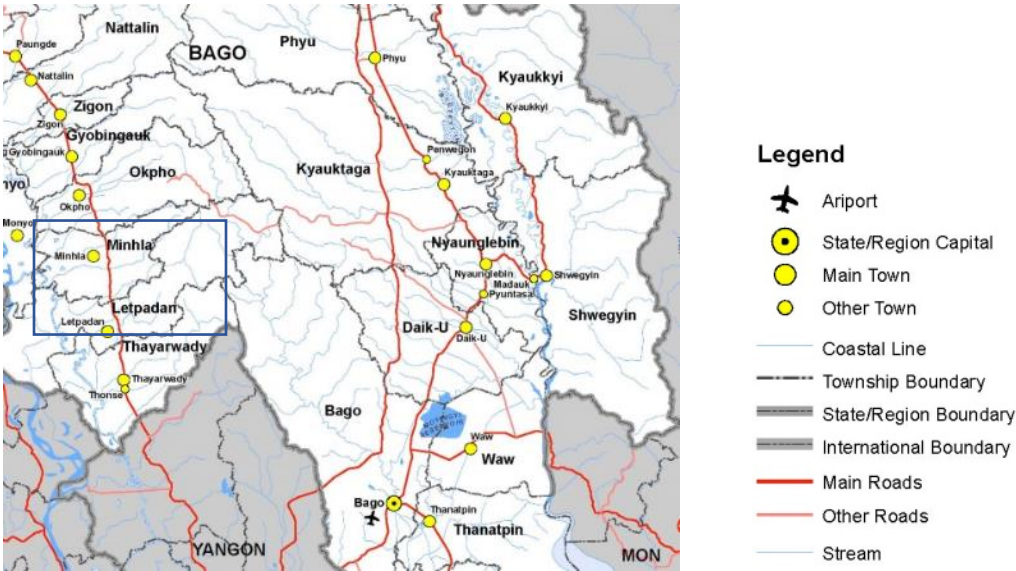
Each key informant interview lasted between 30 minutes and one hour.

The assessment team included: Laura Eshbach (Landesa Attorney and Land Tenure Specialist), Elizabeth Louis (Landesa Senior Research, Monitoring and Evaluation Specialist), Khin Htet Htet Pyone (LTP National Resource Law Specialist), Dr. Ohnmar Myo Aung (Landesa Agricultural Administration Consultant), Moe Thida Htwe (Interpreter), and three members of the local CSO, Public Network, headed by U Win Tut.

# 3.0 OVERVIEW OF VILLAGE TRACT

Yway Gone Village Tract is in Minhla Township, Thayarwaddy District, Bago Region (West). Bago Region is one of Burma’s two primary rice production areas and is also known for teak and petroleum resources. Bago (West) has a high rate of landlessness, 39.8% compared to the national average of 23.6%, and landlessness is even higher among the poor as compared to the non-poor (UNDP, 2011). Poverty in rural Bago (West) is lower than the national average, both on indicators of financial poverty (16% versus 29% of rural population below the national poverty line) and food poverty (0.3% versus 5.6% on the food poverty headcount index).

**FIGURE 1: MAP OF BAGO REGION**



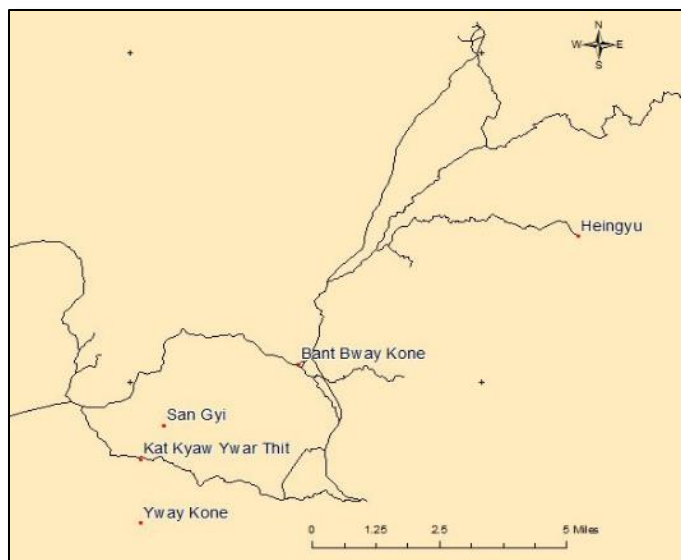
Source: Myanmar Information Management Unit, Bago Regional Township Map, MIMU696v03, Sept 2016

Minhla Township has a population of about 122,000, about 90% of whom live in rural areas, with an average household size of 3.9. About 21% of households in Minhla Township are headed by women. Amongst the rural population, men have a somewhat higher adult literacy rate, 98.2%, compared with women, 96.2% (Government of Myanmar, Ministry of Immigration and Population, 2015).

There are four main villages in Yway Gone Village Tract: Bant Bway Gone, San Gyi, Yway Gone, and Heingyu. Each of the villages has between 450 and 580 residents (see Figure 3). The first three villages have only ethnically Bamar residents while Heingyu is predominantly Kayin with some Bamar arrivals in the last 20 years. The gender assessment respondents estimated that about 20% of the households in Heingyu are Bamar and the other 80% are Kayin.

According to official classification, the Yway Gone Village Tract is predominately forestland. Bant Bway Gone, San Gyi, and Yway Gone villages lie within “unclassified forest” areas under the jurisdiction of the Department of Agricultural Land Management and Statistics (DoALMS). “Unclassified forest” falls under the 2012 Vacant, Fallow and Virgin (VfV) Lands Management Law, under which individuals and organizations can apply to the government for 30-year renewable use rights to carry out agricultural, mining, or other projects on that land. Over the last few years, some of this VfV land within the village tract has been granted to private companies for agricultural projects. Heingyu is located entirely within “reserve forest” lands under the Ministry of Natural Resources and Environmental Conservation’s (MONREC) jurisdiction. “Reserve forest” can also be made available for agribusiness concessions, but generally goes through a de-gazettement process first (Woods, 2015). Some of the land in all four villages has been reclassified as agricultural land in recent years, allowing farmers to register the land under the 2012 Farmland Law.

**FIGURE 2: SCHEMATIC MAP OF VILLAGES IN THE YWAY GONE VILLAGE TRACT**



Source: Jhaveri & Thomas, 2015

**FIGURE 3: HOUSEHOLDS AND POPULATION IN THE FOUR VILLAGES OF YWAY GONE VILLAGE TRACT**

| Village        | Household Number | Total Population |              |              |
|----------------|------------------|------------------|--------------|--------------|
|                |                  | Male             | Female       | Total        |
| Yway Gone      | 125              | 230              | 226          | 456          |
| San Gyi        | 118              | 230              | 236          | 466          |
| Bant Bway Gone | 140              | 260              | 318          | 578          |
| Heingyu        | 119              | 241              | 263          | 504          |
| <b>TOTAL</b>   | <b>502</b>       | <b>961</b>       | <b>1,043</b> | <b>2,004</b> |

Source: Yway Gone Village Tract Administrator; as cited in Jhaveri & Thomas, 2015

# 4.0 GENDER ASSESSMENT FINDINGS

## 4.1 ECONOMIC ACTIVITIES AND CHALLENGES

In Yway Gone Village Tract, people rely on the land for their livelihoods. The main activity is agriculture, growing food both for household consumption and for sale for household income. The main crops in these four villages are paddy, beans, and sesame. Households also own livestock, including cows, buffalo, chickens, and pigs.

Households without enough land to support the family engage in additional economic activities, including carrying out agricultural wage labor (women and men); collecting bamboo and making handicrafts (women and men); operating small grocery shops (mostly women); renting out cows or buffalo for plowing (both women and men, but usually men work the plow with the cattle); working locally as ferrymen or taxi drivers (mostly men); and, doing local construction or handyman work (mostly men). Wage structures for agricultural labor vary from village to village. In San Gyi, men earn 40 baskets of paddy per season, and women earn 3,000 kyats per day. In Bant Bway Gone and Yway Gone, the wages are 5,000 kyats per day for men and 3,000 kyats per day for women. In Heingyu, there used to be different rates for women and men but now the wages are 3,500 kyats per day for both.

There is some migration out for work. It is often single men or women that migrate out, although there are a few married men from San Gyi, Bant Bway Gone, and Yway Gone villages that have migrated out for work while their wives and families remain in the villages. Some of this migration is short-term (a few months), while some is longer term (up to two years, according to the focus group participants).

Respondents said that the major challenges in these villages include lack of job opportunities and financial resources, recent losses of land villagers had used in the past and increased landlessness, and lack of access to firewood, electricity, and water (both quality and, in the dry season, quantity). Women reported these challenges as well as others that affect them more than men: too much work while men seem to have some leisure time; lack of access to health services; and, lack of mobility, particularly in traveling out of the village.

## 4.2 GENDER DIMENSIONS OF LAND USE

### 4.2.1 Types of Land Use and Division of Labor

According to village tract residents, the main types of land uses in the village tract are (1) agricultural land; (2) village settlement land; (3) taungya land; and, (4) communally held forest and pasture lands. Entire families tend to work on their land together, and neither women nor men are entirely excluded from any particular activity in any of the four villages. However, there are divides between the jobs for which men usually take primary responsibility and the jobs for which women usually take primary responsibility.

The agricultural land is used mainly for paddy cultivation with some used for other crops, such as sesame (sometimes called “garden land”). Land used for cultivation may or may not be eligible for registration under the Farmland Law, depending on its official classification. On the agricultural paddy land, families tend to cultivate paddy in the rainy season and beans in the winter. Some residents of each of the four villages have some agricultural land, although this is a minority in San Gyi, Bant Bway Gone,

and Yway Gone villages and an estimated 50 to 60% in Heingyu. Of those that have agricultural land in the village tract, most have between two and six acres. The largest holding in the area is 15 acres.

Women and men both work on paddy and garden land, particularly planting, sowing, weeding, harvesting, and threshing. Men more commonly prepare the land for sowing, typically plowing with cows or buffalo.

The village settlement land is the land on which households live. On these plots, families construct houses, keep small livestock, and grow kitchen gardens. In San Gyi, Bant Bway Gone, and Yway Gone villages, families keep kitchen gardens to grow fruits and vegetables for household consumption on their settlement land, near their houses. These plots vary in size, both within and between villages, and may measure up to one acre. In Heingyu, the kitchen gardens where they grow fruits and vegetables for household consumption are on taungya lands rather than village settlement land.

Women are primarily responsible for many household tasks, including doing housework, cooking, taking lunch to their husbands when they are working in the fields, and caring for children. Men may help with child care when women are busy with cooking and other household tasks. Because women are primarily responsible for cooking, they are also primarily responsible for the kitchen gardens. Men and children within the household may help with the kitchen gardens when they are available.

The use of taungya land varies from village to village. In San Gyi, Bant Bway Gone, and Yway Gone, residents used to practice hillside farming on taungya lands, but as this land has become less available, the practice has mostly stopped. In Heingyu, the residents still practice a mix of shifting cultivation and agroforestry on taungya lands, growing teak, paddy, chili, and sesame. As with agricultural land, women and men cultivate taungya land together, splitting the responsibility for most tasks. Men more commonly take primary responsibility for clearing taungya land and plowing the fields. As with kitchen gardens on village settlement land, women tend to take primary responsibility for the kitchen gardens on the taungya land.



Examples of structures on village settlement land in San Gyi

PHOTOS: LAURA ESHBACH/LANDESA

Likewise, the use of forestland varies. Households within the villages use the forest land and the land around it for grazing, foraging, and collecting firewood. Much of the forestland that the villages used communally in the past has been granted to companies that are now cultivating teak in the area (see section 4.5.2 below). In the view of the villagers, this land was “sold,” but they do not know who sold it. The villagers reported that some of this land was inaccessible because the new owners had put up fencing. Others reported that if they tried to access or used the land, they would be fined (although they were not sure who would impose the fines). Both women and men bear some responsibility for gathering forest products. Women are primarily responsible for collecting firewood, mushrooms, bamboo shoots, eggplant, chili, and other vegetables from the forest. Men are responsible for tasks such



as cutting bamboo with axes and gathering honey. Both women and men fetch water, but women do this more often than men.

There is also some pasture land where the village residents graze their animals, but this is a very limited area which the villagers consider “overgrazed.” Much of the land that the villagers did use as pasture land in the past was part of recent land concessions to companies. This has led to a situation in which the cattle do not have enough places to graze and have gotten into other people’s fields, or the company’s fields, and caused damage. Some of the cattle have been injured (i.e., slashed with knives), presumably by people whose land was intruded upon or crops have been damaged.

Responsibility for livestock varied somewhat from village to village. In San Gyi, it is mostly the children who take the cows to graze. In Bant Bway Gone, Yway Gone, and Heingyu, the women reported that this is something that is primarily done by the adolescent boys and adult men of the family.

This gendered division of labor can lead to different impacts for men and women if and when a particular kind of land use is changed or threatened. It may also play a role in determining gender differential decision-making power, particularly within the household.

#### **4.2.2 Land Use for Women-Headed Households**

There are some women-headed households in the villages; respondents’ estimates ranged from one to 15 percent of households in the village tract and seem to depend on each respondent’s definition of the types of women that are considered heads of households.<sup>1</sup> A woman may be considered the head of household if she is widowed, divorced, or never married, or if her husband has become disabled or ill or has migrated out for an extended period of time. However, some within the village may not consider all of these women to be heads of household. For instance, older widows tend to live with or rely on their grown children or extended family, so may not be considered household heads by others in the community. Also, younger widows tend to remarry and their new husbands become the heads of household.

Respondents reported that women-headed households use land in many of the same ways as men-headed households, but that women-headed households have a harder time cultivating as much land because they need assistance with some of the physical labor. Women-headed households are better off if they have male family members who can help with these tasks, or if they have enough money to hire wage labor. Respondents said that women-headed households can make decisions about their own land and need not consult with male members of the family, although they may choose to do so with male relatives who are helping them.

### **4.3 GENDER DIMENSIONS OF LAND RIGHTS**

#### **4.3.1 Overview of Land Rights**

Each of the types of land is subject to different laws and rules governing access and ownership. According to the respondents, village settlement land is divided into household-level plots that are inheritable within the family, but the land is ultimately considered to belong to the village. Residents do not hold any ownership documents for village settlement land, nor are they permitted to sell it. The

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<sup>1</sup> According to the 2009-2010 Integrated Household Living Conditions Survey, 18.7% of rural households in Myanmar are women-headed and about 16.2% of rural households in West Bago Region are women headed (UNDP, 2011).



respondents also considered taungya land, forest land, and pasture land to be communally held by the village.

Land used for agriculture is held by the household.<sup>2</sup> There are two main types of agricultural land in the village tract: paddy land and garden land. Most of the agricultural land is paddy land. Garden land is generally adjacent to paddy land and is used to grow crops other than paddy. About one-third of paddy land owners in San Gyi, Bant Bway Gone, and Yway Gone also have garden land.

Under the 2012 Farmland Law, all land officially classified as agricultural land is eligible for registration and issuance of a Land Use Certificate (LUC, or Form 7). However, in practice, only paddy land that was included in the *kwin* maps have gotten LUCs.<sup>3</sup> For agricultural land not covered by the *kwin* maps of the area at the start of this project (including some paddy land and all garden land), villagers have not gotten Form 7s. Rather they hold tax receipts for this land, which villagers considered proof that the land is theirs.<sup>4</sup>

In San Gyi, Bant Bway Gone, and Yway Gone villages, most of the villagers do not have any agricultural land. The respondents reported that less than 25% of the residents of these three villages have Form 7 paddy land. In Heingyu, about 50% to 60% of the households have Form 7 paddy land. Of these, the vast majority of the Form 7s are in men's names. Under the 2012 Farmland Law, the Form 7 is issued in one name, that of the head of the household, usually a man. The few LUCs that include women's names are for women-headed households.

In all of the villages, it was the village leader who facilitated the registration process. The women in the focus groups reported that the village leader had come to the men in the family to gather the information to get the Form 7. The women in the family were not generally part of the process, although the women from households with a Form 7 had some knowledge of the requirements and the length of the process (they reported that it varied in length from two to six months). Women from households that do not have a Form 7 had little knowledge about the form itself or the process to obtain it.



Agricultural land in San Gyi  
PHOTO: LAURA ESHBACH/LANDESA

Some of the women reported that there has been improvement in their knowledge about changing the name on Form 7 over the last year. In the past, they did not know that they could change the name on a Form 7 when a woman's husband passes away. Now, the women from Bant Bway Gone and Yway Gone reported that they know the procedure to change the name on the Form 7; one woman from Yway Gone reported that she had done so after her husband died. The men from the key informant interviews did caution that some of the women may be mistaken about having the Form 7 in their names and that in some cases, the woman's name may be an "added" name or an endorsement, rather than the

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<sup>2</sup> If the land is officially classified as agricultural land, it falls under the 2012 Farmland Law, under which the land is held by households and registered in the name of the head of the household with a family list attached. If land is used primarily for agriculture but is not officially classified as agricultural land, it falls outside the Farmland Law, but still tends to be held and used by households.

<sup>3</sup> *Kwin* maps are existing cadastral maps that show the boundaries of farmland holdings. The *kwin* maps are kept and updated by DoALMS. Each Form 7 references a plot on the *kwin* maps.

<sup>4</sup> Land tax receipts may be considered evidence of land use for a period of time when such evidence is required (i.e., applying for Form 7 or in considering a land dispute), but is not definitive proof of long-term use rights.

Form 7 officially being in her name. The women from San Gyi reported that if an older woman's husband died, she would change the name of the Form 7 to that of her adult son rather than her own.

The women believe that the Form 7 is useful to the household because it allows them to take a bank loan, which they could not do before. When they do this, they use the land as collateral and the bank holds the Form 7 until the loan is repaid. Currently, if a family needs money, the woman is not usually involved in getting credit because her name is not on the Form 7. The women reported that it would be a positive development for Form 7 to include their names because it would allow them to conduct their land affairs, including accessing credit, when the male household head is away or ill. The women respondents reported that they were not sure if having their name on the Form 7 would increase their tenure security within the household because they believe that their husbands would consult with them on big decisions about the land, such as sale, lease, or mortgage.

Respondents had mixed opinions on whether government officials would resist including a woman's name on the Form 7 if she was not the head of household (either by the family requesting that it be in the woman's name only or by putting two names on the form rather than one). Some of the women thought that the government would allow it if they requested it. Others were not sure what DoALMS officials would do if they requested that a woman's name be added.

#### **4.3.2 Avenues for Acquiring Land Rights**

In the village tract, women (and households in general) can obtain rights to land by purchase, inheritance, marriage, or tenancy arrangement. The villagers did not know of anyone getting government grants or gifts of land. Rights to use taungya land or community forest or pasture land are determined by membership within the community, which is acquired by birth, marriage, or migration into the village.

##### *Land Purchase*

Those with Form 7s are allowed to sell land use rights under the 2012 Farmland Law. Before Form 7, land sales did occur, but in a manner that was not as clearly defined by law. Sales before Form 7 were completed by signing a sale/purchase contract in front of the village head or by verbal understanding. In San Gyi, Bant Bway Gone, and Yway Gone, respondents said that sales are more frequent after Form 7s were introduced. The respondents considered more land sales to outsiders as a negative development in that it leaves less land available for the community as it currently exists. In Heingyu, the villagers understood that Form 7 land could be bought or sold, but said that this had not yet happened. See section 4.7 for more on who is involved in the decision to sell land use rights.

##### *Inheritance of Land*

All paddy and garden land is inheritable. Likewise, household plots on village settlement land are inheritable. Individuals typically inherit land from their parents or their spouse.

When bequeathing land to their children, the villagers had differing opinions over how the land should be divided. Most respondents reported that they would split their land equally amongst all of their children, and that this would be the arrangement even if some of their children had married and/or if some of their children had moved out of the village. Other respondents reported that they would like their sons to inherit more land than their daughters, because their sons would be household heads. One respondent wanted to give one of her sons more of the land because she thought he did more to care for the family. In Heingyu, some of the respondents favored their daughters in inheritance, particularly where the family did not have enough land to divide.

When dividing for inheritance, some families prefer to subdivide the land, while others sell the land and divide the proceeds, and others do a combination of both. For homestead land, the plot may go to one

sibling (often the last sibling to marry), and that sibling may give some cash compensation to the others. Sometimes siblings will inherit the plot together and build additional houses on the same plot.

When asked directly, most agreed that if a spouse dies, the surviving spouse would inherit the deceased spouse's land automatically. However, the answers were less consistent when asked about hypothetical situations (as discussed in section 4.4 below), suggesting that in reality the inheritance pattern depends on the specific circumstances.

#### *Land Use Rights Through Marriage*

Village residents may marry someone from within their own village or someone from another village nearby. Within the village tract, there was no clear matrilineal or patrilineal practice. Rather, most reported that where a newly married couple moves depends upon the family circumstances. For instance, if the husband's family has a lot of land and few children while the wife's family has little land and many children, they would likely move to the husband's village. But if the wife's family has more available resources, they would likely move to her natal village.

When a couple is married, both spouses have rights to use the other's land. However, if that land is registered in the name of only one of the spouses, it would stay in that person's name. For instance, if a woman inherited a plot of paddy land from her deceased parents, had the LUC transferred to her name, and then married, that land would stay in her name, but her husband would have some rights to use it while they are married, and potentially, to inherit the land if his wife predeceases him.

#### *Tenancy Arrangements*

Respondents reported that residents can lease or sharecrop land in all four of the villages. Households lease out land when they do not have enough labor or other resources to cultivate all the land themselves, which may be common among women-headed households that have some agricultural land. In San Gyi and Heingyu, sharecropping arrangements are more common, whereas in Bant Bway Gone and Yway Gone, tenant farmers tend to pay cash. Tenancy arrangements are typically between one and three years in duration. Some agreements are verbal, particularly between parties who know each other well, while others are written contracts. According to respondents, it is usually men-headed households that lease land. There are women-headed households that lease land, but generally do so along with their older sons. Respondents said that women-headed households generally do not lease land on their own because they would not be able to plow the fields and manage the work on their own.

## **4.4 GENDER DIMENSIONS OF TENURE SECURITY AND VULNERABILITY**

As described in section 4.5.2 below, each of the villages has lost land to government-negotiated land deals that provide land to private agribusiness investors. Both women and men said that they do not feel secure on their land and that they fear losing additional land in future land concessions.

While the villagers perceive land tenure insecurity due to outside forces<sup>5</sup>, it is also important to explore gendered differences in tenure security within households. The research team asked the respondents about several situations that may have a gender differential impact on tenure security.

When asked about divorce, separation, or abandonment, women had little experience to answer about what would happen to the land. Divorce is relatively uncommon, and when it has happened, it has generally been between couples from different villages. In those cases, if the couple separates the spouse

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<sup>5</sup> Note that impacts of land tenure insecurity on the household, land concessions, and possible resultant displacement also has gendered impacts that should be explored further, but are beyond the scope of this assessment.

that had relocated will generally go back to his or her natal village, regardless of gender. Respondents said that person would have rights to land within his or her natal village, as if he or she had never left. As the research team asked about more complicated situations, such as a couple from the same village or a couple with children, the respondents were unsure as to what would happen. Some thought that the land should be split 50/50. Others thought it depended on which family the land came to the couple from, or whose fault the separation was. Still others thought where there were children involved, there should be a presumption in favor of the woman keeping more of the land.



Focus group discussions in San Gyi  
PHOTO :LAURA ESHBACH/LANDESA

While dowry is not practiced in this area, in some cases, a spouse may “gift” some property to the other as a wedding present. Some thought that if when a couple married, the husband gave 50% of his land to his wife as a gift and the couple subsequently divorced, the man would keep his half of the land and then the couple would split the gift 50/50, so that the husband would get 75% and the wife would get 25%. These divisions become more complicated if one or both of the couple get remarried.

Opinions also varied on what a second spouse of a divorced or widowed person would be entitled to. For instance, respondents said that if a man divorced and got half of the marital property (which came from his first wife’s family) and then he remarried, he could not gift the

land to his new wife because this land should go to the children of his first marriage. Thus, if this was the couple’s only land and the husband died, the second wife would get nothing. If the man also had children with his second wife, this became more complicated. If the husband did not have children with his first wife, he would be free to gift the land from his first marriage to his second wife.

## 4.5 GENDER DIMENSIONS OF LAND DISPUTES

### 4.5.1 Land Disputes within the Village

Land-related disputes within these villages are reportedly relatively rare. When disputes do occur, they are usually boundary disputes between neighbors and the parties involved usually go to the village leader. In these sorts of disputes, the parties would try to negotiate directly with the help of the village leader who acts as a sort of mediator or arbiter. The villagers would also go to the village leader to address other sorts of cases, including crop damage by livestock or outsiders cutting timber in the village forest. Women can go to the village head with problems, but when women do have a land-related issue, usually they go together with their husband or the husband goes on behalf of the family to the village head. When asked about land disputes within families, the women reported that they did not know of such disputes within the villages, but that they could also take these issues to the village head if they did occur.

Respondents said that on occasion, villagers may go directly to DoALMS or the Forestry Department with a land-related problem, although it is usually the village leader who interacts with these officials. The villagers reported that it is only men who interact with government officials.



Focus group discussions in San Gyi  
PHOTO: LAURA ESHBACH/LANDESA

The women knew of one case in recent years that did go to court, an inheritance case in which one daughter tried to sell the deceased parents' land without the consent of her sisters and brother. Taking a case to court is rare due to distance (the court is about ten miles away in the township seat of Minhla), cost, and time (resolution through the courts may take many months or years).

#### **4.5.2 Land Concessions**

The villagers reported that the main land problem that they have had in recent years is losing a large portion of land that they had long used for grazing, shifting cultivation, agroforestry, and collection of forest products. Over the last ten years, these four villages have lost about 1,000 acres or more to companies growing teak, mangoes, cashews, and other products. The villagers are largely unaware of the processes under which this land was transferred, whether it was "sold" by some unknown actor or whether 30-year use rights were granted to the companies by the government under the VFV Land Law. The villagers said that they were not involved in any consultation or consent process for the concessions and received no compensation. More details of these concessions are available in the land tenure assessment.

In each case of a concession, the land has become inaccessible to the villagers that previously used it. For residents of San Gyi, Bant Bway Gone, and Yway Gone, all or almost all the land previously used for taungya cultivation (including shifting cultivation as well as agroforestry for small-scale fruit and vegetable cultivation) is unavailable, creating a majority landless population in these villages. In Heingyu, there is still some land available for taungya cultivation (approximately 60 to 70 acres), but it is greatly diminished. Respondents reported that the residents, both women and men have suffered economic losses from these concessions because they cannot practice shifting cultivation on this land.

Additionally, the concessions included land that the villagers of San Gyi, Bant Bway Gone, and Yway Gone had used for grazing and collecting firewood and NTFPs. The loss of grazing land has led to a situation in which the villagers do not have adequate food for their livestock. In some cases, where livestock has entered concession land or land held by other villagers, the livestock has been injured or taken until a fine is paid.

The loss of access to the forestland has been particularly hard on women, as they are primarily responsible for collecting firewood and their collection and sale of NTFPs served as extra income for the family. For example, the women of Bant Bway Gone have completely lost access to the community forest where they used to collect firewood. There is another forest where the women can now go to collect firewood (although they are unsure who "owns" this forest), but it is at least two miles away and dangerous because there are wild elephants and other wildlife there. The women are not comfortable going there alone, and so they must arrange to go in groups. In San Gyi, the loss of the land has curtailed women's ability to contribute extra income to the family in the dry season through foraging for vegetables and bamboo. The women reported that this means that the family has less money for children's education and that more men are migrating out for work during the dry season.

As the land concessions occurred, people lodged complaints with the village leaders and the village tract administrator, but the village leaders have little to no guidance on what to do or how to proceed, and so they have taken no action to address the land concessions. Two of the village heads reported that they would like to take the matter to court, but they do not know the procedure or where to start.

In Heingyu, the concessions had included some of the flat land that the villagers were using for paddy cultivation as well as hillside forestland that the village used for taungya. The villagers collectively made a complaint to the Forest Department through the village leader and the paddy land was returned almost immediately.



## 4.6 GENDER DIMENSIONS OF LANDLESSNESS<sup>6</sup>

The level of landlessness is high in Yway Gone Village Tract. In San Gyi, Bant Bway Gone, and Yway Gone villages, the respondents guessed that about 75% or more of the villagers were landless. In these villages, most of the landless used to have access to taungya land for cultivation, but lost this access with the land concessions over the last ten years. Some became landless because they sold their land to pay debts after getting Form 7s. In Heingyu, the respondents estimated that almost all households in the village have access to taungya land for cultivation and about 50-60% of the households in the village also have Form 7 paddy land. There are only a few families in Heingyu that have neither paddy nor taungya, and these tend to be more recent arrivals to the village (part of the Bamar in-migration of the last 20 years that do not have enough household labor to clear taungya land to use). When a family becomes landless, they tend to stay in the village; only a few have moved away.

According to respondents, it is common for women-headed households to be landless. It is particularly difficult for women to access taungya land for shifting cultivation as they usually do not have the labor resources to clear a plot of land season after season.

Respondents reported that many landless women and men work as agricultural wage labor during the growing season. The wages from agricultural labor are not enough to feed a family year-round. A few landless families are able to lease or sharecrop on some paddy or garden land. Landless households also harvest bamboo, make charcoal, forage in the forests for vegetables, and pick up other wage labor as available in order to provide for their families.

## 4.7 GENDER DIMENSIONS OF PARTICIPATION IN DECISION-MAKING

### 4.7.1 Decision-Making within the Household

In all four of the villages, the respondents said that most decisions about the land, including what to plant, when to plant, and whether to sell or lease land, are made together by husbands and wives. Most respondents agreed that when it comes to decisions about planting, if the husband and wife disagreed, the husband would have the final say on such matters because he is responsible for the “heavier” work. For the sale or lease of land, most of the women agreed that a husband must consult with his wife on these decisions. However, they conceded that in some cases, where the husband is very dominant, he may make this decision on his own. It would be impossible for a woman to make this sort of unilateral decision “because no one would be willing to buy it.” This is particularly true if the Form 7 is in the husband’s name, as she would not have the legal authority to sell the land without her husband.

In the case of women-headed households, the respondents agreed that women would be able to make these decisions on their own, with or without agreement of male relatives. But in reality, they said, some families would get involved in these decisions.

### 4.7.2 Decision-Making and Participation within the Community

Women have limited participation in community decision-making. While most of the women said that they are never completely excluded from community meetings (i.e., “we can listen” even if not invited), women are often not invited to participate or cannot attend because of lack of access to safe

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<sup>6</sup> For purposes of this assessment, “landlessness” as explained by the respondents means having neither agricultural land nor access to taungya land to cultivate. Almost all of the households in this village tract have some homestead land within the village settlement.



transportation<sup>7</sup> or too many duties within the household. Even when they are invited to participate, women do not necessarily feel comfortable speaking up in such fora. Some of the reasons that respondents cited for the low level of women's participation include that women are "timid" and have a lower level of education (particularly historically), and that men are in charge of the household business and so they speak for the whole household at such meetings.

Women rarely hold leadership positions within the community. None of the respondents had ever heard of a woman being a village leader or administrator. There were differing opinions on what would happen if a woman was the village leader. Some thought that if a woman was the village leader, no one would listen to her. Others thought it did not matter if the village leader was a man or a woman as long as that person was fair and just.

Within the villages, every ten households elect a representative to attend regular meetings with the village tract administrator to discuss various village-related matters. In principle, both men and women can serve in these positions, but in reality the vast majority is men. Out of about 50 total representatives in the four villages, only one representative, in Bant Bway Gone, was a woman.

Most of the men who participated in the gender assessment said that in principle, they would like to see more women in leadership positions at all levels. But many listed opinions as to the barriers to women's participation in leadership positions:

- It is not the "custom" for women to be involved in positions of power and so they "don't even think about it."
- Some within the village believe that because men make the household-level decisions, the men can serve as community leaders that represent everyone in the households, including the women.
- Women have a lower level of education, and so are "not qualified" to serve in these positions.<sup>8</sup>
- Women are "too timid" and "afraid to express themselves" in the company of men to effectively serve in these positions.
- Women's physical mobility is limited. Due to the poor roads, it is hard for women to travel out of the village for such meetings.
- It would not be "appropriate" for only one or two women to spend time in a group of so many men.

Some respondents thought that this norm of women not holding leadership positions could change over time and that maybe it is already changing in cities, but that rural areas are not ready for this yet.

## **4.8 GENDER DIMENSIONS OF ACCESS TO SERVICES**

Residents of Yway Gone Village Tract have very little access to the types of services that could help to support agricultural production in the area.

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<sup>7</sup> Lack of mobility and access to safe transportation is a particular barrier in Heingyu, which is about a one-hour walk from the main road, and during the rainy season, cannot support motorbike use. Particularly at night, respondents said, it would not be safe for women to go to meetings outside the village, because they would have to walk this long road in the dark which is particularly dangerous if a woman were to go alone, in a small woman-only group, or as one of just a few women in a group with many male non-relatives.

<sup>8</sup> Note that this may be true of older women, but some respondents were quick to point out that currently, it is girls within these villages that are staying in school longer than boys.

#### **4.8.1 Access to Financial Services**

Generally, women and men in the village tract do not have bank accounts. Likewise, their access to credit is very limited. There is mixed experience with microfinance institutions or savings-and-loans groups. San Gyi and Yway Gone villages do not have microfinance institutions or savings-and-loans groups. Bant Bway Gone used to have one, but the woman who led the group took the money and left. Heingyu has a savings and loans group through the village church, from which both men and women can borrow money. If people need money, they generally borrow from wealthier households in the village or money lenders. This often comes with a high interest rate.

Those with Form 7s can access some credit through banks. The villagers themselves do not interact with the bank to get the loans; rather the village leader collects the information from the households and then arranges for and administers the loans. Women did not know which bank these loans came from. Villagers can only borrow money from the bank for six-month terms, but they hope that this will be extended to longer terms soon. The men reported that they are allowed to borrow up to 75,000 to 150,000 kyats per acre (the amounts varied by village). Borrowers use the loans to purchase agricultural inputs and to pay for daily living expenses during the growing season. Men and women can both access loans, but only if the Form 7 is in their name. Because few women have Form 7 in their names, few women can access these loans.

There were differences within the village as to who within the family holds and controls the money. Generally, it is men who take produce to the market. In some of the villages, it was more common for men to keep and control the money. In others, it was more common for women to get the money from their husbands when they return from the market (as they laughingly said, they “don’t trust their husbands” with the money) and have more control over household expenditures.

#### **4.8.2 Access to Agricultural Training and Inputs**

There have been very few training opportunities for either women or men in any of the villages in Yway Gone Village Tract. None of the trainings available in any of the villages have been focused on agriculture.

Households purchase their agricultural inputs directly in Minhla on an individual household basis. There are no government programs that provide agricultural inputs, nor are there any cooperative groups that acquire inputs together. Those without the funds to purchase inputs are unable to engage in agriculture.

#### **4.8.3 Access to Other Services**

Residents of Yway Gone Village Tract likewise have difficulties in accessing other services, including education, health services, and reliable drinking water. Heingyu in particular is isolated, about a one hour walk from the road. Women there said that they have little access to health services. Likewise, while there is a primary school in the village, they have had a difficult time in getting a teacher to come on a regular and reliable basis.

# 5.0 RECOMMENDATIONS

Based on the findings of this gender assessment, several recommendations can be made both for the technical approaches to be used at the pilot site, and for further policy and legal reform that could be undertaken. These recommendations are detailed below.

## 5.1 FOR PILOT SITE TECHNICAL APPROACHES:

1. In order to ensure that the pilot approach can be better designed and implemented in a way that takes into account women's land uses and tenure, a gender assessment should be completed at the start of the intervention, alongside the general land use and tenure assessment.
2. In delineating village boundaries, the pilot site team should pay particular attention to lands that women use, as this is almost always undocumented and women's uses may not be immediately apparent. Such lands may include village settlement land, forest land (where women collect firewood and NTFPs), and taungya land (where women may be keeping the families' kitchen gardens). If this land is not considered part of the village in the demarcation process, the activities for which women rely upon these lands could be curtailed. One way of doing this is ensuring that when communities are documenting different resource uses, they are divided into groups, such as male/female, youth/elder, and single/married groups, in order to get a full picture of the full range of uses.
3. While including women on the village mapping committees is a positive step in ensuring that women's voices are included in the intervention, getting women to meaningfully participate will require additional efforts as they are unaccustomed to such participation. Some women from the focus groups suggested that all meetings should have two separate groups, one for men and the other for women, so that women can voice their opinions. Such committees would also be better served in ensuring that different kinds of women are represented (different age groups, married and single, women from women-headed and men-headed households, women with agricultural land and women from landless families, etc.).
4. In developing any village land use plans, it is essential that the pilot team carry out a participatory process that proactively includes women.
5. Creating women-only fora or groups would allow women to articulate and express their difficulties with relation to land access and land use.
6. There is still a very low level of knowledge about laws around land within the villages, particularly among women. Awareness raising and capacity-building are essential to ensuring that the villagers understand the pilot intervention and any potential impacts. Legal education efforts should include a component on women's land rights, and the trainings themselves should be implemented for both women and men.
7. Particularly in areas where farmland registration is ongoing (or may in the near future affect villagers if land is being converted to farmland) as it seems to be in Yway Gone, care should be taken in explaining to villagers and village leaders how the pilot project village boundary delineation may or may not affect farmland registration processes.

8. Village leaders, as the primary dispute resolvers within the village and the gateway for villagers to access government departments, should have additional training on women's land rights under the law as well as best practices in solving land disputes.
9. The project should consider finding ways to document gendered challenges that the community faces that are identified during the course of the pilot project and then communicating those findings to other groups poised to address these challenges (such as government agencies or local CSOs that may already be working on related issues in the area). For instance, the poor road to Heingyu was identified by many villagers as a barrier to women participating in meetings outside the village. If there are any CSOs in the area working on encouraging women's participation in local government, this finding may be interest to their work and may allow them to tailor their approach to addressing this barrier.
10. Within the monitoring and evaluation of the pilot approach, the team should ensure that they are collecting and using data that can assist in evaluating whether outcomes for women and men are equitable or not.

## 5.2 FOR ADDITIONAL POLICY AND LEGAL REFORM:

1. Any laws on land should include clear statements about women's equal rights to land. While such statements are included in the 2016 NLUP, they are not present in previous land laws such as the 2012 Farmland Law. Respondents reported that this creates confusion among those administering land (both DoALMS officials and village leaders) and uneven application of gender equality principles.
2. Amendments to the 2012 Farmland Law and rules to allow joint registration of agricultural land and establish effective monitoring mechanisms for implementation should be advocated.
3. Comprehensive data on the *de jure* and *de facto* enjoyment of women's secure rights to land should be collected. The data should be used to identify the particular vulnerabilities of women-heads of households with relation to land access and land use and to create laws and policy targeted at supporting them.
4. Laws should be revised and clear and accessible mechanisms for land administration and management should be established and maintained in order to implement the land tenure and management rights that women have as stated in the NLUP (particularly, section 75).
5. Clear guidelines on inheritance, leasing, and sale of land, with particular attention to women's intra-household vulnerabilities in case of migration of male members, divorce, and separation, should be created.
6. Rural women's participation and representation in all aspects of land related laws, policies, and programs, including land-related decision-making bodies, legal aid, and registration initiatives, should be ensured. One option would be to create quotas for women on all committees at the village level and above to enable women to participate and gain the support of men in their communities.

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# ANNEX I: UNDERTAKING A COMMUNITY-LEVEL ASSESSMENT OF GENDER DIMENSIONS OF LAND USE AND TENURE: A GUIDE QUESTIONNAIRE FOR FIELD ENUMERATORS

## Focus Group Discussions with Women:

| TOPIC                                  | POTENTIAL QUESTIONS  |
|--|--|
| <b>Types of land and land use</b>      | <p><i>What activities are women involved in the village?</i></p> <p><i>Can you tell us, what types of land do you have in this village?</i></p> <p><i>How is each type of land used/what is each type of land used for?</i></p> <p><i>Are there activities/lands from which women are excluded? If so, why is that? What prevents them from doing this activity? Or from using those types of land?</i></p> <p><i>Are there any activities that women do together or for each other? Do women cultivate in groups? Or do women go together to collect forest resources? Or do women work on other's lands in exchange for work on their lands?</i></p> |
| <b>Female-headed households</b>        | <p><i>Are there many female headed households in this village?</i></p> <p><i>How many?</i></p> <p><i>If yes, how have these women become heads of household? (i.e., they are single, or their husband migrated, or husband left them, or husband died)</i></p>   |
| <b>Land holdings and documentation</b> | <p><i>Do most people in this village own land? Only a few families, several families, many families?</i></p> <p><i>Do women own land? If yes, how common is it? If not, why not?</i></p>   |



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|---|---|
|   | <p>Under whose names are these documents typically issued? <i>Head of household, husband, an adult, husband and wife, the eldest, etc.</i></p> <p>Do you know women who have documents in their name or jointly with their husbands? <i>Probe to see how common it is (only a few, some, several, many, most, do they tend to be female headed households, or a certain type of women?)</i></p> <p>Have you ever seen or heard about LUCs?</p> <p>If they are aware of LUCs,</p> <ul style="list-style-type: none"> <li>• What are LUCs? Do any households in the village have LUCs? When did they get them? How did they get them? <i>Get their understanding of the process of regularization</i></li> <li>• Do you think LUCs are important/helpful? What is the benefit of having an LUC?</li> <li>• Have you ever seen or heard about LUCs that include a woman's name? <i>Probe to see how common it is (only a few, some, several, many, most, do they tend to be female headed households, or a certain type of women?)</i></li> <li>• Does it make any difference for the women if their names are included in the LUCs? Please describe.</li> </ul> <p><i>We are exploring whether it affects women's participation in decision-making or ability to use, lease, mortgage or sell the land.</i></p> |
| <p><b>Avenues by which women acquire land</b></p> | <p>How do households who own land typically acquire it?</p> <p><i>Though intrafamily inheritance, through government grants, by purchasing it</i></p> <p>How do women become landowners?</p> <p>Inheritance from her (birth) family</p> <ul style="list-style-type: none"> <li>• Can women inherit land from their (birth) families? How common is it? Please describe the process.</li> <li>• Do women get equal amounts of land as their brothers?</li> <li>• Does it matter whether women are married or not?</li> <li>• How does a small farming household divide land if there are several children? Do any children get preference if the household has only a small plot for example but has 4 children?</li> <li>• At what age do women generally get married here? Does the girl's family usually give anything to the boy's family or receive anything from them? What is exchanged? Does land figure in these exchanges?</li> </ul>  |

|                       |  |
|-----------------------|--|
|                       | <ul style="list-style-type: none"> <li>• What happens to land owned by women if they marry and leave the village?</li> </ul> <p>Inheritance from her husband</p> <ul style="list-style-type: none"> <li>• Can women inherit land from their spouses? How common is it?</li> <li>• Does it matter if they are legally married?</li> <li>• Does it matter if he has more than one wife?</li> </ul> <p>Access to land through government grants</p> <ul style="list-style-type: none"> <li>• Can women get land through government grants directly to them? How common is it? Are there specific types of women more likely to benefit from government grants? Are there women who are excluded from government grants?</li> </ul> <p>Access to land through the market</p> <ul style="list-style-type: none"> <li>• Can women purchase land? How common is it?</li> </ul>  |
| <b>Access to land</b> | <p>Can households lease land? Can they sharecrop? Can they borrow land?</p> <p>Are women able to lease land? To sharecrop? To borrow?</p> <p>If leasing is an option,</p> <ul style="list-style-type: none"> <li>• How common is leasing? In general and for women.</li> <li>• What do people tend to do with the land they lease?</li> <li>• Are the leases generally seasonal, yearly, or long term?</li> <li>• Are these agreements typically documented or just verbal?</li> <li>• What happens when there are tenancy related disputes? Are those common? How are these disputes typically resolved?</li> <li>• Do women have the same options/opportunities when it comes to leasing land?</li> </ul> <p>If sharecropping is an option,</p> <ul style="list-style-type: none"> <li>• How common is sharecropping? In general and for women.</li> <li>• What do people tend to do with the land they lease?</li> <li>• What does a typical sharecropping agreement look like?</li> <li>• Please describe who contributes what, what is the expected sharing agreement, and what happens if the crop fails.</li> </ul> |

|  |  |
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|  | <ul style="list-style-type: none"> <li>• What happens when there are sharecropping related disputes? Are those common? How are these disputes typically resolved?</li> <li>• Do women have the same options/opportunities when it comes to sharecropping?</li> </ul>   |
| <p><b>Tenure Security</b></p>                  | <p>What happens to a women’s access to land if she is divorced, separated or abandoned? What about her children?</p> <p>Scenario 1: Mr X decides to leave his wife, what happens to the wife’s access to land? What happens to her children?</p> <p>What happens to a woman’s access to land if her husband takes another wife? What happens to her children?</p> <p>Scenario 2: Mr X has a wife. Mr X decides to take another wife. How does this impact Wife 1 and Wife 2’s access to land? Do the children of Wife 2 have the same rights to inherit land? Please describe.</p> <p>What happens to a woman’s access to land if her husband migrates?</p> <p>Scenario 3: Mr X migrates for work, who takes control of the land? Please describe.</p> <p>What are the cases in which women can lose access to their households’ land? Is this a reason of concern to many women in this village?</p> <p>Are there situations that would lead the entire household to lose access to the land they are currently using? Please describe. Who are the households most likely to be affected by this? Are households in this village worried about this?</p> |
| <p><b>Participation in Decision-making</b></p> | <p>In this village, if a man wants to sell or mortgage the land, and his wife does not want that, what happens? Can he sell or mortgage without her permission?</p> <p>And what happens if a woman wants to sell or mortgage and her husband does not agree, can she still sell/mortgage the land? Can she do it without his permission?</p> <p>What happens when a man has migrated out for work for 3 months and his wife needs money urgently. Could she decide to mortgage or lease the land? Does she have to ask him first? Does she have to ask other male relatives (Father-in-law, Father, Brother, etc.)? What do you think would happen if the woman mortgaged the land without asking her husband first?</p> <p>Could the husband mortgage or lease the land without his wife’s permission if she were away working or visiting relatives and he needed the money?</p> <p>Would the same hold if we were talking about selling land?</p>   |

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|                                   | <p>Do men consult with their wives in decisions related to the land – for e.g., what to grow, how much fertilizer to use, when plant, how much labor to employ, etc.</p>  |
| <p><b>Land Administration</b></p> | <p>Who is the official or the office in charge of land related matters in this village? <i>Please explain. Who are they? Where are they? What are they responsible for?</i></p> <p>Do women interact with them? If not, why not?</p> <p>Have you seen a woman as a village leader or government official? What do you think about increasing women’s participation in leadership positions? What do you think about a woman being in that role.</p> <p>Does the village tract have a head (Village Tract Administrator)? Who is s/he?</p> <p>Do you know who is in the Village Tract Development Support Committee? What are they responsible for?</p> <p>Do you know who is in the Village Tract Farmland Management Committee? What are they responsible for?</p> <p>Are women involved in the Village Tract Farmland Management Committee? If so, how many?</p> <p>If they are involved, what do women do on the committee?</p> <p>If not, what are the main barriers that prevent women from joining the committee. Should more women be involved in land committees? Why?</p>    |
| <p><b>Land Disputes</b></p>       | <p>What types of land-related disputes tend to occur in this village?</p> <p>If there is a land-related dispute, where can people go to resolve that problem? <i>Please describe if this is a person or a committee. What they are called? Who appoints them? Do people trust how the disputes are settled?</i></p> <p>If people are not satisfied, can they take their cases to the court? If not, why not? Probe about cost, length of time, etc.</p> <p>Are there women in the local dispute resolution body?</p> <p>What are the land-related disputes that tend to affect women?</p> <p>Do women approach this local persons/committee when they are involved in a dispute? If not, why not? Can they resort to the courts?</p> <p>For disputes within the home between husband and wife or between brothers and sisters, how do they address them? (examples – man leaves wife, does not allow her to use land, other examples?)</p> <p>If a female headed household has a problem with their land or needs help with their documents, how would she get help? Could she go</p> |

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|  | <p>directly to the official? If not, who would mediate on her behalf? Male relatives? Others?</p>   |
| <p><b>Women's Access to Services</b></p> | <p>If people need to borrow money, what do they do? From whom can they borrow? Are there banks or microfinance institutions? Do they have group arrangements to help each other, like the Self Help Groups? Or do they only rely on friends and relatives? Are these loans for emergencies only or can they borrow to build a house or expand their production?</p> <p>Can women borrow in the same way? That is, if there are banks or MFIs, are women also using their services? Do women rely on SHGs?</p> <p>How do women save money?</p> <p>What about agricultural extension? Does the government or do NGOs provide training? What type of training? For whom?</p> <p>Do they provide fertilizer, seeds, seedlings, small animals, etc.? What do they provide? To whom?</p> <p>Do women receive training too? Is it for different activities than men? What are women trained on?</p> <p>Do women receive fertilizer, seeds, seedlings, small animals, etc., too? Is what they receive different from men? Please explain.</p> <p>Is the government provided any assistance to help the most vulnerable? Please explain. E.g., Food for work, cash payments, subsidized food, pensions for widows and disabled people, schools for vulnerable children, health services for women.</p> <p>Are there any services for which you need to have an LUC to apply? For example, to receive extension services, to get loans, to obtain an ID or a Proof of Address, to enroll kids at school, etc.</p> |
| <p><b>Landlessness</b></p>               | <p>Are there households who do not own any land? Is landlessness a problem that affects a specific group of people?</p> <p>How did they become landless? What happened?</p> <p>If those without land were dispossessed (if the land they had in this village was taken away),</p> <ul style="list-style-type: none"> <li>• Explain what happened. (find out nature of dispossession – conflict, land grab, natural disaster, debt, mortgage, family dispute, crop failure)</li> <li>• Did they receive any sort of compensation for these lands?</li> <li>• Are they trying to get these lands back? What is the process to get land back?</li> </ul> <p>If those without land are not from this village,</p>   |

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|                   | <ul style="list-style-type: none"> <li>• Did they move here because they were displaced? If yes, please describe when and where did it happened and how did they become dispossessed?</li> </ul> |
| <b>Challenges</b> | <p>What are the biggest challenges that people in the village face?</p> <p>What are the biggest challenges that women in the village face?</p>   |

**Follow-up Conversations with Men and Other Key Informants:**

| QUESTIONS  |
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| <p>What are the economic challenges in that area?</p> <p>What are the types of land in village? <i>E.g., Agricultural, Garden, Forest (Firewood, Taungya, Agriculture), Community Forest, Concession, Plantation (rubber)</i></p> <p>Who owns what and what people understand as ownership?</p> <p>To what extent is this documented and with what type of documents?</p> <p>How do they differentiate between small, medium and large farms?</p> <p>Are there land-related taxes people pay (or agricultural taxes)?</p> <p>Who decides what they can grow and how is that enforced?</p> <p>Is that area affected by migration? By displacements?</p> <p>How did the NLUP process unfold in this area? To what extent did people participate in the process?</p> <p>Is there a gendered division of labor in animal husbandry, crops, etc.? Please explain.</p> <p>What are the main economic activities for households in this village? <i>Own agriculture, agricultural wage work, non-agricultural wage work (types), animal husbandry, migrate for seasonal ag work, migrate for non-ag work, bamboo craft, any other traditional occupations, petty business etc.</i></p> <p>Is there a difference between what men tend to do and what women tend to do?</p> <p>Are there households who do not own any land? Is landlessness a problem that affects a specific group of people? How did they become landless? What happened?</p> |



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