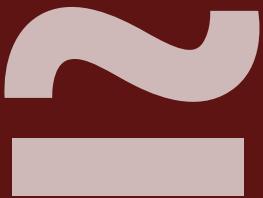
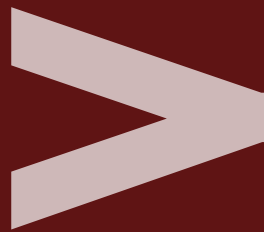
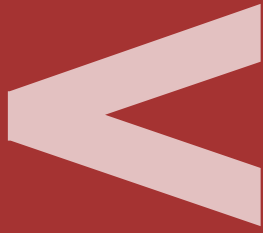




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Women's command over assets: Addressing gender inequalities

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Women's command over assets: Addressing gender inequalities

Preet Rustagi • Rajini Menon

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Abstract

Women's command over assets is highlighted as a key element for gender equity and empowerment. This paper explores the gender dimensions of asset ownership. It examines the multitude of inheritance systems and legal provisions existing in the Asia-Pacific region with special reference to the challenges faced by women. The efforts taken throughout the region to ensure equitable rights for women over land, property and resources have also been studied. The paper concludes with policy recommendations for ensuring gender equitable rights over assets. The authors underscore the need for building up empirical information and statistical data on individual ownership of assets to enable evidence-based advocacy for requisite policy changes.

Key words: asset ownership, human development, gender inequalities

The views expressed in this publication are those of the author(s) and do not necessarily represent those of the United Nations, including UNDP, or the UN Member States.

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CONTENTS

List of Figures and Tables

List of Boxes

Abbreviations

1. INTRODUCTION AND CONTEXT

1.1 Arguments for Women's Independent Rights to Assets

1.1.1 Defining Assets

1.1.2 Arguments for Women's Command over Assets

1.1.3 Rationale for Closing Gender Asset Gaps

1.2 Socio-economic Status of Women in Asia-Pacific Region

2. EVIDENCE ON GENDER ASSET GAPS

2.1 Command over Major Assets (Land, Property and Housing)

2.1.1 South and West Asia

2.1.2 North East Asia

2.1.3 South East Asia

2.1.4 The Pacific Region

3. APPROACHES TO IMPROVE WOMEN'S COMMAND OVER ECONOMIC AND FINANCIAL RESOURCES

3.1 Women's Entrepreneurship

3.1.1 Micro-enterprises by Women

3.2 Microfinance

3.2.1 Women's Access to Microfinance—Experiences from Countries

4. MAJOR FINDINGS, LESSONS LEARNT AND WAY FORWARD

4.1 Major Hurdles Facing Women

4.1.1 Obstacles to Equal Access and Ownership

4.1.2 Lack of Awareness

4.1.3 Improper Networking

4.2 Signs of Progress

4.2.1 Legal Reforms

4.2.2 Land Policies in Transition

4.2.3 Generation of Legal Awareness

4.2.4 Innovative Approaches for Women's Access to Assets

4.3 Policy Implications and Way Forward

REFERENCES

List of Figures and Tables

Figure 1: Percentage of Agricultural Holdings Headed by Women

Table 1.2.1: Human Development Index and Related Indices for the Asia-Pacific Region with High Levels of Human Development—2007/2008

Table 1.2.2: Indices for the Asia-Pacific Region with Medium Levels of Human Development—2007/2008

Table 1.2.3: Sub-Indices of Gender Gap Index—Scores and Rank for Asia-Pacific Countries

Table 3.1.1: Indicators of Women's Enterprise Leadership Ability

Table 3.2.1: Regional Breakdown of Microfinance Beneficiaries

List of Boxes

Box 1.2.1: Bringing the Convention (CEDAW) Home

Box 2.1.1.1: Degradation of Land Rights: Widows of the Tribal Community in Jharkhand

Box 2.1.1.2: Country with Progressive Legislation: Nepal's Experience

Box 2.1.2.1: Good Practices from Viet Nam on Joint Titling of Land

Box 2.1.3.1: Rights versus Perception and Practice

Box 2.1.4.1: User Rights to Land for Unmarried Vanuatuan Women

Box 2.1.4.2: On the Path to Land Policy Reform: Papua New Guinea and Vanuatu

Box 3.2.1: A Filipino Woman's Experience of Asset Accumulation through Networks outside the Community

Box 3.2.2: SEWA—Largest Home-based Workers Organization in India

Box 3.2.3: HomeNets in the Philippines

Abbreviations

ADA	Automatic Debit Account
ADB	Asian Development Bank
AMUL	Anand Milk Union Limited
BDFC	Bhutan Development Finance Corporation
BRAC	Bangladesh Rural Advancement Committee
BRDB	Bangladesh Rural Development Board
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEF	Capital Aid Fund for Employment of Poor
ESCAP	Economic and Social Commission for Asia and the Pacific
FAO	Food and Agricultural Organization
GEM	Gender Entrepreneurship Monitor; also Gender Empowerment Measure
GRID	Gender Resource Information and Development Center
HDI	Human Development Index
HDR	Human Development Report
IAY	Indira Awas Yojana
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRW	International Centre for Research on Women
IFAD	International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute
ILO	International Labour Organization
MDGs	Millennium Development Goals
MFI	Microfinance Institution
MNC	Multinational Corporation
MWAF	Myanmar Women's Affair Federation
NGO	Non-government Organization
NHDA	National Housing Development Authority
NSDF	National Slum Dwellers Federation
NTFPs	Non-timber Forest Products
NWAB	National Women's Association of Bhutan
PATAMBA	Pambansang Tagapag-ugnay ng mga Manggagagwa sa Bahay
SEWA	Self Employed Women's Association
SHGs	Self-help Groups
SPC	South Pacific Commission
SSS	Social Security System
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNIFEM	United Nations Development Fund for Women
WEF	World Economic Forum
WSBI	World Savings Bank Institute

Women's command over assets: Addressing gender inequalities

1. INTRODUCTION AND CONTEXT

Women's command over assets is widely recognized as a key element for gender equity and empowerment. Improvements in welfare, productivity, equality, and bargaining power not just within the household, but also in their communities and other public arenas are associated with the potential that women's command over assets has for wealth accumulation, access to human capital, improvements in food security (and thereby health and nutritional status), reduction in the incidence of domestic violence and generational transfers (intra- as well as inter-) through myriad routes (Agarwal 1996; 1997; Quisumbing 2003; Deere and Doss 2006; World Bank 2001a).

Command over assets can be acquired through inheritance, succession, or acquisition (including purchase, gift, exchange or accumulation). However, the State, family, community and the market play a great role in women's ability to gain command over assets. Customary and/or family laws and marriage-related practices affect women's property rights wherein these overlap with civil laws, as in many countries of South Asia and Africa. Other approaches like utilization of social capital (group membership and networks as in self-help groups and microfinance) and enterprise ownerships, which may involve ownership or use of buildings, tools, equipment, and so on, are also now gaining recognition as far as women's command over assets is concerned.

Unequal command over assets is one of the major forms of gender inequalities across the world. Only an estimated 1 to 2 per cent of all titled land is owned by women (USAID 2003, cited in UN-Habitat 2006). The World Bank report on *Engendering Development* (2001b), which recognizes gender equality as a core development issue, highlights that "in no region of the developing world are women equal to men in legal, social and economic rights. Gender gaps are widespread in access to and control of resources, in economic opportunities, in power and political voice" (World Bank 2001b:1).

The Asia-Pacific region is vast and comprises four major sub-divisions, including the North and South East Asia, the Pacific, and South and West Asia¹. The countries in this region have a wide range of policies, statutes and protocols that affect women's command over assets, land, housing, livestock, and other physical and financial capital. The historical, political, legal, economic and socio-cultural and religious differences prevalent among these countries have led to widespread variations in asset ownership and control among women of this region. The inequalities in inheritance regimes and legal provisions constrain, if not debar, women's ownership and, very

¹ North East Asia consists of Cambodia, China, Japan, Hong Kong, China (SAR), Democratic People's Republic of Korea, the Republic of Korea, Lao Peoples' Democratic Republic (PDR), Macao, China (SAR), Mongolia and Viet Nam; while South East Asia includes Brunei Darussalam, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Timor-Leste. The Pacific region consists of Australia, New Zealand, and the various islands, including Papua New Guinea, Fiji, and so on. South and West Asia includes Afghanistan, Bangladesh, Bhutan, India, Islamic Republic of Iran, the Maldives, Nepal, Pakistan and Sri Lanka.

often, even control over land, property and economic resources. This inequality is also a reflection of the male biases inherent in societies that follow or are influenced by patriarchal structures.

The term ‘command over assets’ not only implies equal property rights for men and women in terms of statutory laws and related provisions, but also the user rights, retention, as well as control over assets (with regard to sale, purchase, gift, or bequeathing). Legal provisions are necessary but not sufficient to ensure women’s ownership or user rights on the basis of inheritance systems under their control. These may be easily lost or foregone unless women are able to exercise their power, voice and agency. Development of human capabilities, in terms of education, health, information, participation or security, is a precursor to women’s empowerment and agency. The command over human capital (education, health, information, skill and training, for instance) becomes central to narrowing the gender asset gaps and thereby ensuring gender equality.

In the less developed countries of the Asia-Pacific region, wide gender gap exists in human development indicators, be it in the sphere of literacy, health and nutritional status, wages and earnings, or political participation and representation. While adequate information and research are available on these dimensions, relatively little is known about gender gaps in wealth or assets. Doss *et al.* (2008) have emphasized in their work the need to examine and gather more on gender asset gaps, given the realization that household and individual welfare are not necessarily the same. Since the gender distribution of assets is likely to be different in myriad ways—forms of assets, significance assigned to these and the uses that they are put to—the implications of women’s command over assets for equity, efficiency, productivity and empowerment also accordingly differ (Deere and Doss 2006). Although little evidence is available on whether the decisions of men and women differ in the event of a trauma or crisis, given their asset or wealth position, some aspects on women’s well-being have been widely recognized. Women’s ownership of assets is likely to prevent them from falling into poverty and destitution, lead to better outcomes for their children, or result in better outcomes in case of widowhood, divorce, separation or in violent situations (Deere and Doss 2006).

Unfortunately, very few studies examine the gender dimensions of asset ownership. This is predominantly due to utter lack of empirical information and statistical data on individual ownership of assets². However, there is an urgent need for this, as existing limited information reveals that women in many countries are far less likely to have ownership or control over productive assets, as compared to men. Further, they may not receive the benefits of the assets held by men, even when they live in the same household (Deere and Doss 2006).

The use of gender asset gap as a measure to track progress towards Millennium Development Goal (MDG)-3 of gender equality and empowerment is proposed as a powerful indicator by Doss *et al.* 2008. “Besides being a measure of opportunities (i.e., through the ability to generate income or additional wealth) or outcomes (net wealth), ownership of assets is critically important to women’s bargaining power and hence their economic empowerment.” (Doss *et al.* 2008:3). It may be emphasized

² For an excellent guide to collecting such data, see Doss *et al.* 2008.

here that women's entitlement to productive assets is not just a legal or policy matter, but essentially a question of social transformation of gender relations and social institutions.

To facilitate gender equality and women's empowerment through improved command over assets, various processes of formalization, land titling, state-supported enterprise development, community participation, formation of Self-Help Groups (SHGs) and provision of micro-credit need to be strategically planned and promoted. Some of these steps (such as the shift from communal land tenure to individualized rights or even from matrilineal inheritance regimes to a bilateral system of inheritance) have turned into processes that alienate women from the traditional rights that they had over land and property. In other instances, Quisumbing *et al.* (2001) illustrate how inheritance systems are evolving into more egalitarian systems (as in parts of South East Asia). Arguments for independent rights to assets for women are discussed in the next subsection.

1.1 Arguments for Women's Independent Rights to Assets

This sub-section provides a brief discussion on the definition of assets, and those assets considered in this paper to eventually illustrate the routes through which gender biases creep in and disparities are generated, especially in the context of Asia-Pacific countries. The second and third sub-sections deal with arguments for women's independent rights to assets, vis-à-vis welfare, efficiency, productivity, poverty alleviation, equality and empowerment as well as a mechanism for closing gender asset gaps respectively.

1.1.1 Defining Assets

'Assets' refer to an entire range of resources and outputs - tangible-intangible, movable-immovable, direct-derived forms. One definition of 'assets', adopted by Doss *et al.* (2008), is as follows: Assets are stocks of financial, human, natural or social resources that can be acquired, developed, improved and transferred across generations. They generate flows, as well as additional stocks (The Ford Foundation 2002 as cited in Doss *et al.* 2008). Thus, assets include real or physical assets such as land, housing, livestock, businesses, equipment, jewellery and consumer durables as well as financial assets such as cash accounts of various kinds, stocks, bonds, trusts and public and private pensions. Assets may represent a store of value, have current use value or provide services (as in the instance of home ownership), so as to facilitate their conversion into cash, or be a source of generating financial incomes.

In the context of women's command over assets being a key element for their empowerment, an alternative categorization of assets include human capital (education, information, health and nutritional status), natural capital (property rights to land, water, and other natural resources, including forests and common property resources), financial capital (savings, credit and insurance), physical capital (buildings, tools, equipment), social capital (group memberships and social networks), and political capital (influence in governance processes) [adopted from Quisumbing and Meinzen-Dick 2009³ and Rao 2006].

³ Commentary on strengthening women's assets, www.ifpri.org, 2009.

Different forms of assets reveal the nature of gender gaps when women's command over these resources is examined. Women's ownership of land is quite low even in countries where legal provisions assign equal rights to women and men. Land ownership distribution across women and men shows substantial gaps even in the countries of Latin America and Africa, as examined by Deere and Doss 2006. Among natural capital, women also resort to the use of common property resources, forests and water bodies for their sustenance and livelihood, often more than men within the same communities. This excludes indigenous people, wherein both men and women depend on natural resources tremendously. Often, women tend to depend on resources owned by the state or by men, which may result in sub-optimal production or output scenarios due to their lack of ownership and control over the resources.

Women depend to a great extent on animal husbandry, but their ownership is typically restricted to small ruminants and relatively low value assets as compared to men. For example, in rural areas, while men own drought and milch animals, women own small cattle, pigs, poultry, and so on. Even if women own milch cattle, these are generally in smaller numbers as compared to men. In some cases, women receive these animals as gifts in marriage.

In India, for instance, the practice of dowry involves giving gifts to women in marriage, which may include assets like land, livestock, jewellery, sewing machine, vehicle, refrigerator, television, furniture, utensils, and many consumer durables apart from cash. Although it is meant to be the property of the bride, this is often left ambiguous and not clarified through formal documentation. While it may still serve as security for some women in the matrimonial household, there are instances of women having no control over such assets. In any case, ownership of the gifts received as dowry is not a right of the women, but is subject to inter-personal relations and family considerations, even resulting in dowry-related violence and deaths. Hence gifts received in the form of dowry constitute a different set of assets.

Lack of data on assets gifted in marriage or for that matter those given subsequently by the parents to the daughter or her marital household constrain any systematic enquiry on the possible impact that these may have on gender asset gaps or the bargaining power of women in different spheres. Similarly, deposits and other financial resources remain beyond systematic coverage due to the absence of reliable information.

Ownership and control over assets provide direct and indirect benefits to individuals and households. For instance, under land and housing, the benefits may accrue through generation of rent, provision of a source of financial income, increase in value, and the use of these assets as collateral to secure credit. They serve as a buffer during emergencies and may be used as collateral, pawned or sold. They can also be passed on to future generations (Doss *et al.* 2008:1-2). In economies that are urbanizing or rapidly changing towards non-farm employment opportunities, assets in the form of human capital may be more valuable forms of investments than agricultural land. Command over resources - physical and financial - enhances women's capabilities as well as her potential to participate in various income-earning ventures and businesses, thereby narrowing the gender asset gaps.

While every form of capital is critical in defining women's command over assets, only some assets are considered in this paper. Land and housing under natural and physical capital are central to the property and inheritance rights as major assets. The approaches that help women wield and accumulate financial and social capital—microfinance, SHG formation and enterprise ownership (large, small and micro)—are discussed to illustrate how women improve their bargaining power, overcome traditional inhibitions and enhance their potential to gain command over assets in the process⁴. The various arguments proffered in the literature for ensuring women's command over resources and for narrowing the gender asset gaps are discussed in the next section.

1.1.2 Arguments for Women's Command over Assets

Women's independent command over assets has been based on the three major arguments of welfare, efficiency, and equality and empowerment (see Agarwal 1996; Deere and Doss 2006; Alsop *et al.* 2006). The linkages of rights over assets for enhancing capability and overall gender development as well as the use of ownership and control as an instrument of poverty alleviation are alternative ways of emphasizing the necessity for women's independent command over assets (World Bank 2001b; Moser 1998).

The lower status of women in many of the countries in the region is linked to women's inadequate command over assets, which translates into systematically lower access to community governance, health and education facilities as well as less than optimal participation in economic decision-making (Elson 1991; Kelkar 2005). Ownership and access to resources are equally effective for reducing the vulnerability and dependence levels of women. The social policies of many countries have shifted emphasis from income and consumption to directly addressing the critical role played by assets and capabilities in improving both individual and household socio-economic well-being and associated poverty reduction.

The asset-based welfare policy developed by Sherraden (1991) is based on two premises. First, the poor can save and accumulate assets, and second, assets have positive social, psychological and civic effects independent of the effects on income. Arguing for a policy shift from income to assets, Sherraden (1991) highlighted that income only maintains consumption, but assets change the way people think and interact with the world. With assets, people begin to think for the long-term and to pursue long-term goals. A World Bank report on poverty (World Bank 2001a) noted that empowerment was directly linked to the expansion of assets. Empowerment is thus the outcome rather than the means of poverty reduction (Alsop *et al.* 2006). The new poverty debate indicates that the vulnerability of people is closely associated with asset ownership. The more assets people have, the less vulnerable they are, and the

⁴ Although human capital is an integral dimension and forms the basis for women's command over other forms of capital/assets, it is not being separately examined in depth here. Similarly, women's labour as an input which helps improve their command over assets of various forms is another dimension that is not directly dealt with in this paper. Even ownership of livestock and women's involvement in animal husbandry is not discussed here. Education and employment form the focus of two different technical background papers.

greater the erosion of people's assets, the greater is their vulnerability and associated insecurity (Moser 1998). While this is applicable for all persons, women's command over assets is critical for gender equity and empowerment.

Another dimension that assumes importance for women's command over assets pertains to intra-household relationships and bargaining power. The decision-making power of women is linked to their bargaining strength, which is backed by the command they have over assets (Agarwal 1996). The uniqueness of the bargaining model lies in its gender-differentiated approach in dealing with intra-household interactions. The model emphasizes the welfare, efficiency and equity implications that tend to differ by gender in the household allocation of resources. These have been extended here to indicate how market, community and state interactions can also benefit from the asset position of women.

A person's bargaining strength within the family depends on his/her ownership of and control over assets, access to employment and other means of earning an income, support from NGOs, support from the state, social perceptions about needs, contributions and other determinants of deservedness, as also social norms (Agarwal 1996; Quisumbing 2003). Perceptions about one's contribution depend on the extent of visibility of one's work. Perceptions about the needs are associated with its recognition too. Systematic undervaluations of women's contributions or needs, "perceived contribution response" as Sen (1990) calls it, reinforce the issue of 'gender-related deprivation'.

Social norms can influence the bargaining power of an individual by setting limits or constraints on what can be bargained about and how the process can be conducted.

However, the entire discussion on bargaining power and gender relations can be centred on the arenas of household, market, community and the state, which emerge as the four principal spheres of contestation on gender relations. The various factors that come under the domain of bargaining include gender gap in skills, information and education, barriers to entry into trade unions and other institutions, as also a woman's household property status, all of which affect women's access to markets. The dominance of patriarchal relations in the market sphere, which extend to credit access, can also adversely affect the efforts of women to improve their relative bargaining strength that is so critical within competitive environs. However, the formation of SHGs, based on the understanding that women work better in groups and can withstand risks by sharing the repercussions, draws on socio-cultural understanding and values. Women have the least bargaining power among all individuals, vis-à-vis the community due to their exclusion from the sphere of public decision-making, weak intra-household bargaining power, as also a lack of kin support that men have within their villages after marriage.

Gender-progressive coalitions are a better means of enhancing women's bargaining power within the community. The state can itself be seen as an arena of cooperation and conflict, which takes place at multiple levels. For example, though the state may arrive at a consensus for passing gender-progressive laws and policies, it may still face resistance from the local bureaucracy. Again, some departments may follow gender-progressive policies within an overall gender-retrogressive state structure and development framework. In this process of contestation, an individual's bargaining

strength, especially that of women, depends upon whether they are functioning as individuals or as a group, size of the group, their ability to gain support from the media, stance of the opposition parties, and also the extent to which the state is democratic.

In order to ensure the protection of women's entitlements, their rights need to be enforced. Where customary and statutory rights are not consistent, the enforcement of women's rights does not occur automatically. In spite of the implementation of legal reforms, what matters is how these laws are locally interpreted and implemented. The evolution of local customs can occur in response to changing economic incentives. Inasmuch as the command over assets aids the process of wealth accumulation, it generates social and economic advantages for current and future generations through bequeath gifts and inheritance (Quisumbing 2003)

1.1.3 Rationale for Closing Gender Asset Gaps

The need to ascertain the presence and extent of gender asset gaps, in the absence of statistical information for systematically studying its impact in order to aid policy formulation and programme implementation, has been gaining currency in recent times (Doss *et al.* 2008). Inequalities in resource distribution between men and women have both economic and social consequences, which may exhibit specific cultural variations in the way it manifests itself in different countries (Quisumbing 2003). For instance, women tend to own jewellery (especially in Asia), which is an important and relatively liquid means of wealth accumulation, while men are more likely to own transport vehicles.

A burgeoning literature shows that household welfare is not equivalent to the welfare of the individuals within it (Haddad and Kanbur 1991; Haddad *et al.* 1997; Sen 1990). Worldwide patterns of wealth ownership by gender suggest that women face greater constraints than men in accumulating and keeping assets. In addition, women may not receive the benefits of assets held by men, even when they live in the same household (Deere and Doss 2006).

The rejection of the unitary model of household behaviour, which considers households as groups of individuals that have the same preferences and pool in all their resources to attain common goals, re-emphasizes the need for women's individual command over resources on many counts associated with the collective model. Quisumbing and Maluccio (2003) find the collective model as an alternative that allows for differences of opinion regarding economic decisions among household members.

Greater individualization of inheritance rights serves as an incentive for improvements as a consequence of secure land and property rights. However, the consequences that this has on gender equity need to be evaluated. While shifts from communal land tenure to individualized rights tend to erode women's rights, some studies highlight how women with command over resources can produce results at equally efficient levels as that of men, especially if they have access to inputs, information and technology (de Brauw *et al.* 2008; Gwako 2002). In addition, the command that women have over resources may have implications for productivity and even well-being when intra-generational or *inter-vivos* transfers are accounted

for. The promotion of inheritance systems, which reward differential work efforts by men and women has been noted in some parts of South East Asia by Quisumbing *et al.* (2001), and Quisumbing (2003). They arrive at the conclusion that individualization of land tenure institutions has contributed to both increased efficiency and equity in inter-generational transfers.

Apart from the equity and well-being arguments, it has also been noted in the literature that men and women use their wealth in different ways. Studies by Quisumbing and Maluccio (2003) have shown that household expenditures differ depending on the assets brought to marriage by each spouse and that the current asset distribution by gender affects household expenditure patterns on food, health, education and household services. Quisumbing and Maluccio's (2003) analysis on assets brought to marriage in Bangladesh, Indonesia, Ethiopia, and South Africa, proved that husbands brought greater wealth to marriage than wives. These differences were substantial, and the gender inequalities tended to persist over the lifecycle.

The independent rights and earnings of women are seen as benefiting the food and nutritional statuses of the household and children, as also the education of the next generation, especially girls, and leading to a reduction in their vulnerability to trauma and violence. Ownership and command over resources have implications for poverty alleviation, and given the fact that there is a feminization of poverty, eliminating or reducing the gaps in the asset position of women as compared to that of men can be very beneficial.

Asset ownership influences the “fallback” position of each spouse in negotiations over key household and family decisions, and hence the exit options available to each (Quisumbing and Hallman 2006; Doss 1996). Surveys from South Asia have noted that women who owned land had greater say in household decision-making than women without land (Mason 1998; Allendorf 2007; Agarwal 1998; 2002). In Colombia, Friedemann-Sanchez (2006) found that women use property and social assets to negotiate for the right to work, control their own income, move freely, and live without spousal violence. In-depth research conducted in Bangladesh, Ethiopia, Indonesia, and South Africa shows that, though women bring far fewer assets to marriage, these assets play a significant role in household decision-making, particularly regarding the allocation of household expenditures to food, education, health, and children's clothing. In all these countries, assets in the hands of women increased the share that the household spent on education. Women's asset ownership may increase the anthropometric status of children (Duflo 2000) and the incidence of prenatal care (Beegle *et al.* 2001) and reduce domestic violence (Panda and Agarwal 2005; Friedemann-Sánchez 2006).

Asset ownership is thus related not only to well-being but also to women's empowerment. International Food Policy Research Institute (IFPRI) study indicates that women who have greater bargaining power within the household—owing to more assets brought to marriage—are better able to invest in social capital and to join groups and networks, which allows them to learn about new agricultural techniques, obtain credit, and develop social support systems (Quisumbing and Dick 2009). Studies from Bangladesh, for example, find that their participation in credit programmes lead to women assuming a greater role in household decision-making,

and having greater access to financial and economic resources, greater social networks, greater bargaining power vis-à-vis their husbands, and greater freedom of mobility. Female credit also tended to generally increase spousal communication about family planning and parenting concerns. Extensive evidence also proves that closing the gap in productive resources like land held by men and women has the potential to increase agricultural productivity by 10 to 20 per cent (Quisumbing and Dick 2009).

Therefore, studies that highlight the presence of gender asset gaps, identify sources from which these arise as the starting points for bridging the gaps through appropriate policy planning and interventions. This is undertaken in the second and third sections of this paper, after providing a socio-economic profile of women in the Asia-Pacific region.

1.2 Socio-economic Status of Women in the Asia-Pacific Region

The Asia-Pacific region is inhabited by one-half of the world's population as a consequence of the two most populated countries of the world (India and China) under it. The countries of the region are characterized by considerable diversity with respect to geography, culture, religion, political and legal systems as well as economic and social development. The range of diversity can be fathomed by the levels of urbanization, industrialization or service-dependent economies, for instance. There are countries like Singapore in South East Asia and Nauru in the Pacific, which are completely urban in contrast to some of the Pacific countries such as Papua New Guinea (which has only 13.5 per cent urbanization) and Solomon Islands (with 17 per cent urbanization); Sri Lanka and Nepal in South Asia (with urbanization levels as low as 15 and 16 per cent, respectively); and Cambodia in North East Asia with 18 per cent urban population (UNDP 2007).

A large segment of the region is rural, given the lower urbanization levels in the two most populated countries of China and India. The region, therefore, depends critically on agriculture and primary production, most of which necessitate ownership or access to natural resources. Women are involved in these activities, especially in the rural areas, but also in many an urban context, where informal economies provide livelihood options to them.

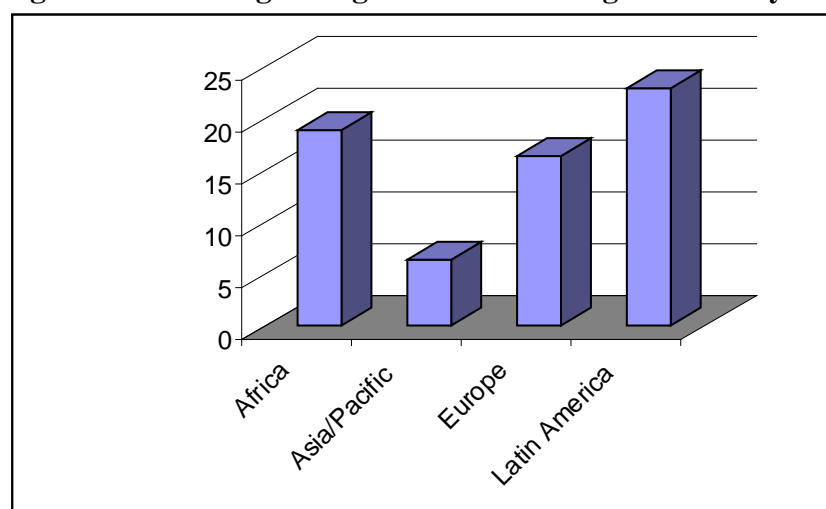
Access to land and village commons or common property resources are extremely critical for many rural households and the women within them. These also become important for the indigenous people, especially the islanders who face problems related to degrees of isolation, size of the land available, resource endowments, and cultural and economic development.

Among the different regions of the world, the Asia-Pacific region displays the lowest percentage of agricultural holdings headed by women as shown in Figure 1. Latin America and Africa are relatively better placed in this regard due to some reforms and mobilizations that have taken place around the issue of land ownership by women in the countries in these regions.

Women as a collective group/segment are not homogeneous. This is also the case with the countries of the Asia-Pacific region, which is quite heterogeneous. Many of the Pacific Island countries are inhabited by indigenous people, who follow their own

customary laws, especially with regard to land ownership and inheritance practices. While some of the Asia-Pacific countries follow matrilineal inheritance practices with many cultural variations, others follow the mainstream gender-biased, patrilineal system, wherein women are often deprived of equitable rights to land and property. It may, however, be highlighted that even under matrilineal systems, though women seem to be relatively better off, they are not always recipients of equitable access to the land they own. Even if women have access to use land and other productive resources/assets, they often have limited control over these assets, in terms of major decisions with regard to their purchase, sale, mortgaging, pawning or gifting. It is this lack of control together with poor knowledge/information regarding their rights and ownership of resources, which works against them.

Figure 1: Percentage of Agricultural Holdings Headed by Women



Source: FAOSTAT cited in FAO 2004.

There are also restrictions to women's independent handling of savings and undertaking investments since they are considered too inept or ill-informed to take the correct decisions. The greater share of property ownership by men enables them to provide collateral for larger loans, whereas women's access to credit is limited to smaller loans. The relatively lower credibility assigned to women in the context of financial assets stems from the patriarchal biases and their lower human capital endowments, though experiences of microcredit institutions have shown them to be better clients in all respects.

These disparities and gender gaps prevalent in basic human development attributes must be addressed and eliminated in order to improve the initial conditions of women in many countries of the Asia-Pacific region. In spite of the relatively better human development scenario of the region as a whole, in quite a few highly developed countries, the gender imbalances and differences continue to persist (UNDP 2005). These disparities are more glaring in the spheres influenced by customary and cultural practices, which are difficult to quantify and measure, but are also prevalent in the relatively easy-to-quantify indicators of gender development.

One of the areas wherein information is poor, in fact, almost non-existent, pertains to women's command over assets. This is partly due to the absence of proper reportage and recording mechanisms and partly due to low importance attributed to the collation

and collection of statistical information on these aspects. Only in few countries is some information on bank accounts and property in the name of women available. Information on SHG membership or on women beneficiaries who have been provided loans may be available to some extent. A comparative profile for countries across the region is severely lacking, if not completely absent, thereby limiting the possibility of any statistical evaluation or of accounts being provided here.

Table 1.2.1: Human Development Index and Related Indices for the Asia-Pacific Region with High Levels of Human Development—2007/2008

ASIA-PACIFIC REGION	Country	HDI 2007/08	GDI 2007/08	GEM 2007/08	GGI 2008	GGI 2007
Pacific	Australia	3	2	8	21	17
North East	Japan	8	13	54	98	91
Pacific	New Zealand	19	18	11	5	5
	Hong Kong, China (SAR)	21	22	...		
North East	Singapore	25	...	16	84	77
South East	Korea, DPR	26	26	64	108	97
North East	Brunei					
South East	Darussalam	30	31	...	99	NA
Pacific	Tonga	55	53	...		
South East	Malaysia	63	58	65	96	92

Notes: Countries are ordered by HDI ranks. UNDP 2007 used for HDI, GDI and GEM; and Hausmann *et al.* 2008 for GGI.

Sources: Hausmann *et al.* 2008; UNDP 2007.

The global Human Development Report (HDR) provides some information on the quantitative indicators, which is presented here for the Asia-Pacific countries. In 2008, nine countries of the Asia-Pacific region were categorized as having high human development level, three each from South East Asia, North East Asia, and the Pacific (see Table 1.2.1). In the Pacific, apart from Australia and New Zealand, the third country is Tonga which is the only sovereign monarchy consisting of 48 inhabited islands, with a high literacy level and a large segment of its population working in Australia and New Zealand.

Despite their high level of human development, the countries of North East and South East Asia nevertheless display substantial disparities across urban-rural locations and across gender. All the other countries of Asia and the Pacific region, which have been included in the analysis for calculation of the Human Development Index (HDI) in the global UNDP report fall within medium levels of development (see Table 1.2.2). Even Timor-Leste and Pakistan, which exhibited a low level of HDI in 2004, have subsequently shown some improvement.

Another recent addition to the quantification on gender gaps is available in terms of the Gender Gap Report of the World Economic Forum (Hausmann *et al.* 2008). This report has been calculating a gender gap index based on a set of 4 sub-indices using ratios of 14 indicators. An important dimension on the basis of which the report calculates one of the sub-indices relates to economic participation and opportunity. The index on economic participation and opportunity is based on female-to-male ratios of labour force participation; wage equality for similar work; female-earned

income; female legislators, senior officials and managers; and female professional and technical workers. The other sub-indices relate to educational attainment, health and survival, and political empowerment. The last indicator uses three ratios of women with seats in Parliament, at the ministerial level, and the number of years that a female leader has been the head of state or government over the last 50 years. The values of these sub-indices for the 21 Asia-Pacific countries included here and their ranks are provided in Table 1.2.3.

Table 1.2.2: Indices for the Asia-Pacific Region with Medium Levels of Human Development—2007/2008

ASIA-PACIFIC REGION	Country	HDI	GDI	GEM	GGI 2008	GGI 2007
Pacific	Samoa	77	72	...		
South East	Thailand	78	71	73	52	52
North East	China	81	73	57	57	73
South East	Philippines	90	77	45	6	6
Pacific	Fiji	92	82	...		
South and West Asia	Iran, Islamic Republic of	94	84	87	116	118
South and West Asia	Sri Lanka	99	89	85	12	15
South and West Asia	Maldives	100	85	...	91	99
North East	Viet Nam	105	91	52	68	42
South East	Indonesia	107	94	..	93	81
North East	Mongolia	114	100	77	40	62
Pacific	Vanuatu	120	...	...
South and West Asia	India	128	113	...	113	114
Pacific	Solomon Islands	129	...	...
	Lao People's Democratic Republic	130	115	...		
North East	Cambodia	131	114	83	94	98
South East	Myanmar	132	...	...
South and West Asia	Bhutan	133	...	...
South and West Asia	Pakistan	136	125	82	127	126
South and West Asia	Bangladesh	140	121	81	90	100
South and West Asia	Nepal	142	128	86	120	125
Pacific	Papua New Guinea	145	124	...		
South East	Timor-Leste	150	...	...

Notes: Countries are ordered by HDI ranks. UNDP 2007 used for HDI, GDI and GEM; and Hausmann *et al.* 2008 for GGI.

Sources: Hausmann *et al.* 2008; UNDP 2007.

As per the Gender Gap Index (GGI) calculated by the World Economic Forum (2008), among the Asia-Pacific countries, the best scores and ranks for GGI are for

New Zealand, the Philippines, Sri Lanka and Australia. Interestingly, while the first three countries have reported similar or improving relative positions, Australia's rank has increased from 17 to 21 over 2007-2008. Some of the other countries in the region, which had a higher GGI rank in 2008 as compared to 2007, are Viet Nam, Singapore, Indonesia, Japan, the Republic of Korea and Malaysia.

**Table 1.2.3: Sub-Indices of Gender Gap Index–
Scores and Rank for Asia-Pacific Countries**

<i>Countries</i>	<i>Economic Participation and Opportunity</i>		<i>Educational Attainment</i>		<i>Health and Survival</i>		<i>Political Empowerment</i>	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score
New Zealand	7	0.779	1	1	69	0.974	6	0.39
Philippines	8	0.773	1	1	1	0.98	22	0.274
Mongolia	10	0.756	1	1	1	0.98	95	0.084
Australia	22	0.731	1	1	73	0.974	37	0.191
Viet Nam	24	0.729	106	0.894	92	0.97	67	0.118
Thailand	25	0.728	69	0.991	1	0.98	104	0.069
China	43	0.692	87	0.978	126	0.941	54	0.141
Cambodia	56	0.659	114	0.856	1	0.98	87	0.093
Singapore	58	0.654	98	0.938	117	0.958	81	0.101
Indonesia	90	0.571	97	0.945	82	0.972	80	0.101
Brunei								
Darussalam	91	0.57	62	0.993	109	0.966	122	0.028
Maldives	95	0.566	1	1	122	0.951	96	0.083
Sri Lanka	99	0.56	65	0.992	1	0.98	5	0.416
Malaysia	100	0.555	75	0.99	98	0.969	109	0.063
Japan	102	0.544	82	0.985	38	0.979	107	0.065
Korea, the								
Republic of	110	0.487	99	0.937	107	0.967	108	0.071
Nepal	116	0.462	124	0.745	119	0.955	34	0.214
Iran, Islamic								
Republic of	118	0.449	92	0.965	60	0.978	128	0.017
Bangladesh	119	0.444	104	0.909	124	0.95	13	0.31
India	125	0.399	116	0.845	128	0.931	25	0.248
Pakistan	128	0.372	123	0.751	123	0.95	50	0.146

Note: Countries are ordered by ranks for the Economic Participation and Opportunity sub-index.

Source: Hausmann *et al.* 2008.

The countries of the Asia-Pacific region, which have reported improvements over time in the GGI-based ranks, are Mongolia, Bangladesh, China, Sri Lanka, Nepal and the Maldives. A look at the sub-indices, especially in terms of the economic participation and opportunity (EPO) ranks, is relevant for reflecting the economic equity dimensions. The countries reporting better scores and thereby lower ranks are New Zealand, the Philippines, Mongolia, Australia, Viet Nam and Thailand. They are followed by China, Cambodia and Singapore (see Table 1.2.3).

Countries with insignificant gaps in educational attainments are New Zealand, the Philippines, Australia, the Maldives and Mongolia, while the countries displaying significant gender gaps are Nepal, Pakistan, India, Cambodia, Viet Nam and Bangladesh. Educational attributes facilitate increasing awareness levels regarding the rights due to women, which can influence their participation in labour markets, political arena and social spheres. Ownership and access to assets and resources can potentially improve under these situations, provided the socio-cultural and community structures are amenable to alterations, which are dependent on the extent of mobilization and space for collective action available for women. For instance, in parts of Bhutan, where the matrilineal system of inheritance is followed, almost 60 per cent of the rural women are owners of land. However, this results in the women participating in work at an early age, which constrains women's education. This situation has such an adverse impact on women that local women's groups have been advocating investment in women's education even if it is at the cost of the traditional female inheritance in the region (Planning Commission and UN 2001).

Women's ownership of assets and the extent of their control over these assets have major implications for their economic and social rights. The adoption of the Universal Declaration of Human Rights in 1948 established that it is not only civil and political rights that are fundamental for gender equity, but economic and social rights are equally essential. The Vienna Declaration in 1993 recognized women's rights as human rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979, commits countries to incorporate the principle of equity of men and women in their legal system (see Box 1.2.1). This is the "only human rights treaty...that targets culture and tradition as influential forces shaping gender roles and family relations" (UNDP 2008:2).

The major influence and constraint in women's ownership and access to land and property, apart from economic and social structures, stems from the operation of customary laws, especially marriage and inheritance practices. The co-option of these customary laws by the male practitioners through the use of religious texts and cultural values are often reflected in the denial of even some of the existing rightful provisions allowing for women's access to land and property. Ironically, formalized processes of titling and ensuring user rights have also led to the introduction of biases against women. For facilitating the transformation towards gender equity, different agents require a change in perceptions and notions regarding women's roles, productivities, and contributions to the economy and the society. Unless this occurs, appropriate investments and planning for women will not take place, thereby limiting the possibilities of women enjoying equitable command over assets. One of the first steps in this direction involves the establishment of gender asset gaps through the recognition and identification of different sources which cause these gaps to occur. The next section illustrates the evidence on gender asset gaps for the Asia-Pacific region.

Box 1.2.1: Bringing the Convention (CEDAW) Home

Legal action to 'bring home' the Convention is one way of changing national legislation and removing discrimination. In a number of cases, the Convention has been successfully invoked to persuade domestic courts to refer to international standards, in particular the Convention, when applying existing law. Some of these cases are reproduced below.

United Republic of Tanzania: In *Ephrohim v Pastory*, a woman brought a court challenge to the Haya customary law that prevented her from selling clan land. Holaria Pastory had inherited land from her father, through his will. When she tried to sell it, however, her nephew applied to have the sale voided. The Tanzania Declaration of Customary Law prohibited her from selling the land under Section 20 of its rules of inheritance, which states that "women can inherit, except for clan land, which they may receive in usufruct but may not sell." Pastory argued that this constraint on women's property rights violated the constitution's Bill of Rights. The court, noting that the Government had ratified CEDAW, the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights, found that women were constitutionally protected from discrimination and thus overruled the rules of customary law. It stated that "the principles enunciated in the above-named documents are a standard below which any civilized nation will be ashamed to fall."

Nepal: In *Dhungana v Nepal*, the Forum for Women, Law and Development asked the Supreme Court to overturn a law that gave sons a share of ancestral property at birth but denied daughters a share of their parents' property until they reached the age of 35 without having married, and required that it be returned to the family if a daughter subsequently married. Because CEDAW has the status of national law in Nepal, the case was argued both as a violation of the Convention and as a violation of the constitution's equality guarantee. The Supreme Court found that the law did discriminate against women and directed the Nepalese Government to "introduce an appropriate Bill to Parliament within one year."

India: In *Madhu Kishwar and Others v State of Bihar and Others*, the customary law excluding tribal women from inheritance of land or property was challenged. The court recommended that the Central Government withdraw the exemptions given under the Hindu Succession Act and the Indian Succession Act.

Although judges may be unwilling to base their decisions on an international treaty such as CEDAW, they have the authority to do so if their country has ratified it. Some of the most interesting and significant decisions have been produced when a court decided to combine a vague or inadequate constitutional guarantee of women's equality with the principles of gender equality articulated in the Convention. Litigation has made history when courts have successfully relied on the Convention to interpret constitutional guarantees of equality, including access to land and inheritance rights.

Source: Hartl 2003.

2. EVIDENCE ON GENDER ASSET GAPS

Most countries of the world are aiming to move towards the constitutional provisions guaranteeing gender-egalitarian land and property rights. While there have been some progressive reforms and changes, there is still a substantial and pervasive presence of gender asset gaps in most countries across the world, including the Asia-Pacific region. However, given the pervasive presence of gender biases and discrimination against women, even legally egalitarian provisions are transformed into wide gender asset gaps as a consequence of the existing patriarchal and institutional structures.

In other words, recognition and enactment of progressive laws by themselves do not translate into implementation and realization of rights. The customary land areas of the developing countries are gradually evolving from a situation of communal ownership towards that of individualized ownership. The patrilineal systems of inheritance, which bestow the male progeny with inheritance rights over land and property without granting equal rights for women, are pervasive in most parts of the Asia-Pacific region in practice. With the exception of a few countries (such as Bhutan, the Cook islands, Lao People's Democratic Republic (PDR), some areas of Papua New Guinea, and India—such as the North East and parts of Kerala)—almost all the countries follow the male lineage for transfer of land. Specific communities or sub-regions within these countries follow matrilineal systems, such as the Minangkabau women of Sumatra in Indonesia; the Nayars of central and north Kerala in India; the Hindu Tamils inhabiting Jaffna in Sri Lanka; and so on; all of which have strong inheritance rights for women. This, of course, does not always translate into favourable gender asset gap situations. The countries, which follow female lineage or equal inheritance, experience the lack of women's control on land in spite of ownership. Women refrained themselves from claiming inherited land as brothers were seen as a source of social support, for instance, in Gujarat, India (Unni 1999), and in Afghanistan (World Bank 2005).

By highlighting the prevalent inheritance rights, customary and family laws, formalization processes and land titling procedures in different countries of the region, this section illustrates how women fare in terms of the command over major assets such as land, property and housing. The instance of Japan, which has adopted an individual ownership system, shows that increasing numbers of single working women have benefited by acquiring housing ownership, which, in turn, is an outcome of their improving employment and earning situation.

A large proportion of rural women in the region still continue to depend on land and natural resources, with many of them being involved in animal husbandry activities for a livelihood. Livestock, especially small ruminants, which are most often owned by women, are usually viewed as savings, as these assume a fairly liquid form that can be encashed in times of crises. Livestock ownership also serves as a means of accessing credit, training, other forms of technical assistance and the opportunity for formation of women's groups, especially with the involvement of the State and other agencies.

The State plays a crucial role, both directly because land ownership control is in the hands of the state, and indirectly because of its involvement in legal provisions and their implementation. The right to purchase and sell land in certain contexts is limited

by the law of the land, as in the case of tribal areas or in some of the Pacific islands. The extent of development of markets for land transactions also influences transfers and acquisitions. Formal land titling procedures and record maintenance can also be critical for preventing the improper denial or loss of property. While formal systems are essential, at the same time, there have been instances of women losing out on the traditional rights customarily granted to them in the course of formalization procedures that issue rights to the male heads of households.

Formalization is often seen as a shift from 'informal' to 'formal', from oral to written, from extra-legal to legal or from unofficial to official norms (Ik Dahl *et al.* 2005). De Soto (2000) lays emphasis upon the rule of law for development as the lack of formalized property rights explains the failure of non-Western countries to achieve development. People remain poor due to the fact that ownership rights are not properly recorded and are thus useless as collateral for loans. Economic growth will be hindered without the formalization of legal rules governing property (Sachs 1996; Posner 1998). Legal scholar David Kennedy (2003) also finds much faith in the ability of the formal legal system in the fair distribution of property. Yet, discussions on formalization remain gender-neutral. Empirical evidence proves that an increase in income is treated differently by men and women (Agarwal 1996; Deere and Doss 2006). Although De Soto and his supporters consider security of tenure one way of promoting credit, critics point out that it is women's unwaged labour that is expected to service rural debt.

Land titling is another formal mechanism of granting and recording ownership rights of specific parcels of land to different parties (McGee 2006). Although land titling is suggested as a solution to gender disparities in land rights, it is not the only way to provide women access to land (ICRW 2005). In cases where there is titling and formal registration of land, it is necessary for men and women to be able to acquire title individually or jointly. Joint titling helps in securing women on the demise of a spouse, and in preventing dispossession of women through abandonment, separation or divorce, besides also increasing women's bargaining power in the household.

Leasing arrangements and granting of land sites for cultivation, grazing, (even mining) or housing are resorted to on state-owned land. Allocation of plots is one of the anti-poverty measures assigned for poor households. However, these plots are often allocated to the head of the household. Unless the government initiates a policy to issue joint ownership rights, these measures will not be effective for poor women, especially in times of crisis.

Like land ownership, inheritance to property including housing also often follows patrilineal systems. There are a few exceptions in matrilineal societies wherein women gain ownership titles to homesteads. The state, in its pursuit of improving housing conditions, and as a measure for alleviating poverty also assigns plots to poor households, mostly in the joint names of both the man as well as the woman. In some cases, only women are assigned housing titles.

In order to encourage the registration of property in the names of women, specific policies that lower the rate of property taxes for women have been introduced in various states of India. This is gradually bringing benefits to women, especially in times of crisis or distress due to divorce, separation, etc. However, needless to say, these gains are only feasible with the spread of awareness and education among the

women regarding the formal procedures, maintenance of relevant records and papers, etc.

Legal universalism or standardization is clearly not the desired solution, since implementing equality—a central objective to the concerns of human development—is not the same as implementing uniformity. As upheld in the HDR 2004, there is a need for “internal reform of all customary laws, upholding gender equality rather than imposing identical gender-biased, prejudicial laws across all communities” (UNDP 2004:57). Deere and Doss (2006) in their detailed literature review of inheritance systems, emphasize that all other conditions apart, women are better off in total or partial community ownership regimes as compared to the marital regime of property separation, which grants individual rights to men and women over property.

2.1 Command over Major Assets (Land, Property and Housing)

One of the most daunting challenges in achieving gender equality in the region is the lack of equal rights and security on land. According to the United Nations Food and Agriculture Organization (FAO), while the proportion of female-headed households continues to grow, reaching almost one-third in some developing countries, less than two per cent of the land is owned by women (FAO 2004, cited in UNDP 2008). Security of land can be obtained by ownership and access, but it also depends on the control of land and the right to use it.

Widespread variations are notable in the inheritance and customary property rights applicable in different parts of the Asia-Pacific region, ranging from traditional women favouring matriliney; conditional access to and control over land subject to marriage and family laws; equal property rights to men and women; and patrilineal systems. In some parts of the South East Asian countries, traditionally strong inheritance practices favour women’s property ownership, which are gradually shifting towards bilateral systems, just as is the case with inheritance systems in the countries of North East Asia, which have also been evolving towards equal rights for women and men. In contrast, women in South and West Asia have, for centuries, been denied land rights, though there have been some progressive changes in recent times (such as the amendment to the Hindu Succession Act in 2004 and Nepal’s country code in 2002). Most parts of the Pacific are governed by customary law that is gradually undergoing some changes.

The countries of the Asia-Pacific region display tremendous variations in the legal inheritance regimes that influence the command that women have over land and property. The manner in which universal legal systems function and the simultaneous operation of community, religion-based and personal laws that are followed for marriage, divorce, guardianship, inheritance, and so on, introduce conflicting situations which contest gender equalities despite the constitutional provisions for it (Deere and Doss 2006).

Access to or ownership of property and homesteads are equally significant in the case of women’s lives, especially in times of divorce or the break-up of families. With the declining income share from agriculture in certain regions, for instance in South and South East Asia, land ownership is no longer the predominant source of household income (Rao 2005; Quisumbing 2003). Migration to urban locations in search of

alternate livelihoods as well as the increasing masses of landless compels the recognition of asset strategies involving investments in human resources, such as education and social support networks (Heyer 1989). Instances of progressive legal reforms such as the Hindu Succession Act, in India and Nepal and the shift towards bilateral inheritance systems, which are more egalitarian as noted in parts of South East Asia, are observed.

With regard to housing ownership and rights, lack of information restricts systematic enquiry. There is no doubt that the assignment of housing assets to women can be very beneficial and must be considered as a policy imperative. Instances abound from Asian countries where government policies have ensured this, particularly for poor women (the Indira Awas Yojana in India, and the National Housing Policy of Bangladesh are a few instances). While the better off sections of society may also have instances of property owned by women in many of the Asia-Pacific countries, there is minimal information on these matters. An instance of this can be seen in the context of Japan, where single, educated working women are able to acquire ownership to housing (Izuhara 2004, 2005; Hirayama and Izuhara 2007).

Nevertheless, inequalities continue to prevail in the inheritance and acquisition patterns noted among women in the region with regard to the command over assets. Some of these are illustrated in the following sub-sections. Unless these are tackled and addressed upfront, economic equity will continue to remain a distant dream.

2.1.1 South and West Asia

South Asia and Africa are known as the two most culturally diverse regions of the world. The West Asian countries of the Islamic Republic of Iran and Afghanistan are Islamic countries, which follow Sharia and civil laws, though customary law often over-rides them in practice. Cultural pluralism in South and West Asia, a region which is home to several major religious groups, including Hindus, Muslims, Sikhs, Buddhists, Jains, Parsis and Christians as well as many smaller, more localized traditions followed among the multi-ethnic populations of the region, define the customary values and very often form the basis for the legal systems followed in most countries of the region. For instance, Bhutan grants equal rights to all children by law, though matriliney exists in most parts of northern and eastern Bhutan. The manner in which universal legal systems function and the simultaneous operation of community, religion-based and personal laws that are followed for marriage, divorce, guardianship, inheritance, and so on, lead to conflicting situations that contest gender equalities despite the constitutional provisions for it (UNIFEM 2003; MHHDC 2000).

In the Hindu tradition, as practised by a majority of the population in South Asia, especially India, inheritance practices are detailed in the legal doctrines of *Dharmashastras* and *Mitakshara* (Agarwal 1996). These ancient doctrines continue to influence law and custom, especially with regard to land rights. According to the *Mitakshara* system, there are two types of property: ancestral property, which is jointly held by the family, and independent property such as land that is self-acquired. In the *Dharmashastra* system, there was no distinction between ancestral land and independent property as far as inheritance customs were concerned.

Prior to the 2004 amendment to the Hindu Succession Act, the rights of male heirs differed between the two types of land, and women were prohibited from fully inheriting either type; widows and unmarried daughters were entitled to inherit a limited income from a joint estate, whereas from an independent property, a widow could inherit if there was no son or grandson, but only for her lifetime. A daughter can inherit her father's land only if there is no son, grandson or widow in the family. The new amendment now grants equal rights to women as well (Das 2005). Both daughters and sons now have equal inheritance rights to property. However, it remains to be seen whether women actually use the legal provisions to improve their asset position, and whether, and to what extent, such an amendment has narrowed the gender asset gap.

Unlike Hindu texts, the Koran accords significant inheritance rights to women, though they are unequal to the rights of men. Daughters and widows can inherit in the presence of sons and are entitled to an absolute estate, though daughters inherit a one-third share while sons inherit two-thirds of the property, and a widow can receive one-fourth of her husband's estate if she is childless and one-eighth if there is a son. In parts of South West India and Sri Lanka, a few Muslim communities practised matrilineal inheritance under which the women inherited landed property to which the men had user rights. In the rest of South Asia, Muslims followed customary inheritance practices similar to those of the Hindu patrilineal communities wherein women's rights were limited as in Punjab, where Muslim widows could inherit the husband's ancestral land only in the absence of a son and only as a life interest (Agarwal 1996).

In addition to inheritance practices, marriage is also an influencing factor (that facilitates or impedes) women's command over land. Through various customs in both West and South Asia, land ownership was limited or denied to married women. In South Asia, the practice of dowry and post-marital residence requirements are customary ways of controlling women and their land (McLeod-Simmons 2002). Linkage between land and marriage varies depending on whether the tradition is patriarchal or matrilineal or bilateral. In patriarchal societies, male domination of land is manifested in the practice of dowry. Although dowry lands may be protected, the husband has the liberty to sell, mortgage or give away his own land or joint land without his wife's approval. In matrilineal or bilateral cultures, wherein women were permitted greater access to inherited lands, a woman was encouraged to marry someone from within her kinship group (as seen among the Nayars of central and north Kerala in India, and also in Afghanistan) and live in her ancestral village in order for the family to retain the control of her land. Among the Hindu Tamils of Jaffna in Sri Lanka (who follow the practice of strong inheritance rights for women), though the daughters receive dowries from their mother's property and it is established in the wife's name in the dowry deed, its disposition still requires the husband's consent as long as she is in marital union (Agarwal 1996). Such practices have clearly subordinated women and made them economically disadvantaged.

In Sri Lanka, among the Sinhalese women who had a '*binna* marriage', the husband lived with his in-laws and managed the land which his wife had inherited, and the children also had rights on their mother's household and took her ancestral name.

Wherever women have customary ownership on land, it is also associated with their place of residence. In regions which follow matrilineal or bilateral systems of inheritance, women continue to reside in their matrilineal joint family estate throughout their lives even after marriage (as in the case of the Nayars of central Kerala and the Mappilas of Lakshadweep Islands, who practise duo-local residence; and also seen among the Nangudi Vellalars of Tamil Nadu and among certain tribal communities of Meghalaya in North East India who practise matrilocality).

Across the region, women have limited ownership of land due to marriage-related practices. Post-marital residence resulting in village exogamy and patrilocality serves as a barrier for women in managing their lands, often even leading to what is claimed as the 'voluntary' giving up of claims to their lands (Agarwal 1996). In the case of the Sri Lankan Sinhalese, there is a strikingly close association between female inheritance and post-marital residence. Among the Kandyan Sinhalese, a 'binna' married daughter (continuing to reside in her natal home even after marriage) has an equal right to her father's estate as that of her brothers, than a daughter who has to forfeit her inheritance and stay virilocal if she is married to a 'diga'. However, the non-Kandyan Sinhalese are governed by a general law, under which women, irrespective of the form of their marriage, have equal inheritance rights as men (Agarwal 1996).

There are also illustrations wherein women do not lose their rights over the matrilineal estate even if they have moved elsewhere after marriage. Women of certain communities of Kerala in India (such as the Tiyars, Phadiyas and Chettis), move to their husbands' matrilineal estates after marriage, yet their property rights continue to be linked to their own matrilineal estates, which are managed and controlled by the eldest male members of the respective households.

Apart from inheritance, the other factors that dictate women's command over estates include the right to acquire land and property, and whether women are in a position to retain control over these. The acquisition of property can be not only through inheritance but also through purchase, gifts or assignment (for instance, when land, housing plots or actual houses are provided by the State; or where user rights are given for designated periods to land, ponds or common properties through lease arrangements). Gifts in the form of assets are very often given to daughters as part of marriage alliances, as for instance, seen in the practice of dowry that is common in South Asia. However, land or property thus gifted remains subject to the benevolence of the families or social compulsions under which it is mandatory to do so. This does not take the form of women's rights and therefore remains a very distinct practice. It is only the purchase of direct assignment in the name of women with formal titles to that effect that serves as an entitlement beyond doubt. In some cases (as in Bangladesh), female-headed households often lease out their lands on share cropping arrangements to their male kin, who then ultimately hope to acquire control over it (White 1992, cited in Rao 2006).

Another context in which the issue of joint titling gains prominence is in times of natural disasters when the State or other bodies issue land as compensation to the victims. Since the earthquake of Latur in January 2001, the issuance of joint titles has become a common post-disaster situation in India as it offers a window of opportunity for advancing women's rights. But this opportunity is not seized at times as seen in

Sri Lanka (PDHRE 2006). The women who owned land (that was received as dowry) in their names prior to the tsunami of December 2004 were not considered eligible for compensation, but the government deposited the compensation payments in the names of their husbands. Studies from Thailand also report instances of women, who lost their husbands, not being compensated (even if they had been living together for years and had children) unless they produced marriage certificates (Lockley 2006).

Evidence from India shows that joint titling of land has hindered women's control of the produce of land, and prevented them from exercising their priorities in land use if they differed from those of their husbands, in bequeathing a portion of land as they want to or in claiming their shares in the case of marital conflict (Agarwal 2002). Hence the assumption that joint titling of land would translate into access and control for the women still remains a controversial issue (Lockley 2006).

Gender conflicts occur in the context of tribal women's land rights as illustrated here in the context of India, especially among tribal widows of Jharkhand. Although attempts for assertion of women's land rights are being made among the community, men have resisted it on the ground that it will undermine the very social organization of *adivasis*. Surprisingly, women have also resisted the transfer as it is difficult for them to comprehend that there can be a system different from the patrilineal one that they are used to and also because they feel that the demand for land cannot be a general demand for women (Kelkar and Dev 1991).

Box 2.1.1.1: Degradation of Land Rights: Widows of Tribal Community in Jharkhand

Among the tribal communities of Jharkhand, the widows become substitute fathers for their sons. In the event of partition, when her son(s) grow(s) up, she gets what her dead husband could have claimed and if she has only daughters, she inherits all land and movables. But all these stipulations were conditional to her remaining in the village and not re-marrying. She had the rights to manage the land, and even mortgage it temporarily, wherein both the interest and part of the principal are to be returned after harvest and the land reverts to the owner after a fixed number of years. However, the recent years have witnessed deterioration in the land rights of widows—from the right to a plot of land to a right to maintain the land. This benefited the male inheritors who need give only the barest minimum as maintenance for the widows. It shows the growing ascendancy of male relatives whose interest is to take over the land as soon as possible and not to wait till the death of the widow for it. There are also instances in which widows (especially among the Santhals) without children are denounced as witches and then driven away or killed, which would result in the lands immediately being passed onto the hands of the husband's male agnates.

Source: Kelkar and Dev 1991.

Kelkar and Dev (1991) also point towards a situation in which the introduction of individualized landholdings resulted in the deprivation of indigenous women as is the case with the *adivasis* of Jharkhand state in India. With the alienation of indigenous land and the individualization of property, patriarchy has got reinforced in the familial relations and women have started losing their land rights and clan support which they formerly enjoyed. This study also exposes the extreme brutalities being practised

against childless widowed women, who make claims to the properties of their late husbands (see Box 2.1.1.1).

The absence of asset ownership has implications for violence faced by women. There is considerable evidence to show that women without assets are subject to threats of violence in many parts of the globe (Rao 2005). The study by the International Centre for Research on Women (2006) reveals that women's access to and control of economic resources, especially immovable assets like land and house, play a critical role in protecting them from marital violence (Panda 2002; Panda and Agarwal 2005). Citing the case of Kerala, the study highlights that despite the fact that Kerala has high levels of women's literacy, a favourable sex ratio and a generally enabling environment for women, the situation of the women who do not own land or a house are at a significant disadvantage socially and face a higher risk of both physical and psychological violence from their husbands over both the long- and short-term. Among those who own no property, it was also found that 49.1 per cent experienced long-term physical violence and 84.2 per cent experienced long-term psychological violence. In contrast, those who owned both land and a house reported dramatically less physical as well as psychological violence (6.8 and 16.4 per cent, respectively). Even when a woman owned only land or only a house, the incidence of violence was much lower than if she owned neither. This indicates that if a woman owns a house or land, it serves as a deterrent to violence. A similar correlation is assumed in the context of HIV-infected women. If the woman has a secure home, a site for economic activity and collateral for credit, she can reduce the risk factors of violence (Strickland 2004).

Box 2.1.1.2: Country with Progressive Legislation: Nepal's Experience

The salient features of Nepal's eleventh amendment to the Country Code in 2002 can be summarized here (UNDP, 2008). **Equal rights on ancestral property by birth for daughters:** The previous law prescribed that only an unmarried daughter attaining the age of 35 was entitled to this right. **Full inheritance rights to widows:** It has removed the earlier provision that a widow could claim her share of property only after attaining the age of 30 and living separately. According to the amendment, a widow is entitled to use her share of property as she wishes even if she gets married. **Wife's rights to husband's property:** The amendment removes the condition that a woman must attain the age of 35 and complete 15 years of marriage to claim her share from her husband's property. **Property rights of divorced women:** A woman need not return her property to her divorced husband even if she remarries another man. **Punishment of non-execution of court decisions:** Any person not complying with court decisions related to property is liable to pay a fine of Rs. 5000 (US \$ 84) or be imprisoned for up to one month or both.

Source: UNDP 2008.

Amidst the diversities and complications that characterize the issue of women's equal property rights in the region, there have been some noteworthy positive and welcome strides recently. The amendment to the Hindu Succession Act in 2004, which grants rights to women that are equal to those of men, is laudable. Another similar instance

is that of Nepal, wherein after a long struggle by women's activists, a progressive legislation safeguarding the rights of women has been introduced (see Box 2.1.1.2).

2.1.2 North East Asia

Most countries of North East Asia are, by and large, legally egalitarian, or are making significant efforts to move in that direction. Cambodia passed the land law in 2001 giving equal rights to men and women, though educational backwardness and lack of information constrains women from benefiting in many cases (World Bank 2004). The gender gap in the educational attainment index (see Hausmann *et al.* 2008) for Cambodia is quite high and similar to that seen in parts of South Asia, and is, in fact, worse than that prevalent in West Asian countries.

Benefits from access to land have been noted in the literature in the context of Chinese women involved in farming (de Brauw *et al.* 2008). Instances from other studies based on select communities may, however, question the interpretation of Chinese law into women having a voice in the management of the land (Judd 2007). Viet Nam instituted land reforms that emphasize the joint titling of land.

Joint titling can be mandatory or voluntary for married couples (ICRW 2005). Mandatory joint land titling is, however, more secure for women than voluntary titling since the latter requires that women, registration personnel and legal services personnel should be educated. Of the Asia-Pacific countries, Viet Nam had a heated debate on Land Use Rights prior to the land legislation approved by their National Assembly in November 2003 which requires that the Land Use Right Certificate in the country must bear the names of both husband and wife, if the land belongs to both of them. Although hurdles arose during the local level implementation of this legislation, it can still be considered as a step forward in realizing gender equality in the country.

Box 2.1.2.1: Good Practices from Viet Nam on Joint Titling of Land

Although the government has remained the sole owner of land in Viet Nam, a series of land reforms were instituted in the country in 1993 granting land use rights for up to 20 years whereby individuals can transfer, exchange, mortgage and bequest their use rights on land. Initially the Land Tenure Certificates issued to households had only one signature, as a result of which the signature was usually of the male head of the household. Women could claim their rights only in the presence of their husbands or male relatives and had to lose their rights in the case of divorce or death. In 2001, the marriage and family law was revised so that the signatures of both the spouses are now required on any documents registering family assets and land use rights.

Source: Grown et al. 2005:85.

In many developing countries, the security of tenure is guaranteed by the utilization of land. As long as a farmer cultivates the land, he/she enjoys security of tenure. However, under external pressures (population growth, competition for resources), use rights can be eroded. Women tend to be among the first to lose use rights. Legal rights to property, recognized in property titles and registration documents, can

enhance the potential of both women and men to use property for economic purposes. In many countries, however, land is disproportionately controlled by men, even when rural women work as agriculturalists and when the law dictates otherwise. The Chinese law (2003) on rural land contracts, guarantees long-term rights to farmers to use their contracted land for thirty years and also stipulates that women, whether they be married or unmarried, enjoy equal rights with respect to land distribution.

Examining the feminization of agriculture in China (as noted in many other parts of the Asian region as well), de Brauw *et al.* (2008) note that policies ensuring equal access to land, open access to credit, and economic development strategies that encourage competitive and efficient markets have all contributed to the enhanced possibility of women farmers in succeeding in their work. The authors find that women fare better when they run their own farms.

Yet, in terms of the thirty years provision, some studies find that there is still no explicit change for women as land is still not individually held but held by the effective head of the family. Field evidence from the three agricultural communities of China indicates that though the married daughter holds a complete set of documents related to the household land allocation naming her as the holder of land, she has never had a voice in the management or disposition of the land (Judd 2007). Other efforts at the formalization of property and progress towards achieving the pledge of the MDGs highlight the role of gender-progressive groups and other agencies. Since 1995, a collaborative effort by the Lao PDR government, the Australian Agency for International Development, and the World Bank have been making conscious efforts to include women's issues in land reform processes in the country, one of the least developed of the Asia-Pacific region (UNDP 2008). Hence, success stories from the region bear out that if the pledges of MDGs in relation to gender equity and empowerment are to be meaningful, gender-progressive groups will have to respond to the formalization of property.

Also, there is a need to formulate policies for overcoming the human capital shortfalls as reflected in the poor educational attainments of women, for the egalitarian legal provisions to bear fruit. One concrete illustration of how this can work is by providing access to earning and wealth through employment, as seen in the case of Japan, where single, educated working women are gaining access to housing assets.

Women and Housing Assets in Japan

The asset status of Japanese women is characterized by the ideological ownership of housing without actual legal substance. Despite the New Civil Code defining children's equal rights to inheritance regardless of their gender and birth order, the practice of house ownership is still highly gendered in Japan (Izuhara 2004; 2005). Daughters are still less likely to receive housing assets from their parents, and more likely to receive cash gifts to compensate their 'voluntary' withdrawal from housing inheritance. Home ownership can be eventually granted to married men. Marriage has almost been the only secure means for Japanese women to access home ownership. Women's ownership of the property does not materialize until the death of their husbands and inheritance does not appear to contribute to housing asset accumulation for women.

With the demographic transformations (caused by rising marital age, falling fertility and increasing longevity), labour market re-organization and housing market volatility, it has become less affordable for single earner households to purchase a house and thus the number of dual earner households has been on the rise. The restructuring of the labour market has also led to the destabilization of employment and income among males. A new trend in women's home ownership has been created by an increasing number of dual income households wherein working wives tend to have a share of the housing property. The economic status of women is correlated to the level of home ownership in the household and to whether or not women have had a share in the property. The level of home ownership among women is thus clearly related to their employment status. With an improvement in their educational backgrounds, women have started entering the full-time labour force.

Moreover, there has been a continuous increase in the number of non-conventional households, and consequently, an increase in the number of women now living outside the traditional family model. These new trends have reflected the fact that single career women have formed a visible new group that has access to urban home ownership in the country.

Since the second half of the 1990s, the numbers of home purchases by women have been increasing. According to a *Housing and Land Survey* conducted by the Ministry of Internal Affairs and Communications, home purchases by men declined between 1998 and 2003 by an average annual rate of 1.5 per cent, while those by women increased by an average annual rate of 2.2 per cent. Home purchases by women increased in all age groups, except in the late 40s age group. The increases in home ownership were particularly large for women in their 30s and their early 60s. While many of the home acquisitions by women in the latter group were tantamount to scrap and build, or the building of a new home on the land that they already owned, those by women in the former group (in the 30s age group) were primarily purchases of new or used condominiums or other forms of residence. Since Japan's "asset-price bubble" burst in the early 1990s, home acquisitions have become easier than before. Not only have home prices declined relative to the rental properties (due to the decline in land prices), but the drop in interest rates has also reduced the size of home loans to be taken out.

Is the economic power of women, which is a pre-requisite for purchasing a home, improving? Over the last ten years, there has been an upward trend in the levels of women's income in Japan. In terms of the employment situation, women in their 30s appear to have fared better than women in other age groups or men in general. Among married women, the higher the annual income and educational levels, the higher has been the ratio of those who have houses in their own names. In terms of employment status, the ratio was higher for regular employees (Hirayama and Izuhara 2007). This might suggest that if women's incomes continue to rise, so also will their home ownership ratio.

2.1.3 South East Asia

The South East Asian countries are relatively more favourable to women as compared to other parts of Asia-Pacific. The gender gap index calculated by World Economic Forum (WEF) (Hausmann *et al.* 2008) reflects this in the case of the Philippines and

Thailand, with both these countries reporting high scores on economic participation and opportunity, educational attainment and health and survival. The latter two sub-indices display virtually no gender gap (see Table 1.2.3).

Legal provisions in the context of land and property are fairly egalitarian, with some parts of the region following matriliney. Customary laws, as noted in South Asia, appear to be mostly unfavourable to women. Yet, not all customary laws discriminate against women. For example, in many parts of South East Asia (like the Philippines and Thailand), women have been traditionally and legally allowed to inherit property. The Minangkabau women of Sumatra in Indonesia have also been the beneficiaries of the matrilineal inheritance system. However, the gradual shift towards bilateral inheritance systems now ensures equal rights to both women and men. In Indonesia, where many families follow the Javanese inheritance customs, all children are granted equal rights to property, which is beneficial for daughters as compared to the Islamic law, which gives a larger share to sons (Brown and Purwanti 2002).

However, evidences from many countries of the South East Asian region like Sumatra in Indonesia, the Philippines (see Box 2.1.3.1) and Thailand prove that the newly emerging inheritance laws are becoming egalitarian for both men and women. In recent years, these countries have witnessed a shift from the matrilineal system of inheritance to a bilateral, individualized system or rather to a more egalitarian system under which sons and daughters can inherit the type of land on which in their own work effort is more intensive (Quisumbing *et al.* 2001).

An interesting set of studies undertaken in the region, especially for the Philippines and Sumatra in Indonesia illustrate the gains for women in the inter-generational sense (Quisumbing *et al.* 2001, 2004). The closing of the gender gap in schooling in the children's generation as opposed to that of the respondent's generation highlights the potential gains that daughters derive from non-farm employment in the context of lower agricultural incomes. Inasmuch as the persistent gender gap in schooling contributes to the inequality in the income-earning capacities of men and women, educational gains help in narrowing these inequalities. Thus, Quisumbing (2003) points out that while sons inherit land, girls benefit from the investment in their schooling, which has the potential to narrow the gender asset gaps in the long run.

Box 2.1.3.1: Rights versus Perception and Practice

There are no longer any legal variations in the access to land and property for men and women in the Philippines, but in practice, men are still perceived as the primary property owners. The Agrarian Reform Department has been responsible for giving housewives equal rights to own land in accordance with the applicable provisions of the Family Code and the Civil Code on property relations, involving legally married and common-law spouses. The Comprehensive Agrarian Reform Law states that all qualified women members of the agricultural labour force must be guaranteed and assured equal rights to ownership of land, equal share of the farm's produce, and representation in advisory or appropriate decision-making bodies that are agrarian reform beneficiaries.

Source: ADB 2004.

Various aspects of the issue of control over assets also raise many other issues relating to the management and operation of these assets. Both the region, in general, and the different countries within it, in particular, presents a diverse picture with regard to the female ownership of land. In South and South East Asia, though land may be registered in the name of the head of the household (usually the eldest male), women may have control over certain lands like homestead plots (Rao 2006).

2.1.4 The Pacific Region

The Pacific region consists of the two developed countries of Australia and New Zealand, as also a host of islands, many of which are influenced by patriarchal structures. Many of the island countries have limited land resources, which are generally under state control and are governed by customary laws.

The land ownership structures are governed by different customary and legal provisions across the countries of the Asia-Pacific region. Large segments of the region follow customary ownership laws for the inheritance of land and property. Social norms and customs go a long way in explaining gender disparities. Inheritance has been historically skewed towards men, in partly because agriculture has traditionally been a male activity and partly because legal headship status is conferred on males through marriage. Only 10 per cent of the population of the Pacific region traditionally follows the matrilineal transmission of land rights (Smiley 2006).

Land owned under customary ownership is guided by a customary law. Customary law is a body of rules that derives its legitimacy from tradition. Customary laws thus evolve continually as a result of diverse factors like cultural interaction and also socio-economic processes (FAO 2004). Yet, the legal status of customary laws differs across countries. More than 90 per cent of the land in the Pacific region (that is, in Niue, Tokelau, Vanuatu, Papua New Guinea, the Cook Islands, Tuvalu, Nauru and the Marshall Islands) is under customary ownership (Levantis n.d.).

Formerly, in certain parts of Vanuatu, if the daughter inherits the land rights, she confers the land rights on her eldest son, who is sent away to live with his mother's parents, and thereby the mother excludes herself from the land (see Box 2.1.4.1; Singh 2001). Although official land policies accord preference to equal rights for women on land, they may overlook female limitations of limited access to money wherein administrative payments are needed, and there is lack of knowledge and information due to illiteracy, among other things.

In the Pacific countries with mostly patriarchal societies, daughters, after getting married to men in other villages, can utilize the produce from their parents' lands, depending on the relationship between the two villages and also the relationship between the daughter's husband and the dominant male member of her patrilineage (Kenneth and Silas 1986).

Box 2.1.4.1: User Rights to Land for Unmarried Vanuatuan Women

In the patrilineal societies of Vanuatu, males hold major property rights. The women have the right while they are not married, to take and utilize produce from their parents' land without permission. After marrying into another village, the extent to which the daughters can exercise these rights depends on the relationship between the two villages and the relationship between the daughter's husband and the dominant male member of her patrilineage. In other parts of Vanuatu, if the daughter inherits the land rights, she confers the land rights onto her eldest son who is sent away to live with the mother's parents. He is given a new name and acquires all his mother's land rights. Thereafter, the mother is excluded from rights over the land.

Source: Kenneth and Silas 1986.

The situation of women in the Pacific region is pitiable, especially in Vanuatu, because of the patriarchal systems prevalent here, whereby women have no choice but to live on their husbands' lands without any property rights. On the death of the husband, the widow who has no male children does not inherit the land rights from the husband, but the land rights are instead reverted to the husband's nearest male kin and the widow is forced to return to her natal village.

In some of the island countries in the Pacific region, land is owned by the state (or Crown, as in Tonga). Individuals have leasing rights, with stipulated restrictions on the bequeathing and gifting of land. Countries such as Samoa and Tonga have completely restricted the sale of their lands through the introduction of constitutional provisions, reflecting the role of the state in the alienation of land ownership among the indigenous peoples. Lease rights are also executed through the state machinery. Under the patriarchal structures of households, wherein men wield the power and have control over assets and resources, women have limited access and user rights.

When the countries of the region were under the colonial administration, restrictions were imposed on the alienation of customary land, mainly, for economic reasons. Yet after the countries in the Pacific region (including Tonga, Samoa, the Cook Islands, Fiji, Tokelau, Solomon Islands, Kiribati and Vanuatu), gained independence from the colonial regime, restrictions were imposed on the alienation of land to non-indigenous peoples. Later, many countries of the Pacific region (including the Cook Islands, Kiribati, Tuvalu, Fiji, Niue, Nauru and Tokelau) restricted the alienation of land to indigenous peoples as well.

Tonga and Samoa completely restricted the sale of their lands through constitutional provisions. The approval of the State was necessary for the sale of land in the Cook Islands, Kiribati and Tuvalu. Fiji, Niue and Tokelau also restricted the alienation of customary land to the crown (Singh 2001). Although Vanuatu and Solomon Islands made customary land freely alienable to the indigenous peoples, the long-term leases of land to foreign developers and a few influential indigenous peoples snowballed into more worrisome concerns, as a result of which the demand for Land Policy Reform rapidly gathered momentum in the region.

In the Pacific region, since 2005, Papua New Guinea and Vanuatu (where access to land was restricted by custom and the state mechanism) have been on the road to

evolving successful processes of land policy reform (Holzknecht 2002; see Box 2.1.4.2).

Box 2.1.4.2: On the Path to Land Policy Reform: Papua New Guinea and Vanuatu

Papua New Guinea

Formerly, access to land and natural resources in Papua New Guinea was restricted to custom and state mechanism. There was a wide range of customary practices in the country of which patrilineality was the most common. The customary practices were recognized and enshrined in the constitution and thereby 97 per cent of country's land area remained customary. As regards the State, it managed less than 3 per cent of the land purchased by the colonial administration and from customary resource owners. The State leased out areas of alienated land to individuals and companies, and they were subject to provisions of agriculture and urban land for housing, etc. The State and the citizens later recognized the need to maintain customary land management systems for cultural reasons. Although in 1986, the World Bank mission proposed for customary land registration and also for lease back systems, politicians claimed that customary landowners would lose their lands if the government defaulted on its loans to the World Bank. Consequently, a National Land Summit was held in the country involving persons from various grounds to discuss the issues in detail. The Summit recommended the alienation of land and customary land administration, which included the development of a National Land Development Task Force. The government and citizens of Papua New Guinea, who had been wrestling with the issue of land policy reform before independence, gained immensely through the National Summit, and these developments are expected to pave the way for the access, ownership and control of land by women.

Vanuatu

The impetus for Vanuatu's independence in 1980 lay in the increasing frustration about the alienation of customary land. At independence, all the alienated land reverted to customary ownership; customary land can no longer be alienated except to the State. By the 1990s, the same concerns centred in the country along with the alienation of land on long-term leases to foreign developers and a few influential ni-Vanuatu. All these gathered momentum for a Land Policy Reform to wind up the rapid rate of land alienation. A National Summit for self-reliance and sustainability convened in 2005 laid the foundation for tapping the local residents' sentiment of disenchantment over land. A key outcome of the Summit was the passage of a resolution calling for the National Land Summit to involve people from all related spheres and also women's groups which would hopefully lead to the introduction of a Land Act.

Source: Holzknecht 2002.

3. APPROACHES FOR IMPROVING WOMEN'S COMMAND OVER ECONOMIC AND FINANCIAL RESOURCES

Among the various critical modes and approaches for improving women's command over economic and financial resources in the Asia-Pacific region, the major areas of discussion in this paper include ownership and operation of enterprises, microfinance, SHG formation and the role of women's organizations or collectives.

Women have poor access to the ownership of enterprises due to their comparatively lower access to human and financial capital. At best, women are found to be managing micro or small enterprises. The major reason for the lack of accurate and detailed information on the ownership of enterprises by women has been the availability of poor or inadequate statistics on the issue. There are, however, at least two interesting sources which shed some light on the subject—the Global Entrepreneurship Monitor (GEM) on women and entrepreneurship, and the Global Gender Gap report of the WEF—and form the basis for a brief discussion on women's enterprises, which could function as an approach for narrowing the gender asset gap and enhancing gender equity in the command over assets.

The Global Entrepreneurship Monitor (2006) report (see Allen *et al.* 2007) on women and entrepreneurship, which is based on the GEM data from 40 countries, includes eight countries from the Asia-Pacific region. These are Australia, China, India, Japan, Malaysia, the Philippines, Singapore and Thailand. A profile of the entrepreneurship status of women is collated from this report for the purpose of this paper. A gradual recognition of women's role in entrepreneurship in many countries is gaining ground, especially in times of crises.

The other source is the Global Gender Gap Report, which covered 130 countries in 2008 (Hausmann *et al.* 2008). This provides survey-based information on the ability of women to rise to the level of leading an enterprise in various countries, including 21 in the Asia-Pacific region. In the context of the total lack of information on this dimension, this paper provides an illustrative indicator for assessing how women are placed in different countries with regard to the potential enterprise leadership possibilities.

Another significant approach for enabling women to utilize their social capital through group formation is pertaining to microfinance, and the formation of SHGs. These have the tremendous potential to address some of the central constraints for the establishment of businesses by women, thereby enhancing their prospects for commanding assets. There are numerous instances in the world, including in countries within the Asia-Pacific region that serve as examples for highlighting the gains made by women who have adopted these approaches. The mobilization of women or the formation of collectives with the help of governments, international agencies or even non-governmental organizations (NGOs), however, are often crucial for facilitating better operation and effective functioning of these initiatives.

3.1 Women's Entrepreneurship

An illustration of how equal the corporate world has become for women's participation is reflected in the interesting statistic provided by the WEF Global Gender Gap Report 2008 (Hausmann *et al.* 2008). On the basis of a survey, the ability of women to rise to enterprise leadership has been ascertained on a scale of seven, with one being the worst score. Islamic Republic of Iran reports the lowest score, followed by the South Asian countries, except Sri Lanka, which records a high score of 5.5 (see Table 3.1.1). Among the reported Asia-Pacific countries that exhibit better prospects of entrepreneurial leadership by women are Singapore, the Philippines, New Zealand, Indonesia, Sri Lanka, Thailand, Brunei Darussalam, Malaysia, Mongolia and China. All these countries reported a score of above 5. The Global Entrepreneurship Monitor (GEM) report on women and entrepreneurship further substantiates this for the Asia-Pacific countries included in the study.

Table 3.1.1: Indicators of Women's Enterprise Leadership Ability

<i>Country</i>	<i>Ability of Women to rise to Enterprise Leadership*</i>
Australia	4.75
Bangladesh	3.64
Brunei Darussalam	5.4
Cambodia	4.75
China	5.02
India	4.91
Indonesia	5.5
Iran, Islamic Republic of	2.78
Japan	4.17
Korea, the Republic of	3.7
Malaysia	5.32
Maldives, the	-
Mongolia	5.2
Nepal	3.82
New Zealand	5.64
Pakistan	3.86
Philippines	5.71
Singapore	5.89
Sri Lanka	5.49
Thailand	5.46
Viet Nam	4.87

Notes: * Survey data responses on a 1-to-7 scale
(1 = worst score; 7 = best score)

Source: Hausmann *et al.* 2008.

As per the Global Entrepreneurship Monitor (2006) (see Allen *et al.* 2007), women represent more than one-third of all people involved in entrepreneurial activity. Across Asia, up to 35 per cent of small or medium enterprises are headed by women. Further data pertaining to these findings are listed below.

- In China, women account for 25 per cent of all new business start-ups.
- In Viet Nam, women-owned businesses currently account for about 20 per cent of the total number of registered enterprises.

- In Japan, four out of five small business owners are women.
- In Hong Kong, China (SAR), the same proportion is three to one.
- Filipino women have the highest early stage entrepreneurship rate (22.5 per cent) as compared to that of their male counterparts. Women in China and Malaysia stand next to the Philippines in early stage entrepreneurship.
- Malaysia exhibits the highest ratio (23.3 per cent) of opportunity to necessity-driven female entrepreneurship.

Despite the growth of successful women entrepreneurs in some of the Asian countries, a significant gender gap in the rates of entrepreneurial activity still persists in a major chunk of the countries of the region. Tough institutional obstacles have hindered women's entrepreneurship, which was thought of as a deviation against the mainstream social norms. Moreover, in spite of the conceptual change in social institutions in many countries (like Japan and Singapore), family still remains the centre of pre-occupations and worries, and thereby only a marginal proportion of women entrepreneurs are ready to sacrifice their potential family life for the sake of business success. However, after the economic financial crisis that is currently plaguing the world, there has been a slow recognition of the fact that women could play an economic role as entrepreneurs, especially in Japan and Republic of Korea⁵, and gradually spreading to other countries.

Market liberalization, new types of work organizations (like the Hong Kong Women Professional and Entrepreneur Association, and Women's Entrepreneur network in Singapore) have given more business opportunities to women who are eager to pursue a managerial career and create a business on their own. The wider use of outsourcing, sub-contracting and the use of ICT offers myriad new business opportunities without a large upfront investment. Moreover, pro-active public support of women's managerial participation and entrepreneurship, especially, 'positive discrimination' in favour of women in public services in Japan, Republic of Korea and Malaysia; strong pressure exerted on private businesses to give more access to managerial positions to women, specific financial support: soft loans and grants, public venture-capital in Republic of Korea and Japan, privileged access to some public markets in Republic of Korea and Malaysia, creation of start-up incubation centres for women entrepreneurs in Republic of Korea and Malaysia, targeting the ICT sector in Republic of Korea and biotechnology in Malaysia, reinforcement of support of national and regional organizations, strong emphasis placed on women-owned businesses, ICT literacy in Republic of Korea and Malaysia in order to improve export market access for the food, textile (garment) and IT industries, strong effort to encourage girls to enter engineering and natural science faculties, especially in Republic of Korea and Malaysia has opened prospects for more women entrepreneurs in the region (Debroux n.d.).

⁵ The source documents used for this section refer to Republic of Korea.

3.1.1 *Micro-enterprises by Women*

Micro-enterprise constitutes another important asset-building strategy across the world to support poor women and their families (Moser and Dani 2008) besides functioning as a tool for bridging the gender asset gap. Although there is no universal definition of micro and small enterprises, there is some agreement as to their general characteristics in developing countries, which are: very small scale of operation, low level of technology, low access to credit and lack of managerial capacity, considerably low level of productivity and income, as well as their strong tendency to operate in the informal sector where they have few linkages with the modern economy (ILO 2000).

Various country studies reveal the significant involvement of women in micro-enterprises. The ADB Gender Assessment Report of China (2006b) points out that women entrepreneurs own 20 per cent of all enterprises in People's Republic of China. The Small and Micro enterprises Business Survey (Chandra and Lewai 2005) in Fiji indicated that of the 14560 registered business enterprises 19.2 per cent were operated by women. In Mongolia, of the 482 small micro-enterprises, one-third of the entrepreneurs are women (ADB and World Bank 2005). Nine out of ten enterprises in the Philippines are micro-enterprises and one out of two micro-entrepreneurs is a woman (ADB *et al.* 2008).

Although a micro-enterprise is valued for its double impact in terms of empowerment and asset outcomes, evidences from countries highlight that only a small number of women survive or expand their businesses. ILO (2000) reveals that women usually face multiple obstacles at various stages of their business operation, namely, educational, infrastructural, socio-cultural, legal, lack of self-confidence and so on. Low level of education, lack of business skills, low level of group organization and also the paucity of time and mobility persuade Chinese women to take smaller loans and invest on a small scale without access to organized markets (ADB 2006b). The narrow focus of credit for some microfinance programmes coupled with low loan levels have posed obstacles to the growth of many micro-enterprises in the Philippines (ADB *et al.* 2008). Women entrepreneurs of Nepal have undergone severe social and customary restrictions, which limits their involvement to just home-based industries. These industries are, however, fizzling out due to the competition from imported products (ADB 1999).

Obstacles to obtaining credit, lack of commercial skills and knowledge, and also the lack of collateral have hindered the professional growth of the rural and urban women of Thailand, who have been producing silks, garments, artificial flowers, wood carvings, umbrellas, basketry, sea foods, etc., thereby preventing their entry into formal businesses (ADB 1998). Even though supportive business organizations exist, women are discouraged from joining them, as seen in Mongolia (ADB and World Bank 2005). Moreover, low capitalization of enterprises has resulted from women's own preference for keeping the operations small in scale so as not to interfere with their familial responsibilities (ADB *et al.* 2008).

Thus, to a great extent, asset accumulation through a micro-enterprise is closely related to the institutional and social setting in which the enterprise is embedded and also on the opportunities available to individuals living in that environment (Moser

and Dani 2008). Probing deeper into the problems faced by small and micro-enterprises, studies by the ILO conducted in the Philippines and Bangladesh identify lack of access to credit as a major constraint for small and micro-entrepreneurs among women (Hampel-Milagrosa 2008). Many have access to credit only through informal lenders who charge them high interest rates (ILO 2000). In addition, lack of information on the requirements of the bank, and limited understanding on how to approach the banks for a loan, result in lack of confidence among women borrowers. Many women do not own property that can be used as collateral because gender relationships play a significant role in the way in which land rights are determined. In Lao PDR, informal credit schemes, which constitute an important source of financing for rural villagers, are accessible only to men, who generally perform all duties related to loans. Besides, these loans are given to households and not to individuals, despite the fact that women have a monopoly in the work related to small animals (GRID 2005).

Various other factors constrain women from gaining access to credit facilities. In countries like Papua New Guinea, the problems of geographical access to banks are more acute for women residing in less populated areas as most financial agencies have centralized offices in the larger centres. Yet, any earnings that come out of female investments are subject to the control or influence of their families and clans (Brouwer *et al.* 1998). The situation in Indonesia reveals the inherent bias against married women where the Civil Code impedes married women from entering into contracts on their own behalf and earning income from individual business activities. Tax regulations also do not allow married women to have a separate tax number, thereby forcing them to use their husbands' numbers (ADB 2006a).

Traditionally, women in businesses have faced constraints that prevent them from flourishing professionally, enhancing productivity and accumulating surpluses since they have few economic resources and limited access to credit and their networks usually obtain little business or political favours as compared to that of men. The introduction of women savings groups and microfinance as an alternative approach, amidst these myriad traditional and conservative restrictions on women's access to credit and operation of businesses, have revolutionized financial access for women in many ways and helped improve their command over assets as well.

3.2 Microfinance

Social mobilization and collective agency (as poor women often lack the basic capabilities and self-confidence to counter and challenge the existing disparities and barriers they face) are beginning to be recognized as appropriate routes for working towards the empowerment of women (Quisumbing 2003; Deere and Doss 2006; Kay 2003). The use of approaches such as SHG formation wherein savings and credit are combined enable women to benefit economically by monetizing their contributions and, in the process, empower them to become agents of change (Putnam 2000). Microfinance promoted by Professor Yunus, Managing Director of Grameen Bank in Bangladesh, and also by the BRAC, has spread all over the world with 25 million people now using microfinance to undertake income-generating or self-employment activities; of which 90 per cent are women (World Bank 2006). Loans are provided to individuals but the entire group is responsible for repayment. The borrower who does

not fulfil the commitment to repay the loan will lose the goodwill drawn from the social capital.

The system of group guarantee combined with individual responsibility now enables credit to be extended to hundreds of millions of poor, asset-less women. Regular savings provide a fund to fall back upon in times of need for the poor women and promote capital accumulation for the poor women as well as their households. Repayment of loans in cash form necessarily requires that the loans should be invested in some form of cash-earning production.

With the exception of a few specific communities and areas, the market has hitherto been a public arena that is not easily accessible for most women in both Asia as well as the Pacific region. Women have been selling minor items such as eggs and vegetables either at their doorsteps or by using their children to transport their products into the market. But when they start producing for the market, their economic role links them to the market, whereby production becomes more commercialized. As Kelkar and Nathan (2005) highlight, in Lao PDR, women who initially wove skirts for their own use and for gifts, began to produce for the market by becoming more agile in learning new and even innovative patterns. Similarly, Bangladeshi women, who earlier raised poultry for household consumption, subsequently started raising it for sale.

As per the Micro Credit Summit Campaign Report (2007) (see Harris 2007), the global outreach of micro-credit proves that of the 92.9 million poorest clients reached at the end of 2006, 85.2 per cent or 79.1 million are women. The growth in the number of very poor women beneficiaries reached has gone up from 10.3 million at the end of 1999 to 79.1 million at the end of 2006. This signifies a 668 per cent increase in the number of poorest women reached during the period ranging from 31 December 1999 to 31 December 2006.

Microcredit interventions by both the government and non-government organizations have increased enormously over the past two decades in many countries of the region. According to the global estimates, South Asia has the largest number of microfinance borrowers while East Asia and the Pacific stand next to it with a corresponding figure of 10.5 million borrowers. Microfinance in Asia has focused on women, who constitute 98 per cent of its borrowers as compared to 66 per cent in Africa and 61.8 per cent in Latin America (WSBI 2008). However, microfinance has not attained a significant spread in the Pacific region as compared to the Asian countries due to varied reasons. Although Fiji made an entry with 85 per cent of its borrowers being women beneficiaries, the region generally shows very poor success rates mainly due to the less density of population, high transaction costs and lack of sufficient trained staff to take up the work related to disbursement of microfinance.

Table 3.2.1: Regional Breakdown of Microfinance Beneficiaries

<i>Regions</i>	<i>No. of poor clients (2005)</i>	<i>No. of poor clients (2006)</i>	<i>No. of poor women clients (2005)</i>	<i>No. of poor women clients (2006)</i>
Sub-Saharan Africa	53,80,680	61,82,812	34,22,825	40,36,017
Asia and Pacific	74,330,516	83,755,659	63,934,812	72,934,477
Latin America and the Caribbean	17,60,405	19,78,145	12,58,668	13,84,338
Middle East and North Africa	3,87,951	7,55,682	3,21,004	6,21,111
North America and Western Europe	13,318	25,265	7862	11,767
Eastern Europe and Central Asia	76,166	2,25,011	47,856	1,42,873

Source: Micro Credit Summit Campaign Report 2007, in Harris 2007.

Regional data expose that of the total microfinance borrowers, women constitute a major segment and it is revealed that the Asia-Pacific region has the largest concentration of these borrowers. By 2005, the coverage of microfinance was impressive in Bangladesh and Sri Lanka, and the focus on engaging women as essential contributors had important spillover effects throughout the region. The potential of microfinance demonstrated by the experiences of Bangladesh captured the attention in many other countries with many of the potential MFI institutions catering to the poor borrowers of the region, including the Hatton National Bank of Sri Lanka, Viet Nam Bank for Agricultural and Rural Development, National Bank for Agricultural and Rural Development in India, Postal Savings Bank in China, Government Savings Bank of Thailand, Bank Simpanan Nasional of Malaysia, and so on.

3.2.1 Women's Access to Microfinance—Experiences from Countries

Cambodia: Although Cambodia has a well-regulated system of credit, it is not widely accessible to people. However, five institutions are now formal providers of microfinance covering 20 per cent of the households. About 75 to 80 per cent of its borrowers are women (World Bank 2004).

Fiji: Various microfinance projects have been undertaken in the Fiji islands over the past 15 years. The longest in operation is the Women's Social and Economic Development Programme (1993), based on the Grameen Bank model. However, the programme lacks many components of the Grameen Bank model, for instance, it has no savings component, the interest rates offered are below the market rates etc. In 2002, the National Centre for Small and Micro Enterprise Development was started with a focus on women and youth. It became the apex organization for nine Micro-Finance Institutions (MFIs) by 2004, and was able to provide loans to 3000 women for starting micro enterprises (that is, 80 per cent of its borrowers were women). In 2004, the Australian New Zealand Banking Group established a rural banking service with six mobile banks in the rural areas where no banks exist. Financial literacy was provided to women through the women's groups (ADB 2006c).

China: The Tianjin Women's Association for Business and Development Promotion, which was established in 1999 with UNDP support, targets the poor and urban women workers who have been laid off their job. Up to 2005, the association issued credit to 2000 women (ADB, 2006b). This accelerated the growth of incubated businesses and provided re-employment and venture creation for women. Since its establishment in 2000, the centre has helped 58 women-owned businesses that employ more than 2700 people (80 per cent of which include women). Ten of these businesses have now 'graduated' from the incubator. They are now sustainable in their own right. The activity has also provided access to microfinance services for urban laid-off women workers, and by November 2002, it had delivered loans to 2586 clients (Rogers and O'Farrell 2008).

Pakistan: A study commissioned by the European Union, while tracking the socio-economic impacts of six sample MFIs (reaching at least 2000 active borrowers in the many regions of Pakistan) has proved that except for the Kashf Foundation, none of the MFIs produced a positive impact on women's empowerment. In spite of the efforts by the government signified in the setting up of the First Women's Bank, Khushhali Bank, and Jafakash Aurat, there are no links tracing asset creation by women. Women continue to rely on traditional income-generating activities like sewing, handicrafts, while the microcredit programmes have failed to incorporate adequate business development services, especially for the marketing of products (ADB 2008).

Sri Lanka: An Australian-supported microfinance programme is helping people in the country recover from the impact of the 2004 tsunami on their livelihoods. The programme is supporting the grant of loans to 2100 people (mainly women) for carrying out small-scale activities such as preparing food, making lace, fishing, selling vegetables and making bricks (Rogers and O'Farrell 2008).

Myanmar: The Myanmar Women's Affairs Federation (MWAF) is a micro finance initiative that specifically targets women. In 2006, the MWAF provided temporary loans of 72.4 million kyats to a total of 8,608 women. The Myanmar Maternal and Child Welfare Association provided loans totaling close to 180 million kyats to over 45,000 women who showed a desire to manage small-scale businesses or breed livestock (CEDAW 2007).

Bhutan: Initiatives by the National Women's Association of Bhutan (NWAB) and the Bhutan Development Finance Corporation (BDFC) that operate credit programmes for commercial farming, the upliftment of rural women and industrial development have served the interests of a significant number of women. The BDFC, which opened in 1988, had 35 per cent or 5,290 women clients in 2003 (Planning Commission and UN 2001).

Thus, while summarizing the benefits of microfinance for women, the impact assessment reports from a country like Bangladesh which has made a pioneering attempt in this field are worth mentioning. The impact assessment study of the Bangladesh Rural Advancement Committee undertaken in 2007 discloses that in spite of 53 per cent women handing over their loan money to their male household members, the overall women's participation was found to increase their self-

confidence and reduce their dependence on male household members (Rogers and O'Farrell 2008).

A fall in the number of divorce cases in Bangladesh due to the women availing of microcredit is another citation from the impact assessment studies. Also, the Grameen Bank in Bangladesh provided housing loans to members with a track record of three loan cycles with title deeds to land on which house is built. As most of the Grameen members are women, the result was that women got title deeds to be transferred to them, often from their husbands, to obtain these loans, which, in turn, improved their status in the family. There are also citations of women's access to household resources from Viet Nam. The Capital Aid Fund for Employment of the Poor (CEP), based in Ho Chi Minh City (Viet Nam), which formally targeted poor households without the specification of poor women, had to recognize that 75 per cent of its clients were women. The impact Assessment Survey of CEP in 2005 exposed that since joining the CEP programme, 52 per cent of women reported that they had gained more confidence and assumed a more significant role in decisions taken within the household and the community (Rogers and O'Farrell 2008).

In certain countries, SHGs were able to purchase land for themselves as a group, lease in land for vegetable cultivation, and acquire user rights for fishing ponds (as in Bangladesh) collectively for the sustenance of their livelihood (Kelkar 2005; Nathan and Apu 1998). An analysis of the microcredit programmes reveals that the Anand Milk Union Limited (AMUL) in India, a dairy cooperative of women who own cows and produce milk and milk-based products on profit, is also an interesting example whereby poor women own and operate enterprises, and add value to their products. However, there are also exceptional instances from Lao PDR, wherein the efforts of the Lao Women's Union in promoting micro-credit facilities for agriculture, animal husbandry and primary health projects became fruitless mainly due to the marginal role of women in decision-making in spite of their active role in economic activity (GRID 2003, as cited in GRID 2005).

Box 3.2.1: A Filipino Woman's Experience of Asset Accumulation through Networks outside the Community

A key factor to the success of ZSP Enterprises, a pioneering seaweed trading firm in the coastal province of Zamboanga del Sur in the Philippines, has been the founder's successful utilization of her social capital, in terms of friends, family, and other contacts. Zhuvaيدا Pantaran, a Muslim woman, persuaded her distant relatives in the seaside community of Pagadian City to supply her with seaweed. She also used her strong networking skills to link up with seaweed processing firms in Cebu, thereby completing the value chain for her business and the marketability of her products. The approach has proved successful. ZSP Enterprises has turned into one of the area's largest seaweed traders and become instrumental in developing the seaweed industry in the province. By now, the company has expanded beyond Zhuvaيدا's own initial social capital. Zhuvaيدا's seaweed suppliers come from several communities, making it possible for ZSP Enterprises to meet the growing demand for its product.

Source: Ilano 2007.

Box 3.2.2: SEWA—Largest Home-based Workers’ Organization in India

The Self-Employed Women’s Association (SEWA) in India, a typical example of an organization formed for home-based workers in Asia, has been recognized by the largest conglomeration of international confederations of trade unions (ITUC) with its multi-pronged approach to women’s empowerment through mass mobilization and negotiation along industry lines (particularly in the case of the *bidi* workers), formation of production and service cooperatives, establishment of a bank from which even illiterate women can borrow, provision of insurance and other social protection schemes, engagement in trade facilitation, international advocacy and networking.

Sources: Kay 2003; Ofreneo 2008.

Box 3.2.3: HomeNet in the Philippines

The *Pambansang Tagapag-ugnay ng mga Manggagagwa sa Bahay (PATAMBA)*, which means the National Network of Home Workers formed in the Philippines is a people’s organization led by grassroots women who have sought to empower themselves. In addition to home workers, it includes vendors, small transport operators, construction workers, and young workers. It also comprises the sub-contracted workers engaged in the making of garments, handicrafts, bags, Christmas balls, fashion accessories and embroidered products. The self-employed members are involved in the production of livestock, agri-based products, slippers, food, woodcraft, and woven products. Their main strategies include participation in governance and institution-building through organizing, coalition-building, representation in national, local and international bodies, and institutionalizing programmes and projects for the informal sector; providing skills training and capability-building, training on gender awareness, health and reproductive rights, computer literacy and connectivity; socio-economic assistance as exemplified by its credit facility programme and marketing of home-based products through a showroom and participation in trade fairs and *bazaars*. After more than a decade of trying, the organization has succeeded in persuading the Social Security System (SSS) to allow self-employed home workers to avail of social insurance and to facilitate this process through the Automatic Debit Account (ADA) arrangement whereby self-employed SSS members can use the facilities.

Source: Ofreneo 2008.

Microcredit or microfinance paves the way for a micro enterprise to thrive and accumulate assets. However, whether these businesses have the potential to provide sustainable livelihoods to women depends on their involvements in the associations and networks outside the community and their familial responsibilities (Pingle 2008). The case study of a Muslim woman from the Philippines delineated in Box 3.2.1 shows how the tapping of social capital networks paved the way for a micro-enterprise to prosper.

Apart from some exceptional cases, home responsibilities tend to constrain women from participating in trade fairs, organizations, and networks that could open up new business opportunities for them outside their immediate community. For the same reason, it may also be difficult for micro enterprises to handle bulk orders. Women

also tend to focus on a very narrow band of activities or enterprises with low barriers to entry, which results in overcrowding of the market segment and lower monthly earnings as compared to businesses controlled by men (ILO, 2002).

Innovative women's organizations and collectives which mobilize unorganized or home-based workers play a significant role in aiding the process of asset accumulation among women through social networking. In this regard, the examples of SEWA, India and HomeNet in the Philippines are provided in Boxes 3.2.2 and 3.2.3 respectively.

4. Major Findings, Lessons Learnt and Way Forward

A detailed analysis of women's command over assets in the Asia-Pacific region illustrates the extent and nature of gender asset gaps that are prevalent in the region. The relative fluidity in the legal provisions across the countries as reforms are instituted or underway in response to the concerted efforts of various groups (including legal and women's organizations; the media; national and international agencies) add to the complexities of gender asset gaps. Systematic enquiry of the gender asset gap situation is further hampered by the availability of extremely limited and inadequate statistical information pertaining to the asset positions of individuals in a host of countries wherein households and the heads of these households are in control of the assets owned or community ownership is prevalent.

The obstacles to equal access and ownership of assets by women are listed below along with the signs of progress and some of the innovative approaches that have been introduced to improve women's command over resources across the entire region. Finally, some recommendations are made.

4.1.1 *Obstacles to Equal Access and Ownership*

- Although women's equal rights to access, ownership and control of land and housing are firmly recognized under international law, at the country level, the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes is still preventing women from enjoying their rights.
- Although legal reforms have changed women's legal rights in certain countries of the region, the co-existence of a divergent set of laws— formal, statutory and informal, customary or family law—results in discrimination against women, as no single law exists for dealing with the situation.
- Due to the individualization of land tenure, many customary laws and practices have eroded over time; the forms of solidarity that used to exist and that protected women from exclusion, have now disappeared in many areas of the region, especially among the indigenous communities.
- “Traditional” values prevail amongst the implementing authorities, who often interpret statutory laws in what are currently understood to be “customary ways”, as a result of which women are deprived of the rights that they should enjoy under statutory law.
- Efforts to improve property and inheritance rights are also hindered by a general lack of political will and the slow pace of legal change.
- Lack of access to credit and also limited mobility act as constraints for the ownership of enterprises by women.

- Objections from the tax regulation authorities to give a separate tax number to married women (as in Indonesia), or the requirement of the spouse's identity cards (as in China) or even the need for the husband's guarantee signature on loan documents despite possessing a collateral (as in the Philippines) have been preventing women from enhancing the earning potential from individual business activities.

4.1.2 *Lack of Awareness*

- Low literacy levels limit women from exercising their rights on land (as in Cambodia).
- Improper awareness of ownership and user rights on assets (especially in Lao PDR), and the lack of confidence to claim their rights (as seen among the Filipino women) have prevented women in accessing credit from formal institutions.
- It has been seen that many women have faced partial roadblocks to their entry into the corporate world due to what has been perceived as their inadequate commercial skills.
- Women's capabilities and earning potentials have also largely suffered because they lack the technical expertise that is otherwise available to men engaged in similar fields.

4.1.3 *Improper Networking*

- There has been ineffective use of the media outlets for disseminating information on legal awareness.
- The supportive policies fostering the accumulation of assets by women are inadequate.
- Only very few business organizations cater to the needs of women entrepreneurs.
- Poor social networks among women act as constraints, thereby preventing women-led enterprises from thriving.

4.2 *Signs of Progress*

In the midst of these persistent obstacles, a few countries of the region have attempted to address many of the burning issues concerning women's unequal command over assets by way of legal reforms, government interventions and the implementation of some innovative and creative practices. With regard to progressive laws and policies, though the need for women's equal property rights is recognized, they are very difficult to implement because of the weak enforcement mechanism. However, constructive approaches at the policy level help in ensuring that women enjoy an equal right to claim their assets.

4.2.1 *Legal Reforms*

- The amendment to Hindu Succession Act in 2004 codified the law relating to inter-state succession among Hindus by giving daughters rights equal to those that sons have.

- After witnessing a long struggle by women's activists, Nepal made an amendment to the country Code in 2002, granting equal rights for property ownership to men and women. However, country-specific evidences indicate that Nepal still has a long way to go for the smooth and effective implementation of these reforms.
- A revision in the marriage and family law of Viet Nam in 2001, according to which the Land Use Certificates in the country should bear the names of both husband and wife if the land belongs to both of them, can prove to be a lesson for other countries of the region. Although the country faced hurdles in its local level implementation, the introduction of joint titling can be viewed as a step ahead in realizing gender equality.

4.2.2 *Land Policies in Transition*

- After breaking the obstacles of custom and state mechanisms, Papua New Guinea and Vanuatu, in the Pacific region are at the crossroads for the successful implementation of land policy reforms, thereby paving the way for the access, control and ownership of land for women too.

4.2.3 *Generation of Legal Awareness*

- The Women's Union in Lao PDR has championed the cause of generating legal literacy among females, which has resulted in the titling of land in women's names or in joint names with their husbands.

4.2.4 *Innovative Approaches for Women's Access to Assets*

- Collectives of Women like SEWA in India, and HomeNets in Thailand and the Philippines mobilize women and assist them in gaining access to assets through wide social networking.
- Positive discrimination favouring women's enterprises, which has been incorporated in the government policies in Malaysia, Japan and Republic of Korea has opened up prospects for business enterprises for more women entrepreneurs in the region.
- Ensuring economic stability for women by according them an elevated educational and employment status, as cited by the respondents of the house ownership survey of women in Japan, can also prove to be another creative strategy enabling women to gain command over assets.

4.3 *Policy Implications and Way Forward*

Legal reforms in inheritance and marital regimes have a critical role to play in the shift towards relatively egalitarian regimes. In spite of international commitment to gender equity and the introduction of constitutional provisions to that effect, there are countries wherein discrimination in customary and personal laws related to inheritance is applicable in actual practice. The processes of formalization and land titling too lead to the practice of land and property being registered in the name of the male head of the household, unless efforts to implement joint titling are made. In order to address these practices and ensure equal access and control over assets by women as by men, a host of efforts are required.

Several measures are required to address gender inequalities and change the existing social and cultural norms, such as universalization of education, generation of awareness regarding individual rights and legal provisions through the promotion of legal literacy, advocacy for equal property rights for women, and the development of women's organizations that can help in making and pursuing land claims as well as in developing mechanisms to record women's share of land, assets or property.

Formal legal provisions that follow the constitutional mandate of women's equality and stipulate equal ownership and access for women along with men are the necessary first steps, but they are not sufficient in themselves. In order to enable these provisions to be translated into operational command over assets for women, these rights still need to be established in practice so as to be able to address the prevalent gender asymmetries and disparities.

There is a need to not only address the gender disparities and discrimination against women in the legal and cultural spheres, but also to introduce reforms to make the provisions more gender-egalitarian, and to focus on improving human capabilities, especially in the sphere of education and formal schooling in order to narrow the gender gaps in educational outcomes. This is because legal reforms cannot be beneficial to women without the additional support of improving their education levels, as seen in the case of Cambodia, Viet Nam or even Bhutan, wherein women's organizations have been advocating the need for education among women instead of the pursuit of matrilineal land rights, which exert pressure on girls to drop out of school and take care of their lands. The enhancement of human capital can aid women in terms of improving their access to credit, technical expertise and training, as well as networking and organizations, all of which can eventually help improve their chances for accumulation of wealth and assets.

There is also a need to bring about legal reforms and awareness generation among women through all the available and locally popular media. The routes adopted for achieving the appropriate reforms may differ from place to place depending on the number of organizations, media agencies, women's groups, and collectives that are active in the particular region, in addition to the extent of international pressure being exerted in the region.

One essential requirement is the need for generating gender disaggregated data on individual asset ownership; on landholdings, operational land and property; and on financial, economic and physical resources, among other things. Efforts to elicit information on the assets brought by men and women into marriage can also help generate useful data to enhance intra-familial and inter-personal bargaining and relationships.

Finally, integrating gender perspectives into discussions on national development and research on areas of gender asset gaps will pave the way towards the introduction of more politically willed legal reforms, effective awareness building and legal aid support services. It will also be a source for advocacy, lobbying and networking to eliminate the constraints for equal access and effective command over assets by women.

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