



MODULE 3

Gender and Rural Finance

Overview

RURAL FINANCE AND RURAL LIVELIHOODS: INTRODUCTION

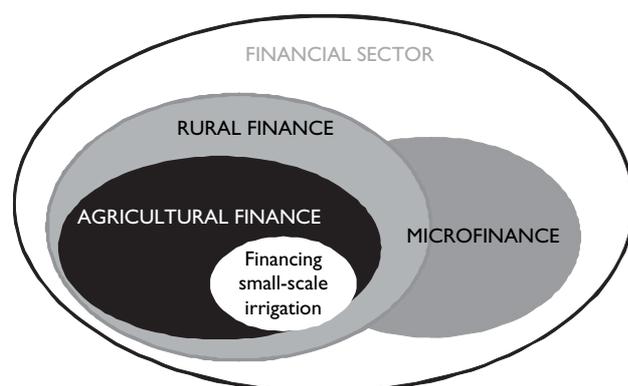
The critical role of financial services in rural livelihood development is broadly recognized. In recent years there has been an increasing emphasis on establishing an “inclusive financial sector”—in other words, on supporting the whole diversity of financial institutions that can provide funds for pro-poor development.¹ “Rural finance” as defined here refers to the range of financial services available in rural areas—not only agricultural finance, but also finance for nonagricultural development in rural areas (fig. 3.1). It is important that gender issues be considered across the entire range of rural financial service providers.

Rural finance includes the range of retail and wholesale institutions that have the capacity or potential to offer financial services to the poor and extremely poor (commonly referred to as “microfinance”). Beginning in the 1990s many donors, including the World Bank, International Fund for Agricultural Development (IFAD), and Food and Agriculture Organization (FAO), increasingly focused on the sustainable and large-scale delivery of financial services for the poor, especially small loans for both farm and off-farm activities, savings and microinsurance services, and, more recently, remittance transfer services. Access to well-designed financial services can help poor households build assets, engage more effectively with markets, and reduce their vulnerability to crises, especially when access to services is planned as part of household livelihood strategies and sustained over time.

The provision of financial services can effectively complement—and provide a means of accessing—different types of training and other nonfinancial services. Rural finance providers can also provide a forum for grassroots collective action and advocacy where people meet regularly over a sustained period to access financial services (as in group-based microfinance but also in other meetings of people who obtain finance on a more individual basis). Interest is also increasing in going beyond the establishment and expansion of financial institutions per se, to look at the ways in which financial service providers can strategically promote pro-poor growth—for example, through interventions at different levels of marketing and supply chains—and contribute to environmental management.

Pro-poor development has many requirements extending beyond interventions targeted at alleviating poverty. Interventions are needed at other levels to promote economic growth in ways that benefit the poor, such as by increasing employment, providing consumption goods, and improving markets. The provision of financial services for the poor, therefore, should be seen as a complement to, and not a substitute for, the provision of financing for larger-scale agricultural activities and rural development (World Bank 2007a). More attention must be paid to providing innovative types of rural finance for rural development. These innovations can address the shortcomings of earlier agricultural finance programs, with respect not only to economic growth but also to their contribution to sustainable development and poverty reduction.

Figure 3.1 Interplay of Financial Services in Rural Areas



Source: Kloeppinger-Todd 2007.

Examples include the provision of larger and longer-term loans to commercial farmers, value chain finance, finance for natural resource management, and improvements in the legal environment to facilitate the provision of financial services (Fries and Akin 2004; Hollinger 2004; World Bank 2007a). The development of financial services for the poor also needs to be placed in the context of debates about corporate social responsibility and consumer protection.

Rural financial services are currently provided by a range of institutions, including the following:

- *Informal private sector providers:* Large-scale farmers, traders, processors, and employers provide credit as part of sharecropping or leasing agreements, putting-out systems, market transactions, or employment arrangements. Retail stores offer consumer goods under credit or lease-to-own arrangements. Moneylenders, pawnbrokers, and informal deposit collectors are also included in this group.
- *Informal mutual financial mechanisms:* Examples include rotating or accumulating savings and credit associations (ROSCAs or ASCAs), burial societies for death insurance, cash or in-kind advances, or savings arrangements with relatives and patrons.
- *Formal sector providers:* Examples include private commercial banks, state-owned banks, post offices, insurance companies, and companies specializing in products such as leasing, housing finance, and remittance transfers.
- *Specialist microfinance institutions:* These institutions provide financial services to poor and low-income populations. They use either their own funds or funds borrowed from private banks and other sources of funding by individuals and/or groups.

- *Membership-based financial organizations:* These organizations include rural financial cooperatives, credit unions, and other village-based entities. Some of these may also lend external funds to members.
- *Integrated rural development programs and multisector nongovernmental organizations (NGOs) that offer financial and nonfinancial services as part of integrated development strategies:* These programs or organizations may mobilize rural populations, often through groups of various types, to gain access to financial services, either directly from the NGO or indirectly through links between rural communities and other financial institutions.

The organizational distinctions and organizational gender policy related to these providers are discussed in more detail in Thematic Note 1.

Rural finance covers a range of products, such as the following:

- Loans of varying amounts, with varying time frames and conditions, to pursue a range of livelihood activities (including both agricultural and off-farm activities) or to permit asset-building and consumption
- Savings services of different types to meet different needs, from managing day-to-day household cash flows to building assets over the long term
- Insurance to reduce risk and vulnerability
- Leasing arrangements for assets
- Remittance transfer services enabling migrants to send more of their earnings home for investment in livelihoods and asset building, for consumption, and for reducing the vulnerability of family members left behind
- Bill payment services
- Pensions to reduce long-term vulnerability.

The gender dimensions of different products are discussed in more detail in Thematic Note 2.

Rural finance may or may not differ substantially from urban finance. Many institutions offer services (often the same services) in rural and urban areas, and rural and urban areas are obviously on a geographical continuum—there is rarely a sharp division between one and the other. In many contexts, however, rural finance faces specific challenges:

- A lack of market development and infrastructure, and hence greater limitation in the kinds of livelihoods that can be pursued by the rural population, leads to broad-based “geographical” poverty.

- The means of gaining a livelihood may be seasonal, especially in agriculture but also in cases in which processors or manufacturers depend on local agriculture to source raw materials or on local incomes to create demand for their products.
- Interrelated covariant economic risks are present, such as climatic and environmental risks, price and market fluctuations, or pests and diseases.
- Information and transaction costs for service providers can be higher in rural areas, where populations are more dispersed (sometimes very remote), have lower levels of literacy and education, and have less access to the complementary support that people may need to translate access to financial services into improved livelihoods.
- Rural communities may face different types of social opportunities and risks. Rural communities may be more closely knit, have concentrated local power structures, experience sharper ethnic divisions, or may be characterized by more than one of these.
- Property rights are ill defined and frequently characterized by complex land, crop, and resource use rights and sharing arrangements based on kinship, marriage, or community.

These factors may make financial services more costly to provide in rural than in urban areas, particularly in more remote areas or those suffering from particularly severe environmental risks. These factors may also make financial services less effective unless services are also supported by other interventions. Like urban areas, rural areas have a range of target groups that could benefit from financial services and that must be reached as part of a pro-poor development process. In some rural areas or for some target groups, the efficient provision of financial services may require delivery mechanisms that differ from those in urban areas, as well as different types of integration with other development interventions.

BENEFITS FROM GENDER-RESPONSIVE ACTION: POTENTIAL VIRTUOUS SPIRALS

Concerns over women's access to financial services and the degree to which women benefit from these services are not new; nor are they part of a donor- or Western-led agenda. Beginning in the early 1970s, women's movements in many countries became increasingly interested in the extent to which women actually use poverty-focused credit programs and credit cooperatives, as well as in the lack of secure savings facilities to help women increase their control over assets. Both concerns were fundamental to setting up the Self-Employed Women's Association in India (Rose 1992) (see Innovative

Activity Profile 1). The first International Women's Conference in 1975 in Mexico, where the Women's World Banking network was established, gave the problem of women's access to savings and credit services particular emphasis. Following the second International Women's Conference in Nairobi in 1985, government and NGO-sponsored programs to generate income for women proliferated. Many of these programs channeled savings and credit services through women's groups.

Beginning in the 1990s microfinance programs were increasingly directed at women—partly because of evidence that women's repayment rates were higher than men's but also because donors supported microfinance for women as an effective gender strategy to increase women's role in production. In contrast to most economic development interventions, in many prominent microfinance programs women eventually formed the majority of clients, including programs modeled after the Grameen Bank program and many of the Finca Village Banking affiliates.² In some cases the emphasis on women clients often continued as microfinance programs evolved into more formal microfinance institutions.

Although the provision of financial services to rural women has focused largely on microfinance and poverty reduction, some parties have raised concerns with increasing women's access to financial services at all levels to help them increase their incomes as medium- or large-scale entrepreneurs, exporters, and farmers (World Bank 2006, 2007b).

Gender-responsive action to remove discrimination in women's access to rural financial services is likely to have many significant benefits, both for the development process and for women themselves.

First, *efficiency and economic growth*: Women have been targeted for microfinance programs largely because they have proved to be more reliable clients than men. Women have often proved to be better savers than men, better repaying loans, and more willing to form effective groups to collect savings and decrease the cost of delivering many small loans. Targeting women may therefore improve the financial sustainability of rural finance institutions. This benefit is in addition to the efficiency benefits to the rural economy of enabling over half the rural population to save and gain access to loans, insurance, and other services so that they can contribute to rural economic growth (World Bank 2006). Efficiency and economic growth will also be supported by paying attention to the rapidly increasing numbers of women migrants who require remittance transfer services and to the increasing numbers of women left behind in rural areas who now bear major responsibility for developing the rural economy. Attention must also be given to the needs of large-scale women entrepreneurs (such as those in

West Africa who control most of the trade in food), women exporters in global markets, and women engaging in cross-border trade (Burjorjee, Deshpande, and Weidemann 2002).

Second, *poverty reduction*: To reduce poverty, specific attention must be given to women in poor households. Women are generally poorer than men. They are more vulnerable within households because they lack control over productive assets. Research also indicates that women tend to invest any additional earnings in the health and nutritional status of the household and in schooling for the children (Burjorjee, Deshpande, and Weidemann 2002). Channeling economic resources such as credit or savings facilities to households through women can enable them to play a more active role in household decision making—both in addressing risks facing the household and in advocating for increased investment in family welfare. Increasing household expenditure in areas like nutrition and education, particularly for girls, may not only benefit children but can also improve women’s well-being by enabling them to reduce gender inequalities in the household.

Third, *gender equality and empowerment*: Promoting gender equality of access to financial services has been part of the agenda of the international women’s movement since 1975, as part of women’s economic rights. Evidence indicates that access to microfinance can initiate the virtuous spirals of economic empowerment, increased well-being, and social and political empowerment of women themselves (Cheston and Kuhn 2002). Women—in some contexts, many women—show enormous resourcefulness and initiative when provided with a loan or the opportunity to save without interference from family members (Kabeer 2001). Most microfinance organizations can cite instances of women who were very poor before entering the program, started an economic activity with a loan, and thereby improved well-being, relationships in the household, and involvement in local community activities. Impact studies that differentiate by poverty level often find these benefits particularly for the “better-off poor” who have some education and contacts to build on for operating a successful enterprise.

Women can become economically empowered in several ways by greater access to financial services. Women can increase their understanding of and control over household finances. Through savings, credit, and insurance facilities, women can promote their own economic activities, create and protect assets, enter markets, and diversify their economic activities. By strengthening women’s economic roles and enhancing respect for women’s decision making, access to financial services may also increase women’s own share of the benefits from greater household well-being.

The combination of women’s increased economic activity and increased decision making in the household can spur wider social and political empowerment. The positive effects on women’s confidence and skills—as well as expanded knowledge, support networks, and market access for some women—can enhance the status of all women within a community. In societies in which women’s mobility has been very circumscribed and women previously had little opportunity to meet other women outside their immediate families, very significant changes have occurred when women have started to be involved in paid economic activities. Individual women who gain respect in their households and communities may become role models for others, which leads to a wider process of change in community perceptions and men’s willingness to accept change. Particularly in societies in which women do not already have extensive networks, these empowerment effects can be enhanced through well-designed, group-based models for financial services. Even individual bank savings and lending products that are gender inclusive may bring about change by developing women’s confidence in negotiating with men staff and initiating wider impacts in their relations with men in other arenas.

Women’s economic empowerment as individuals is potentially significant at both the community and higher levels because it heightens women’s visibility as agents of economic growth and magnifies their voice as economic actors in policy decisions. Microfinance groups may form the basis for collective action to address gender inequalities within a community, including issues such as gender violence, access to resources, and local decision making. Microfinance groups have been used strategically by some NGOs as an entry point for wider social and political mobilization of women around gender issues (see Thematic Note 1). Local changes may be reinforced by higher-level organization and lead to wider movements for social and political change and the promotion of women’s human rights at the macrolevel.

These wider impacts are not necessarily confined to the effects of having access to financial services. They could also be promoted by strengthening women’s participation in agricultural organizations and cooperatives, strengthening individual services to women members of entrepreneurship associations to advocate for women’s interests, and strengthening gender-equitable policies at the macrolevel.

GENDER CHALLENGES: POTENTIAL VICIOUS CIRCLES

Despite the considerable potential of rural financial services for women, there is still a long way to go before women have

equal access to these services or fully benefit from them. Achieving both of these goals does not depend only on expanding financial services per se, but also on the specific types of financial services that are delivered in different contexts to women from different backgrounds and by different types of institutions or programs (Mayoux 1999, 2008).³ What follows in this section should, however, be taken as an indication of the types of issues to be borne in mind in designing gender-equitable services and why the points and suggestions in the rest of this Module are important, rather than an indication that rural finance should not be considered as a potentially effective and important part of a gender strategy.

The gender dimensions of the constraints to rural finance mentioned earlier affect women's access to finance and the degree to which they benefit:

- Gender restrictions on women's mobility in many cultures and the gender-discriminatory pattern of most rural development mean that women are likely to have less access than men to markets and infrastructure and greater limitations on the types of economic activity that they can undertake.
- Most cultures generally view women as bearing the main responsibility for household subsistence. Women thus may have more interest in seasonally specific strategies to diversify their livelihoods, decrease household vulnerability, and maintain consumption levels in lean times, and less incentive and ability to take risks on economic activities that may yield a higher income.
- Women's concentration in a narrow range of activities with insufficient resources for investment may make them more susceptible to climatic and environmental risks, price and market fluctuations, and epidemics of pests and disease. Women tend to be at the bottom of the hierarchy in local and global value chains and are thus the least protected from fluctuations in employment and income caused by economic and environmental factors.
- Women, on average, have lower levels of literacy and education than men in the same area.
- Women are generally subject to higher levels of "social control" within households and communities and are less likely to have their interests represented by local power hierarchies.
- Women often have few formal property rights. The rights they do have may be undermined through land reform and rural development programs that grant property titles to the household head (generally automatically assumed to be the man) and that do not protect or reinforce women's informal rights (see also Module 4).

These contextual disadvantages are compounded by institutionalized discrimination, which hinders women's access to formal financial services (Anderson-Saito, Dhar, and Pehu 2004). Women's use of financial services has increased significantly over the past two decades, but considering the types of services they receive and the broader spectrum of rural finance as a whole, it is clear that access to financial services is still unequal. The extent to which microfinance programs are directed at women varies among countries, and the perception that such programs focus largely on women is not true everywhere (for example, Pakistan).⁴ In most financial institutions, women generally receive smaller loans than men, even for the same activities. Women are mainly involved in microfinance programs with small savings and credit services and some types of microinsurance. Their participation relative to men decreases as financial organizations grow and introduce services for better-off clients, often as a way to improve financial viability.⁵ It is unclear how much of this trend can be attributed to institutional discrimination of the types outlined previously, to women's lower demand for larger loans, and to a tendency for better-off households to take loans in men's names.⁶ It is important to note that women are vastly underrepresented as borrowers and members in many rural finance programs and cooperatives that focus on larger agricultural production loans.

Financial indicators of access—such as the numbers of women clients, numbers and size of loans obtained, and repayment data—should not be used as stand-alone indicators of women's actual use of financial services or as proxy indicators of women's well-being or empowerment. For women, as for men, credit is also debt. It must be repaid and thus carries risk when it is taken on by people with fragile livelihoods and high levels of economic insecurity. Savings, insurance, or pension premiums and remittance transfers are foregone investment or consumption. The extent of the benefit from financial services, therefore, depends on the type of service provided and the extent to which it enables livelihoods to improve. In addition, specific gender dimensions affect the degree to which women benefit. The registration of loans in women's names does not necessarily ensure their participation in decisions about how the loan will be used, particularly if it is for an economic activity operated by a man or by a family rather than an economic activity managed by the woman. Similarly, high repayment levels by women do not of themselves indicate that women have used the loans. Men may take the loans from women, or women may choose to invest the loans in men's activities. Loans may be repaid from men's earnings or any of the

economic activities engaged in by the household, through women forgoing their own or the family's consumption, or from borrowing from other sources. Although women may still benefit from accessing finance for the household, this outcome can by no means be assumed. In relation to savings, insurance, and remittance transfers, there are questions about how far women are benefiting or about whether they are now expected to use their own scarce resources for household welfare—resources previously provided by men.

The contribution of financial services to increasing incomes varies widely. The degree to which credit contributes to increased incomes for women, as well as men, depends to a large extent on how well the delivery of credit is adapted to the economic activities being financed. Agricultural loans that arrive late or are not large enough to pay for inputs may simply burden a woman with debt that she cannot repay through proceeds from the activity she wished to finance. In many contexts, only a minority of women use credit and savings to develop lucrative new activities of their own. Evidence suggests that in some instances women invest in current activities that yield little profit or in their husband's activities. Although a decrease in household vulnerability may be as important as an actual increase in income for many very poor women, many women seek to increase their own incomes significantly. Some women have extremely good business ideas requiring larger loans, but they face discrimination in accessing such loans, with the result that their businesses collapse because they are forced to purchase inferior equipment or materials (Mayoux 1999). Negative impacts on incomes are not confined to loans. Compulsory savings and insurance premiums constitute a further drain on resources for investment, unless they are designed with the interests of the woman in mind and not just to limit risk and increase financial sustainability for the financial institution.

Clearly, women's choice of livelihood activity and their ability to increase their income are seriously constrained by gender inequalities in access to other resources for investment, responsibility for household subsistence expenditure, lack of time because of unpaid domestic work, low levels of mobility, and vulnerability—all of which limit women's access to markets in many cultures. These gender constraints occur in addition to market constraints on expansion of the informal sector and resource and skill constraints on the ability of poor men as well as women to move up from survival activities to expanding businesses. The rapid expansion of loans for poor women may saturate the market for "women's" activities and cause profits to plummet.

Women's contribution to increased income for their households does not ensure that women necessarily benefit

or that there is any challenge to gender inequalities within the household. Women's perceptions of value and self-worth are not necessarily translated into actual changes in well-being, benefits, or gender relations in the household. Although in some contexts women may seek to increase their influence within joint decision-making processes rather than seek independent control over income, neither of these outcomes can be assumed to occur. Evidence indicates alarmingly that men, in response to women's increased (but still low) incomes, may withdraw more of their contribution to the household budget for their own expenditure on luxuries. Men are often very enthusiastic about women's savings and credit programs because their wives no longer "nag" them for money (Mayoux 1999). Small increases in access to income may come at the cost of heavier workloads, increased stress, and diminished good health. Women's expenditure patterns may replicate rather than counter gender inequalities and continue to disadvantage girls. Without providing substitute care for small children, the elderly, and the disabled and providing services to reduce domestic work, many organizations report that women's outside work adversely affects children and the elderly. Daughters in particular may be withdrawn from school to assist their mothers. Although in many cases women's increased contribution to household well-being has considerably improved domestic relations, in other cases it intensifies tensions. This problem affects not only poor women but also women from all economic backgrounds, which indicates that the empowerment process must have effective strategies to change men's attitudes and behaviors.

Women's individual economic empowerment and/or participation in group-based microfinance programs is not necessarily linked to social and political empowerment. Women's increased productive role often reduces their time for social and political activities. Earning an income and finding time to attend group meetings for savings and credit transactions may also take women away from other social and political activities—and experience suggests that when meetings focus only on savings and credit transactions, women commonly want to decrease the length and frequency of group meetings over time. Women's existing financial networks may come under serious strain if women's own loan repayments or savings contributions, or those of other group members, become a problem. The contribution of financial services to women's social and political empowerment depends to a great extent on other factors, such as staff attitudes in interacting with women and men, the types and effectiveness of core and other capacity

building, and the types of nonfinancial support services or collaboration with other organizations.

Finally, very little research has been done on the gender impacts of financial services for men. Any financial intervention available to any household member has the potential to reinforce or challenge existing inequalities in ways that may contribute to or undermine both the poverty and the potential of other household members. As noted earlier, research suggests that financial services targeted to men contribute less to household well-being and food security. When financial services automatically treat men as the head of the household, they may reinforce what are often only informal rights that men have over household assets, labor, and income. In other words, they may seriously undermine women's informal rights. As in other areas of development, such outcomes may have consequences not only for the women and households involved but also for the effectiveness of the intervention and sustainability of the institutions involved.

GENDER MAINSTREAMING IN AN INCLUSIVE FINANCIAL SECTOR FOR PRO-POOR DEVELOPMENT: GOOD PRACTICE AND CURRENT AREAS OF DEBATE AND INNOVATION

Given the contextual and institutional constraints, gender mainstreaming in rural finance requires more than increasing women's access to small savings, loan, and microinsurance programs or to a few products designed specifically for women. Instead, gender mainstreaming requires the promotion of gender equality of opportunity across the entire range of financial services, including remittance transfer services, leasing arrangements, and larger loans for productive investment, as well as enhanced opportunities to participate in natural resource management and value chain development initiatives.

To mainstream gender in an inclusive financial sector, providers must go beyond access alone and consider how access can enable women and men to challenge and change gender inequality as well as household and community poverty. This task requires not only attention to product design but also attention to the organizational mechanisms employed to deliver services and the ways in which financial services are integrated with or complemented by other types of support from the same or other local organizations. Finally, gender mainstreaming in an inclusive financial sector requires innovative thinking about how women's access and gender equity can be incorporated into

the large-scale rural finance programs for agricultural development and macrolevel policy reform that are being given renewed emphasis.

Women must lead efforts to mainstream gender, given that it is women who are currently most disadvantaged in relation to all economic and human development indicators. First, to promote gender equity, we must also examine the gender dimensions of financial and other services for men to see to what extent these support rather than undermine strategies for women. Second, it must be recognized that not all women (any more than all men) have the same needs. Considerable diversity exists across regions of the world in gender differences and inequalities in economic roles, in cultural opportunities and constraints, and in the ways that these factors interact with economic market and institutional factors. Even in one geographical area, not all women or men are in the same position. The financial and other service needs of women and men involved in different economic activities and with different levels of experience and resources, different ethnic backgrounds, ages, marital status, education levels, and so forth will be different. Individual women and men are also likely to have a diversity of financial needs, which will change over time with the life cycle and personal circumstances. The aim must therefore be to develop a diversified, inclusive rural finance sector in which different types of institutions provide different and diverse services adapted to the needs of different women and support men's ability to promote equitable change. This endeavor should not be seen as an additional burden but as an integral part of any serious strategy for growth and poverty reduction.

First, gender mainstreaming must promote *gender equality of opportunity and access to all types of rural finance* at all levels, from microfinance directed at the very poor to gender-equitable financial services for women farmers and entrepreneurs who have moved higher up in the value chain. "Access" means more than just physical proximity; it means removing direct and indirect gender discrimination in the design, promotion, and delivery of all services. It is important to establish graduation procedures so that women do not remain entrenched and confined to small savings and credit schemes. These women need clear avenues for upward mobility through the financial sector as their needs and skills evolve. Economic growth and poverty reduction both require the gender-equitable development of economic sectors employing large numbers of women, along with strategies to help women enter new sectors. It is crucial that current debates about agricultural and value chain finance, remittance transfers, and commercialization incorporate gender equity in their strategies for economic growth and poverty reduction.

Second, gender mainstreaming must ensure that women not only access but also *benefit from the use of these services in terms of their well-being and empowerment*. Ensuring that financial services actually benefit women clients, members, and other intended beneficiaries is not only a concern for donor agencies and governments seeking to comply with organizational gender mandates and international agreements. It must be a concern of any financial service provider that obtains funds from these donor agencies and of any commercial providers with claims to corporate social responsibility and ethical standards. Corporate social responsibility and ethical standards are becoming increasingly important in relation to environmental protection and child labor, but they need to be extended to address international agreements on gender equity and women's human rights.

Third, gender mainstreaming will require *action, advocacy, and linkages with movements that address the underlying bases of gender discrimination*, which affect both women's access to opportunities and the degree to which they are able to benefit. Particular areas of concern include property rights, sexual violence, and political participation to increase women's voice in economic and rural policy.

The most cost-efficient and developmentally effective strategies for mainstreaming gender equality of opportunity and for promoting women's empowerment will differ, depending on the type of financial institution, local context, and capacities. However, some things can be done by rural financial institutions of *all types*—from banks, insurance companies, and remittance transfer agencies to specialized microfinance institutions, member-based financial organizations, and integrated rural development programs and NGOs with savings and credit components. Moreover, although some of these strategies will require a different way of “doing business” and some shift in priorities for resource and funding allocation (possibly including the use of “smart subsidies”), gender mainstreaming is likely to increase rather than undermine sustainability.

Most of what is discussed in this Module is not concerned with “women's empowerment projects” as optional add-ons, although these projects can also have their role if they are well designed. We are concerned with mainstreaming gender and empowerment throughout the financial sector—not only to benefit women but in the process also to improve the longer-term financial and organizational sustainability of financial services themselves and the sustainability and dynamism of the rural economy in general.

Thematic Note 1, on models and strategies for institutional gender mainstreaming, discusses how institutional structure

and governance affect women's access to rural financial services and the empowerment outcomes for women. It contains an additional discussion on internal gender policy.

Thematic Note 2, on financial products, describes types of products, discusses the issues involved in product design, and describes innovations to increase women's access. It also discusses the likelihood that women will be able to use services to benefit their economic activities or households and increase their own status and control over resources and decision making.

The Innovative Activity Profiles illustrate many of these points through case studies:

- Indira Kranthi Patham in India has supported the creation of self-managed grassroots institutions of poor women, helped to expand and diversify their livelihood base, sustained food security among poor households, and enabled participants to discover and influence market mechanisms for sustaining growth and equity.
- The Kabarole Research and Resource Centre in Uganda has developed self-managed microfinance associations under a gender policy to promote women's leadership. It has also developed a sustainable, gender-mainstreamed participatory action learning system for training.

GUIDELINES AND RECOMMENDATIONS FOR PRACTITIONERS

Specific recommendations in regard to different aspects of rural finance are provided in the Thematic Notes. Broad guidelines are listed below.

At the national level:

- Ensure that gender experts and women's organizations are involved in designing financial regulations to ensure that regulations do not inadvertently exclude women (for example, through definitions of ownership) and that all regulations comply with and promote gender equality of opportunity in fulfillment of international women's human rights agreements. The aim must be to promote a diversified sector, spanning the range from commercial enterprises to NGOs, that caters to the needs of all women as well as men and does not impose unnecessary regulations and blueprints that favor particularly powerful financial lobbies or networks.
- Promote and support the collection of gender-disaggregated data on access to financial services across the sector, as well as cross-institutional research into the reasons, and potential solutions, for any gender differences identified.

- Promote networks of practitioners and gender experts who can work together to identify, develop, and monitor good practices and innovation for increasing women's equal access to rural financial services and increasing the extent to which they benefit from these services—bearing in mind that credit is also debt, and that there is danger in selling financial products inappropriately to vulnerable people.
- Appraise the national training programs for bankers, agriculturalists, rural development staff, and other government development staff and assess and improve the integration of gender and participatory gender planning skills.
- Promote linkages between the financial sector, rural development planning, and other agencies promoting gender equity, particularly in relation to property rights and women's participation in economic decision making.

At the intermediate level:

- Facilitate and support collaboration between different rural finance providers in an area so that they can work together to (1) promote innovation in financial services for different target groups and ensure that women from different economic and social backgrounds are included, (2) reduce the costs of providing complementary support for livelihoods and gender-equity strategies, and (3) advocate and promote gender equity at the local and national levels.

At the local level, for practitioners:

- Conduct a gender audit of their organization's structures and practices to assess the degree to which gender equality of opportunity is present across the range of services

and the degree to which affirmative gender strategies may be needed.

- To ensure that women have equal access to financial services and benefit from them, avoid simplistic replication of models from elsewhere. Design services and structures based on a sound understanding of the local context, the target group and their financial needs, and any needs for complementary support for livelihood development and gender equity.
- Identify contextual gender constraints and consider how they can be addressed through interorganizational collaboration, collective action, and lobbying the financial sector or government.

GENDER INDICATORS AND CHECKLIST

Detailed checklists for conducting gender assessments of different types of institutional structures and product designs are given below. Box 3.1 lists general questions that need to be asked in assessing the gender impact of rural finance development interventions. In each case it is important to conduct a thorough contextual analysis rather than make assumptions about existing forms of gender inequality, to assess the magnitude of change, and to determine the degree to which changes are caused by better access to financial services or by specific aspects of the services, organizational structure, or nonfinancial services rather than other contextual factors. Table 3.1 provides sample monitoring and evaluation indicators.

Depending on the country or region, it may be relevant to also consider ethnicity and caste alongside gender (both as comparative indicators and when collecting data), as women of lower castes or ethnic minorities are usually in the worst situation.

Box 3.1 Gender Impact Checklist for Rural Finance

How far and in what ways has women's access to rural financial services increased? Is there gender equality of opportunity?

What informal and formal financial services (such as credit, savings, insurance, and remittance transfers) exist in the area? Which financial services did women normally use before the intervention? Which ones did men normally use? What were the gender differences

and reasons for any differences? Has access to these sources changed since the intervention? If so, what and why?

Does the institution or intervention track gender-disaggregated data? What gender differences appear in the data with respect to access to different financial services?

If differences exist in numbers of women and men using different financial services, what are the reasons

(Box continues on the following page)

Box 3.1 Gender Impact Checklist for Rural Finance (continued)

for this behavior? Differences in aspirations and motivation? Explicit or implicit institutional gender discrimination?

How far and in what ways have rural financial services increased women's economic empowerment?

What economic activities did women already pursue? What economic activities did men pursue?

How were assets, income, and resources distributed within households? Did women and men have different degrees of access? Different degrees of control?

Have financial services enabled women to increase incomes or production from their economic activities? To enter new and more profitable or productive activities? To increase assets? To decrease economic vulnerability?

How far do women control this income or these assets? For what do women use the income? Investment in livelihoods? Or consumption?

Has women's market access increased? In existing markets only? In new markets? Has vulnerability to market fluctuations decreased?

Even if women do not use the income for their own economic activities, has their role in household decision making and their control over household income or assets increased?

How far and in what ways have rural financial services contributed to increased well-being for women and their families?

What was the extent of gender inequality in well-being before? Food security? Health? Literacy and

education? Freedom from violence? Did gender inequality with respect to these characteristics change significantly or only a little following the intervention?

What have been the impacts of financial services on women's own nutritional and food security, health, education, vulnerability to violence, and happiness?

What have been the impacts on the nutrition, health, education, vulnerability to violence, and happiness of other women household members—girls and the elderly?

What have been the impacts on the well-being of boys and men?

How far and in what ways have rural finance programs contributed to women's social and political empowerment?

Did women have personal autonomy and self-confidence before the intervention? Did they have freedom of mobility or social and political activity? If not, in what ways were they limited compared to men?

How far and in what ways did access to financial services or rural finance programs increase women's self-confidence and personal autonomy?

How far and in what ways have financial services or rural finance programs extended and strengthened women's networks and mobility?

How far and in what ways have financial services or rural finance programs enabled women to challenge and change unequal gender relations? In property rights? Sexual violence? Political participation? Other?

Source: Author.

Table 3.1 Monitoring and Evaluation Indicators for Gender and Rural Finance

Indicator	Sources of verification and tools
Percentage of women and men among officials and staff trained in leadership and management, systems, and procedures	<ul style="list-style-type: none"> Financial institution records
Percentage of women, men, and other disadvantaged groups sitting on management boards and committees	<ul style="list-style-type: none"> Administrative records Project management information system
Number of men, women, and ethnic minorities who received training in household budgeting and SME financial management	<ul style="list-style-type: none"> Financial institution records Training records
Number of men, women, and ethnic minorities who received training in loan application procedures	<ul style="list-style-type: none"> Financial institution records Training records
Number of men, women, indigenous people, and ethnic minorities who accessed financial services per quarter	<ul style="list-style-type: none"> Financial institution records Project management information system Savings and loans group records

(Table continues on the following page)

Table 3.1 Monitoring and Evaluation Indicators for Gender and Rural Finance (continued)

Indicator	Sources of verification and tools
Payment defaults, disaggregated by gender, per quarter	<ul style="list-style-type: none"> • Financial institution records • Savings and loans group records
Among surveyed beneficiaries in target group, at least x percent of both women and men rate their access to rural finance as having improved during the period covered by the program or project	<ul style="list-style-type: none"> • Interviews with beneficiaries in target groups; ideally the interviews should be conducted before and after any project/program activities
Changes in on-farm or enterprise earnings of women-headed households and other disadvantaged groups as a result of access to financial services and training support	<ul style="list-style-type: none"> • Case studies • Gender analysis • Sample surveys
Percentage of new investments in nontraditional businesses (that is, not basic food crops or selling merchandise)	<ul style="list-style-type: none"> • Interviews • Project records
Changes over x-year period of project activities in household nutrition, health, education, vulnerability to violence, and happiness, disaggregated by gender	<ul style="list-style-type: none"> • Household surveys, before and after • Project management information system • School records
At least x percent increase of annual household income compared with baseline, measured at end of project period	<ul style="list-style-type: none"> • Household surveys • Project management information system

Source: Inputs from Pamela White, author of Module 16.

Organizational Gender Mainstreaming: Models and Strategies

ORGANIZATIONAL MODELS AND DIMENSIONS OF VARIATION

Rural finance is probably as old as the rural cash economy itself. Money lending and the provision of credit in kind under varying terms from relatives, traders, employers, and patrons for centuries if not millennia have been important means for farmers and households to make investments and address seasonal or extraordinary income and consumption demands. Despite their notoriety, money lending and patronage systems may be relatively well adapted to balancing needs, risks, and costs (Rutherford 1999). They offer immediacy of loan disbursement, small loans, flexible repayment schedules, and minimal and flexible collateral requirements because the borrower and lender are known to one another. The transaction costs are low because of the proximity of the borrower and lender. In many cultures indigenous systems of mutual assistance, such as rotating savings and credit associations and accumulated savings and credit associations, enjoy a very long history.¹ In some regions, particularly West Africa, very sophisticated informal systems are common for both economic and social purposes. In designing rural finance services, the full range of existing informal services must be fully understood, taken into account, and complemented rather than undermined by providers if informal services already address some of the intended clients' financial needs.

Beginning in the 1950s many newly independent governments set up credit programs in agriculture and industry as a major aspect of poverty alleviation and development strategies. In South Asia subsidized or low-interest credit was extended through some state banking systems to small-scale farmers and producers. In Africa resources were mobilized for development through the stimulation of traditional credit and savings groups and their formalization into cooperatives and credit unions. In the 1970s and 1980s, multilateral and bilateral aid agencies increasingly supported

such organizations under their rural development programs. Some programs targeting women were introduced by private banks such as Barclays Kenya. Public and private rural finance mechanisms have often been inadequate and unsustainable, however, with very low repayment rates, especially in the public sector. More recently some commercial banks—aided by improved technology and infrastructure—have become interested in rural areas, in part in response to government lending requirements that give priority to poverty alleviation and in part because they perceive these sectors as potentially profitable and wish to establish an early commercial advantage. For example, ICICI Bank in India is exploring how to place automated teller machines (ATMs) in rural areas for individual lending at normal bank interest rates, significantly lower than microfinance institutions (MFIs); how to link with MFIs and membership-based financial organizations (MBFOs); and how to upgrade entire value chains by providing financial services for enterprises at specific points in the chain. Remittance transfer services have become crucial for capturing the increasing volume of overseas transfers and linking them to local development in rural areas that are the original home of many migrants.

The “microfinance revolution” of the 1980s and 1990s saw the rise and expansion of new organizations such as Grameen Bank and microfinance networks such as Acción and Finca. These organizations aimed to provide financial services on a large enough scale to reduce poverty significantly on a financially sustainable and even profitable basis. Most are still confined to urban areas, but some, like Grameen Bank, are based in rural areas. Some MFIs originated as integrated development NGOs that saw themselves as pioneers of participatory development for the poor.

The MBFOs also have a long history. Credit unions and financial cooperatives were set up in many countries under colonial rule and as part of burgeoning cooperative

movements. In some African countries, missionaries set up savings clubs for rural households to cope with the agricultural cycle. Small-scale informal systems and self-managed federations, based on rotating systems and self-help groups, were more frequently set up, particularly for women, beginning in the mid-1980s. In some countries, such as India, various government programs widely promoted these organizations; elsewhere, they have been promoted by rural development programs. In some cases the groups have been self-replicating (for example, the Women's Empowerment Program in Nepal). Many are developing more sophisticated methods in scaling up, diversifying their products, and accessing services from banks and large MFIs.

An MBFO can operate cost effectively in rural communities in which banks and professionally managed MFIs do not exist, cannot be attracted, or are uninterested in serving

the poor. Like cooperatives, MBFOs should follow a savings-first approach, but this approach takes time, and quick results in terms of loans disbursed should not be expected. As with cooperatives, external capitalization may damage these organizations, especially if external loan funds are injected before groups have organized and operated successfully using their own savings. Relationships can be developed with banks if they are located within a reasonable distance of the MBFO and if members are interested. This relationship may start quite modestly with the opening of a bank account, but even that simple step can be empowering for people, especially women, who have never had access to a bank account (see also Ritchie 2007).

Box 3.2 outlines broad distinctions between rural finance institutions, which are generally required to conform to legislative norms, although significant differences in the legal

Box 3.2 Rural Finance Institutions

Formal sector providers include commercial banks and state banks with rural development or poverty portfolios. Banks can either deliver services directly to rural areas and poor people (individually or in groups) or provide services through retail microfinance institutions, such as agricultural development and rural banks, development banks, postal banks, post offices that capture savings and offer transfer services, commercial banks (such as ICICI Bank in India), and remittance transfer providers (such as Western Union).

Specialist microfinance institutions provide financial products to poor and low-income populations. This category encompasses many organizational types, such as Grameen Bank affiliates, trust banks (such as the Opportunity network), and "village banks" (such as the Finca model). Some MFIs originated as catalyst, intermediary, or parallel programs operated by NGOs and then officially registered as MFIs or banks. Depending on national regulations, registration lets them collect deposits and offer insurance and other financial services as well as loans. They have professional staff and aim at reaching very large numbers of poor borrowers on a financially sustainable basis. Some MFIs may serve the nonpoor to subsidize services for the poor. Some act as retail intermediaries for banks to their clients as individuals or as groups, providing referrals, helping with loan applications, and offering training, technical assistance, and guarantees to lenders (which reduce the

Source: Author.

implicit costs of formal borrowing and reduce the bank's costs and risks of lending to the poor).

Membership-based financial organizations include financial cooperatives, credit unions, and self-help groups, as well as their apex organizations and federations. These registered membership organizations are governed by different types of state legislation. They are formed and owned by members who (in theory at least) make the main decisions, and they may be managed on a day-to-day basis by elected officers or salaried staff. These MBFOs may supplement the funds available from members' savings through linkages with banks or arrangements with donor agencies.

Integrated provision of financial services through rural development programs and NGOs can include very large rural development programs, such as those funded by the International Fund for Agricultural Development, Food and Agriculture Organization, and the World Bank, as well as small, local organizations that provide basic financial services as part of a broader development agenda. These programs may work with any of the institutions described earlier and directly mobilize small savings and credit groups, often as networks or federations or by linking groups to the formal banking system or microfinance institutions. Such programs seek to be cost effective and have a development impact but not necessarily to be financially sustainable.

framework for each type of institution will affect how each is established and develops. For example, national legislation (which differs among countries) affects the kinds of products that an institution can develop and offer. The same institution may combine one or more organizational forms in different areas, for different target groups, or for different programs or projects funded by different donors. For example, a registered bank or MFI may serve one area with individual lending, but in another area self-help groups may be linked to government rural development programs. The ways in which particular organizations operate also depend on whether and how they attempt to comply with legal requirements and donor guidelines or adapt them to their aims. Some MBFOs, MFIs, and NGOs are in transition from one legal category to another as a result of changes in donor requirements, growth and internal change, and change in the regulatory environment.

It is important to recognize that the distinguishing features of each model and organizational form have become blurred as particular models (such as the Grameen model or cooperatives) have been adapted to different contexts. The parent models themselves have evolved to adopt promising innovations and address emerging challenges. Some commercial banks increasingly look to microfinance to fulfill government requirements or for its potential profits. NGOs have increasingly adopted elements of the financial sustainability approach. As mutual and self-managed organizations grow, they more often employ staff to manage operations, and members' participation in decision making may become more limited.

Organizations nominally following the same model can differ significantly in their governance and in the products and services they offer. Some rural finance is directed at particular groups (large- or medium-scale farmers, women, the poorest, or particular social groups). The details of group structure and decision-making procedures vary, as do levels and conditions of external funding (national and international). All of these differences can further or hinder the potential for change.

KEY GENDER ISSUES AND BENEFITS OF GENDER MAINSTREAMING: EMPOWERMENT VERSUS SUSTAINABILITY

The variations among organizational models can significantly influence gender outcomes and have implications for the most effective ways in which gender can be mainstreamed. Some service providers in all categories described in box 3.2 mainly or exclusively target women or have a written or an informal gender policy, or both.

A conflict is often perceived between empowerment strategies and institutional sustainability. In particular it is often asserted that gender strategies are inappropriate in banks, and hence irrelevant to the rapid expansion of commercial or large-scale rural finance, including profit-oriented or financially sustainable MFIs.

Gender mainstreaming should not be seen as a diversion from the serious, “hard-nosed” business of banking but as an integral part of all good business practice. The perceived opposition between sustainability and empowerment overlooks the ways in which systemic change, rather than increasing programs, can help increase gender opportunity of access and women's empowerment. It also overlooks the ways in which such changes contribute to financial sustainability in addition to development and organizational sustainability. Women at all levels of society are an underserved market and—apart from extremely poor women—an underdeveloped and potentially profitable market.² Women (like men) who are confident, make good livelihood and household decisions, have control over resources, and can use larger loans effectively to increase their incomes are potentially very good long-term clients. They can contribute substantial amounts of savings and use a range of insurance and other financial products and can pay for services that benefit them. The task for all rural finance providers is therefore to ensure that their systems are women friendly and contribute as far as possible to women's economic empowerment and well-being, providing avenues of upward mobility and support for the benefit of both women and the provider. Even commercial banks can contribute to women's social and political empowerment through changes in institutional culture and collaboration with other development organizations.

ORGANIZATIONAL GENDER MAINSTREAMING: GOOD PRACTICES AND LESSONS LEARNED

The most cost-effective means of maximizing contributions to gender equality and empowerment is to develop an institutional culture that is women-friendly and empowering, that manifests these traits in all interactions with clients, and that addresses the institutional constraints (box 3.3).

Most of these measures have a minimal cost but expand the numbers of women clients, which in turn expands outreach and increases the pool of reliable, successful, and (in most cases) profitable clients. These measures, therefore, would enhance rather than detract from financial sustainability. The best way of integrating gender policy with existing practices and contexts can be assessed through a gender

Box 3.3 Institutional Measures Contributing to Women's Empowerment

- The institutional culture is expressed in the way the organization chooses to promote itself. What sorts of images and messages does it send through the images in its offices, its advertising, and the consistency of its gender aims in the community with its internal gender policy? The institution's routinely issued promotional leaflets, calendars, and advertising are a very powerful means of presenting alternative models and challenging stereotypes. No extra cost should be needed in ensuring that promotional materials achieve these goals. It is just a question of vision—and of ensuring that the designers of promotional materials understand that vision.
- The application process for products or other services involves asking questions about the applicant's background and capacities. Without increasing the time needed to answer these questions, they could be reworded or adapted to promote a vision of empowerment, help applicants think through their financial planning, and help them challenge inequalities in power and control in the household for both women and men.³
- A sectoral focus can include activities in which women are concentrated and can look at ways of developing such activities through marketing and supply chains.
- Extension services and business advice sections can ensure that they recruit staff members who can work with women as well as men and thus increase women's participation even in activities normally dominated by men.
- Even in basic savings and credit training and group mobilization, it is possible to integrate empowerment concerns. Many issues within the household and community need to be discussed for women to anticipate problems such as repayment and continuing membership. Discussions need to equip women to devise solutions that also address the underlying gender inequalities that cause the problems in the first place. Men, including some progressive men leaders, can also be invited to these meetings.

Source: Author.

audit, a simple gender SWOT (strengths, weaknesses, opportunities, threats) analysis, or a well-designed participatory process.⁴ This effort would entail an initial cost that is likely to be recouped within a short period through better outreach to good women clients.

Underpinning this women-friendly and empowering institutional culture are four main dimensions of a strategy for mainstreaming gender equality and women's empowerment: (1) staff gender policy (discussed below), (2) mainstreaming gender concerns in product development (Thematic Note 2), (3) structures for participation (box 3.4), and (4) effective integration of complementary nonfinancial services and collaboration with complementary service providers (box 3.5).⁵

IMPLEMENTING A STAFF GENDER POLICY: BENEFITS, COSTS, AND GOOD PRACTICES

It is extremely difficult for an organization to promote gender equity externally if it practices gender discrimination internally. A clear and agreed-on staff gender policy that promotes gender balance within the organization and fosters a culture in which women and men interact on a basis of

equality and mutual respect has important benefits, including greater work satisfaction, less stress for women and men employees, and good work relations that make it more likely that all staff members give their best.

The evidence clearly links levels of women staff in a financial services organization with women's access to services and the organization's contribution to women's empowerment. Evidence also exists that women in senior management positions provide valuable perspectives for product design and implementation, rural finance operations, business plans, marketing strategies, and policies. Gender-aware men staff members are central to contacting men within the community and changing their attitudes. When men staff members have good relations with women clients, they can increase women's confidence in dealing with men's hierarchies and break down cultural barriers.

Gender policy is likely to require quite profound changes in recruitment criteria, organizational culture, and procedures (see table 3.2). These internal changes are consistent with financial sustainability; in fact, mainstream banks are sometimes far ahead of NGOs in implementing staff gender policies (examples include Barclays in Kenya—dating back to the 1980s—and Khushali Bank in Pakistan). The promotion

Box 3.4 Checklist: Groups, Participation, and Empowerment

- Does group size increase women's collective strength? Are groups too large? Too small?
- Does group composition extend or merely replicate women's existing networks?
- Do groups discriminate against particularly disadvantaged women (very poor women, younger women, women from particular ethnic groups)?
- Are there ways for men to be involved to build support for women's initiatives but not dominate the proceedings?
- Do groups facilitate information exchange?
- Does the group structure increase women's decision-making and negotiating skills?
- Are women equally represented in group structures at all levels of the program, particularly beyond primary groups?
- Do groups undertake collective action for change (for example, collective action in relation to sexual violence or women's political representation)?
- Do savings and credit groups link with other services for women and with movements challenging gender subordination?
- In relation to all of the above, which women are participating?

Source: Linda Mayoux, "Sustainable Microfinance for Women's Empowerment: Report from International Mutual Learning Workshop, Centre for Micro-Finance Research," www.genfinance.info.

Box 3.5 Checklist: Integrating Nonfinancial Services

- What complementary nonfinancial services are needed by these particular target groups to use financial services effectively?
- What nonfinancial services are already provided by the organization or in the area? How far do women have equality of access? How far do the services empower women?
- What gender-specific services might women need? What gender-specific services might men need? Can these be mainstreamed, or do they need to be a separate intervention?
- How can nonfinancial services be provided most cost effectively? Through mutual learning and exchange, cross-subsidy, or integration with delivery of financial services? Through interorganizational collaboration?
- What contextual factors will affect the relative costs of different levels of integration? Which, if any, needs can be most effectively and cost efficiently met by the financial service staff? Which, if any, needs can or should be met through a separate section of the same organization? Which, if any, needs can or should be met through collaboration and other means discussed above?

Source: Author.

of diversity, of which gender is one dimension, is a key element of best business practice in the West.

Many of these strategies, such as recruitment, promotion, and sexual harassment policies, cost little. Although a gender policy may entail some costs (for parental leave, for example), the cost should be compensated by high levels of staff commitment and efficiency. Unhappy and harassed staff members are inefficient and change jobs frequently, and training new staff is costly. This is not to say there are no serious challenges, potential tensions, and some costs. Mere formal change is not enough. Real change requires the following:

- A profound actual change in organizational culture and systems, requiring that the issue be raised of staff participation in decision making—a key tenet of best business practice
- A shift in the norms of behavior for women and men
- Willingness and support for change at all levels: among field staff, midlevel staff, senior management, and donors.

It is important to stress that these elements can be integrated into *all forms* of rural financial services *in some way*, including commercial and state banks as well as MFIs,

Table 3.2 Good Practices in Staff Gender Policy

Practice	Example
Recruitment and promotion	<p>Include gender awareness in job descriptions and as key criterion for recruitment and promotion.</p> <p>Advertise employment opportunities through channels likely to reach more women.</p> <p>Adopt proactive hiring and promotion strategies to recruit women into senior management positions until gender balance is reached.</p>
Rights at work	<p>Review all norms and job descriptions from a gender perspective.</p> <p>Give equal pay for equal work.</p> <p>Guarantee freedom from sexual harassment (women and men).</p> <p>Establish rights and responsibilities.</p> <p>Establish structures for all staff to participate in decision making.</p>
Family-friendly work practices	<p>Provide flexible working arrangements: flexi-time, flexi-place, part-time work, and job sharing encouraged at all levels, including senior managers.</p> <p>Develop maternity and paternity leave policies.</p> <p>Provide childcare and dependent care leave and support.</p>
Training	<p>Provide ongoing training for all men and women staff in participatory gender awareness, sensitization, planning, and analysis.</p> <p>Provide follow-up training with specific tools and methodologies.</p> <p>Provide training for women to move from midlevel to senior positions.</p>
Implementation structure and incentives	<p>An adequately resourced gender focal point coordinates gender policy; at the same time, a mainstreaming process is implemented throughout the organization.</p> <p>Gender equality and empowerment indicators are integrated into ongoing monitoring and evaluation.</p> <p>Staff targets and incentives are established for achieving gender equality and empowerment.</p>

Sources: Linda Mayoux, “Not Only Reaching, but Also Empowering Women: Ways Forward for the Microcredit Summit’s Second Goal,” www.genfinance.info; benefits of women in senior management from Cheston, “Just the Facts, Ma’am: Gender Stories from Unexpected Sources with Morals for Micro-Finance,” www.microcreditsummit.org.

MBFOs, and integrated development programs. Commercial banks increasingly have gender or equal opportunity policies to encourage and retain skilled women staff. Some offer child care facilities and have implemented proactive promotion policies for women staff to attain greater diversity in the organization and better develop new market niches. In many social settings, increasing the number of women staff is essential to increasing the numbers of women clients.

Banks generally use individual rather than group-based lending and unlike NGOs cannot be expected to have participatory empowerment strategies. Some commercial banks conduct market research, however, and as an integral part of good management have been at the forefront of participatory product innovation. Some also lend to groups formed by NGOs or producer organizations over whom they have some influence (Thematic Note 2).

As noted earlier, financial institutions lacking the scope to introduce nonfinancial services can promote a vision and commitment to equality and empowerment through the questions asked during the application process (Innovative Activity Profile 1). Another way forward is to collaborate with other service providers. For example, financial institutions

could provide loans to women who complete training in enterprise and business development services provided by another organization, or they could link clients with legal aid services for women or reproductive health services. This collaboration can take the form of formal partnerships or merely consist of having literature on these services available to clients while they wait to see bank staff.

Banks may or may not engage in macrolevel policy advocacy, although most are likely to make sure they are involved in policy decisions that will affect them. A clear vision and commitment to gender equality and women’s empowerment should be integral to the sorts of policy changes they advocate. As mentioned earlier, their promotional materials may not only attract women clients but also change attitudes toward women’s economic activities and social roles in the community.⁶

INDICATORS AND CHECKLIST

Although variation can be found in the form of gender mainstreaming and the full range of empowerment strategies, and although services must be tailored to the needs of

particular groups, some common questions can be asked of all rural finance institutions to assess whether they are making their full potential contribution to gender equality and women's empowerment:⁷

- Is there a gender policy? What is its nature and scope? In other organizational documents, apart from the official gender policy—for example, in operating and staff training manuals or articles of incorporation—what are the underlying assumptions about gender difference and inequality (as expressed, for example, in the language or terminology used)?
- Are statistics on the use of different services disaggregated by gender? Do these indicate equal use of all services by women and men, or do they point to significant gender differences? Do these differences in use also indicate differences in benefits? For example, are women obtaining only small loans, or are they also obtaining large loans? Is this difference caused by implicit or even explicit discrimination in how specific services are designed, or by differences in demand?
- Are any services directed explicitly at women? What underlying assumptions are being made about gender difference and inequality? Are these strategies likely to consign women to a “women's ghetto,” or will they help women to diversify and move to higher-level services?
- How far and in what ways are the needs of the poorest and most disadvantaged women taken into account?⁸
- Are any services explicitly directed at men? What underlying assumptions are being made about gender difference and inequality? Are these likely to increase or decrease gender inequality? Do any strategies targeting men explicitly attempt to redress gender imbalance?

Rural Finance Products: From Access to Empowerment

Financial products are essentially “means by which . . . people convert small sums of money into large lump sums” and may take many forms (Rutherford 1999: 1).

Loans allow a lump sum to be enjoyed now in exchange for a series of savings to be made in the future in the form of repayment installments; these may be short-term loans or term finance. *Savings* allow a lump sum to be enjoyed in the future in exchange for a series of savings deposits made now. *Insurance* allows a lump sum to be received at some unspecified future time if needed in exchange for a series of savings deposits made both now and in the future. Insurance also involves income pooling to spread risk among individuals on the assumption that not all those who contribute will necessarily receive the equivalent of their contribution. *Pensions* allow a lump sum to be enjoyed at a specified and generally distant future date in exchange for a series of savings deposits made now.

In addition, *remittance transfer services* enable migrants to invest more household income in livelihood strategies, to build assets, and to reduce the vulnerability of families they have left behind. *Leasing arrangements* permit the leaseholder to pay a regular rent or lease for use of equipment or other property while legal title to the property remains in the hands of the renting institution. Because collateral (the leased equipment) is readily available, leasing may be an easier product for rural financial intermediaries to provide than loans to purchase larger assets.¹ Products may also be combined, for example, with combined savings and pensions, or combined loans and insurance.

The following products significantly help to improve livelihoods and make them more sustainable:

- *Increasing physical, financial, natural, and human capital assets:* Assets can be increased directly through loans, savings, pensions, or remittances used, for example, for land, housing, jewelry, education, and natural resource

management, or they can be increased indirectly by generating income to purchase these assets.

- *Increasing access to markets:* Access to financial markets themselves can increase, or savings, loans, pensions, or remittances can be invested in new or existing economic activities; this makes it possible to access other financial markets or improve bargaining power in markets for inputs, products of economic activities, and labor.
- *Reducing vulnerability:* Vulnerability is reduced within the household and community when loans, savings, insurance, and pensions help to protect livelihoods; contribute to income diversification; smooth incomes for consumption; and provide a safety net in times of need, including crises within the household or community.
- *Increasing information and organization:* Information and organization increase, not only through group activity, but also through economic activities generated, application and access processes, and improved financial literacy.

The combined effects of increased assets, market access, reduced vulnerability, and improved information and organization can initiate an upward spiral of economic gain and empowerment for poor women as well as their families. In combination with the potential for groups to engage in collective action and exchange information (Thematic Note 1), the multiple effects of financial products can contribute significantly to community empowerment and local economic development.

Yet financial services do not necessarily yield these positive outcomes for the following reasons:

- *Credit is also debt.* If credit is badly designed and used, the consequences for individuals and programs can be serious. Suicides have increased in some places where farm households have become deeply indebted.

- *Savings and pension installments are foregone consumption and investment.* In many contexts, particularly in which inflation is high, depositing cash with financial institutions may not be the best use of poor peoples' resources compared with investing in other assets or directly in livelihoods.
- *Insurance premiums may be lost.* As well as representing foregone consumption and investment, insurance premiums may be lost when a crisis prevents poor people from continuing with the payments.
- *Remittance transfers reduce the funds available to migrants.* These transfers in the host country may also distort local markets in the recipient country (for example, marriage and land prices) without leading to local economic development.

KEY GENDER ISSUES

The outcomes of programs to provide financial services depend to a great extent on whether products are appropriately designed for particular client groups and contexts, on how products are delivered, and on the organization responsible for delivery. This section focuses on the details of product design, which are rarely gender neutral and which inevitably—for good or ill—affect household and community relations. Product design may either reinforce or challenge the prevailing gender inequalities that shape women's needs and priorities, women's access to different types of services, and the degree to which they benefit. For example, women have fewer and different resources to use in accessing financial products. Women's different balance of opportunities and constraints affects how and how much they benefit from different products. Finally, women's gender role and gendered expectations affect their expressed short-term practical needs as well as their longer-term strategic needs to build assets, access markets, decrease vulnerability, and increase information and organization.

An equally important point is that products targeted to men may have potentially negative impacts because they are designed without considering gender inequalities in households and communities. Products for men may reinforce or challenge gender inequalities through the implicit or explicit assumptions made about men's and women's roles and power relations within households and communities. Consequently, the products' potential contributions to poverty reduction and local economic growth are affected.

Research on women's access to finance in the 1970s and 1980s focused mainly on the lack of credit as a constraint to economic activity. In the 1990s, with the rise of microfinance,

most debates on product design focused on issues of financial sustainability: interest rates on loans, the desirability of mobilizing savings, and the need for insurance products to reduce microfinance programs' risk of default. A widespread consensus, based on women's poor access to resources and power and the particular physical and social assets they could contribute to programs, developed about how to increase women's access to financial services (box 3.6). Products were very limited to simplify management for field staff, generate predictable cash flows for program managers, and be comprehensible to clients. Many programs had only one loan product, with compulsory savings as a condition for accessing loans and in some cases compulsory insurance for the assets.²

These measures increased women's access to financial services but often had a limited impact on incomes. Loans were too small, and repayment schedules inappropriate, for activities with a lag time between investment and returns. Although suited to trade in urban areas and small livestock, the loans were ill adapted for agriculture, large livestock enterprises, or new and more risky economic activities. Where savings and insurance payments were compulsory, problems with household financial management ensued.

Recent innovations in information and delivery technology and systems now permit greater product diversification and client-centered product development. This is particularly the case where clients also have some experience with financial services and an increasingly sophisticated understanding of their financial needs and financial management. Some of these innovations have significantly improved both the extent to which women benefit from financial services and efforts to reduce poverty and foster local economic development.

CREDIT: GOOD PRACTICES AND INNOVATIONS

As indicated by research on patterns of credit use among poor women and men and by the experience of numerous clients after many loan cycles, women's credit needs are more diverse than the initial focus on small group loans would indicate:

- Women need longer-term credit to build assets—to construct houses, buy land, and lease land, either under their own names or at least jointly. They also need credit to purchase or release from pawnbrokers and moneylenders "women's assets" such as jewelry, thereby transferring general household wealth into assets that they can easily access and control and that grow in value and provide some security.

Box 3.6 Increasing Women's Access to Financial Services: Early Consensus

Loans

- Offer small loans so that women can invest in small assets or in income-generating activities that yield quick returns, because of women's aversion to risk, inexperience with large-scale income generation, and time constraints
- Target loans to productive activity
- Initiate regular repayments as soon after loan disbursement as possible, to instill financial discipline
- Relax collateral requirements to include social collateral or women's property (jewelry)
- Make services accessible; locate them where women are located
- Set interest rates high enough to cover costs; such rates are still beneficial because they are lower than

Source: Otero and Rhyne 1994.

rates charged by moneylenders and by women's savings and other groups

Savings

- Direct programs via savings to increase thrift and women's financial management in the household

Insurance

- Use insurance to reduce the risk from livestock and from other loans

Group-Based Delivery

- Use to reduce costs and increase empowerment

- Women need access to credit for off-farm economic activities, but to invest in viable, profitable activities they often require larger amounts than are available. Larger sums are also needed for women to diversify out of "women's" activities or expand their range of products, especially where local markets are saturated with such products and skills.
- Households that sell their agricultural labor, as well as farming households, need consumption loans to avoid resorting to moneylenders in slack and "hungry" seasons. Providing such loans to men as well as women would reduce the alarming trend for men to take less responsibility for household well-being when they perceive that women have access to additional cash.
- Households need loans to pay for children's education and to meet social obligations that are essential for maintaining social capital and the well-being of children, particularly daughters after marriage. Again, giving men as well as women access to such loans would strengthen men's responsibility for children and not place the entire burden on women.

Gender issues in designing loan products are discussed in detail elsewhere (Mayoux 2008).³ Box 3.7 lists specific questions to address in designing loan products for women. Some very interesting innovations in loan products have been introduced recently, but given the variation in

women's preferences and requirements, the particular product that should be offered in a given context should be decided on the basis of market research. Six examples of interesting innovations include the following:⁴ (1) client-focused loans (Grameen Bank, Bangladesh), (2) loans for assets registered in women's names (Grameen Bank, Bangladesh), (3) large loans for bigger profits (South Indian Federation of Fishermen Societies, India), (4) loans for adolescent girls (Credit and Savings Household Enterprise, India), (5) consumption loans for men as well as women (Area Networking and Development Initiative, India), and (6) loans for services benefiting women (Learning for Empowerment Against Poverty, Sudan).

The loan products available in rural areas are likely to change significantly over the next few years with advances in technology and the increasing entry of commercial banks into microfinance. Banks such as ICICI in India currently aim to give universal access to loan products and other services. This strategy would consist of many elements: rolling out credit cards and ATMs in villages to give everyone individual access, building and maintaining individual credit histories through credit bureaus, basing credit decisions on scoring models (risk-based lending), moving from group-based to individual lending, and tracking clients through their life cycle to offer customized products for life-cycle needs.

These developments could significantly increase the scale of outreach. They promise credit and other services on

Box 3.7 Key Questions in Assessing and Designing Loan Products for Women

Eligibility and collateral requirements

Women's access questions: Do collateral requirements accept women-owned assets, such as jewelry and utensils? Do they include social collateral? Do they enable women to apply without a man's signature? Are loan histories and credit ratings based on the types of records and activities in which women are involved?

Women's empowerment question: Do collateral requirements encourage registration of assets in women's names, or at least jointly?

Gender questions in loans for men: Do collateral requirements for men make unquestioned assumptions about the control of resources within the household?: (1) Do they treat men as the household head with rights over all household assets? or (2) Do they challenge these views by, for example, requiring the wife's signature for loans for which household property is used as collateral?

Application procedures

Women's access questions: Are application forms and the location and advertising of services appropriate to women's literacy levels and normal spheres of activity? Are credit and savings disbursed by women in women's centers?

Women's empowerment question: Do application procedures encourage women to improve financial literacy and extend normal spheres of activity by increasing their understanding of how to use savings and credit or by giving experience in negotiating with men officials in men's public spaces?

Gender questions in loans for men: Do application procedures for men make unquestioned assumptions about the distribution of power within the household: (1) Do they treat men as the business owner in household enterprises with the right to make all decisions about labor and resources in the household? or (2) Do they challenge these views by devising business plans that develop and strengthen the wife's position in household enterprises?

Repayment schedules and interest rates

Women's access questions: Are repayment schedules appropriate to the income available from women's economic activities or their household cash flow patterns, thereby allowing borrowers to repay their loans on time? Can women pay the interest rates specified?

Women's empowerment question: Do repayment schedules, grace periods, and other loan characteristics allow women to maximize their productive investments from the loan?

Source: Author.

Gender question on loans for men: Do repayment schedules, grace periods, and other loan characteristics require men to divert resources from the household or their wives' incomes?

Large versus small loans

Women's access question: Are loan amounts tailored to the size of the economic activity so that women have the confidence to apply?

Women's empowerment question: Do women have equal access to loans of all sizes, particularly loan amounts large enough to enable women to increase incomes significantly or invest in key productive assets in their own names without undue risk?

Gender question in loans for men: Are men required to move up the same ladder from small to larger loans to instill financial prudence?

Loan use

Women's access question: Are loans designed for the types of economic activities in which women wish to be involved or women's human and social investment priorities?

Women's empowerment questions: Do loan packages enable women to enter nontraditional and more lucrative activities, which studies have shown to be feasible for women to pursue with existing labor allocations within the household and without excessive risk? Are loans available to increase women's ownership of assets such as houses and land?

Gender questions in loans for men: Are loans for household consumption, girls' education, and family health care available to men as well as women to allow women to use their own loans for production? Do these loans encourage housing to be registered in women's or joint names?

Individual versus group loans

Women's access questions: Are groups the only mechanism through which women can access credit, or can women obtain loans individually? Which women have access to individual versus group loans? Which do women prefer?

Women's empowerment questions: Do loan groups extend or merely replicate women's networks? Do they strengthen women's networks or weaken them? Do individual loans enable women to develop networks or prevent them from doing so?

Gender questions in loans for men: Do men have access to group loans in ways that also permit them to network? How can these networks be used to challenge and change gender inequalities, as in the Community Development Centre's work with fishery workers in Bangladesh?⁵

terms far better than any currently offered by MFIs because of economies of scale arising from their large investment in technology. The extent to which women will have equitable access to these services and benefit from them remains to be seen, however. These innovations will have to consider the gender questions mentioned earlier, particularly in relation to collateral requirements and ways in which credit histories can be built up.

Also important is ensuring that gender issues are mainstreamed in current debates about larger-scale rural finance and leasing arrangements for agricultural development and value chain upgrading. Questions similar to those in box 3.2 must be answered for all loan and leasing products. Enabling women to have equal access to such products also requires attention to women's property rights.

SAVINGS AND PENSIONS: GOOD PRACTICES AND INNOVATIONS

Debates on extending the reach of microfinance to the very poorest people increasingly focus on savings facilities. For many women, including very poor women, savings facilities are essential to increasing the amount of income under their control and building assets. In many parts of Africa, for example, where in-laws are likely to take the wife's as well as the husband's property when he dies, women's ability to have confidential savings accounts is a crucial and necessary means of security for the future. Compulsory savings systems are one of the few ways for some women to protect income against the demands of husbands and other family members. If savings are only voluntary, women may be less able to oppose the demands of other family members to withdraw them.

Nevertheless, women may already have effective ways of saving. Savings programs offered by financial service providers may be less efficient for women, particularly if savings are a condition for getting loans. Savings programs may also divert resources from indigenous savings groups, which often provide a safety net for very poor women (in Cameroon and other parts of Africa, for instance, some revolving savings associations maintain a "trouble fund" for times of crisis).⁶ Savings also have to come from *somewhere*—often from foregone investment or consumption. Badly designed savings products, particularly compulsory savings, may therefore harm women's ability to increase profits and, among very poor women, may be detrimental to their nutrition and health. Savings facilities may increase women's control over household income, but, as mentioned earlier, when savings are regarded as "a women's affair," men's sense of responsibility

for the household may decline. In designing savings facilities, many key issues must be considered, all of which have gender dimensions (box 3.8).

Several recent innovations in savings products can make a significant contribution to women's empowerment including Grameen Phase II in Bangladesh, flexible individual savings in Bangladesh, and children's savings cards in Mexico (Dowla and Barua 2006). Pensions—which are essentially a long-term savings product—have received far less attention than other instruments such as insurance. Pensions are potentially a key component of empowerment, however, because they offer women security for their old age and have many other implications (for example, reducing women's vulnerability in the household or influencing family size decisions). Some pension products for women exist in India, but pensions are an area in which much more thinking and work are needed.

In remote areas, mobilization and intermediation of member savings are crucial first steps before accessing external loan funds. Many studies have observed that savings-led groups perform better than credit-led groups (Allen 2005; Murray and Rosenberg 2006; Ritchie 2007). For instance, Indonesia's Agricultural Development Projects and Sri Lanka's Northeast Irrigated Agricultural Development Project have not performed as well as MBFOs using a savings-led model (examples include savings-led self-help groups and their federations in India and Gemidiriya in Sri Lanka; see also Innovative Activity Profile 1; Ritchie 2007).

Savings give poor people a buffer against unforeseen expenses, thus lowering their household risk; small, regular savings help to develop financial discipline; and intermediation of savings into loans by MBFOs enables borrowers to establish creditworthiness before external credit is introduced. Recent experience in Andhra Pradesh, India, buttresses this viewpoint that external capital can overburden the poor with debt. Over the last several years banks in India have lent considerable funds to MFIs for onlending to poor clients. The resulting stiff competition among MFIs enabled many poor women to receive loans from several lenders at the same time, often irrespective of their existing debt and repayment capacity. Many poor rural clients could not repay their loans. On the other hand, poor women who save and lend to each other in small groups in the Gemidiriya program in Sri Lanka cite easy availability of loans for emergencies as one of the main benefits of participation. The Bangladesh Rural Advancement Committee's Income Generation for Vulnerable Groups Development Program is an instructive example of how grant-based approaches

Box 3.8 Gender Issues in Designing Compulsory and Voluntary Savings Products

COMPULSORY SAVINGS

Access question: Do levels and conditions for compulsory savings exclude women from access to other services?

Empowerment questions: Are compulsory savings required by women themselves to increase their ability to retain control over their own income or leverage household income to put into long-term savings as an asset in their names? Or are they merely an insurance device for the institution?

VOLUNTARY SAVINGS

Minimum entry-level deposits

Access question: Are entry-level deposits low enough for poor women to take part?

Flexibility of deposits

Access question: Are deposit requirements flexible with respect to women's patterns of access to income?

Empowerment question: Do savings deposit requirements give women authority to retain control over savings in their own accounts?

Liquidity of savings and ease of withdrawal

Access question: Are withdrawal requirements flexible with respect to women's needs for income?

Empowerment question: Do withdrawal conditions protect women's savings from predation by husbands and other relatives?

Source: Author.

Confidentiality

Empowerment questions: Are women's savings confidential to protect them from predation by husbands and other relatives? Or are they public, to give women high status in the community?

Accessibility of provider and transaction costs

Access questions: Are savings providers located conveniently for women? Are transaction costs reasonable?

Empowerment question: Are savings providers located in places that enable women to visit new places and get more experience outside normally accepted "women's space"?

Returns to savings

Empowerment question: Are returns to savings sufficient to enable women to build up assets over time, or are they comparable to returns available from other savings channels? (Assessment of the level of risk needs to be included in this calculation.)

Gender questions for men

Do savings facilities for men exist to encourage them to save and provide for their families (for instance, for girls' education or marriage)? Are these products promoted by staff to reinforce men's sense of responsibility in these areas?

and financial services can be complementary (see World Bank 2003).

INSURANCE: GOOD PRACTICES AND INNOVATIONS

Most people engage in various forms of "self-insurance," such as diversifying their livelihood strategies, savings of different types, building assets, and investing in social capital that can be called upon in times of hardship. Some communities have collective forms of informal insurance such as burial societies. Although savings and loan products from financial service providers can reduce vulnerability to crises and shocks, they generally do not enable people to accumulate sufficient funds to cope with major crises. Over the last decade, an increasing number of MFIs have developed microinsurance products to address various sources of vulnerability. These products include compulsory insurance against loan defaults, health and life insurance, livestock

insurance, weather-index crop insurance, and property insurance. Microinsurance is one of the most rapidly growing, specialized, and contentious areas of innovation. Important advances have been made in agricultural and health financing as well, particularly in some MBFOs.⁷

Despite the clear need for insurance products and their great potential to contribute to the development of the rural sector, the viability and desirability of specialized microinsurance institutions for the poor have been questioned. Much concern has been expressed over badly designed microinsurance products being foisted on vulnerable people, particularly as a condition for getting a loan. In some cases microinsurance providers have collapsed, taking all the premiums with them. Several private insurers, particularly in parts of Africa, have become profitable by selling a good volume of policies to poor households. In many cases the new policyholders did not understand what they were purchasing or how to make a claim, and they did not benefit (Brown 2001).

Wider questions emerge over whether poor people can or should be expected to spend scarce resources insuring themselves against all the risks of poverty caused by bad governance, poor state health systems, and environmental disasters arising from climate change and global warming. An inevitable mismatch exists between the range of hazards against which very poor people need insurance and the level of premium they are able to pay, which undermines the potential of insurance provision (Brown 2001). Debates about insurance also have specific gender dimensions (box 3.9). Women are vulnerable in different ways, gender inequality affects how women relate to institutions of all types, and women face specific risks because of gender discrimination or cultural norms:

- Unequal control of property makes women extremely vulnerable in cases of divorce or widowhood.
- Women's lower incomes make them less able to invest in risk-reducing technology or services, such as disease-resistant strains of livestock, reliable equipment, or veterinary care.
- Women's responsibility to care for the sick means that ill health of their children and partners affects their own ability to earn.
- Women are more susceptible to certain diseases, including HIV and AIDS, and to the complications of pregnancy and childbirth.
- Women's physical vulnerability makes their property particularly vulnerable to theft and crime.
- Women's high preponderance in informal sector enterprises makes them particularly vulnerable to harassment by the authorities (for example, their property may be confiscated and market stalls destroyed).

At the same time, the following situations exist:

- Women's lower incomes make them less able to afford insurance payments. Although it may be very important for women to contribute to life and health insurance schemes for themselves and their husbands, insurance may not be the best solution where marriages are unstable. Women pay premiums—maybe out of their own consumption and investment funds, maybe to ensure loans that are used by men—and they risk forfeiting these premiums if they cannot maintain payments following divorce or if they make unsuccessful claims following the death of their former partners.
- In many cultures women are less literate and physically mobile than men, and women may therefore be less able

to understand policy conditions and pursue claims unless these factors are taken into consideration. They may be deceived into taking up policies that are not to their advantage and may be less able to take advantage even of good insurance policies without considerable follow-up by insurance providers.

- Insurance policies often explicitly exclude health concerns that apply to large numbers of women (pregnancy is one example) because they present too great a risk for insurers.

Insurance is useful only as part of a broader program to address the underlying causes of risk and vulnerability facing poor women and men. Insurance is in high demand and some programs have been successful among the better-off poor (such as LEAP [Learning for Empowerment Against Poverty] in Sudan),⁸ but it is doubtful whether insurance can focus only on the needs of very poor people and remain financially sustainable. There is an inevitable trade-off between comprehensiveness of coverage and levels of premium. The keys to success are the scale of outreach and the diversity of clients and risks across the rural population. Some programs, rather than attempting to provide insurance themselves, have linked with state insurance providers and the private sector and have lobbied within the larger system for better insurance provision to women.

Box 3.9 Gender and Microinsurance: Key Questions

Access questions: Are insurance conditions sufficiently inclusive to be relevant to women's needs? For example, how do they treat women's assets, women-specific health problems and reproductive complications, divorce, and abandonment? Are the premiums within women's capacity for payment (in terms of amount and regularity)? Are payment and claims procedures accessible to women in terms of location and comprehensibility?

Empowerment questions: Do insurance conditions challenge or reinforce existing roles within the household? Do insurance providers offer financial education as part of the application process? In what ways does insurance decrease women's vulnerability? Does it increase the powers of negotiation within the household?

Question for men: Does insurance for men give their wives financial security in the case of their illness or death?

Source: Author.

REMITTANCE TRANSFER SERVICES: GOOD PRACTICES AND INNOVATIONS

Remittance transfer services can contribute very significantly to poverty reduction and livelihood development. Remittances from migrant laborers, men and women, between regions within countries as well as internationally have become a force for wealth creation, particularly in poorer regions. In 2005 it was estimated that at least \$232 billion⁹ would be sent home globally from approximately 200 million international migrants—a sum that is three times the amount of official development aid. Even these high figures understate the importance of remittances, because they do not capture remittances sent through informal channels, which may be twice or three times this figure, or remittances sent from migrants between regions of the same country. Nor are they an accurate predictor of potential remittances if safe and cost-effective remittance services were available.

Many observers now generally agree on the importance of developing cost-effective, formal services to transfer remittances through secure channels such as banks. The remittance industry consists of formal and informal fund transfer agents, ranging from a few global players, such as large money transfer operators (Western Union, MoneyGram) and commercial banks (Bank of America and ICICI Bank in India), to credit unions (including the World Council of Credit Unions) and hundreds of smaller agencies serving niche markets in specific geographic remittance corridors. Transfer charges vary widely and often greatly surpass actual costs in markets with little competition. A range of measures have been proposed or implemented to improve remittance services by money transfer operators, banks, and others. Microfinance and other smaller institutions generally have to enter into relationships with commercial banks because of regulatory constraints—for example, on transactions involving foreign exchange and access to national payment systems. No such constraints exist for remittances between areas in the same country, however. In India, for example, MFIs and NGOs have developed many types of remittance arrangements. Technological advances such as mobile phones also make cost-effective remittance services for the poor more of a possibility.

Remittance flows are not gender neutral. Women are an increasing proportion of migrants, and in most destination countries their numbers are growing faster than those of men. Box 3.10 lists gender issues to consider in designing remittance services. A recent study by the United Nations' International Research and Training Institute for the

Advancement of Women (INSTRAW) found that women represented almost half of the international migrant population.¹⁰ Women made up 70–80 percent of all migrants from some countries, notably the Philippines. The amount of money sent to households by migrant women and men, how it is sent, and how it is used are determined not only by the market but also by the gendered power relations within households and economies.

For migrants:

- Although this is not universally the case, women migrants (particularly independent migrants) direct most of their remittances to their families' basic needs, whereas men spend more on nonnecessities.
- Women have fewer employment options in the host country, are often limited to badly paid “women’s” jobs, and therefore are likely to earn lower incomes than men and have smaller amounts of income to send.
- Some countries place considerable pressure on women to migrate to support their families, which, coupled with limited employment opportunities, can lead to abuses such as sex trafficking and domestic slavery.
- Some countries have placed remittance requirements on women migrants. For example, until recently, women migrants from the Philippines were required to remit 50 percent of their earnings.
- Even where both spouses migrate, they frequently send remittances independently and for different purposes.
- Migrant associations may seek to control women or discriminate against them.

On the more positive side, when women send remittances home, they may significantly improve their standing in their families and communities; and when migration is predominantly by women, men in the families left behind may be forced to take on women's care and work roles.

For recipients:

- Some women left behind may be highly dependent on men's earnings and face high levels of material and emotional insecurity as well as an increased workload.
- Other women become acting heads of the household, with much increased control over household resources and decisions, and assume productive roles previously carried out by men.
- Women may have a very limited voice in, or be completely excluded from, decisions about how to invest community migrant funds.

Box 3.10 Gender Issues in Designing Remittance Services

Issues for migrants: Are remittance services easily available in the locations where women migrants are working? Are the terms and conditions easily understandable, given that women migrants are likely to have lower literacy and English skills? Are services adapted to women's remittance levels and payment capacities?

Source: Author.

Issues for recipients: Are remittance services secure? Are the offices easily accessed by women so that they can collect money securely? Are any programs in place to facilitate local investment of remittances to benefit women—for example, are there links between remittance service providers and programs promoting women's productive activities?

RECENT INNOVATIONS IN PRODUCT DEVELOPMENT

Many recent innovations promise to make product development sustainable and increasingly client based. First, technological advances—mobile phones, rural information centers, computerized services, and others—promise ever-more accessible and accountable services in rural areas. To ensure that these services and technologies do not leave women behind, women's groups can manage rural information centers, communications enterprises can be set up in villages (such as Grameen's mobile phone initiatives), and computer programs and material can be made accessible to people who cannot read and write.

Second, it is now generally accepted that participatory market research and “knowing your clients” is good business practice (Woller 2002). The services provided through self-employed women's associations in India have always been based on consultation with clients. Grameen Bank has just undergone a four-year reassessment and redesign based on extensive client research, which has significantly increased outreach and sustainability. ICICI Bank in India conducts participatory market research and funds in-depth research on the needs of microfinance clients by supporting the Centre for Micro-Finance Research in Chennai. Many microfinance organizations have been trained in Microsave's market research tools and use one or more of them; the tools can be adapted to identify gender dimensions of product design.¹¹

As products and competitors proliferate in the microfinance market, a third concern is consumer protection: do people know what they are signing up to do, and how can they be protected from abuse? Since at least 2003 many microfinance networks have been developing and implementing consumer protection guidelines such as the ones from Freedom from Hunger.¹² These guidelines—

especially by emphasizing privacy, ethical behavior, and treating consumers with respect—potentially offer substantial protection to women as well as men, particularly if guidelines are combined with gender training for staff within the organization.

A critical part of ensuring that these protection principles become a reality is to introduce financial literacy so that clients know their rights and understand the information given to them. Many organizations, including the Microfinance Opportunities with Freedom from Hunger, Self-Employed Women's Association (SEWA), Servicios Integrales a Mujeres Emprendedoras (SIEMBRA), and Womankind Worldwide, have developed manuals for financial literacy.¹³ Other methods are being developed to help illiterate women become not only financially literate but also capable of making their own financial plans, which microfinance program staff can use to help in analyzing loan applications. Financial literacy principles and guidance can also be integrated into the application process, as indicated in the Freedom from Hunger and Acción International consumer protection guidelines.¹⁴

So far, financial literacy programs have been developed mostly for women. Training for men, if it were to incorporate gender-equitable household financial planning principles (for instance, if it promoted men's discussion of financial planning with their wives and equal participation in financial decisions), could contribute significantly to changing men's attitudes and behavior. If such training were a condition of access to loans, it is more likely that men would attend such courses rather than generic gender training.

None of these recent developments is necessarily gender sensitive, yet there are ways for them to take gender dimensions into account. If the current gender innovations are implemented on a wide scale, they could substantially foster sustainable gender mainstreaming in product development.

Andhra Pradesh, India: A Women-Managed Community Financial System

The vast expansion of India's banking network since the 1970s largely bypassed the rural poor, especially women. Banks did not recognize women as business clients and rarely served them beyond token participation in government-sponsored credit programs.

What's innovative? A vibrant, extensive network of women's groups at the community level and higher delivered a full range of financial, social, and economic services in rural areas; engaged large numbers of the poor in the formal economy; and transformed the prospects for formal banking institutions to operate successfully in remote and underserved areas.

Poor rural women have traditionally shown good financial discipline in managing the household economy, often setting aside small sums to meet specific needs, such as schooling, weddings, and debt redemption. Poor women and men initially use credit or savings for smoothing consumption and then expand their asset base gradually before building up entrepreneurial ventures. Banks—being averse to risk—did not offer products that met poor people's needs for liquidity, ease of access, smoothing consumption, or even investing in livelihood strategies. In Andhra Pradesh, India, when savings and credit were channeled through community-based women's groups and used to meet their specific needs, rural financial services underwent a dramatic transformation and successfully catalyzed capital formation, asset accumulation, and increased market participation by the poor.

PROJECT OBJECTIVES AND DESCRIPTION

Indira Kranthi Patham (IKP) subsumes two community-driven rural poverty reduction projects supported by the

World Bank and International Development Agency: the Andhra Pradesh District Poverty Initiatives Project (APDPIP) and the Andhra Pradesh Rural Poverty Reduction Project (APRPRP), implemented in South India since 2000. The IKP pursues a threefold strategy. First, it helps to create self-managed local institutions of poor women, with thrift and credit services as the core activity. Second, it helps to expand and diversify women's livelihood base. Third, it helps the poor discover and influence market mechanisms as a means of sustaining growth and equity.

By the end of March 2007, following its strategy to create a hierarchy of interdependent institutions of poor people, the IKP had mobilized 8 million women into about 630,000 self-help groups consisting of 10–15 women each from poor households in Andhra Pradesh. The groups were federated at the village level into 28,282 village organizations (VOs), which in turn formed 910 confederations at the *mandal* (subdistrict) level, called *mandal samakhyas* (MSs: subdistrict confederations). Group members deposit small amounts of money into a common pool from which loans are provided. The women take collective decisions, closely supervise how the loans are used, and pressure members to make deposits and repay loans promptly. Each VO is registered formally as a cooperative federation of self-help groups to supervise and build capacity through community professionals. By taking the initial risk for lending to the groups, VOs cultivate awareness among self-help groups on how to leverage and assimilate external resources. The core microfinance function of an MS is to lend capital over the long term to VOs and supervise microfinance activity over all tiers of the institutional hierarchy. The MSs provide seed money and venture capital to newly formed VOs, invest in VOs' new business initiatives, extend hand-holding support, and build incentive structures to encourage good performance.

INNOVATIONS IN THE PROJECT

Over the years the self-help groups and their federations have expanded the scope of their services and now offer economic and social services in addition to financial services. Services have evolved mainly through incremental innovation by community institutions. The innovative elements of community institutions and the “microfinance plus other services” approach they developed are described in the following sections.

1. A *community-managed financial system* includes elements such as the following:
 - *Social mobilization*, as reinforced within the self-help groups, VOs, and MSs through their transparency, democratic governance, and inclusive decision making.
 - The *thrift and credit system*, through which self-help groups direct their residual capital into the local economy. The groups prepare microcredit plans (box 3.11) as a tool for efficient fund management and to leverage external resources from the VOs and MSs.
 - A *management information system* based on simple books of accounts often maintained by a paid book-keeper such as a group member or a woman from the local community
 - A *quality assessment* system for women to review their performance through a Critical Rating Index (developed in consultation with NABARD)¹
 - The *capitalization of self-help groups and their federations* as they invest interest earned and fees collected. Profits are invested in further loans, and the groups’ assets increase steadily.

- *Leverage of external finance* by self-help groups from VOs (as explained in box 3.10) or from local commercial banks, based on each group’s financial position determined by the Micro Credit Plan, Critical Rating Index, and group assets.
 - *Monitoring* by loan recovery committees at the VO level of the end use of funds and forming a *community-based recovery mechanism* by supporting local banks in maintaining the standards of their microfinance portfolio.
2. The “*microfinance-plus*” approach. Aside from providing finance, the IKP three-tier institutional structure offers a range of other products and services (broadly summarized in table 3.3) that support the livelihoods of the poor. This livelihoods approach to reducing poverty differentiates IKP from other microfinance programs with their minimalist approaches. Following the *principle of institutional subsidiarity*, each tier specializes in the creation, aggregation, or channeling of those services that make economic sense (based on efficient delivery, economies of scale, transaction costs, and other criteria).

BENEFITS AND IMPACTS

The IKP’s community-driven approaches and institutional model have catalyzed women’s entrepreneurial spirit and leadership. Their self-managed rural finance system has had many impacts at the macro-, institutional, and household levels. Traditional perceptions of gender roles have also changed markedly as women’s status, authority, and dignity have grown.

Box 3.11 Microcredit Plans as a Tool for Self-Help Groups

A microcredit plan is a simple list of investments that self-help group members would like to make. Microcredit planning is an iterative process with several steps:

- Engage families of group members in developing household investment plans
- Finalize parameters for determining the socioeconomic status of members
- Conduct an appraisal of socioeconomic status and participatory wealth ranking

Source: Author.

- Exercise due diligence in assessing household investment plans
- Consolidate and order loan requests according to the priority determined by the group
- Mobilize financial resources to support the microcredit plan and to apply future cash flows (from thrift, bank loans, and other sources) to support members in order of priority
- Develop terms of partnership with borrowing members that specify how assets will be acquired, asset insurance, repayment schedule, interest rates, and penal provisions for noncompliance.

Table 3.3 Financial, Economic, and Social Products and Services Created and Delivered by Self-Help Groups and Their Federations, Andhra Pradesh, India

Institution	Financial services on own account	Nonfinancial economic services on own account	Facilitation services (agent/aggregator)
Self-help group (Clients: individuals)	Compulsory thrift; short-term loans for social needs; medium-term loans for investment	n.a.	Food security; agricultural input supply
Village organization (Clients: self-help groups for financial services and individuals for nonfinancial services)	Regular thrift from self-help groups; medium-term loans to groups for onlending	Rice Credit Line; agricultural input supply; commodity marketing; fodder cultivation; milk collection	Insurance for assets, life, and health
Mandal samakhya (Clients: village organizations)	Long-term loans to VOs for onlending to self-help groups; short-term loans to VOs for seasonal operations such as agricultural input supply and commodity marketing; medium-term loans to VOs for Rice Credit Line operations	Economic infrastructure for aggregating goods and services produced by poor; bulk milk coolers; warehousing	Insurance for assets, life, and health; private/NGO partnerships; contract farming; marketing contracts; job-oriented training; retailing; labor supply

Source: Authors.

Macrolevel impact

Women make markets work for the poor in several ways:

- *First, by building a pro-poor financial sector.* In mobilizing poor women and helping them build responsive, self-reliant, and financially sustainable institutions, the IKP project shifted long-held beliefs in the banking system. The women manage a corpus of \$1 billion, which includes their own thrift of \$349 million. Over six years, they leveraged a cumulative \$1.2 billion from commercial banks, which made IKP one of the world's largest microfinance and financial inclusion efforts.
- *Second, by widening and deepening access to finance.* Microfinance now figures prominently in the corporate strategy of several banks, and overall lending to women has increased multifold since the project started. A major share of this expansion can be attributed to the good credit performance of women's self-help groups:

Percentage of poor with access to financial services	90
Percentage of self-help groups linked to banks	74
Savings per group (\$)	450
Bank credit accessed per group (\$)	1,500

Percentage of group loans recovered	95+
Number of participating banks (100% of those having rural presence)	44
Number of partnering bank branches (90% of rural and semiurban branches)	3,850
Number of poor with access to insurance	500,000

- *Third, by utilizing the emerging coproduction model in rural finance.* The traditional prefinance function of commercial banks in extending loans to the poor is externalized to women's self-help groups.
- *Fourth, by bringing a livelihood focus into microfinance to promote enterprise among the poor.* The incremental asset base of the poor supported by IKP now stands at \$1.3 billion. These assets cover a range of livelihoods and are expected to generate significantly higher business turnover, leading to higher incomes for the poor. Banks have become interested in introducing new products for emerging opportunities.
- *Fifth, by making financial literacy a strategic by-product.* Perhaps the most lasting impact of the women-managed rural financial system will be financial literacy among poor women. The training has developed 98,000 book-keepers, 3,000 microcredit planning experts, and 3,000 bank linkage experts from among these women.

Institutional impacts

Significant gains are made to women's institutions and their partners:

- *Benefits of leveraging bank finance.* Extending bulk finance to self-help groups dramatically reduced the transaction costs for financing agencies to extend credit to poor women. At the same time, self-help groups are encouraging financing agencies to make increasingly higher credit commitments—ultimately benefiting both the groups and the banks.
 - *Profits for commercial banks and restraints on informal credit markets.* The recovery of loans to women's self-help groups and their federations is around 95 percent, mainly because of good community oversight and follow-up mechanisms implemented by the women. Reduced transaction costs and a good recovery climate have improved the profits of rural bank branches, and in local informal markets for credit, interest rates have softened, and unethical practices have been curbed.
 - *Access to markets by the poor and stimulation of private participation.* The group structure and hierarchy helped poor women to access commodity markets and form local partnerships with the private sector, thereby improving their participation in the wider economy. The aggregation of large groups of suppliers and consumers has attracted such global partners as Olam International, ITC, Pepsico, fair trade companies, and others.
 - *Women's networks as social service providers.* The diligence shown by women's networks in delivering support services to the poor has encouraged several development agencies to work with them on such programs as old age pensions, midday meals for children, and health care and ambulance services.
- *By initiating a virtuous cycle of increasing incomes and prosperity.* Continued access to loans has helped poor women accumulate productive assets at the household level. The impressive credit histories of many women not only enhanced their creditworthiness but also increased the flow of credit for diverse purposes. Average assets per family have tripled to \$2,974 between 2000 and 2006. Over the same period, growth and diversification of productive assets helped annual household incomes rise by 115 percent to \$1,041. A significant share of this increment comes from the income stream attributed to women-run enterprises.
 - *By being regarded as creditworthy.* Banking statistics corroborate that the overall repayment climate has improved since the women's self-help groups were established. Although banks remain reluctant to make large loans to men, women are regarded as valued clients, and banks are not averse to extending large loans to women and their families through the groups.
 - *By gaining business skills and initiative.* The management of rural financial services by women not only promoted leadership but also served as good training for developing institutional management and negotiation skills. Experiential learning helped women participate in markets and negotiate market positions, which greatly enhanced their business confidence and enterprise.
 - *By promoting consensual decision making at the household level.* Because men and women were both involved in microcredit planning, men came to see women as partners in earning a livelihood.
 - *By helping men regain business confidence.* Women-managed interventions to provide critical livelihood support services, such as supplying agricultural inputs and marketing commodities, not only increased access to credit but also increased the direct participation of poor men in markets.

Household impact

Women bring home credit and gain skills and confidence in several ways:

- *By making savings productive and reducing the debt burden.* The internal accretion of capital in self-help groups accrues to all members in proportion to their individual savings. Access to credit at convenient terms has significantly lowered the cost of debt. On average, self-help groups have reduced the high cost of debt per family by \$75.

LESSONS LEARNED AND ISSUES FOR WIDER APPLICABILITY

Poverty reduction projects are generational investments and require resource commitments over extended periods. Sustained outcomes depend on the sequencing and integration of investments in social mobilization of the poor; engaging the banking system for capital formation; providing livelihood support services; and enabling the poor to participate in markets.

The astute use of human capital can greatly reduce the time and cost of institution building. Using community professionals in social mobilization and capacity building is a

feasible, low-cost strategy for building strong institutions at the grassroots level (for example, engaging women group members as bookkeepers, microfinance professionals, bank linkage experts, and social auditors).

Using donor contributions as revolving funds in community institutions has strategic advantages. It encourages community ownership of donor funds, as well as transparency, vigilance, and social accountability. The initial funds encourage investment in sectors in which banks are reluctant to participate; ultimately, a record of success attracts mainstream lenders and releases capital to support the next level of innovation. The recycling of funds supports extended investment at the household level, and returns from investments help community institutions achieve financial sustainability faster.

The banking system must view the poor as coproducers of financial services and not just as credit clients. This perspective will facilitate the provision of a full range of financial products at significantly lower cost to banks and the poor.

WAYS FORWARD

Consolidate the institutional systems for expanding the products and services offered by federations through process and product innovation. Commercial banks have initiated serious efforts in this direction in partnership with women's groups as part of IKP.

Develop next-generation and alternative credit linkage models. These partnerships could take several forms: for example, the MSs could play the role of "business correspondents," extending a full range of savings, credit, and insurance products to the poor on behalf of the banks, or the VOs could act as "business facilitators" to widen and deepen the reach of bank finance.

Consolidate the women-run rural financial institutions under a state-level apex to form a community-owned, mainstream financial institution. The apex could be promoted in collaboration with NABARD, major commercial banks, and other private firms that would facilitate the integration of women-run, community-managed rural financial systems with mainstream financial markets.

Uganda: Kabarole Research and Resource Centre's, Participatory, Self-Managed Microfinance Model

The Kabarole Research and Resource Centre's (KRC's) self-managed microfinance association (MFA) model of rural finance is innovative in its promotion of independent, self-managed groups as well as its fiercely participatory decision-making structure. The KRC has successfully integrated gender into sustainable livelihood training for women and men, under a program run by the KRC and offered to MFA members. The KRC was instrumental in developing the Participatory Action Learning System methodology, which is fully integrated into MFA training and planning. By linking the MFAs with Rural Information Centres, the KRC also points to possible ways of linking rural finance for the poor with civil society development.

What's innovative? Self-managed microfinance associations operate as independent, self-managed groups with a fiercely participatory decision-making structure. The associations also benefit from sustainable livelihoods training and grassroots action learning methodologies in which gender perspectives have been integrated.

ORGANIZATIONAL OBJECTIVES AND DESCRIPTION

The KRC, an NGO founded in 1996 in Uganda, has a holistic approach to civil society development. Its interlinked and mutually reinforcing program areas focus on research and information, civil peace building, microprojects, human rights, and microfinance.

The KRC started its Micro-Finance Associations Program in 2002 for rural farmers, particularly women and poorer farmers. The program's role is not simply to provide financially sustainable financial services but also to establish

sustainable organizations that help poor women and men create wealth, challenge gender inequality, and reverse environmental degradation. In the context of the KRC's wider mission of civil society development, the MFAs also aim to develop participatory and organizational skills and link with other networks for development. The program is supported by the McKnight Foundation, the Humanistisch Instituut voor Ontwikkelingssamenwerking, the Rabobank Foundation, and the Deutsche Entwicklungsdienst.

As of June 2006, the program had supported and signed contracts with 17 MFAs and was closely monitoring 17 other emerging MFAs. These associations represent more than 400 community groups in the five districts in the Rwenzori region, with total membership exceeding 10,000 people. The target is to have 35 contracted and 10 emerging MFAs, each covering a subcounty in the Rwenzori region, by the end of 2008.

ORGANIZATIONAL COMPONENTS AND IMPACTS

This section discusses the KRC program's components and impacts to date.

The MFA model

Each MFA is independent, self-managed, and member owned and is made up of 10–25 groups in a specific geographical area. Most groups had come together for savings and credit or other development projects before joining the KRC program. Internally groups are subdivided into mutual solidarity subgroups of four to seven people to act as group collateral for loan repayment to the mutual fund. Each group elects its own leaders, collects and records members' savings and shares, and compiles individual loan applications into a group application to the MFA. Regular group

meetings are held to discuss issues that group leaders will take to the MFA monthly meetings and the annual general meeting. When any member of the group wishes to obtain credit, he or she applies to the group. The group leader forwards the application to the MFA and follows up on it.

The MFA membership owns, manages, and uses the services offered by the MFA. Ownership is based on purchases of shares. Each group must have a minimum of 20 shares, and no group can have more than 25 percent of the total shares of an MFA. The groups also pay annual subscription fees and deposit their savings with the MFA. Each MFA is expected to construct offices for its operations.

All key decisions regarding services are taken through member representative structures. As the MFAs develop, they are able to employ at least one full-time worker per association to coordinate the activities of all groups and mobilize new groups. Each MFA also has a board and supervisory committee composed of elected members who provide advice and service on a voluntary basis. The main decision-making forum is the annual general meeting, attended by group representatives. Ongoing discussions and management within individual MFAs occur through monthly meetings between the MFAs and group representatives. Cross-dissemination of experience and ideas between MFAs takes place at bimonthly meetings.

The money that is raised is used to provide credit to the groups and to meet operational expenses. For any group to receive a loan from an MFA, it must have deposited savings worth at least 20 percent of the loan value.

The MFAs operate under a code of conduct stipulated in the MFA rules and the cooperative by-laws of Uganda. The KRC provides initial financial support and supports training at the MFA and group levels through community trainers and community process facilitators. After a five-year contract period, the MFAs are expected to meet all of their operational costs, including training and the salary of the microfinance officer/manager.

The KRC MFAs have had a positive contribution to women's empowerment (Kasente and Hofstede 2005) and have established many innovations that contribute to women's empowerment through the MFAs and are linked to KRC's Human Rights Program: Gender Mainstreaming in Sustainable Agriculture Training, the Participatory Action Learning System, and Rural Information Centres.

Gender Mainstreaming in Sustainable Agriculture

The KRC conducts sustainable agriculture training, which many MFA members receive, usually at the request of a community. Training is provided by community process

facilitators, who are mandated to train and conduct follow-up activities in the community on behalf of the KRC. These facilitators must be people of high integrity who are trusted by the community. Although most of them lack any higher education, they speak English and are willing to learn and to train others.

Gender is mainstreamed in this training on the premise that "without a sustainable household you cannot have a sustainable agriculture." Every training session includes a discussion of relations in the household, the division of labor, and access to and control of resources. This approach has contributed significantly to women's empowerment in several ways:

- *Increased confidence and sense of self-worth:* Because the training helps them earn income, women realize that they can accomplish many different tasks, including those previously considered "men" tasks.
- *Increased control over income and decision making in the household:* In general, women said they controlled the income from group activities and from assets gained through the group, such as crops and livestock. They also said there had been a positive change in decision making in the household following integration of gender awareness in sustainable agriculture training, particularly when men had also been involved in training.
- *Increased confidence and ability to participate in public discussions:* This took place as a result of the training and group activity.

There also appear to have been significant changes in men's attitudes toward women's work, helping women, women's decision making in the household, and women's capacities in general, as well as a decrease in alcoholism in men and violence after these problems were raised publicly and discussed among men and women.

These developments, in turn, had a significant positive impact on household well-being. The changes that occurred over the course of such a short training period resulted not only from the content of the training but also from the organizational context in which it occurred. What was actually learned in the training and any issues raised were subsequently followed up in group meetings and further reinforced in monitoring by the KRC (Mayoux 2005).

Participatory Action Learning System

The KRC has also spearheaded the Participatory Action Learning System (PALS), an innovative methodology to increase the effectiveness and sustainability of its core and

other training.² PALS builds on a long-established tradition of grassroots participatory action research. However, PALS is distinctive in the way it attempts to systematically sequence use of participatory processes and diagram tools into an integrated and coherent empowerment process. PALS aims to avoid becoming another extractive participatory methodology by focusing on reflection and analysis at the individual level and helping people think through, plan, document in diagrams, and then track their own goals and strategies. Methods have been developed to help people who have never held a pen to start drawing and developing plans to achieve goals that they determine. These plans are then tracked over time on the drawing as an ongoing learning process. This individual analysis is then shared, following simple, inclusive, and participatory guidelines, in a group process for mutual learning that yields trackable plans for collective action. The individual responses, expressed in either private interviews or public meetings, are likely to be much more reliable than spontaneous responses in large group meetings. The PALS methodology is not taught in a stand-alone training session but is used as the base methodology for various types of training—for example, enterprise, gender, or organizational training—to make it more effective for people who are not literate. An independent study of three community-based KRC partner organizations concluded that PALS had resulted in impressive levels of self-confidence, full participation of all members (literate and illiterate, rich and poor, women and men) with no leadership dependency, effective self-evaluation of progress, increased collaboration, and unity in the group and within households. The methodology had also led to viable solutions being implemented for problems at the individual, household, and group levels.

A further development of PALS, the Poverty Resource Monitoring and Tracking model (PRMT), builds a Community-Based Monitoring and Information System that enables information to flow through many supportive structures at different levels in the local government, up to the national stop center (the Uganda National Bureau of Statistics, in this case), and to flow back through the same structures. The PRMT model empowers the community to participate actively in planning, implementing, and monitoring of development programs up to the macro- and policy levels.

Careful consideration needs to be given to the levels and types of decisions for which women's participation is needed for empowerment, who should participate, and the types of participation that can be most empowering (see box 3.11). It is important to be clear about the potential costs and benefits for women and to have a participatory

process to identify the actual costs and benefits and the best ways forward.

Rural information centres

Information is a key tool for women as well as men farmers to improve their own enterprises, make informed decisions, and improve livelihoods through information and knowledge on human rights, gender issues, conflict management, health, hygiene, education, and democratic processes, which have strategic roles in sustaining and maximizing benefits from their agricultural enterprises.

In 2003 the KRC considered and directly implemented its first information and communications technology initiative through a pilot project, the Bwera Information Centre in Kasese District. Supporting the establishment of Rural Information Centres opens space to provide development-oriented information services to local communities in an appropriate and sustainable manner. The local community is involved not only in receiving but also in contributing information, and, just as important, it must raise the resources to make the center socially and financially sustaining. The particular information services available from Rural Information Centres depend on the farmers and the particular rural context.

The centers are legal bodies owned and managed by civil society organizations within the threshold of a political county. Representatives from civil society organizations make up the executive body with management functions; the daily running of a center is done by the caretakers, who should be knowledgeable and can be trained to deliver services.

LESSONS LEARNED, PROSPECTS FOR THE FUTURE, AND ISSUES FOR WIDER APPLICABILITY

This section sums up what can be gained from the experience of this project.

Lessons learned

The experience of the KRC has shown that people in rural communities, given appropriate support and methodologies, can develop their own financial institutions. Over time this self-managed model will be more cost effective in the context in which KRC operates than many other models, because it does not require high levels of expenditure on fuel and transport, as would be the case in programs that use credit officers. The KRC experience shows the value of mainstreaming gender in “mainstream” training efforts such as sustainable

agriculture training. It also demonstrates the feasibility of setting up strong participatory learning processes to complement financial services. It points to ways in which rural finance can help strengthen civil society through the institutions it sets up—especially if rural finance is part of and linked to a wider development strategy.

Prospects for the future

The KRC is now at the point of spinning off some of the MFAs as financially sustainable and independent entities, networked with the other MFAs. It is also ready to scale up the PALS process and the Rural Information Centres.

Issues for wider applicability

The KRC model is especially viable in more remote and poor rural areas where community cohesion is sufficiently strong. It requires sufficient funding to set up the MFAs and develop the grassroots training structures, as well as patience to let them develop on a confident and participatory basis. Once this is done, however, the model promises to be more cost efficient as well as developmentally effective than other models in similar contexts.

NOTES

Overview

This Overview was written by Linda Mayoux (Consultant), and reviewed by Catherine Ragasa (Consultant); Jennifer Heney (FAO); Maria Hartl (IFAD); and Henry Bagazonzya, Renate Kloepfinger-Todd, Rekha Mehra, Meena Munshi, Ajai Nair, and Anne Ritchie (World Bank).

1. For an account of what is meant by inclusive finance, see United Nations (2006).
2. See www.grameen-info.org and www.villagebanking.org.
3. See also R. Arunachalam, “Microfinance and Innovative Financing for Gender Equality: Approaches, Challenges and Strengths,” www.thecommonwealth.org; L. Mayoux, “Not Only Reaching, but Also Empowering Women: Ways Forward for the Microcredit Summit’s Second Goal,” paper presented at the 2006 Microcredit Summit, Halifax, Canada, www.genfinance.info.
4. M. Hussein and S. Hussain, “The Impact of Micro Finance on Poverty and Gender Equity: Approaches and Evidence from Pakistan,” www.genfinance.info.
5. S. Cheston, “Just the Facts, Ma’am: Gender Stories from Unexpected Sources with Morals for Micro-finance,” paper

presented at the 2006 Microcredit Summit, Halifax, Canada, www.microcreditsummit.org.

6. During field research in Malawi for a World Bank study on social outcomes of rural finance, it became obvious that the number of women borrowers was vastly understated, because only single women had loans in their own right. All other loans granted to families and households were automatically in the name of the man “head of household.” Officially, only 15 percent of borrowers were women, whereas household surveys indicated that for many of the loans issued to men, women still decided how the loan was to be used.

Thematic Note I

This Thematic Note was written by Linda Mayoux (Consultant) and reviewed by Catherine Ragasa (Consultant); Jennifer Heney (FAO); Maria Hartl (IFAD); and Henry Bagazonzya, Renate Kloepfinger-Todd, Rekha Mehra, Meena Munshi, Ajai Nair, and Anne Ritchie (World Bank).

1. Informal systems for pooling savings and relending to members in turn as a lump sum of credit (the rotating savings systems) or relending to savers (accumulated savings systems) vary in the size of their membership and amounts of money involved. Credit allocation may be by agreement, lottery, or auction. For details of women’s use of ROSCAs in different cultures, see Ardner and Burman (1995).
2. See note 4 above.
3. For example, the wording can treat women as individuals who can make their own decisions, eliminating references to—and automatic, often erroneous assumptions about—men heads of households. Some microfinance institutions that require husbands’ signatures for their wives’ loans also require wives’ signatures for their husbands’ loans. Others do not require a spouse’s signature for any loan and accept women as well as men guarantors.
4. Effective gender audits applicable across the range of rural finance providers are still to be developed, but sources that could be adapted can be accessed through www.genfinance.info.
5. Both these issues are discussed in more detail in a forthcoming IFAD report.
6. For example, these goals have been achieved for the environment and for cultural diversity in the advertising that HSBC Bank uses to convey its international image.
7. See Mayoux, note 4 above.
8. Banks and MFIs will never focus solely on the very poor. What they can do, alongside their other core business, is to develop products for these groups and develop partnerships with NGOs working with these groups. In this way, over the longer term as very poor people move up, they do not encounter barriers to further upward mobility.

Thematic Note 2

This Thematic Note was written by Linda Mayoux (Consultant) and reviewed by Catherine Ragasa (Consultant); Jennifer Heney (FAO); Maria Hartl (IFAD); and Henry Bagazonzya, Renate Kloppinger-Todd, Rekha Mehra, Meena Munshi, Ajai Nair, and Anne Ritchie (World Bank).

1. For further general discussion on leasing, see Nair and Kloppinger-Todd (2006); Nair, Kloppinger-Todd, and Mulder (2004).

2. This was the case with MFIs and where NGOs were legally permitted to collect savings.

3. See also L. Mayoux, “Microfinance and the Empowerment of Women—A Review of the Key Issues,” www.ilo.org.

4. List based on L. Mayoux, “Sustainable Microfinance for Women’s Empowerment: Report from International Mutual Learning Workshop, Centre for Micro-Finance Research,” www.genfinance.info.

5. See www.codecbd.org.

6. See note 20 above.

7. For the most recent information, see the MicroFinance Gateway (www.microfinancegateway.org) and International Labour Organization (www.ilo.org). For a compendium of case studies, see Churchill (2006).

8. See note 21 above.

9. A billion is 1,000 million.

10. C. Ramirez, M. Garcia Dominguez, and J. Miguez Morais, “Crossing Borders: Remittances, Gender, and Development” (Santo Domingo: United Nations International Research and Training Institute for the Advancement of Women, 2005), www.un-instraw.org.

11. For details of the original tools, see www.microsave.org. For gender adaptations, see L. Mayoux, “Gender Questions for Product Market Research,” www.genfinance.info/MktResPALS/Gender%20Sensitive%20Product%20Market%20Research.pdf.

12. See particularly the SEEP Network’s “Consumer Protection Principles in Practice: A Framework for Developing and Implementing a Pro-Client Approach to Microfinance,” SEEP Progress Note 14, www.seepnetwork.org, and an overview of the October 2006 discussion on MicroLinks (www.microlinks.org).

13. For details on Womenkind Worldwide, see www.womankind.org; for Siembra, see www.siembra.org.

14. For details, see Freedom from Hunger, www.ffhtechical.org; Accion International, see www.microfinancegateway.org.

Innovative Activity Profile 1

This Innovative Activity Profile was written by Shweta Banerjee, Sitaramachandra Machiraju, and Parmesh Shah

(World Bank); and reviewed by Catherine Ragasa (Consultant); Jennifer Heney (FAO); and Renate Kloppinger-Todd and Anne Ritchie (World Bank).

1. The National Bank for Agriculture and Rural Development (NABARD) is an apex development bank that introduced the Self-Help Group Bank Linkage Program in India.

Innovative Activity Profile 2

This Innovative Activity Profile was written by Linda Mayoux (Consultant) and reviewed by Catherine Ragasa (Consultant); Jennifer Heney and Yianna Lambrou (FAO); Maria Hartl (IFAD); and Renate Kloppinger-Todd, Eija Pehu, and Anne Ritchie (World Bank).

1. For details of PALS, see www.palsnetwork.info.

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For more information about KRC, see www.krc.or.ug.

For more information about PALS, a copy of the original draft manual for KRC can be obtained from www.lindaswebs.org.uk or from Linda Mayoux at l.mayoux@ntlworld.com. For more about PALS diagrams, see L. Mayoux, "Thinking It Through: Using Diagrams," paper produced for the EDIAIS Web site, available at www.enterprise-impact.org.uk.



MODULE 4

Gender Issues in Land Policy and Administration

Overview

Over the last few decades, many donor and implementing agencies, including the World Bank,¹ International Fund for Agricultural Development (IFAD),² and Food and Agriculture Organization (FAO),³ have expanded their programs and activities in land policy and administration. Land policy and administration projects can contribute inadvertently not only to gender inequality but also to more general social inequality by supporting individuals who are already advantaged by wealth, power, or custom to the disadvantage of those who are poor and vulnerable. Gender inequity can be diminished when women's rights are explicitly taken into account and when women participate in designing and implementing land policy and programs. In many cases increased gender equality can also lead to increased economic equality (Meinzen-Dick and others 1997).

The World Bank, IFAD, and FAO have increasingly recognized the importance of women's land rights and the failure of land administration programs to protect them. In its recent Policy Research Report on land (Deininger 2003), the World Bank recognizes that past initiatives often failed to discern how control of assets, particularly land, is assigned within the household. The Policy Research Report argues that strengthening women's land rights is important both for potential and gains to agricultural productivity and for household-level human capital investments, such as nutrition and child schooling. It advocates legal measures, education, and capacity building, as well as preferential treatment of women in public programs, such as those dedicated to land titling and land

reform. Upon request by United Nations member countries, FAO provides technical assistance for mainstreaming gender in agricultural policy and planning, usually by developing strategic policy documents in collaboration with ministries of agriculture and ministries responsible for gender issues. IFAD, as stated in its 2003–06 Plan of Action, aims to expand women's access to and control over fundamental assets (capital, land, knowledge, and technologies); strengthen women's agency, including their decision-making role in community affairs and representation in local institutions; and improve well-being and ease workloads by facilitating access to basic rural services and infrastructures.

IMPORTANCE OF GENDER IN LAND POLICY AND ADMINISTRATION

Gender is a basic determinant of social relations and rights in households and rural communities.⁴ Together with class, ethnicity, and caste, gender determines to a great extent a person's opportunities, aspirations, standard of living, access to resources, status in the community, and self-perception. In addition, women's rights to resources influence their ability to produce and their behavior as producers.

In most developing countries, land is a critical asset, especially for the urban and rural poor. Land rights—whether customary or formal—act as a form of *economic access* to key markets, as well as a form of *social access* to nonmarket institutions, such as the household relations and community-level

governance structures. In addition to economic and social access, rights to land also often confer rights to other local natural resources, such as trees, pasture, and water.

Depending on the norms governing intrahousehold decision making and income pooling, however, women may not fully participate in these benefits if they do not have independent or direct rights over household land. There is evidence that improvements in women's independent property rights have positive economic benefits. Comparative analysis of data from Honduras and Nicaragua, for example, suggests a positive correlation between women's land rights and their overall role in the household economy: women gain greater control over agricultural income, gain higher shares of business and labor market earnings, and more frequently receive credit (Katz and Chamorro 2003).

Land is a particularly critical resource for a woman in the event that she becomes a de facto household head as a result of migration by men, abandonment, divorce, or death. In both urban and rural settings, independent real property rights under these circumstances can mean the difference between having to depend on the natal or husband's family for support and forming a viable, self-reliant, women-headed household. Women's land rights within marriage may afford them greater claims on the disposition of assets upon divorce or death of their husband, as Fafchamps and Quisumbing (2002) found in rural Ethiopia. Moreover, for widows, control over land may be one of the few ways that elderly women can elicit economic support from their children, in the form of either labor contributions to agricultural production or cash and in-kind transfers. In the absence of other forms of social security, the elderly rural population relies heavily on intergenerational transfers for their livelihoods; children are more likely to contribute to their parents' well-being if the latter retain control over a key productive resource such as land (Deere and Leon 2001). As HIV and AIDS increase the number of women-headed households, a widow's ability to make a claim to her husband's land becomes more urgent.

Rights to land and natural resources increase a woman's bargaining power within the household, which results in increased allocation of household resources to children and women as well as increased household welfare (Katz and Chamorro 2003; Quisumbing and Maluccio 2003). Quisumbing and Maluccio also find a positive relationship between the amount of assets (including land) that a woman possesses at the time of marriage and the shares of household expenditures devoted to food, education, health care, and children's clothing. Women's rights to land and natural resources can impact women's empowerment as well, not only household welfare. Panda and Agarwal (2005) have indicated that

women with property ownership are less vulnerable to domestic violence in some parts of India. However, careful program design, planning, and implementation are needed because possible responses to the empowerment process are domestic violence and community reprisal toward women who seek independent rights in many countries.

Land rights may also empower individuals to participate more effectively in their immediate communities and civil society at large. Facilitating women's greater participation in extra-household institutions diminishes men's dominance of community-level decision making and builds women's organizational skills, social networks, and social capital. Women with land rights are more likely to be active members of their communities, and, as a result, community institutions themselves are more likely to be responsive to women's needs.

GENDER EQUITY ISSUES AND LAND POLICY

The basic gender policy within the context of land administration should promote *secure access to land and other natural resources for women, independent of men relatives and independent of their civil status*. Such a policy stance is the basis for identifying and establishing instruments that eliminate, or at least decrease, gender bias with regard to natural resource tenure in land administration programs, including titling and registration, privatization, and natural resource management.

Two sets of legal framework and institutions govern access and ownership issues for community and private land: the formal and the customary systems.

Formal legal framework and institutions

Over the last few decades, many nations have reformed their constitutions and civil codes and have either incorporated gender-neutral language (favoring neither men nor women) or explicitly recognized women's rights and prohibited discrimination based on gender. Many nations have also modified land and property laws and regulations so as to guarantee women's equal property and inheritance rights.

Thus, most Latin American nations passed legal reforms during the 1980s and 1990s to remove discriminatory clauses in codes applying to family (marriage, divorce, and marital property) and inheritance.⁵ They also modified land allocation laws and regulations (for example, for agrarian reform and land titling programs) to recognize and give women equal land rights explicitly. Similar movements to reform legislation occurred in Africa and Asia.

The formal institutions that establish and maintain land tenure systems (by establishing and enforcing rules for

accessing, using, and controlling land) include the land registry, cadastre, titling agency, and land use agency.⁶ These institutions provide information on legal norms and regulations regarding land rights and land use, as well as specific information on the holders of land rights. Institutions that issue titles and record transfers can play a particularly important role in securing women's rights to land; land use agencies may become involved in natural resource management interventions.

However, passing formal legislation is usually not sufficient. Many laws recognize and protect women's rights to land (such as property and land ownership rights, equal inheritance rights for daughters and sons, and marital property rights for women), but enforcement of these laws is sporadic, and attempts by women to have the law enforced can be painfully difficult.

Reasons for this failure of enforcement include conflictive legislation, institutional weakness, and the pervasive influence of gender bias. It is not uncommon that although some laws may guarantee gender equality with regard to land rights (for example, a land law), other laws, such as family or personal laws, may be based on patriarchal norms and undermine or directly contradict the concept of equal land rights by not giving wives equal rights to marital property or daughters equal inheritance rights. On the other hand, if formal law is not culturally sensitive and does not build on local practices that are positive for women, the priority of gender equity may be ignored. Another frequent problem with land legislation and regulations is that rights and obligations may not be defined clearly.

Even where legislation is generally positive toward women's land rights, in many countries the state and its institutions, including the judiciary, exert only a weak presence beyond major urban areas. Institutional structures, capacities, internal coordination, and attitudes are also often weak. All too frequently, the state lacks, or is unwilling to commit, resources to advocating, promoting, enforcing, and protecting women's rights to land and property. In the absence of state institutions to enforce equal rights for women as well as other laws, such as land use laws, local customary norms and practices predominate.

Another difficulty with some gender-equal legislation can be traced directly to patriarchal values and attitudes that hinder the implementation of legislation and state programs in a gender-equitable manner. Most common is "gender-neutral" legislation and programs that, because they ignore the normative and practical constraints women face in obtaining land rights, are in fact biased against women. Land titling programs are a good example of this type of

discrimination. Although land titling programs may have no gendered requirements, and national laws uphold gender equality, the "custom" of titling only household heads effectively discriminates against women and may actually deprive them of customary access and other rights.

Finally, even when legislation and state programs specifically address women's land rights and attempt to address constraints in programs, such as land reform and land titling, resistance from program implementers and participant populations can derail the "good intentions" of state programs, which results in token observance of women's legal land rights. Examples can be found in Bolivia (Giovarelli and others 2005) and Nicaragua (Lastarria-Cornhiel and others 2003), where, despite very positive and specific language in the land titling legislation regarding women's and men's equal land rights, the implementation of the titling program resulted in the great majority of the land being titled to men (see Thematic Note 4).

Customary norms and institutions related to land access and rights

As mentioned earlier, formal law and state institutions often have limited effectiveness beyond major urban areas. Because of the difficulties state institutions encounter when administering and managing land and other natural resources, awareness has grown that management of land and other natural resources, management of land conflicts, as well as administration of land rights may be realized more effectively by local authorities and customary institutions.⁷ As a result, policy makers in some nations are formally recognizing and utilizing customary institutions and local authorities. Local authorities may be community-recognized authorities or formally appointed by government.⁸ In sub-Saharan Africa, a growing number of countries explicitly recognize customary tenure systems and rules. In many Asian countries, personal or religious law, or both, is recognized and has been in effect for many years. These personal laws have a great impact on inheritance and marriage practices regarding land and property. Customary institutions have important implications for women's rights to land. Land administration programs, therefore, require a deep knowledge and clear understanding of customary tenure systems to know how they will both affect and be affected by cultural norms and practices.

Cultural or local prohibitions against women's ownership of land are often more powerful than written laws that allow women to own land. These norms may determine which rights to land a woman can exercise freely: for

example, women may have the right to use a parcel of land or the right to gather fruit from it but not the right to bequeath it through inheritance, a right limited to their brothers and husbands. A woman's land-related rights are usually tied to her place in her ancestral family and her husband's family; here rights to land are viewed within the context of the distribution of wealth within the extended family. Legislative intervention alone cannot provide women with independent and effective land rights if they are not accepted and enforced culturally and socially.

Land rights in societies in which customary social structures and practices are predominant are generally determined by sociocultural and religious institutions, such as inheritance, marriage, and community land authorities. These customary tenure systems are diverse and encompass a large variety of social relations and rights related to land and other natural resources. In sub-Saharan Africa, for example, land ownership rights are often vested in a community or other corporate structure such as a lineage or clan. A significant proportion of the land is not controlled by individuals but rather by a group and managed according to community rules. Land allocated to individuals or households on a long-term basis tends to be parcels for producing food, building a home, or raising animals; rights to these parcels are generally inheritable. How this land is initially allocated to households depends on the local customary system. Most land parcels under individual or household control are transferred through inheritance, not the market.

Members of the community have different types of rights to land and natural resources depending on their lineage, ethnicity, status, gender, and marital status. In most societies, women, particularly married women, are not full and active participants in customary institutions. As secondary community members, their rights to land are generally derived from a man relative or husband. In many countries, cultural if not legal norms dictate that men are the owners of land and that women have access to land only through their relationship with a man relative, such as a father, husband, brother, or even brother-in-law.

Although customary tenure systems often do provide women with some basic security in situations when they are not living with a husband, this same system also favors men when control over land is determined (for example, through the allocation of community land for agricultural production or through inheritance practices). Because the men in the community usually control land allocation, they are able to claim individual rights when land scarcity converts the land into an asset and when family land becomes private property. In Kenya, for example, the subdivision of Maasai

group ranches caused widows to receive less-than-average parcel allocations, despite women's representation, in the statutory committee.⁹ Women may not only lose the use rights to their husband's land but will also most likely be unable to claim temporary use rights to birth family land because their brothers will claim individual and private rights to the land they inherit from their fathers (see also Thematic Note 3).

Communities or lineages allocate land to their constituent families; that land, in turn, is allocated within the family and handed down to heirs through marriage and inheritance. These allocation and transfer practices are generally determined by kinship systems. Patrilineal kinship societies trace the family line through the paternal side, whereas matrilineal kinship systems trace the family line through the maternal side.

INHERITANCE PRACTICES. Inheritance practices are patrilineal, matrilineal, or bilateral. In patrilineal inheritance, land is generally handed down from father to son; if a man does not have any sons, his brother, nephew, or another man relative of his lineage often inherits his property. Daughters do not inherit land from their fathers, even though they are of the same lineage. The cultural norm is that daughters leave their birth community and family when they marry to live in their husband's community. Because wives are under the responsibility of their husband and family, it is believed that if they inherited land, their husband's family and lineage would obtain control over it.

Inheritance practices in matrilineal societies are more diverse. In matrilineal communities in South and Southeast Asia—for example, in some communities in India (Agarwal 1988) and some in Malaysia (Stivens 1985)—lineage and landed property are traced through the mother's line, and land is passed on from mother to daughter. In other matrilineal communities, as in Malawi and Mozambique, although lineage and property are traced through the mother's line, normally only men can clear land, which gives them control over this resource. Once land is in the lineage, it is handed down to a young man from his maternal uncle. In other African matrilineal communities, such as those in Ghana, even though family land is usually handed down from uncle to nephew, a woman can also inherit and acquire land in her own right within her own matriliney (primarily) and her community (secondarily). A woman often inherits from a woman maternal relative (aunt, mother), although she can also inherit from her father. She retains this right even if she moves to another village (for example, if she goes to live with her husband's family).

In addition, rights to land and other resources in matrilineal communities are more diffuse.¹⁰ Land and other wealth tend to be distributed and redistributed among lineage members through the mechanism of inheritance. This inheritance and wealth distribution pattern may be the result of the extended family nature of matrilineal societies. As the market economy exerts its influence by making production practices more labor intensive and market oriented, there is a tendency for matrilineal families to become less extended and more nuclear, for property rights to become less diffused and more concentrated, and for families to adopt patrilineal inheritance practices.

Bilateral inheritance practices, such as those found in Indonesia and the Lao People's Democratic Republic, tend to treat sons and daughters equally and sometimes to favor daughters who stay in the family home to care for elderly parents. A woman can count on inheriting part of the family assets whether or not she marries and even if she leaves her birth community. Societies with bilateral inheritance systems tend to be more gender equal with regard to land and power relations. In bilateral inheritance communities in Ecuador, for example, both wife and husband bring resources, including land, into the household, acquire resources together during marriage, and contribute their individual and joint resources to household productive and reproductive activities and goals on an equal basis. Because daughters and sons inherit land equally from their parents, women as well as men are able to enter into marriage, set up a household, and make decisions on an equal footing (Hamilton 1998).

Muslim inheritance norms are also bilateral, recognizing daughters' rights to family property (albeit a fraction of the share their brothers inherit). Where the customary tenure system is strongly patrilineal, however, Muslim norms may be ignored and strictly patrilineal inheritance practiced. In the Mossi communities of Burkina Faso, for example, although the majority of families are Muslim and in theory daughters inherit land, this practice is not observed. It would appear that the patrilineal Mossi practice of daughters not inheriting land prevails over Muslim norms. Only sons inherit land from their birth family, and daughters are given at most temporary use rights to their father's land if they leave their husband's home because of widowhood, divorce, or separation. Single daughters with children also have temporary use rights. Once women marry, their birth family relinquishes responsibility for them (Platteau and others 2000). A similar practice is found in Muslim communities in other African countries (such as Senegal) and in some countries of Eastern Europe and Central Asia (Albania, Macedonia, and Uzbekistan, for example).

MARRIAGE PRACTICES. Marriage practices in customary societies include marital residence (where the couple lives after marriage) and asset transfers (dowry and brideprice); both sets of practices determine how family land is allocated and who has rights to family land. In most patrilineal societies, residence after marriage is patrilocal (the couple and their children live in the husband's community), and family land is handed down from father to son. Women who marry into the community do not have rights to their husband's family land or community land. When a woman has the right to inherit from her birth family, the move to her husband's village reduces her ability to manage inherited land; this is one reason daughters give up their inheritance rights in favor of their brothers. Separated and divorced women leave their husband's house with no claim to any of his property. A widow, particularly if she has children, is generally permitted to stay on and work her dead husband's land until her sons can assume its management.

Customary tenure systems based on matrilineal kinship systems generally, although not always, practice matrilineal residency. A husband lives in the wife's village and is given land by her family to farm, but he has only use rights to this land. A new son-in-law is expected to pay what is often called brideservice, which normally consists of working for the bride's father, mother, or uncle for a period of time. After he has fulfilled his obligation, either a husband will stay in his wife's community—where the couple will set up their own household, and the wife's uncle or father may allocate a piece of land for the husband to cultivate¹¹—or he may move back to his own matrilineal community, where he can acquire or inherit land from his matrilineage.

CURRENT TENDENCIES. As inherited family land becomes scarce, and communities are no longer able to allocate land to new households, couples are more apt to purchase land. Is this land considered jointly owned marital property? Customary societies have different practices with regard to property acquired during marriage. The exclusion of daughters and wives from rights to family or lineage land may be part of the belief that women are incapable of owning land. When land is acquired by a couple, therefore, the husband assumes sole ownership, excluding his wife from any ownership rights. This customary practice may also be applied to other noncustomary acquisition of land, such as state programs of agrarian reform and resettlements.

In those customary societies in which women and men both own land, joint ownership of marital property is more

likely to be practiced. For example, in Java, where sons and daughters inherit family land, it is customary to regard land acquired during marriage as belonging to both husband and wife. If one spouse dies, half of the property remains with the surviving spouse while the other half is inherited by their children (Brown 2003).

In market economies, the question of gender equity within marital property has been a contentious issue because of prevailing patriarchal norms and values. In some market-based societies with legal systems based on common law, the recognition of both spouses' contribution to the acquisition of property during marriage has been difficult. In contrast, where legal tradition has recognized community property between spouses, the acceptance of marital property and coownership has had less opposition. Landed property acquired during marriage is generally regarded as marital property with both spouses having equal rights.

Sociocultural difficulties with women exercising land rights

Women's secondary status, lower socialization, undervalued productive work, and illiteracy in many communities often make them reluctant to claim legal rights and participate in those institutions and activities seen as men's domains.

In addition, women incur significant social costs for going against cultural norms; these costs include social ridicule and the possible loss of social benefits. In some cases a backlash of domestic violence occurs against women who claim their land rights. The extended patriarchal family generally provides a structure for the lifelong basic welfare of all family members and for assistance in times of social or economic crisis. This is particularly significant for resource-poor rural women with young children. As observed in Macedonia and Uzbekistan, daughters do not inherit any land, in spite of Muslim norms that entitle them to inherit some family land. Daughters concede their rights to brothers to avoid conflict and maintain support from the extended family. Wives and daughters may not insist on having their names included on the title to household land because of potential conflicts with husbands or their family. In Brazil, for example, few women are aware of whose name is on the land title and do not request that joint titles be issued. In Bolivia focus group discussions revealed that some men were titling land in their sons' names, stripping their daughters and wives of legal land rights (Giovarelli and others 2005). Moreover, even when women have rights under the law, such as inheritance rights, women may not claim the rights because of their

preferences to have long-term social support from brothers and other family members rather than secure an asset that may not provide long-term economic security.

Women themselves may be reluctant to become publicly involved in political activities and community organizations for several reasons: inexperience in public speaking and participation, a lack of basic education and knowledge about how social and legal matters function, and domestic responsibilities that no one else will assume. Other more structural constraints include women's low literacy (including legal literacy), lack of skills in the dominant language, and lack of identity papers.

IMPLEMENTATION OF LAND ADMINISTRATION PROGRAMS

Customary norms frequently do not give equal ownership of land and other assets to women and are typically resistant to change these power equations. Legislation to address this exists in most countries, but there are several limitations to implementation, including conflicting legislation, inadequate regulatory and management systems, inadequacy of institutions to implement changes at the local level, staff and community antagonism to women's equal rights, and lack of will and resources to address gender bias. Women often do not possess the financial resources, knowledge, and capacity to go against social norms and may not exercise their legal rights. Formal land distribution and titling programs may also ignore the need for gender equity if it is not an explicit objective of the programs.

The attainment of gender equity with regard to land rights consequently depends not only on legal recognition of those rights but also on overcoming social and cultural constraints. Some useful instruments include regulations for implementing formal land, property, and family legislation in ways that address gender bias with regard to land access and land rights, legal education programs for women and men, legal assistance programs, gender training for program implementers and program beneficiaries, and, last (but most important), participation by women in designing, planning, and implementing programs. Customary biases often mean that women will not have the ability to exercise their land rights until there is a shift in the thinking, attitudes, and understanding of men and women as well as officials and local authorities (see Thematic Notes for more on specific project and program design).

Gender issues should be addressed at all phases of programs that deal with land rights and natural resource management: (1) conceptualization of the problem(s) that

the program addresses, program design, and objectives; (2) implementation and program activities; and (3) monitoring and evaluation of project activities and objectives.

Although legislative reform programs, land distribution, or titling programs have a more direct impact on land ownership by women, other programs, such as community resource management, agricultural production and marketing development, and enterprise and credit development, need to use a specific gender lens to improve land ownership and access for women.

Program design and planning

It is crucial that gender analysis be incorporated (1) from the very beginning of program design, (2) in the conceptualization of the land administration issues, and (3) within the program's objectives. Otherwise, a risk exists that the different social relations determining rights to land and other natural resources will not be understood. Attempts to incorporate gender analysis once a program's design and objectives are in place often result in unproductively forcing gender issues into a framework that may not accommodate them. Throughout the process planners should examine whether women or particular groups of women are being included or excluded from the program and why. Are women excluded because of the expense and time involved in including them? Does the program target mainly men because it is simpler to deal only with heads of households? Or are men predominantly targeted because local power structures make it more difficult to approach and include women? Assumptions need to be examined and questioned: is it assumed that the household head speaks for household members and is knowledgeable about all individuals' activities and resources and that resources and benefits are equitably distributed to household members through the household head?

Given information and attitude biases and the sociocultural and time constraints faced by women, concerted efforts and imagination need to be employed in obtaining women's points of view and thoughts on their needs and in integrating them into objectives.

Much of this information, and participatory methods for acquiring it, should be incorporated into the social assessment undertaken during the design phase. Legislation and customary norms surrounding land ownership and use are usually very complex and location specific. The social assessment for any land-related project, in addition to reviewing literature on local land tenure systems, should include community-level interviews of men and women key

informants as well as focus groups of potential men and women beneficiaries with respect to land tenure norms and practices. Detailed information regarding variations in, for example, multiple land-use rights, inheritance, and marital property can then be a valuable input to meeting the objective of strengthening women's land rights within the target area's sociocultural context.

Several types of training and for several populations will be critical elements in the success of gender-equity interventions—to increase the awareness and sensitivity of beneficiary populations, program staff, and land administration institution staff; to change social attitudes; to increase the participation of women in the system (in relevant institutions and support organizations); to increase the participation of women as beneficiaries; and to provide tools for implementing the interventions. Both women and men should always be included in training to prevent gender issues from being marginalized to women staff and beneficiaries.

Cambodia's land titling project provides an example of successful information campaigns that include gender issues at the local level. The educational activity includes both men and women and is careful to ensure that illiterate women are provided with appropriate information. All related materials are posted in a public place in the villages, literature on land rights and titling procedures is provided in pictorial form, meetings are held in local schools or community centers, and titles are issued locally. Involvement of both men and women field staff helps emphasize gender inclusiveness.

Apart from training of staff and beneficiaries, land administration projects would also benefit from social audit by independent NGOs so that program designers and implementers are held accountable for delivering the promised outcomes. A social audit is particularly for land distribution programs and could even be part of outside monitoring and evaluation.

Program implementation

Once the implementation of major land policies or legislation begins, the objective of including women's participation in land programs should remain a priority. Programs can reduce many of the procedural barriers women face by making program activities and benefits available at the lowest possible level and by training staff at all levels to be conscious of the obstacles women face. The increased presence of women within the system—within the relevant government institutions and boards and among project staff and support institutions (such as advocacy groups)—will go a long way in increasing access for women beneficiaries.

In addition, activities that specifically target women must be integrated into implementation. For example:

- If the project deals with improved access to land and natural resources, such as land distribution or leaseholds, do project activities *explicitly* seek out and include women as beneficiaries, whether as individuals or as a group?
- If the project deals with resource conservation or resource management, are women specifically consulted about which communal resources need to be protected and how?
- Are women targeted to participate in natural resource project activities, such as reforestation and agroforestry?
- If the project seeks to increase agricultural production, do women have secure access to land and other productive resources, participate in factor and product markets, and have access to technological assistance and credit programs?
- Are projects such as technology transfer courses and credit programs organized so that women who have access to land but may not own it are able to participate?
- If producer or other associations (such as cooperatives) are to be established, are women who may have indirect tenure rights allowed and encouraged to join?
- Is the option of women-oriented activities—such as women’s cooperatives, women’s credit programs, or women agricultural extension agents—considered?

At the local project level, a potential impediment to women’s participation as beneficiaries is men’s resistance to policies and activities that directly benefit women. This resistance is based not only on the fact that men may want the benefits of these projects for themselves and often take them over, but also because participation in the project may give women a greater sense of independence. Thus, in addition to foreseeing and avoiding differential project impacts based on gender, constraints that flow from gender norms and practices also need to be considered.

Monitoring and evaluation

The collection of appropriate gender-disaggregated data is a concern for all land administration projects and should be a priority, given the sizable investments in the land sector. Reviews of land programs and projects reveal that very little information and data are systematically collected to clarify the effects on women and their land rights. Many land titling programs, for example, do not even track the number of titles issued to men, to women, and jointly to husband and wife. The knowledge required includes information on

how land rights are distributed between different groups of women and men, and what effects differentiated land rights have on gender equity and on women’s capabilities. Planners should collect information such as (1) when a land administration project is being prepared, to guide project design and establish a baseline for further evaluation of program objectives; (2) when the project is implemented, to assess whether gender objectives are being attained; and (3) when the project is completed, to assess impacts. The best method to gather these data is to collect gender-relevant and gender-disaggregated data in the baseline, follow-up, and impact evaluation studies.

Detailed information gathered during project preparation regarding variations in, for example, multiple land use rights, inheritance, and marital property can be a valuable input for developing gender-specific indicators to measure the program’s differential impact on men’s and women’s rights to land, natural resources, and other community resources.

Once a land administration program is under implementation, it is appropriate to collect gender-disaggregated information at the household level. This information can serve the dual purposes of consultation for eventual adjudication and establishing baseline data for project monitoring and evaluation. As resources allow, the baseline survey should be administered in areas targeted for intervention, as well as in similar areas not targeted.

At the project level, information on project participation and benefits should be disaggregated by gender, including such things as personnel statistics and attendance at public information and training sessions, as well as participation in other activities and events that will benefit participants. At the community level, key informant interviews and beneficiary focus groups along the lines of those recommended for the social assessment can provide qualitative feedback to project managers about the perception of project impact and men and women beneficiary satisfaction.

Finally, land projects should administer at least one midterm and one project completion household sample survey to be able to track gender-specific changes against the baseline data. If designed properly and if sufficient time has passed to permit change, such information can allow the quantitative assessment of the impact of land policy reform and land administration projects on women’s economic opportunities, women’s empowerment, and intrahousehold bargaining power (see also Module 16).¹² Some examples of indicators are provided in Table 4.1.

Depending on the country or region, it may be relevant to also consider ethnicity and caste alongside gender (both

Table 4.1 Monitoring and Evaluation Indicators for Gendered Access to Land and Property, Including Legal Rights and Land Dispute Resolution

Indicator	Sources of verification and tools
Percentage of women and men actively participating in land-allocation committees	<ul style="list-style-type: none"> • Committee meeting minutes • Interviews with stakeholders • Program or project records
Percentage of women and men actively participating in natural resource management committees	<ul style="list-style-type: none"> • Committee meeting minutes • Interviews with stakeholders • Local traditional authorities (such as a chief or local council) • Program or project records
Over a set period, an increase of x percent in incomes from land-based activities (such as agriculture or forestry) among women-headed and man-headed households in program areas	<ul style="list-style-type: none"> • Household surveys • Socioeconomic data from statistics office
Changes over x-year period of project activities in household nutrition, health, education, vulnerability to violence, and happiness, disaggregated by gender	<ul style="list-style-type: none"> • Household surveys, before and after • Project management information system • School records
Among surveyed women and men in target group, x percent rate their access to land, and land titling and dispute resolution procedures, as having improved during the period covered by the program or project	<ul style="list-style-type: none"> • Interviews with women in target groups (for instance, a sample of women in the defined area); ideally the interviews should be conducted before and after any project or program activities
Number of women with joint titles to land (either measured before and after the intervention or measured as a proportion of the total number of land titles issued over a set period)	<ul style="list-style-type: none"> • Land registration department records
Number of women with individual titles to land (either measured before and after the intervention or measured as a proportion of the total number of land titles issued over a set period)	<ul style="list-style-type: none"> • Land registration department records
Number of training sessions provided to relevant authorities for gender-sensitive land mapping and titling and for dispute resolution processes	<ul style="list-style-type: none"> • Land registration authority records • Project or program records
Number of women and men receiving legal literacy training	<ul style="list-style-type: none"> • Program or project records • Training records
Change in number of cases of women accessing legal advice regarding land claims (measured over a set period before the project intervention and compared with a set period after the project intervention)	<ul style="list-style-type: none"> • Legal authority records • Records of paralegals
Number and percentage of total of disputes resolved in favor of women's and men's land rights over a set period	<ul style="list-style-type: none"> • Interviews with stakeholders • Land registration department records • Legal Office • Local traditional authorities (such as a chief or local council)
Changes in legal norms regarding access and control of land with regard to gender over a set period	<ul style="list-style-type: none"> • Land registration department records • Legal Office: statistics and interviews with key informants • Local traditional authorities (such as a chief or local council)
Change in knowledge in sample group (the general community, land titling and administration staff, or legal tribunal staff) regarding women's and men's land rights and land titling and dispute resolution procedures	<ul style="list-style-type: none"> • Group interviews or focus groups • Interviews, before and after
Community satisfaction (disaggregated by gender and poverty ranking) with changes in land access, titling, and dispute procedures	<ul style="list-style-type: none"> • Group interviews or focus groups • Interviews, before and after

Source: Authors, with input from Pamela White, author of Module 16.

as comparative indicators and when collecting data), because women of lower castes or ethnic minorities are usually in the most disadvantaged situation.

NEW AND EMERGING DIRECTIONS

Based on past experiences, program evaluations, and new and modified priorities, land policy and land administration programs are attempting to focus on social equity as well as economic growth. Participation by communities, local stakeholders, ethnic minorities, and women, although not yet generally the norm, is being discussed among policy makers and program officials, and attempts to articulate policy and implement programs with such objectives are being made. Several new mechanisms to increase local participation and social equity include community-based natural resource management, joint titling, and community titling.

Participatory natural resource management (or community-based NRM) has emerged out of decentralization programs as well as efforts to increase local participation. Community-based NRM can be, and should be, a good vehicle for participation by women, who are major users and knowledgeable caretakers of natural resources.

To prevent “elite capture” of community programs by local influential persons, such programs must consciously and continuously focus on the less powerful groups, such as women, so that their interests are not ignored. For these groups to participate *actively* and *effectively*, programs should be designed to (1) include women in program activities and committees and (2) target women for gender training and education. Women should be explicitly and consciously included in the community and program activities surrounding program implementation. In this way women appropriate the program as meaningful to their lives and may be able to counteract the patriarchal and gender-biased practices that exclude them from decision-making activities. This type of local appropriation also ensures that land-related programs continue despite changes in government. In terms of monitoring and evaluation, it is important to tracking community and household dynamics, particularly conflict, because this may be an important early warning sign of potential failure of the program. Asset distribution impacts directly the power balance between classes, groups, households, and household members, and early signs or indicators would be essential to ensure that project benefits are not cornered by an elite section of the beneficiaries (see Table 4.1).

Titling programs have recently taken up the mechanism of joint titles for spouses in an effort to increase the number

of women with legal land rights. When a titling program has the proper procedures and the political will to implement joint titling, the number of women holding title does increase (Giovarelli and others 2005). Joint ownership by married couples, however, is applicable only to land and property acquired by couples during marriage, such as purchased land or land acquired from the state. Many potential complexities influence whether individual or joint titling is most likely to improve and protect married women’s rights to land. Where women are unlikely to acquire land on their own through inheritance or purchase, and where norms do not include marital property, the allocation of state land (under land reform or resettlement programs, for example) should include mandatory joint titling. Consideration of local inheritance and marriage institutions, agricultural production practices, and the participation of women in the design and planning of land programs will help sort out these complexities.

Community titling is a process to legalize rights to land (and other natural resources) that belongs to a community and to which community members have access rights. Community titling is often implemented where there is the risk that influential persons, corporations, or other communities may claim that land as their own. This process is innovative in that the state legally and formally recognizes a group’s (a community’s) communal rights to land. The boundary of the community land is defined, the community is assigned the title to that land, and the title is registered in the registration system. Parcels within the community, such as those held by individuals and families, are not generally surveyed and registered. Examples of community titling can be found in Bolivia and Mozambique. Very real concerns exist, however, that women’s rights to land and other resources may not be recognized. Program officials and local authorities need to take steps to involve women fully in the community titling process.

In concluding this Overview, it is important to bring up two difficult issues—difficult because of their complexity and because they are rooted in the local context. First, when is titling of individual land parcels appropriate? At what point is a customary tenure system no longer able to allocate and administer rights to land and other natural resources fairly and efficiently? When does the legal formalization of land rights become the appropriate mechanism for improving access, and what might be lost in the process? These interrelated questions need to be approached not only from economic and legal viewpoints, but also from social and cultural viewpoints. Thematic Note 4 addresses the issue of women’s rights to land within land titling programs more fully.

The second issue is related to women's rights within customary tenure systems. What can be done to improve women's access to land and to secure those rights in societies, such as patrilineal communities, that systematically deny wives and daughters property rights? Gender relations in general and land rights in particular need to be addressed simultaneously. Some mechanisms for addressing them

together include campaigning for changes in customary practices through education and advocacy programs and introducing formal legislation that provides wives and daughters with rights to land that the established system does not give. An effective program will very much depend on the local context and on full participation of the local population, both women and men.

Gendered Access to Land and Property

Land and tenure systems consist of the social relations that are established around natural resources, particularly land, water, and trees; they determine who can use what resources and how they are to be used. Gender, together with class, ethnicity, and caste, is one of the most important determinants of land rights in households and rural communities, including land tenure relations. It is useful to distinguish between different tenure rights, particularly between *control of* and *use of* land and other natural resources. Control of land and resources is the command an individual or group has over them and over the benefits derived from them.¹ Use rights allow a person to use land or resources for particular activities. Use rights may include some decision-making power over the production process and use of the resource but do not necessarily include enjoying the full benefits derived from the resource. Those who *control* access to land also tend to control and benefit from the labor of those who use the land.

Programs that seek to improve access to land vary from programs recognizing communal land tenure systems (with both individual and common property) to those seeking to formalize land rights into freehold ownership rights. Given these varied options, an important initial question to ask when considering land access programs is: when is legal formalization the appropriate mechanism for improving access, and what might be lost in the process?

KEY GENDER ISSUES

Women and men have three general mechanisms for obtaining rights to land: (1) through social and kinship relations at the local level, (2) on the land market, or (3) from the state. These mechanisms are embedded in institutions that create, modify, and influence land tenure systems: sociocultural institutions, state institutions, and market economy. An examination of how they influence land tenure systems is useful in understanding gendered rights to land and in

proposing and implementing gender-sensitive policies and programs. Depending on a country's historical development and current socioeconomic and political conjuncture, one set of institutions is generally more important than the others in determining land rights. All three sets of institutions, however, influence and interact with each other in determining the specific tenure relations of a society. In all of these institutions, it is important to understand the gender differences in land uses and priorities, what rights men and women claim, and women's needs.

Sociocultural institutions

In societies in which customary practices and traditional social structures are predominant, rights to most land are generally determined by sociocultural and religious institutions such as inheritance, marriage, and community allocation. These customary tenure systems are diverse, with a large variety of property relations and rights. Particularly in places where land is relatively abundant, as in some areas of sub-Saharan Africa, primary land ownership rights are often vested in the community or other corporate structure such as a lineage or clan. Community authorities allocate some of this communal land to individuals and their families (generally for cultivation with long-term rights), and other land and resources are held as common property. A significant proportion of the land and the natural resources may be common land, controlled not by individuals but by the group and managed according to community rules.² In regions where land is quite scarce, such as Southeast Asia, very little arable land is available for allocation by community authorities; most community land is held by individuals and families.

The community determines access to communal land, forests, pastures, and water sources; generally, the basic criterion is membership in the community. Besides family or lineage considerations, gender is another membership element. Access rights to common land and its

natural resources tend to be more broadly distributed throughout the community. Land-poor households make much use of resources found on common lands: for example, they may gather firewood and collect water, gather forest products, collect fodder for animals, or graze their animals. Because women in many societies depend on their husbands or a man relative for access to household land, access to common land and resources is particularly important to them.

Land allocated to individuals on a long-term basis tends to be parcels for producing food, building a home, or raising animals; rights to these parcels are generally inheritable. How this land is allocated initially to households depends on the particular customary system. In spite of individual control over these parcels, however, in many societies the community retains some rights, such as the right to gather firewood and water, or gleaning rights to gather grain or pasture animals after the harvest. These rights are important for women.

Land parcels under individual or household control are generally transferred through inheritance, not the market. With few exceptions, it is men who inherit land. For example, in The Gambia, Mandinka women, like most women in sub-Saharan Africa, do not inherit land, nor are they generally able to receive land allocations from community authorities. When a woman marries, her husband gives her cultivation rights to a plot of land; she cultivates the land to provide food and other goods for herself, her children, and husband, but she does not have other property rights to it, such as the right to pass it on to heirs. In addition, she is obligated to work her husband's crops in exchange for these cultivation rights.

Customary tenure norms provide women with some basic security in situations when they are not living with a husband, but the reality is that many customary tenure systems are no longer capable of ensuring that households and women have access to sufficient land and other resources. A number of factors, including a growing market economy, increasing poverty, and commercial agriculture, are converting land into an asset, accentuating land scarcity, and privatizing (and individualizing) land rights. Within these situations, vulnerable women such as widows and divorced, separated, or abandoned women are unable to access land. When family or lineage land becomes privatized as a result of market economy development or state action (such as titling), opportunities arise for land policy and programs to promote women's equal ownership rights. Unfortunately, privatization has often led to women losing any rights they may have had.

Allocations from the state

The state, through various agencies, allocates land to its citizens through redistributive land reform programs, resettlement programs, leasehold arrangements, market-driven land reform, land privatization programs, and antipoverty programs. These rights can range from use rights to leasehold to private individual ownership rights. Even where the legal norms for these programs do not explicitly discriminate against women, traditional norms and attitudes of program officials and participating populations work against considering women as equal participants and as property holders. For example, access and use rights to state forests are very important for women for gathering firewood, fodder, water, food, and medicinal plants. State officials, however, vary enormously in how they treat women and men. In some areas, women are harassed or denied entry. On the other hand, in the Mabiru forest in Uganda, forestry officials work with women's craft groups to identify forest products that can be sustainably harvested.

Redistributive land reform has been carried out across the globe and, recently, particularly in Latin America and Asia. The distribution of land in most cases has directly benefited men household heads by adjudicating land to them and ignoring wives and, in some cases, even single women household heads.³ Recently, some land reform programs have attempted to integrate gender equity into their efforts. In India, for example, some states (Madhya Pradesh and West Bengal) have made concerted efforts to allocate land to women (Brown, Ananthpur, and Giovarelli 2002). In Brazil the land reform agency in August 2000 finally acknowledged the legal norm of joint property established in the 1988 constitution by announcing that it would include the names of both spouses on property documentation (Deere 2003). In South Africa, although national agrarian reform policy and offices articulate the importance of and need for gender equity, district and local level offices do not have the mechanisms and tools to implement this gender policy (Walker 2003).

The resettlement of communities and households often occurs as a result of land improvement programs such as land reclamation and water control projects (irrigation, flood control, and so forth). Land administration issues related to these projects include the allocation of previously noncultivated land or newly improved land to farming households and the conversion of customary rights to private individual rights as land is increasingly considered a productive asset. A frequently used mechanism for allocating or titling improved land is to revert such land to the state and subsequently allocate parcels to eligible farmers,

either as leasehold or as private individual property (freehold). As land is improved and becomes more valuable, women may lose their traditional use rights to land. In addition, program officials and technicians generally focus their communications and beneficiary activities on men household heads.

Privatization involves changing land rights from collective or communal rights to private individual rights. In Eastern Europe mass privatization of state farms, collectives, and cooperative farms took place during the 1990s. In sub-Saharan Africa privatization of communal land has been and continues to be the result of both market forces and state efforts (such as tenure reform and land titling). As with other state programs, such as agrarian reform and resettlement, the practice has been to privatize land to men household heads. When Albania, for example, privatized and distributed collectively owned land, the state followed patriarchal norms and titled land intended for the family overwhelmingly to men household heads (Lastarria-Cornhiel and Wheeler 1998). The same pattern of granting land rights to men and ignoring women's rights can be found in state leasehold and market-assisted land reform programs.

Land market

Market economy institutions also play a significant role in allocating land rights. Market economies are generally based on private property rights and the marketability of these rights. Consequently, land rights are usually acquired through the market (for example, by buying, selling, and leasing) at market values.

Capital (either savings or access to credit) is required to purchase land on the market, and thus the ownership of assets is crucial. Women who wish to participate in the market, particularly those from landless and smallholder families, are unlikely to have such assets. If they engage in wage work, their earning power is generally insufficient to accumulate savings. The productive work they perform in their household is usually unremunerated. Men family members will most likely control the few assets that low-income households own. In addition, women often lack information on the land market, such as the availability of parcels for sale and land prices. For these reasons, women find it more difficult than men to participate in the land market and programs such as market-driven land reform.⁴

On the other hand, for those women who are able to acquire capital, the market is one mechanism for acquiring land that is generally not influenced by cultural bias or state policies. Land acquired by women on the market often

escapes the restrictions and limitations placed on customary land by men-dominated family and lineages. In addition, a woman's daughters may inherit this land, because it is not considered family or lineage land.

Within the process of market formation, however, the increasing privatization of land rights generally has a negative effect on women's traditional rights to access land. Customary societies find it more difficult to enforce their rules and practices for allocating community resources, such as land, based on the need to provide resources to community households for their welfare and sustenance. During this transition period, what is regarded as customary norms and practices begins to change as social actors adapt their behavior to changing conditions, often at the cost of groups, such as women and minority ethnic groups, who are considered secondary members of the community.

POLICY AND IMPLEMENTATION ISSUES

The basic issues that affect gender-responsive outcomes in programs dealing with land access are found in two areas: program implementation and the participant population. These programs have generally tended to direct their activities and communication to men household heads in the belief that the household is a unified group whose members have the same goals and interests and that other household members and producers, such as women, will obtain benefit through the man household head.

In addition, policy makers, program planners, and project implementers are influenced by their own values and attitudes concerning women's abilities and rights. In Zimbabwe in 1998 the senior minister in charge of the land resettlement program rejected women's demands that land certificates be automatically registered in both spouses' names. He also did not permit that land earmarked for redistribution be offered to women heads of households and single unmarried women. The minister maintained that such moves would cause families to break up because they would accord women too much freedom.⁵

The norms, values, and practices of participating populations also influence how land access programs are implemented. Land allocation programs that attempt to include women may encounter resistance from community authorities and other adult men. Control over land is a significant source of status and power in rural societies, and those who hold that power are often loath to share it. Program officials and implementers may also find that women themselves are reluctant to participate because of illiteracy, inexperience, or fear of ridicule and reprisal (see Overview). Project actions

to overcome these constraints on the part of both women and men include informational and training activities for the participating population (both women and men), local authorities, and local land administrators.

Where land reform programs are market based, small-holder women are constrained from participation by lower access to capital as compared to men.

GOOD PRACTICES AND LESSONS LEARNED

Although no single land-access project has had unqualified success in allocating land to women and men at equitable levels, some projects have been able to increase the number of women participants and beneficiaries. In addition to facilitating women's individual access and rights, programs that promote collective land rights for women, such as programs that help them to purchase or lease land as a group, can be a very beneficial option (Agarwal 2003).

Rice land in The Gambia

An agricultural development program in The Gambia had a land component that combined land improvement and land reform.⁶ Planners made the decision to reclaim degraded lowland areas during the design phase of the project using participatory methods that involved community members and authorities. The communities that wanted to participate in the reclamation activities formally requested assistance, and community mobilization teams visited them to establish site management committees. Again, all these activities utilized participatory rural appraisal methods.

The project devolved ownership of the land from individual landowners to the community, and the community provided labor for the reclamation activities. After reclamation, the community redistributed the land, on an equal basis, to those who had provided labor for reclamation. The majority of reclamation workers were women and made up 90 percent of the land beneficiaries (22,216 women from different ethnic groups).

Leasehold of forest land in Nepal

A project in Nepal granting landless households access to forest land demonstrates successful efforts to include women. Currently, 25 percent of the participants are women; in addition, there are 74 all-women groups and 112 women group leaders. The project also employs local women group promoters to organize and attend group meetings, promote the project, organize groups, give

training, and detect problems. By working within groups, women have also been able to increase their human capacity and their ability to increase productivity both in domestic and productive work (see Innovative Activity Profile 1 for more details).

Community-based natural resource management in Namibia

Initiated in 1993, a project in Namibia sought to devolve rights over wildlife and tourism to local communities.⁷ One of the project's main objectives was initially to increase benefits to Namibians from sustainable local management of natural resources. One of its specific objectives was to increase the number of women participating in officially recognized management bodies over natural resources. By 1998, 22 percent of the members of these management bodies were women. Social surveys, as well as organization and training provided by community resource monitors, provided a mechanism to integrate women into community-based management. Income generation activities based on the use of renewable natural resources also benefited women.

Unfortunately, the project lacked tools for participatory development and socioeconomic and gender analysis. As a result, gender and social equity objectives were not sustained. A midterm review found these deficiencies and recommended steps to remedy them through research and training. A gender assessment in 2005 found that great strides were made in the program's gender balance at the national level, in a greater number of women standing for election in the conservancy management committees, as well as in women's benefits from capacity development and training.

Homestead land purchase program in India

Programs that help landless families in rural India to purchase small plots are one way of providing secure housing for the rural poor and, assuming the plot is large enough, some land for home gardens or another household enterprise.⁸ These productive activities provide supplemental income and may improve household nutrition and food security. They also provide space for productive activities under women's control. The experience in India has shown that participation by beneficiary communities and households in all aspects of the program, from identification of suitable land to land development plans, contributes to successful implementation and to satisfaction by beneficiary households.

An innovative feature of many of these programs in India is that the land titles (*patta*) are issued jointly to both wife and husband, sometimes with the name of the wife listed first. In some cases, land title is issued to women only. This practice is attributed to greater gender awareness and sensitivity on the part of community authorities and committees (*panchayats*).

GUIDELINES AND RECOMMENDATIONS FOR PRACTITIONERS

Guidelines for increasing women's participation in land access programs will be somewhat different for individually owned land than for common property. Women tend to have more equitable access to common property, and their rights to use common land, depending on local rules, may not be challenged. *The principal guideline is to include women's voices and interests in natural resource management programs.* For programs that allocate land as leasehold or private property, *the principal guideline is to allocate land equitably to both women and men.*

Common property

Programs that deal with common property must recognize women's access rights to common land and natural resources. Women's rights should be the same rights that other community members enjoy. When, for example, programs are established to title community land, care should be taken to recognize the women in the community (both married and unmarried) as members of the community having the same rights as men community members.

Programs that affect access to and management of common property, such as natural resource management programs, should recognize women's dependence on these resources and accommodate gender-differentiated management practices. Increasing shortages of resources, changing values (from use value to market value) for land and other

natural resources, modifications in family structures, growth of commercial agriculture, and other changes are modifying social relations and cultural norms around common property. Under these conditions, women's rights to these resources may become more tenuous. Programs should seek to preserve and improve women's rights to access these resources. This objective means that programs must have an understanding of how different groups within the community relate to common property resources.

Natural resource management programs should consequently consider what role gender plays in access to and control of community resources and consider how to ensure women's participation. Issues that should be considered include the following:

- Gaining explicit awareness of women's different interests in accessing land, trees, forests, water, and other common resources, as well as of their level of control over these resources
- Ensuring that program objectives and activities do not reduce women's access to common property (for example, because of privatization or concessions)
- Recognizing, during program design, women's particular constraints (in law and norm and in practice) in accessing and managing land and other resources, and putting forward activities to reduce these constraints
- During project implementation, monitoring women's access to common property and women's involvement in managing these resources.

Allocation of land as private property

Programs that seek to facilitate access to or allocate land as private property, whether owned individually or by a group, have slightly different guidelines. Women's rights to landed property may be contested within the community and the household, and there will be a tendency to allocate land rights to men household heads (see also Thematic Note 4).

Legal Reforms and Women's Property Rights

KEY GENDER ISSUES

Joint titling and inheritance are most often cited as the main issues when considering women's legal rights to land. Do married women have a legal right to the land that is owned or used by the household? Do women have the right to inherit land from their husbands and fathers? Although these legal questions are critical, inheritance and joint titling must be considered as part of a much greater web of issues, both legal and customary, if a complete picture of women's property rights is to emerge. To paint a more accurate picture of women's property rights, the following issues are crucial:

1. Do women have the legal right to own land or hold long-term use rights to land?
2. Do women have the customary and socially accepted right to own or control land?
3. Do women's current legal property rights make sense, given the culture in which they live? That is, could or would the majority of women claim their legal rights?
4. Do the answers to these questions change if women are married, single, divorced, widowed, or in a polygamous relationship?
5. Do women know and understand their rights?
6. Do women have any means to enforce their rights?

It has become clear in the last 10 years that men's rights to land do not necessarily translate into the household's rights to land. One primary reason for this situation is that households in rural areas of developing nations are not nuclear families functioning as solitary units. Rather, these households generally include the parents of one of the spouses and operate within a larger family system, which often uses ancestral land and sometimes tribal land. Moreover, when these households break down and change, women whose property rights exist only through their husbands immediately become very

vulnerable. It is at this point of change that individual legal and customary rights to land within the household become important.

This Thematic Note focuses specifically on women's legal and customary rights to land and how to effectuate them.

CONCEPTUAL FRAMEWORK

Four categories of legal rights to land affect women: (1) the rights women hold in marriage (shared tenure); (2) the right to land when the marital household changes through polygamy, divorce, or abandonment; (3) the right to receive land through inheritance; and (4) the right to purchase land. These are affected by both formal and customary law.

Scholars and service providers have taken two main approaches to these legal issues—a rights-based approach and a more gradual, institution-building approach (Tripp 2004). A rights-based approach focuses on formal legal reform as the key to women's property rights. This approach gives particular attention to the constraints imposed by customary laws and practices and to problems in implementing antidiscrimination laws. The philosophy behind the institution-building approach is that customary law and institutions should be supported. Formal law is viewed as a catalyst to expedite a process of change, but the actual ability of formal law to bring about change, especially in the household arena, is considered limited. The institution-building approach asserts that legal reforms undermine local systems of adjudication and create a rigidity in customary laws that prevents them from being modified and used flexibly (Gopal,¹ cited in Tripp 2004).

These two approaches are not as divergent as they seem at first. They differ in their starting points only; neither approach would advocate ignoring the other. Each recognizes that legal reforms must be accompanied by legal

education for women, education for officials and those who implement or enforce laws and customs, and the inclusion of women in technical services, access to credit, and policy making.

POLICY AND IMPLEMENTATION ISSUES

Getting the right legislation and effective implementation and judicial enforcement are crucial. Discussed here are legislations on shared tenure, polygamy, divorce, abandonment, and inheritance and conditions in the land market that affect women's access to land and property.

Shared tenure

“Shared tenure” is a broad term that includes land co-owned within a household and may also include communal ownership of land.² The substantive issue for women is whether they have a right to share land tenure with their husbands or communities, and, if so, what limits are placed on that right. Formal legal rules for joint titling have to take into account the following issues:

1. Which property is jointly owned? Inherited land? Purchased land? Land distributed by the state? In many countries ancestral land is excluded from joint property (in formal law or under customary law), and most land that belongs to the household is ancestral land.
2. Who will manage the marital property? Managing the community property can be as important as formally owning it, because it may include mortgage or sale of the property. *Joint management* requires the spouses to act jointly regarding the community property; *sole management* allows one spouse the sole power to manage jointly held property; and *equal management* gives either spouse, acting alone, the power to manage the whole of the property that is jointly titled (UN–HABITAT 2005). Most countries have adopted a combination of management rules, the application of which depends on the nature of the property at issue. For example, one spouse can make all decisions except those related to the house and land, which require the agreement of both spouses (Deere and Leon 2001).³
3. Do consensual unions trigger the joint titling rules and protections? Do religious or customary marriages trigger them? Many women are not legally married, especially where customs and traditions predominate. Legal marriage can be expensive and time-consuming and may require residence documentation that women do not

have. In other cases, marriages are religious or customary and therefore do not include the rights reserved for marriage under the civil law.

4. Is there a mandatory registration requirement for joint titling? Even where the law presumes that married couples hold their land in joint ownership, often mandatory registration of that joint ownership is not required. Without joint registration of land, one party may have to go to court to exercise her right—a difficult and unlikely step.

Polygamy, divorce, and abandonment

In most non-Western countries, polygamy exists in one form or another, whether it is legal or illegal under formal law. Polygamic practices affect women by affecting household income; even if the two wives do not live together in one household, their husband must support two families. The livelihoods of first wives are threatened when their husbands take second wives. Additional children require more of the household income. Even without additional children, already tight resources are distributed to the second wife—and often these resources include a plot of land.

Laws against polygamy are rarely enforced and have little effect on behavior. In fact, where polygamy is illegal, women may be more vulnerable; often second wives have no rights under formal law if polygamy is not recognized.⁴ Legal protections for first wives, even those who are formally married, are rare. In most instances the husband is not formally married to either wife, placing the first wife in serious economic jeopardy when her husband takes a second wife.

The existence yet illegality of polygamy is tricky when considering rules for joint titling. If a man actively supports two households, in whose name should the land be registered? If joint titling is allowed only for formal marriages, but a first wife provided resources and sweat equity for land, should that land be titled to the second wife if that marriage is formalized? What if the first marriage was formal, but the two spouses have been separated for years (although not formally divorced), and each now maintains different relationships? To whom should the land be titled?

Inheritance

A woman might inherit land in two main ways: as a daughter from a parent or as a wife from a husband. Inheritance of land by daughters or widows is often the main way through which women acquire ownership rights to land. Many pluralistic legal systems allow the marriage to determine

the inheritance regime that applies. For example, if a person marries as a Muslim in India, the inheritance rules are different than if a person marries as a Hindu.

Very often, although formal law provides daughters with the right to inherit land, they will not inherit in fact, or they will not enforce their right to inherit. In patrilocal societies, daughters move from their parents' home and land to live with their husbands, so the land they may inherit is of little use to them. Often the family is responsible for a dowry or other expenses related to marrying their daughter, and those expenses are considered her share of the wealth of the family. Under customary law in many countries, inheritance of land by daughters is directly related to marital residence and to the customary means of distributing wealth.⁵ In focus group interviews in rural areas of Karnataka, India, and the Kyrgyz Republic (two countries where inheritance by daughters is mandated by law), most women stated that they would not request land from their families even if they were legally entitled to it.

Inheritance of land by spouses is even less likely to occur than inheritance by daughters in patrilineal and patrilocal societies. Ancestral land is closely guarded in most communities around the world. Wives, with no blood relationship to their husband or his clan or community, are often given use rights to the house and land but not the right of ownership. Sometimes those use rights exist only if the widow has had children with the deceased partner. Depending on the depth and breadth of these use rights, they may be a worthwhile compromise. In countries such as Burundi or Rwanda, for example, where land is extremely scarce and most, if not all, communities are patrilineal, the division of ancestral land between children and their mother may not be feasible and realistic. Long-term use rights to the land, on the other hand, may be much more politically feasible. If the use rights include the right to mortgage or lease out the land, and if widows have control over how the land is used, these use rights will not differ substantially from ownership. Additionally, in many societies, although children but not mothers inherit land, the inheritance comes with the responsibility to care for the mother, an arrangement preferred by many women in the Kyrgyz Republic, for example. On the other hand, land grabbing of widows' land (by sons or brothers of the deceased) is a major problem in Uganda and other African countries that cannot be ignored.

Markets

Ancestral land is often not available to women, and so participation in the land market is critical to women's ability to

sustain a livelihood, but this participation may be limited. Because of traditional gender roles and a lack of independent financial resources, women in many countries rarely purchase land, either independently or jointly with their husbands. Land ownership is economically empowering for women; thus, women's land ownership can be threatening to men. For example, under Muslim personal law in the Philippines, a woman must have her husband's consent to acquire any property by gift, except from her relatives (Giovarelli 2006).

It may be easier for women to lease land than to purchase land, and land market programs should not focus exclusively on ownership markets. Leasing land is less psychologically threatening than purchasing land and requires fewer entry resources. Of course, it should be noted that leasing is less psychologically threatening to the status quo for the very reason that it does *not* create long-term secure property rights in the borrower/lessee. In Burkina Faso, for example, the increased and changing market value of land has had the surprise effect of creating avenues outside traditional channels for women to lease land over the long term, anonymously (Bruce and others 2006). Men landholders who have excess land are more willing to lease to women because women cannot claim permanent rights to land. Husbands generally support this borrowing of land by their wives, and women are therefore better able to cultivate land independently, even though they do not own it (Giovarelli 2006).

Implementation

As stated earlier, legal solutions are effective only if they are socially accepted and enforced. Changing the law can be difficult, and sometimes it takes years to win one small battle. Changing people's attitudes toward a new law once it passes can also be difficult. Many examples exist of legal efforts that were ineffective in helping women gain rights to land, as well as some examples of legislation that even caused harm. At its best, legal reform is a necessary prerequisite for change, but, even then, legal reform alone is never enough. A review of two World Bank Land Titling Projects (in Bolivia and Lao PDR) found that although formal law that mandated joint titling and registration was in place, women did not gain equal rights to land. The unequal outcome was related to cultural practices and biases, lack of information, or nonenforcement of legal rules. The number of titles issued to women or in joint ownership increased only after each of these issues was addressed (Giovarelli and others 2005).

Perhaps the most critical point to be made regarding formal legal solutions is that legal solutions must be part of a

larger effort to provide education, training, and other means of raising awareness about women's lack of land rights and the consequent impact on the larger economy, well-being of the family, and position and viability of women's livelihoods.

Before addressing the institutions that enforce law, two points must be made about the laws themselves. First, gender-neutral language can be gender biased in its interpretation. For land legislation to be inclusive of both men and women, at a minimum it must explicitly recognize women's and men's equal rights to land. In Bolivia, for example, the law that establishes the legal basis for the current titling program specifically states that in the distribution, administration, tenure, and use of land, equity criteria will be applied in favor of women *and independently of their civil status*.⁶ The last phrase is important because it does not require that a woman be the head of the household or married to be eligible for land rights. The most useful provision to date is Article 28[g], which makes the INRA (state land agency) director (and the provincial INRA directors) responsible for ensuring that legal gender rights are observed in implementing the INRA law.

Much of the explicitness will be found in the regulations to the major laws, rather than in the laws themselves. Regulations, which lay out the details of how a law will be implemented, rarely go through the checks and balances of the legislative process. Rather, they are promulgated by state agencies and approved by one person—for example, the Minister of Lands or the prime minister. This practice can cause problems in many different ways. For instance, the law can generally or even specifically favor equal rights for women, but the regulations may not require the names of the husband and wife on the land title, as occurred in Indonesia. The registration law and accompanying regulations are silent on the issue of joint titling, and some registration officials were not certain that land could be titled jointly (Lastarria-Cornhiel and others 2003).

The registration process itself can create barriers for women to own land. In Brazil the registration regulations required that personal documents such as proof of marriage, proof of citizenship, or identity cards be presented to register land, but women lacked this documentation and were not registered. In Lao PDR women have a difficult time proving ownership of property because many families, particularly in rural areas, do not have documentation of ownership or other land rights. If documentation is required for taxation, for example, the man head of the household traditionally deals with these formal and

written procedures, and his name appears on these types of documents.

Beyond what the law or custom requires and what regulations allow, for a law to be enforceable, women need legal awareness (knowledge of what is legally possible), legal information (specific and detailed knowledge of how to record land rights and engage in land transactions), and legal empowerment (the social and institutional ability to assert claims and secure land rights). Women must also understand the complexity of land issues, the relationship between different laws and practices, the options available, and the limitations of the legislation and the implementing bodies. Knowledge of both formal systems and informal systems for exercising land rights is critical in most parts of the world, and the legal situation can be quite complicated.

An important, and often missed, step toward making women's land rights secure and sustainable is providing awareness, information, and enforcement mechanisms to those who implement or enforce those land rights. Other household members, local leaders, judges, and land professionals must all understand the law and its implications and how to use and follow the law. The rule of law is more likely to have value if there are many people who understand the land law and rely on it to protect their rights.

Effectuating major legal change requires a sustained effort to implement the changes, including sensitizing the public to the changes and eventually gaining public support. Although workshops, training materials, and mass media campaigns can alert the public to new laws, they can do little to change attitudes or actions unless they are augmented by the efforts of local people who both understand and support the legal changes. Combining a mass media effort with the sustained presence of knowledgeable people at the village level will have a much more lasting effect.

Judicial enforcement of land rights is also critical and can save or harm women's property rights. In Tanzania the Land Act and constitution are progressive and mandate equality for men and women. In support of these laws, the Tanzanian High Court invalidated customary norms preventing women from selling land. In Kenya the land registration program was carried out during a time when gender was not part of the development agenda. At that time, land adjudication committees were men dominated and lacked the skills and time to carry out their duties properly, which included registering all rights (primary and secondary) to land. Women's secondary rights often went unregistered. In a later case, however, the court ruled that when the husband was registered as sole owner of property and the property

was acquired during the subsistence of the marriage, evidence of co-ownership may be given under the Married Women's Property Act of 1882 and Section 126 of the Registered Land Act (Giovarelli 2006).

Uganda granted judicial capacity to local councils at the village, parish, and subcounty levels in an attempt to encourage inexpensive, expedient, and culturally appropriate justice. The local councils share concurrent jurisdiction with magistrates' courts but also are connected to customary law as they are lay judges and make their decisions based on local norms and social ties. The local councils also hear cases related to land disputes. Such courts should have been more accessible to women, but it was more difficult for women to get justice in these courts, because women could neither pay for legal service nor effectively fight against their basic position as outsiders in the men-dominated community. Women often choose to go to magistrates rather than the local councils. Informal justice does not have the legal authority and leverage of state power and has wide discretionary powers to define custom. In this instance the local councils have little ability to make dramatic pronouncements about women's rights to land, and at the same time lack authority to enforce formal laws, which may favor women's rights (Giovarelli 2006).

Legal assistance or legal aid for women is also critical to enforce their rights to land. Legal aid centers provide services to women while simultaneously feeding back information to policy makers on land issues that affect women and policy changes that are required.

GOOD PRACTICES, LESSONS LEARNED, AND GUIDELINES FOR PRACTITIONERS

Implementation efforts and changing attitudes and knowledge of beneficiaries and communities as well as institutional agents and project staff are critical for success. Participation of women in all stages of the project, as well as among institutional and project staff, is another factor. Such efforts may include the following:

Talk to women. Some legislative and social changes may be more readily accepted than others, by both men and women, and part of the process needs to involve listening to women to understand what legal rights are most valuable to them and the impact of various legal situations.

Take family law into account. Land projects that incorporate legal reform must consider family law as well as land law to have an impact on women's rights. Yet family law is rarely considered as part of land administration projects, usually owing to lack of funds for the legal review or lack of awareness of the issues.

Keep consistent gender focus through all stages of a program.

In the World Bank's Land Administration Project in the Philippines, the gender-mainstreaming plan encompassed the whole project cycle, from influencing legal reforms to installing gender-sensitive monitoring and evaluation systems.

Include men and not just women. The Philippine project struggled to balance its efforts to include women and its need to include and train men as well. At one point the project focused more on women than men, also to the program's detriment. If men are to be "brought along" and included in making cultural changes, they must also be involved in training and in the design of the project.

Attend to legal regulations. Regulations have a major impact on how the more general land laws are implemented and must be considered along with formal and customary laws. For example, it is critical to understand whether the documentation required for land registration is available or common to women. If not, the requirements should be revised so that women and men have equal opportunity for registering land.

Use existing law to its best advantage, regardless of customary law. The Guayape Valley Agricultural Development Project in Honduras, funded by the Canadian International Development Agency, worked proactively with the Honduras Titling Agency to use the limited gender-related legislation that already existed to its fullest extent in order to include wives on land titles. The project was very effective in titling wives, despite strong inheritance and marital property practices that excluded women, because the project held gender training programs for project staff, government titling staff, the beneficiary population, and local authorities. The project also reviewed titling procedures to make them more accessible to and inclusive of women.

Train all implementers of the project on women's land rights. Although *beneficiaries* were trained in a World Bank land project in Panama and one in the Philippines, training of project staff was limited or lacking completely. In both projects the lack of gender training for staff led to less effective implementation of the gender strategy. On the other hand, in a U.S. Agency for International Development (USAID) Natural Resources Project in Namibia, a full-time gender trainer was hired for two years to work with staff and beneficiaries, leading to a very positive result in terms of women's involvement in the nature conservancies.

When possible, encourage the legal norms that provide women with access and control over land rights. For example:

- Co-ownership of land and property is the presumption for land acquired during a marriage or consensual union.

- Registration regulations include specific direction as to registration of married couples and those living in consensual unions.
- Legislation requires both husband and wife to consent to a transaction involving land acquired during the marriage or cohabitation, regardless of whether the land is registered in the name of both or only one partner.
- For countries where polygamy is practiced, even if it is illegal, legislation states that when a second wife is taken all property belonging to the first marriage or consensual union will be partitioned and divided. In this case, the

husband would have only his share to distribute to his new wife and children.

- Widows' rights to the use and control of land needs to be established as a priority policy issue when developing property system legislation.

Provide legal services to women to help them enforce their rights to land, once those rights are established. Enforcement of legal rights or customary rights to land often requires legal advocacy, especially where women lack information or are poorly educated.

Land Dispute Resolution

The management of land disputes involves the review of land tenure rules and the behavior of landholders with regard to these rules. As such, land dispute management is part of the justice system of any regime (whether formal or customary) and should be fair, equitable, and accessible to all. In many areas, especially rural, the formal justice system is not only inaccessible but culturally alien. Where the formal justice system is minimally present because of distance, weak state institutions, or scarce resources, customary and informal (alternative) dispute management processes are the most appropriate.

Both formal and customary tenure regimes increasingly recognize and use nonjudicial, alternative procedures for managing disputes. In reality, formal, customary, and alternative dispute resolution procedures are not exclusive.

KEY GENDER ISSUES

Women as a stakeholder group have great difficulty gaining recognition for their disputes around land rights for two reasons: status and identity. The lower status of women in many societies has already been discussed. In addition, successful mobilizations around land conflicts generally occur along class or ethnic lines, because class and ethnicity are public identities. Gender is not easily perceived as a collective identity, particularly for women in rural areas, because they have minimal power, authority, and public action. Land conflicts that involve a claim by a woman are often intrahousehold claims around divorce or inheritance. Their resolution is generally limited to intrahousehold discussion and negotiation; rarely do they transcend household boundaries to reach community and local authorities.

A further complication is that a wife is often considered an outsider in a husband's household and community. Since women's rights to land are transmitted through the men in their family or household, it is considered shameful for a

woman to make a public claim for what she believes are her land rights. In the Kyrgyz Republic, for example, women have rights under formal law to the household's land and house when the household unit breaks down, yet it is shameful to assert individual rights within Kyrgyz and other Central Asian cultures. In most cases divorced or separated women no longer have access to the land, which customarily belongs to their husband's family. In addition, because women generally have no possibility of paying the fees required by the formal system, they rarely apply to court (Giovarelli and others 2001).

Given this context, the main gender issues in land dispute resolution include (1) the recognition of women's rights to land by formal judicial processes and officials and by the community and customary land authorities and (2) women's access to dispute resolution institutions. Resolving these issues involves a shift in perception, in which women's rights and claims to land cease to be regarded as a private, intrahousehold issue and are recognized as a public, societal issue. If this shift is to occur, it will require programs and actions that extend beyond legislation, including gender training and education for judicial officials as well as officials at state institutions. It will also require gender training and information dissemination for local populations involved in land programs. Finally, the facilitation of women's access to institutions that resolve land disputes (whether formal or customary institutions) will require proactive programs to overcome the barriers women face in approaching and dealing with these institutions.

Access to dispute resolution institutions is a part of democratic rights. Women's equitable participation in managing land disputes will also, in practice, improve their rights to land by setting precedents in law and by clarifying both formal and customary norms regarding daughters' and wives' rights to land and property. Success in resolving land disputes

will also encourage women in general to claim and demand their rights to land and property.

In addition, women's ability to participate successfully in the process for resolving land disputes will increase women's empowerment and status in the community and within their households.

POLICY AND IMPLEMENTATION ISSUES

The principal issues for women in the resolution of land disputes are (1) access to dispute resolution institutions and (2) legal pluralism. The basic objectives for a judicial system that is both fair and gender sensitive include accessibility, transparency, efficient and timely process, predictability, and manifest impartiality.

Formal dispute management

Formal judicial systems employ a number of mechanisms and procedures to manage land disputes. These include land commissions, public advocates for agrarian issues, adjudication, and arbitration. Formal judicial systems are supposed to be transparent, unbiased, and impartial and to adhere strictly to the law; they also, however, tend to be litigious, setting one party against the other and seeking punishment and retribution rather than restoration and transformation. A notable exception is court-mandated arbitration, found in common law systems, during which court action is suspended and a mutually agreeable solution is sought.

Women's access to courts is severely limited in many countries. Practices such as seclusion of women hinder the possibilities for women to claim their rights. In many rural areas, it is shameful for a woman to appear in court to claim her rights with respect to men family members, as documented in India, for example, by Agarwal (1994). In many countries, women are underrepresented in the judiciary, and prejudices about the credibility of women witnesses are widespread. Court fees may also constitute an obstacle for rural women, who tend to have less access to cash than men. Women's access to courts may also be constrained by norms limiting their legal capacity and preventing them from bringing judicial disputes autonomously.¹ Most countries have repealed these formal norms, and some countries have granted women equal access to legal remedies—yet legal and judicial practice may be lagging.

The problem for most low-income rural residents, including women, is the distance (geographical, cultural, and social) and cost involved in resorting to formal judicial institutions. With a few exceptions—such as land reform or

systematic land titling programs, which send land commissions, agrarian advocates, or arbitration teams into rural communities—rural residents are unlikely to deal with formal dispute institutions. In addition, women are less likely than men to have the preparation and legal literacy to deal with officials and opposing parties on an equal basis.

Where formal law recognizes women's equal land rights, women are able to take their cases to court, and their legal rights are likely to be upheld. In the Kyrgyz case mentioned earlier, customary law enforced at the village level does not give women access to land upon divorce. Some exceptions exist if the couple have children and the husband leaves the house. However, if a woman goes to court seeking divorce and property division, the written law is generally enforced. Women who petition the court must provide proof of their investment in the house, and they are compensated for that investment. In addition, the court generally compensates women for their portion of the household land share if their name appears on the land share certificate. Women generally consider that, in the case of divorce, written law regarding division of property is better than customary law (Giovarelli and others 2001).

Customary dispute management

Given the access difficulty with formal systems, customary or informal dispute resolution procedures may be more appropriate in some rural areas. Customary tenure regimes contain institutions and authorities to manage land conflicts. These institutions, through customary land authorities, enforce the rules mediating access to land, allocate land to community members as well as noncommunity members, and manage land conflicts. Customary systems generally adapt quickly to changing conditions that spark conflict, such as commercial agricultural production, increasing population density, and evolving land markets.

When the community regards these institutions and its authorities as legitimate, customary tenure regimes are highly successful in settling land conflicts, and community members enjoy high levels of tenure security. Functionality and legitimacy, however, do not automatically result in transparent and equitable governance. Land distribution patterns in customary systems may be highly skewed, and some community groups, such as women and ethnic minorities, may be denied access to land.

The last decade has witnessed renewed interest in the role of customary institutions in settling disputes. Niger's 1993 Rural Code requires a mandatory conciliation procedure to be undertaken before customary authorities before initiating

judicial proceedings. Where communities with customary tenure regimes are linked with the formal regime, their judicial systems are embedded in the formal one. The formal regime recognizes the geographic and policy domains of the customary judiciary system. The trend toward decentralizing land administration depends strongly on embedded customary institutions to carry out state responsibilities.

For women, customary institutions have both advantages and disadvantages. On the one hand, compared to courts, customary institutions may provide more easily accessible (both geographically and economically) and speedier forums for rural women. These institutions may also enjoy greater social legitimacy. On the other hand, although their nature varies considerably from place to place, customary institutions are often gender biased in composition and orientation. Even though women may believe they have a legitimate claim in a land dispute, their secondary status within the family and the community may discourage them from approaching customary authorities. These land disputes may involve a family member, either from the woman's own family or her husband's family, who engages in intimidating actions. If women do approach customary land authorities and obtain a favorable decision, community and family members may ignore the decision. In frequently documented instances, young widows have lost their land to their husbands' parents and siblings (see, for example, Strickland 2004); this land grabbing occurs despite customary norms that guarantee a widow long-term use rights to her deceased husband's land to support herself and her children. In an ever-growing number of cases, people no longer respect these rights, and the institutions responsible for enforcing them—chiefs and elders—are either unable or unwilling to do so. Because customary institutions are constituted by men elders in most places, they may apply a men-biased interpretation of customary law. Women may even be discriminated against procedurally, because they may need a man intermediary to bring a dispute and to appear before the authority.

Some countries have attempted to improve the gender outlook of customary institutions. India's constitution, as amended in 1993, provides for direct election of members of *panchayats* (local government institutions rooted in tradition) and reserves one-third of the seats for women. South Africa's constitution recognizes the role and status of traditional institutions, although they are subject to the principles of the constitution. Similar norms are contained in Uganda's constitution. It is difficult to assess whether this type of norm is effective in reforming deeply rooted institutions. In both India and South Africa, most customary institutions reportedly

continue to be dominated by men elites and to favor a gender-biased interpretation of the law.² Guaranteeing women's representation through quotas is an important tool, but women sitting in councils may in practice not speak, may act merely as spokespersons for their men relatives, or may otherwise face resistance to their role.

Alternative dispute resolution methods

Nonjudicial or alternative dispute resolution approaches provide another avenue for resolving conflicts in situations in which customary systems do not provide an answer and both parties are reluctant or unable to use formal dispute resolution procedures. Unlike the formal and customary approaches described earlier, alternative dispute resolution (ADR) methods emphasize decision making between the parties to the dispute rather than decision making by a third party. The parties involved agree to enter into a collaborative process of negotiation that will help them to arrive at a joint decision. The negotiations revolve around mutual interest, rather than around positions or rights, and the principal ADR procedures are negotiation, community consultation, mediation, and conciliation. A combination of these approaches, involving negotiation, advocacy, and consensus building, is often most effective, because land and natural resource disputes involve a number of stakeholders with varying interests and differing levels of economic and political power.

Although at first glance ADR methods may appear to be a less biased and more accessible means for women to resolve land disputes, these methods also assume that the parties are relatively equal in power. If women have secondary status and significantly less power than the opposing party, they will have difficulty negotiating on an equal basis and may not gain anything significant from the negotiation process.

Legal pluralism

In many countries, formal and customary land tenure regimes overlap in jurisdiction, which results in situations in which more than one institution has authority over legal rights, and multiple bodies can resolve disputes. These institutions can include customary authorities, religious leaders, and governmental bodies. Legal and institutional pluralism can give rise to contradictions and ambiguities between statutory and customary rules and legal norms. How exactly different legal orders interact and influence each other depends on power relationships between the

bearers of different laws. Although legal pluralism can provide a means of coping with ecological, livelihood, social, and political uncertainty, it also exacerbates knowledge uncertainty (Meinzen-Dick and Pradhan 2002).

In the last several decades, numerous countries with vigorous customary societies have reformed their land legislation and given formal legal recognition to customary tenure regimes.³ In some cases, as noted, the formal regime recognizes the geographic domain and policy scope of the customary judiciary system, and customary dispute resolution bodies are embedded in the formal body. This accommodation between formal and customary jurisdiction reduces ambiguities resulting from legal pluralism.

Legal pluralism enables individuals to use more than one type of law, customary or statutory, to rationalize and legitimize their decisions or their behavior. During disputes and negotiations, claims are justified by reference to legal rules. Parties will use different normative repertoires in different contexts or forums depending on which law or interpretation of law they believe is most likely to support their claims.

Legal pluralism can be disadvantageous for some groups, such as poor and uneducated women, for whom formal state institutions are distant, expensive, and conceptually foreign. It also offers opportunities for forum shopping by those whose financial and educational status enables them to operate in both customary and state legal systems. Women are often disadvantaged in the contradictions and accommodations arising between customary and statutory legal systems. Customary law often does not allow women to own land, but formal law may provide for equal rights to land ownership. State institutions and officials, however, are often reluctant to enforce women's rights to land because of lawmakers' and state officials' own patriarchal values and norms. For example, in Zimbabwe, although formal law provides for equality between men and women, customary law views women as minors. A Supreme Court decision in 1999 ruled that because under customary law women are minors, a woman could not inherit her father's property under the formal law even though she was named in his will.

Nevertheless, women also have opportunities to engage in forum shopping and appeal to different legal spheres. In some cases, when their rights are threatened by men's manipulation of custom, women call upon customary norms to retain control over their land. In other cases women appeal to statutory laws when this same system is not used against them. Women's groups and legal associations that promote and struggle for recognition of women's rights to land often prefer to present their dispute cases to the formal legal system in order to have judicial precedent,

or they may appeal to district and provincial land officials, by citing legal statutes, to recognize a property right that local customary authorities deny them.

In Ethiopia the current constitution has provided an opportunity for addressing the conflict between customary laws and the more egalitarian provisions of the civil code. The constitution revokes the abolition of customary and religious personal laws, but it allows disputants to determine which laws to apply in personal disputes. Consequently, if any disputant does not wish to apply customary or religious personal law, she or he may request that civil law provisions be applied. According to Gopal, anecdotal evidence indicates that personal law arbitrators and courts (customary bodies) are reconsidering the application of customary and religious personal laws because women disputants may prefer to transfer decisions to civil courts.⁴

GOOD PRACTICES AND LESSONS LEARNED

The Legal Assistance to Rural Citizens (LARC) project in the Kyrgyz Republic is designed to assist and teach farmers and the rural population in general how to apply the law in resolving their land disputes. In 2003 the project began to offer legal services to the rural population, to commercial and nongovernmental organizations, as well as to clients of international organizations dealing with land and agrarian law issues. The project receives support from a number of agencies, including the World Bank, the United Nations Development Programme, the Swiss Agency for Development and Cooperation, and the U.S. Agency for International Development (USAID).

The final report of the project (LARC 2006) recounts how LARC personnel helped to resolve a number of land disputes. A number of women had approached LARC for assistance with land disputes, and most of their cases resembled men's: village or local authorities had attempted to take the land the claimant had received from the land reform and assign it to someone else. It appears that in most cases local officials were attempting to reassign land to other men in the village. The report did not include any land disputes arising from divorce, which perhaps indicates that this type of dispute is uncommon or that women are reluctant to take such disputes to court.

In one case a woman who was an invalid was given the family house as a gift by her father, who used the appropriate official documentation. The woman's uncle and cousins refused to leave the house, however, and drew up a document certifying their right to the house. The woman was initially discouraged from taking the case to court by local

authorities, “because it is not normal for rural people to go to law with relatives” (LARC 2006: 21). The woman took her case to the rayon and oblast courts but was unsuccessful in moving it forward. After three years she approached LARC and finally achieved a consensus with her extended family.

Clearly, the LARC project did assist women with land disputes and was successful in having their rights recognized through the judicial system. What is surprising, however, is the negligible number of intrahousehold cases (such as inheritance and divorce) brought to court by women.

GUIDELINES AND RECOMMENDATIONS FOR PRACTITIONERS

Guidelines for improving women’s access to dispute resolution processes include recognition of women’s legal and customary land rights by land administration, land authorities, and other land institutions; improving women’s literacy regarding their land rights and legal processes; and improving access to land dispute institutions.

At the national level, beyond legislation, judicial institutions and land administration programs (such as land reform, land resettlement, and land titling) need to review their procedures for land dispute management to ensure that women as well as men can access these services and be treated fairly and equitably. These procedures begin with facilitating women’s ability to approach offices and officials; this may involve bringing land dispute processes to local areas.

Other interventions are the same as have been mentioned in previous Modules: gender-responsive training for information and attitude change to national and local institutional staff, customary leaders, and beneficiary populations. Training at the local level has an additional objective: the cooperation of local authorities is essential for any program to be successful. Their cooperation in land dispute resolution is just as important, particularly because they will most likely be involved in the process.

At local levels, the gender composition of arbitration and adjudication bodies should also be considered. For example, Uganda has mandated that women be included in adjudication bodies. Their inclusion may increase women’s ability and willingness to approach such public institutions.

Land administration projects should undertake specific activities to disseminate knowledge among women about their statutory and customary rights and entitlements and about dispute resolution; they should also provide legal assistance for dispute resolution. Activities should include practical application of the knowledge that is disseminated, as well as activities that improve procedures for

resolving land disputes at local levels. In addition to information dissemination, projects or programs should include guidelines or mandates for including a substantial number of women in project activities and on local land boards, as indicated earlier.

Legal literacy programs are essential to teach women about their rights and about how to manage the institutions that should be protecting and enforcing their rights. In addition to training regarding land and property rights, leadership training enables women to act in a more organized and effective manner.

Numerous organizations deal with land rights and gender issues, ranging from governmental agencies to informal community organizations. A small number of organizations in each country deal with the issue of women’s land and property rights; perhaps the most prominent ones are those associated with legal professions such as the women’s lawyers associations found in many sub-Saharan African countries. Legal organizations are generally NGOs that provide free or low-cost legal counsel and advice to resource-poor groups and persons. One mechanism for providing legal counsel that has become quite widespread among legal organizations is the training of paralegals, who work with communities and disadvantaged groups. Many of these legal organizations also engage in advocacy for women’s land rights by lobbying legislative bodies for legal reform on marital property and equal inheritance, and by pressuring land program officials to recognize women’s legal land rights. These organizations also work with the public by providing education or awareness programs. Legal aid organizations can play an important role in providing legal counsel for women attempting to have their rights to marital property and inheritance recognized and in setting legal precedents.

Dispute resolution within land administration programs

Although many potential disputes can be prevented by transparent and consistent procedures, mechanisms must be developed to resolve disputes that arise either during or after adjudication. The trend in land administration is to avoid having disputes reach the court because (1) courts do not always have the expertise in land law to apply accepted principles consistently, (2) the court process is usually excessively long and costly and thus discourages all but the most economically valuable claims, and (3) disputants, particularly women, often have unequal powers to acquire legal advice and to sustain their claims.

The solutions include special tribunals that can be established not only during initial adjudication but also to settle land matters over time. Typically tribunals include land specialists and involve procedures that are less costly and time-consuming than those used by the courts. In the Bolivia titling program, for example, the titling regularization process involves resolution of disputes during titling adjudication by

community members, which helps the community to become invested in the process. However, there is still a need for clearer rules and procedures on the part of the state titling agency. In areas with strong traditional laws, the involvement of recognized community elders or authorities can facilitate dispute resolution, but they may not be inclined to recognize women's land rights (Giovarelli and others 2005).

Gender-Responsive Titling

The formalization of property rights through land titling and registration guarantees state support for the landholder in his or her claims. Other positive development results may be expected from titling, including increased investment and agricultural production arising from improved access to factor markets such as credit. Not only should the formalization of land rights for women protect women's access to and control of land and facilitate access to production factor markets, but it may benefit them in other ways as well. Research suggests that property ownership increases a woman's bargaining power within the household and her status as a citizen in the community.¹

This Thematic Note focuses almost entirely on the titling of individuals rather than on formal recognition of community rights to land. Like individual titling, community titling may fail to recognize women's rights to land by recognizing and collectively recording only adult men or household heads as community members. The titling of community land is normally an internal process conducted by community authorities, and so it is more difficult to create opportunities for recognizing women's land rights, because the process itself is based on customary norms and institutions. The challenge is to discover how to influence community authorities to recognize women as community members with equal rights to community land.

BENEFITS FROM GENDER-RESPONSIVE TITLING

The principal argument in favor of land titling programs has always been the positive effects of clear ownership rights on agricultural productivity and access to credit (Deininger 2003). From an intrahousehold perspective, this argument can be extended to advocate for greater gender equality in the distribution of property rights.

The linking of land rights and credit access, however, for smallholders and particularly for women landholders, may not always be realized. Numerous studies have shown that even with title to land, smallholders and low-income households in rural and urban areas continue to find access to commercial credit elusive (Barham, Carter, and Sigelko 1995). There is no reason to believe that this situation would be different for women with legal land titles. In addition, in the absence of insurance, low-income households are often reluctant to use their landed property as collateral, especially if they rely on agriculture, with its inherently high risks. These households prefer to use other types of collateral, such as a percentage of the harvest or other assets, to obtain credit.

Nevertheless, denying women the opportunity to participate in land programs that increase their secure rights to land may affect their ability to produce. This argument is based on the supposition that women have the capacity to farm as well as men—in other words, there are no significant intrinsic differences in the agricultural productivity of men and women farmers. Previous studies of gender differentials in farm productivity have generally supported this hypothesis (for example, Lastarria-Cornhiel 1988). Almost all of this literature, however, is plagued by methodological problems related to a lack of parcel-level, gender-disaggregated data (Quisumbing 1996). A recent parcel-based study conducted in Lao PDR in 2004–05 (financed by the World Bank) attempted to contribute to this debate (box 4.1).

Granting women legal rights to land will give wives greater power to prevent the alienation of family land needed to support the family, yet this very protection highlights the conflicting objectives of programs to formalize land rights. One principal objective of titling is to make it easy to alienate land, which is a prerequisite for a dynamic land market and a dynamic credit market based on land collateral. Another principal objective is, or should be, to

Box 4.1 Lao PDR: Land Titling, Credit, and Gender

Relationships between land ownership, farm management, and technical efficiency in rice production were examined through an analysis of data from a 2004 survey of households participating in a land titling program in Lao PDR. Parcels owned or managed by men were, on average, significantly larger than parcels owned by women or jointly with women, but the use of agricultural inputs—including irrigation, fertilizer, pesticides, and farm machinery—did not vary significantly by the gender of the parcel owner or manager. Average rice yields were also statistically identical on men- and women-managed parcels: approximately 2,000 kilograms per hectare. Taken together, the descriptive statistics suggest that women have significant formal property rights in land, as both sole and joint owners of agricultural

Source: Katz and Lastarria-Cornhiel 2006.

parcels, and that women seem equally likely to use agricultural inputs on their (smaller) fields. In addition, women appear to achieve the same (unconditional) level of productivity from their land as their men counterparts.

The data revealed some important gender differences, however. Women's parcels were a good deal smaller than men's, and they exercised effective decision-making control over only half of the parcels they owned. In addition, although men and women obtained the same average yields on parcels dedicated to rice production, the marginal returns to both land and chemical inputs were significantly lower for women, which indicates that potential differences in land quality and input application give women farmers a productivity disadvantage.

secure the assets needed for the families of rural smallholders to gain their livelihoods. This second objective would argue for protection against dispossessing vulnerable family members of their only real asset. Formal recognition of women's rights may make it more difficult for men to sell or mortgage land without their wives' permission. But land titling programs also need to take measures to secure a smallholder family's land against alienation.

Economic benefits of titling to widows, divorcees, and aged women have been enumerated earlier, as well as the empowerment benefits.

POLICY AND IMPLEMENTATION ISSUES

Numerous titling and registration programs have been implemented in Africa, Asia, Eastern Europe, and Latin America as a necessary measure to ensure the property rights of smallholders and increase their access to other production factors, particularly credit. Titling programs, in their design and implementation, have not been gender responsive for numerous reasons. Perhaps the main reason is that they are conceived as legal and technical programs, ignoring the complex sociocultural relations involved in assigning land rights to particular persons. The issues of power, social status, and cultural norms that are embedded in land tenure systems and that determine (1) the different kinds of land rights and (2) who has land rights are seldom

taken into account (see the Overview for a more detailed review of these issues). These sociocultural relations inevitably impact titling processes in determining (1) who will participate in the program and (2) whose rights are recognized. More specific issues that can influence titling and registration include legislation and regulations, institutions and staff, procedures and processes, and training. Issues of gender bias and negative sociocultural norms in legislation, regulation, procedures and processes, and institutional staff, as well as access to the system at the local level and bearable cost are critical (see Overview and Thematic Note 2).

A review of the "one title holder per household" practice has shown the following:

- Titling guidelines do not call for the identification of more than one property-right holder in the household.
- Titling procedures do not allow for inquiry into the number of property-right holders in the household.
- Titling forms do not permit the listing of more than one property-right holder.
- Titling brigades are not trained to look for and identify more than one property-right holder.
- Titling activities with communities and households (informational meetings, workshops, and so forth) focus on men heads of household and do not encourage or facilitate the participation of other persons, including women.

In addition to these explicit or implicit institutional and procedural constraints, processes associated with implementation are, at best, more difficult for women than men to traverse. Sociocultural norms do not perceive women to be full and equal participants in the community and the economy, and women sometimes lack the skills and confidence to approach institutions that have traditionally been the domain of men.

GOOD PRACTICES AND LESSONS LEARNED

Legislation and policies related to land rights and property, in language and in intent, should not mention only men as holders of land rights. Nor should they be gender neutral. Policy and legislation must explicitly assert and affirm women's equal rights to land and property, and those rights should be independent of women's (and men's) civil or marital status. In Bolivia, for example, the law that establishes the legal basis for the current titling program specifically states that in the distribution, administration, tenure, and use of land, equity criteria will be applied in favor of women *and independently of their civil status*.² The last phrase is important because it does not require that a woman be the head of the household or married to be eligible for land rights.

Legislation should deal with the many different household arrangements that occur in real life. Besides the nuclear family, comprising one husband and one wife who are legally married, there are couples who are married under customary rules but not civil law, couples who are in consensual unions (that is, they are not married but are in an enduring relationship), and polygamous marriages. The legitimacy of these different kinds of household arrangements and their implication for the land rights of household members should be dealt with in a gender-sensitive manner. (See Thematic Note 2 for more details regarding land rights within different types of households and changing households.)

The regulations that are drawn up to implement legislation must specifically counteract constraints to women's ownership rights. It may also be necessary to review other legislation and regulations to ensure that they do not impose such constraints. For example, in Bolivia, although the land law clearly upheld women's land rights, irrespective of civil status, legislation for the land registry required that couples be legally married to be registered as co-owners.

Formal recognition of women's rights to land involves a number of land administration agencies, including land titling agencies, land registries, and judiciary offices. Some or all of these institutions will be involved in land titling and

registration projects, and their specific policies and procedures will affect whether women are granted formal legal rights to land. All of these institutions need to undertake gender-sensitivity training with respect to land and property rights and the constraints women face in asserting those rights.

A number of practices increase the likelihood that women will be included in the implementation of land titling programs. Some of the problems faced by women include traversing the geographic and social distance to program officials, lack of knowledge or information, and the interplay between statutory and customary legal systems. Programs can reduce many of the procedural barriers and some of the customary constraints by making their activities and benefits available at the lowest possible level and by training staff at all levels to be conscious of the obstacles women face.

There is growing recognition that the practice of issuing titles to just one person in the household (the head of household) often denies other persons their land rights. As mentioned, more than one person may hold rights to a particular parcel of land, or, if there is more than one parcel, different persons may have rights to different parcels. Wives, for example, often have clearly recognized and legitimate use rights to household land. One of the first determinations, therefore, that needs to be made in the identification of property holders is to clarify who, besides the household head, holds rights to household landed property. The types of titles that can be issued to individual households and parcels, depending on the number of property holders and legal options, include individual title, joint title, and co-ownership titles.

Cultural norms affecting women's land rights

Land titling and registration programs will encounter cultural norms and practices that influence who is recognized as a legitimate property holder. These may vary within project areas and may conflict with formal legal norms. Issues that most affect women's rights to land are related to marital property and inheritance. (See the Overview for more information regarding marriage and inheritance practices that affect land rights.) For example, customary inheritance rights may not be in accord with legislation regarding intestate inheritance that mandates equal inheritance rights for daughters and sons and inheritance rights for surviving spouses. Titling and registration programs should draw up guidelines and procedures for dealing with the distribution of family land to heirs in ways that conflict with the formal law.

Marriage practices are other cultural norms that may influence land rights in ways that differ from formal legislation. The customary norm and practice in both matrilineal and patrilineal societies are that land inherited or received from one's family remains the property of that person and his or her lineage—it does not become part of the conjugal couple's property.

A potential problem is how land allocated by the state is viewed by the beneficiaries and who exactly are the beneficiaries. Very often land titling programs are part of, or occur subsequent to, land allocation programs. If the allocated land is clearly state land, it should not be considered lineage or family land, and land rights should be assigned according to formal law. In that case social equity concerns would indicate that the land be allocated and titled to both spouses and to single heads of families, whether men or women. In Bolivia, for example, the land titling project adopted the procedure that land parcels titled for the first time would be titled to the couple, not only to the head of the household.

In some cases, however, the land allocated by the state may be land that the community and its families formerly owned. This practice occurred frequently in some Eastern European countries, including Albania and Latvia, during the 1990s. Families may therefore believe that the land is actually theirs and that the allocation program is simply returning the land to them. In this case the issue of lineage will most likely influence which persons are believed to be legitimate property holders. Lineage issues may become a potential problem in Lao PDR, for example, as the titling program moves from urban to rural areas. Some rural areas are patrilineal, and women do not generally acquire landed property through parents or marriage. The land administration program will need guidelines and procedures to determine whether state allocation regulations or lineage norms determine the appropriate property holder(s) for a land parcel.

Joint titling

When the importance of wives' rights to household land is recognized, one mechanism used in titling land is to issue joint titles to both spouses and not only to the household head. Where legislation recognizes marital property to include assets (such as land) acquired during marriage,³ determining when a piece of landed property was acquired should clarify whether the property should be titled to the conjugal couple or to one of the spouses. Legislation in Bolivia and Lao PDR, for example, recognizes marital property for spouses, and the procedures of the land titling projects

in those countries also explicitly require that land acquired by a couple is titled jointly. In addition, Bolivia stipulates that land granted by the state to a family is marital property and should be jointly titled. Joint title is an important document for women in vulnerable situations such as separation, divorce, abandonment, and widowhood because they do not need to follow an administrative or judicial process to prove that the property they had with their husband or companion does belong to them.

One issue that land administration programs may encounter is informal conjugal unions. In most countries that have recently reformed legislation to be more inclusive and sensitive with respect to gender issues, the legislation explicitly states that legal marriage as well as consensual union be considered the basis for marital or community property. As mentioned, the 1996 land law in Bolivia states that men and women, regardless of civil status, have equal rights to land. The Bolivian land administration project, therefore, requires that when a legal title or regularization certificate is issued for land held by a couple—irrespective of whether they are married or in a consensual union—both names must be included in the space provided for the title holder, recording the woman's name first and then the man's.

On this point, one issue is whether to recognize consensual unions if the legislation mentions only legal marriage and does not explicitly recognize consensual unions. This issue could be dealt with in the titling regulations and procedures by suggesting that evidence of joint use rights requires the joint titling option. Social assessments on this issue should inquire as to the prevalence of consensual unions in that society and the land use rights of both spouses. The results from this social assessment should guide decisions by land administration with respect to consensual unions.

Once it has been established whether joint titles are to be issued to consensual unions as well as legally married couples, it is necessary to determine which relationships are consensual unions. Most legislation that recognizes consensual unions also has a procedure for legal recognition of consensual unions. Others may simply list some basic criteria for consensual unions. In Bolivia titling procedures indicate that field appraisals by titling brigades must verify effective possession regardless of civil status (married, divorced, separated, single, widowed) or gender. In Colombia co-ownership does not have to be proved, only stated as true. In these cases land titling procedures accept consensual unions if couples meet these criteria or possess a certificate of legal recognition. In some countries where personal identification papers are an issue, particularly for low-income

and illiterate persons, undertaking any legal procedure, such as establishing a consensual union, is problematic. A land administration project in rural Peru found a solution to this problem by issuing co-property titles. Under a co-property title, a couple's marital status (formal or consensual) is not considered, and both persons own a separate share of the property rather than owning the property together as a whole (Deere and Leon 2001). Land titling guidelines and procedures could include the option of issuing co-property titles to a couple if they cannot produce a certificate of consensual union.

Marital property and polygamy

Polygamous households present another set of issues in relation to marital property.⁴ Not all societies outlaw polygamy, and even if they do, the law is generally ineffective if polygamy is customary or traditional. Polygamy seriously affects women's rights to property, however, and generates much tension and anxiety over land rights in many countries. Polygamy complicates legislation requiring written consent of spouses to dispose of property; it also complicates provisions on inheritance and co-ownership of land. Legislating around polygamy is difficult, but to ignore formal or informal polygamy is to protect women's property rights inadequately. The situation is made even more difficult by the fact that many men refuse to acknowledge or discuss polygamy, and women are often hesitant to raise the issue.

No effective and gender-sensitive titling procedures have been developed for polygamous households. Several countries have attempted to legislate land rights for women in polygamous marriages. In Ethiopia, for example, the Oromiya regulations (2002) require that the husband and wife be jointly certified for their commonly held land. In a polygamous marriage a husband is allowed to get a holding right certificate with only one of his wives, and the other(s) receive an independent right certificate. The use right of a family is not affected if either the husband or the wife or both leave the area. Under Burkina Faso's 1990 Family Code, if a couple is monogamous, their property is marital property, but if there is more than one wife, all property is separate property.

Where polygamy is widely practiced but illegal, however, it is ignored in relation to land rights. Field research in the Kyrgyz Republic revealed that women were concerned that they would lose not only their husbands but also rights to their husbands' incomes if their husbands took second wives. Women state that husbands generally favor second wives, so while their husbands are living, the first wives'

incomes and security are threatened. A first wife is also vulnerable to having to divide property among all of the husband's heirs. On the other hand, second wives are also a very vulnerable group: a second wife has no legal rights to any of her husband's income or property.

Cultural differences arising from rural-urban differences and a market economy

Legal norms and practices regarding land rights in rural and urban areas differ in many societies. In Lao PDR, for example, permanent land use titles are awarded to urban landholders under the Lao Land Titling Program, whereas rural landholders are awarded land use certificates that are valid for three years. Aside from legislation, there are other urban and rural differences. For example, it appears that customary norms and practices tend to change as people move from rural to urban areas. A study of customary land tenure systems in Lao PDR mentioned that titling land to women in Hmong villages "simply would not work, despite the laws of the country," yet it observed that recently Hmong families in urban areas have not adhered strictly to this custom, and both sons and daughters inherit land (Lao PDR, Ministry of Finance 2002: 59–60). Nevertheless, as the titling program in that country extends from urban to rural areas, it will have to deal with this conflict between formal and customary legal norms. In many societies land titling programs will need to establish ways of dealing with customary property and ownership norms that do not correspond to gender-equal statutory laws.

Illiteracy and lack of access to services may have a greater impact in the implementation of land titling and registration projects in rural areas. In Bolivia, as in many Latin American countries, low-income rural women often lack the identification cards required by titling procedures. The missing papers can either slow or prevent a claim, so more flexible procedures might be considered, such as the verification of identity by community leaders or a program component that makes it easy to obtain identification.

In a market economy, rural and urban differences can also affect property rights, especially notions of individual ownership. The market economy exerts its influence in urban areas by making production practices more labor intensive and market oriented. Land rights tend to become more individualized (less communal), families tend to become more nuclear (less extended), land rights tend to be acquired through purchase (rather than inheritance), and customary practices tend to become less prevalent. These tendencies are

also seen in rural areas where intensive commercial agriculture is practiced, particularly among small and medium-size farm holdings. In these situations lineage considerations may diminish in importance, and opportunities for more flexible inheritance practices may arise. As a land market develops, more opportunities exist for both wife and husband to own land they have acquired together, for women to purchase land, and for bilateral inheritance practices to develop. Legislation, regulations, and titling procedures should build on these opportunities to formalize women's rights to land. Unfortunately, the practice in the past has been to strengthen men's individual land and property rights, to the detriment of wives, daughters, and daughters-in-law.

GUIDELINES AND RECOMMENDATIONS FOR PRACTITIONERS

As the discussion throughout this Note suggests, land titling and registration guidelines should take regional differences into consideration and require procedures that accommodate different contexts. Much of this contextual information, and the participatory methods for acquiring it, should be incorporated into the social assessment undertaken during the design phase. Detailed information regarding variations in, for example, multiple land use rights, inheritance, and marital property can then be a valuable input for strengthening women's land rights within the target area's sociocultural context. Wherever possible, titling procedures should not ignore or remove any land rights women may already hold and, wherever possible, should strive for gender equity in granting land rights.

Relevant issues are the quality of legislation and regulation and, more important, effective processes that bring the law in an equitable fashion to women. At the national level, formulation of non-gender-biased legislation and regulation and effective implementation institutions are important (see Thematic Note 2 for more details).

Political will on the part of executive and legislative bodies is of prime importance in this sphere. It ensures that gender policy not only is included in legislation and regulations but also translates into (1) objectives and guidelines for titling programs and related institutions and (2) resources for gender-equity programs and activities at the local level.

In the programmatic sphere, clear and concrete implementation guidelines, and gender-sensitive training are crucial. Gender guidelines, tools, and training should include the consideration of customary local institutions and practices that largely determine who has what rights to land and how that land can be used.

Because titling programs create opportunities for land grabbing and elite capture of land, one project activity with potentially positive effects for women and men is to inform communities in advance that land is being adjudicated. This information will help communities prevent the loss of their land rights to powerful or influential persons.

In the past, titling programs have tended to be designed by national agencies with minimal consultation, discussion, and dialogue with local stakeholders with regard to local problems, program objectives, and potential solutions. When they are excluded, stakeholders generally do not identify with a program and its objectives. Nor are they invested in its success. Local stakeholders with power or authority have been able to influence program implementation for their own interests at the cost of other stakeholders who have not directly benefited from state programs. Because women usually wield little power and have minimal public influence, their interests are often ignored and their rights violated even though legal codes mandate otherwise. For example, the effort to extend land rights to women during the 1990s via joint titling in Nicaragua had unexpected outcomes: most of the joint titles were not between spouses but between men relatives, such as a father and son or a brother and brother. The proportion of joint titles issued between 1992 and 1997 was an impressive 33 percent, but only 8 percent was issued to spouses (Lastarria-Cornhiel and others 2003). It is likely that joint titling by men relatives occurred to avoid including wives on the property title.

On the positive side, programs that seek active participation by local stakeholders are more likely to achieve their objectives. Civil society organizations can be very successful at promoting gender equity by their activities on the ground. Officials in the national sphere and especially in the programmatic sphere should be aware of local conditions and the limits and opportunities they present. Consideration of these opportunities and limits often determines the success of programs and the achievement of policy objectives.

Nepal: Women Gain a Voice and Greater Access to Resources through the Hills Leasehold Project

PROJECT OBJECTIVES AND DESCRIPTION

The Hills Leasehold Forestry and Forage Development Project (HLFFDP), supported by IFAD, is unprecedented in Nepal in its commitment to transferring assets directly to the poor. The project's combined objectives are to raise living standards among the poor and to regenerate degraded forest land. The project leases users' rights to forest land (which had become degraded through common access) to groups of 5–10 poor households, who are in charge of rehabilitating the land and entitled to use the forest products. Leases are renewable after 40 years. A further objective of the project is to empower the communities concerned by forming and training groups and mobilizing savings and access to credit.

Forests were to be restored principally by banning grazing in the leasehold sites, and households were to generate income by producing livestock fodder and forage and pursuing other activities. The major inputs were the subsidized provision of high-yielding grasses, seedlings of fodder trees, improved animal breeds, veterinary services, training programs, and agricultural credit.

Until 1995 the project confined its activities to four districts and then extended gradually to six more districts. The amended project target was to form 2,040 leasehold groups of

What's innovative? Landless women and men lease degraded forest lands and obtain complementary training in sustainable land management, basic literacy, and awareness of women's legal rights. Local women group promoters are employed to ensure that women's voices are heard and that women play leadership roles. Group promoters link with professional women to build supportive networks.

14,600 poor households and to restore 13,000 hectares of degraded forest. To join a group, a household had to have less than half a hectare of land (or none) and an annual income below the poverty line, although a degree of flexibility was permitted. Priority was given to landless and near-landless groups, disadvantaged tribal groups, and women-headed households.

The project supports leasehold forestry as opposed to community forestry. Over one-third of Nepal's population participates in community forestry programs, whereas leasehold initiatives are at an early stage. Community forestry measures are directed at entire communities and concentrate on forest conservation. Leasehold forestry involves a redistribution of assets in favor of the poor by leasing degraded sites to specific groups of resource-poor farming households. The leasehold groups are smaller and more homogeneous, and their legal status remains insecure. Antagonism between the two forestry approaches has been replaced by more constructive ideas concerning their coexistence or integration.

GENDER APPROACH

When the project was designed, an explicit objective was to integrate gender and disadvantaged (ethnic) group issues and considerations in the approach and its implementation. Nine activities related to this objective were outlined within planning, training, extension, and monitoring and evaluation. Women and households headed either *de jure* or *de facto* by poor women were to receive special attention.

A key aspect of the gender agenda within the project was the leadership provided by two project leaders, one from Nepal's Department of Forests (DOF) and one from the Food and Agriculture Organization. These managers, who were both men, had the confidence and foresight to hire a three-woman gender team and grant them the autonomy to develop an innovative strategy. The team's goal was to challenge the organizational culture of the implementing

agencies and make men counterparts in the DOF and the project coordination unit more aware of and responsive to the realities of rural women.

The team added an objective on gender equality to its plan; previously gender equality had not been explicitly taken up by project staff. The plan was to implement activities at the policy, district, and grassroots levels, but the team chose to focus on recruiting and developing a cadre of women group promoters throughout the project area. The promoters would mobilize rural women to participate in the leasehold groups.

Gender and leadership training was provided to the group promoters through formal training sessions and study tours to learn from other projects. Given the paucity of women staff within the implementing line agencies, the team identified gender focal persons (mostly men) within these agencies and developed the gender skills of these individuals through training, coaching, and guidance. These technical staff thus gained an awareness of gender equity issues, women's rights (including those outlined in international agreements such as the Convention on the Elimination of All Forms of Discrimination against Women), and the community work of the group promoters.

Another element of the strategy was to foster networking and communication. Two magazines were developed and distributed, one to exchange information among gender focal points in the technical agencies in the district and another created by the group promoters at the grassroots level. Articles in the group promoters' magazine boldly expressed their positions on issues related to gender and women's rights and were widely circulated throughout the DOF.

In 1999 the women group promoters began to organize group meetings, promote the project, organize groups, give training, and note problems. Training was given to couples (husbands and wives) who were prospective beneficiaries of the project. Women, mostly from ethnic minorities, were given priority in training to manage tree and plant nurseries and other relevant activities. Through these activities women have acquired technical knowledge and basic literacy and are much more aware of their legal rights. Women's participation and leadership roles were favored by the all-women group promoters. Currently, 25 percent of the participants are women, there are 74 all-women groups, and there are 112 women group leaders.

BENEFITS AND IMPACTS

The project demonstrated impacts in the areas of poverty and gender.

Project impacts

After nine years of implementation, the HLFFDP was recognized within the development community of Nepal as an innovative, unique project that achieved a significant impact on the lives of group members, especially women, as well as on the environment. Key successes are the following:

- Forty-year leases give 1,800 household groups user rights over degraded forest land totaling 7,400 hectares.
- Once restored, the forest areas are a rich source of fodder, timber, and fuel as well as trees and plants that the groups use and sell.
- Goat ownership has increased from an average of two to five per household, as has revenue from goat sales (to \$100 per household per year).
- Income from grasses, grass seed, and other forest products is now significant (up to \$70 per household per year), although weak market linkages and inadequate information on demand and market prices have limited sales in some areas.
- The 120 leasehold intergroups and 18 multipurpose cooperatives created during the project have been instrumental in tackling market issues because of their strong bargaining power and success in creating market outlets. Infrastructure grants made to groups and intergroups helped build culverts and bridges, renovate schools, complete 160 small drinking-water supply projects, and improve trails and footpaths.
- The women group promoters formed their own association, which continues to advocate for women's rights related to forest management and to promote women's access to livestock and forest development resources at the local and national levels.

Gender impacts

Meetings held with women participants of HLFFDP through an initiative of the International Land Coalition's Women's Resource Access Programme (WRAP) in 2001 revealed their perspectives on the project's impact.¹ (For more information in WRAP, see www.landcoalition.org.)

Saving time was the biggest benefit noted by the women, because they spent less time collecting grass, fodder, and fuelwood, which were more plentiful, closer to their homes, and located in familiar places. Many women emphasized that the substantial technical assistance, knowledge, and credit they received had better equipped them to use their new-found time.

Empowerment through group action is another benefit: regular meetings provide a forum to discuss project-related issues and general community matters. Both women's group

meetings and mixed meetings are held. Women's participation is generally greater at the meetings of women-only leasehold forestry groups than at the mixed groups, and it is easier to ensure their participation in the women-only groups. In the all-women group meetings, extremely sensitive issues such as domestic violence are easily addressed. In this regard many women see the group meetings as both a "protective court"—where instances of domestic violence can be brought out into the open and challenged—and a place to confront social issues and become stronger.

Moreover, through the training program most women have acquired basic literacy skills, and the group members are much more aware of their legal rights and the importance of education and adequate health, sanitation, and nutrition for themselves and their families.

Through the workshops, training courses, and community meetings, women were progressively exposed to the world around them. Several group leaders were interviewed on television and on a weekly radio program on leasehold forestry. Young women in particular expressed a dramatic increase in their self-confidence, which they attributed to their group work, group discussions, and decision-making abilities.

Many workshop participants expressed their satisfaction at the increased amounts of food and livestock fodder that resulted from their access to leasehold forest land. With the acquisition of leasehold land, many women started cultivating mulberries and vegetables and selling *chiraito* (*Swertia* spp., a medicinal plant used to treat malaria and other health problems). The income generated from this activity is used for children's school needs, medicine, food, clothing, and group savings. Men still control most household income, but women are now more involved in household decision making.

The women interviewed about HLFFDP felt that men were more accepting of women's status and of their right to have agricultural land in their name. About 20 percent of titles are now estimated to be registered in women's names. The women also felt that men had increasingly accepted and supported this transition and the accompanying shifts in responsibility and power. Many women attributed this change to changes in their own level of confidence, which has increased over the years because they have gained access to land and received training and credit. Their husbands are willing to support these women, who have demonstrated the many benefits that can be derived from their increased responsibility and decision-making ability. Others attribute this acceptance to their husbands' belief that credit is more easily obtained by women and to the recognition that institutions (governmental and nongovernmental) increasingly favor pro-poor and pro-women schemes.

LESSONS LEARNED AND ISSUES FOR WIDER APPLICABILITY

Although the HLFFDP project is considered a success, issues are seen with security of tenure, high cost of intervention, need for increased focus on lower-cost and local technologies and knowledge, and need for increased use of support organizations.

Gender integration has contributed to successes like the following:

- Giving women secure access to land and forestry can transform their lives.
- Much of the project's success at producing benefits for women is due to the strategic interventions of the project's gender team and their capacity- and team-building efforts with the group promoters. The sense of trust and solidarity that evolved provided the group promoters with high levels of motivation and pride. Their status also improved through linkages with the gender team to high-level project staff and government officials.
- Special training in gender awareness and other gender-sensitive activities can provide women with new skills and resources to challenge their traditional roles and gain secure access to natural resources.
- Talking to poor women and men, listening to their views and perceptions, and learning from their knowledge can provide valuable insights that cannot be gained elsewhere. The method should be easily replicated, and the different needs and opportunities of the men and women reflected here could be the basis of gender-responsive actions in projects and programs.
- The participation of women and disadvantaged groups requires more active promotion by providing appropriate sensitization training to all project staff, as well as to members of communities in which leasehold forestry is introduced. The transfer of the lease from men to women should be encouraged in cases in which the men leasehold group members are inactive.
- One gap is related to the institutionalization of the approach. The DOF lacks a formal institutional directive for gender mainstreaming and a single structure to address the issue, so the nearly all-men department remains ignorant about the benefits that could be derived from a gender focus. One solution would be to build gender structures into the Ministry of Forests and Soil Conservation and the DOF. Although a gender cell now exists, a woman coordinator requires significantly more resources and capacity building to be effective.

Honduras: A Pilot Project Protects Women’s Rights to Productive Resources

In Honduras the Land Access Pilot Project (Proyecto Acceso a la Tierra [PACTA]), initially supported by the World Bank, promotes poor people’s acquisition of land, increases the awareness of joint property rights over production resources, and implements legal alternatives to guarantee those rights regardless of whether a couple is married. The project also promotes equal participation by household members in rural enterprises, the formation of enterprises managed by women, and the development of a training process that contributes to greater gender equity.

PROJECT OBJECTIVES AND DESCRIPTION

Between 2001 and 2004 PACTA emphasized the acquisition of land and the formation of sustainable economic enterprises by self-organized landless and land-poor rural families. The pilot tested a strategy in which the private sector provided credit to buy land and the public sector provided funds for complementary investments and technical assistance to improve the land’s productivity. The pilot was implemented on a larger scale in 2005–07 and then extended for another three years of implementation and evaluation from 2007 to 2009.¹

What’s innovative? Through public-private sector collaboration, a pilot project enables landless and land-poor rural families to obtain land and manage it productively. The project has devised innovative legal strategies to ensure that women, regardless of whether they are legally married, gain equal rights to the new production resources and more equal participation in new rural enterprises.

The project seeks to reach rural people with little or no access to land. Project components include technical and legal assistance to rural producers, land purchase loans, and complementary subproject grants. The project was designed with a participatory monitoring and evaluation system. PACTA also incorporated lessons from the experiences of the World Bank over the years in promoting access to land, including providing complementing services with the land purchase schemes, not imposing any models of production or association, using existing institutions where possible, encouraging stakeholder participation (PACTA’s board has members from government, financial institutions, local technical units, and producer organizations), and stressing participatory project preparation.

GENDER APPROACH

The gender strategy was not formulated at the beginning of the pilot in 2001 but was deemed crucial as the pilot progressed. By the end of 2003, a gender approach was incorporated in the three-year implementation plan for the expanded pilot (2005–07). The project has implemented a number of gender-related strategies and activities (table 4.2).

BENEFITS AND IMPACTS

PACTA demonstrated impacts in the areas of both poverty and gender.

Poverty impacts

The average income of families in PACTA enterprises had increased by 130 percent as of 2004 compared to the initial levels before the project. By the end of 2004, 1,226 families that participated in the pilot were employed, and about 700–900 person-year equivalents of employment had been generated. This productive labor use is likely to increase as farms develop

Table 4.2 Gender-Related Activities and Strategies Pursued during Three Stages of the Expanded PACTA Land Access Pilot, Honduras, 2005–07

Design stage	Implementation stage	Monitoring and evaluation stage
Proposed a standard conceptual framework for rural development from the gender equity perspective in PACTA	Included a gender equity perspective in the operations and technical assistance manual	Documented experiences to systematize them
Conducted a diagnostic study to identify strategic gender equity actions that needed to be developed	Trained the local technical units so they could do their work from a gender equity perspective	Proposed indicators to be included in the project's baseline survey so that changes in gender relations within the family could be measured
Formulated a gender equity strategy	Developed a systematic training and follow-up process in one of PACTA's geographic areas	n.a.
Incorporated a gender equity approach when making up business plans, as an incentive for local technical units	Promoted the project among organized women's groups to encourage them to participate	n.a.
	Implemented legal alternatives in selected businesses to ensure that a couple has equal ownership rights over production assets	n.a.
	Incorporated gender-related components into business plans	n.a.

Source: PACTA project documents.

and consolidate. Of the 1,226 families, 980 were day laborers, sharecroppers, or other kinds of subsistence producers. The rest were poor families with access to municipal forest land or communal land.

The local support networks that coalesced around PACTA enterprises constitute a potentially important source for community economic initiatives. An example is the alliance between PACTA enterprises; a regional producer cooperative, COPRAUL (Regional Cooperative of United Farmers Ltda.); a program for marketing and processing agricultural products, PROACTA; and a local service provider that works with PACTA enterprises. In a process led by COPRAUL, these organizations cooperated to develop a purchasing and warehouse operation that enabled the 250 members of COPRAUL to sell their potato crop directly to major buyers, including a chain of supermarkets. Finally, PACTA seems to show a positive impact in reducing migration to major cities in Honduras and to the United States among families who participate in the project.

Gender impacts

Clearly, the project has helped women to own land. Among the women participating in the project in 2005, 20 percent were direct members who had acquired land and received the corresponding technical assistance and training.² Women who were not direct members could still obtain

funds if they actively managed business ventures. The project differentiates between women who are partners in businesses and the wives or household partners of men who are business partners. The participation of women who are household partners of men PACTA members started in 2005 (table 4.3). Previous land projects did not consider the skills, abilities, and interests of women family members and so did not include business- or work-related activities performed or managed by women in the business plan. That business plans now include the activities of women family members who are not business partners is an important innovation of this project. As of 2006, the percentage of new enterprises that assigned resources in their investment plans to income-generating activities managed by a wife or household partner of a men PACTA member was 17 percent. This figure is lower than the target of 30 percent, but it indicates that the inclusion of women family members in business plans enables services and support to reach more women.

LESSONS LEARNED AND ISSUES FOR WIDER APPLICABILITY

In its pilot phase, PACTA laid the foundation for enterprises established with its support to implement measures and actions that give husbands and wives equal access to the

Table 4.3 Measurable Impacts of PACTA

Variable	Indicator	Objective	Results
Equal access to technology	Percentage of women and percentage of men who use technology in their productive activities	50% of men and 40% of women	30% of men members and 30% of women members
Equal access to training	Percentage of women who have received training in aspects related to enterprise development and who are applying the acquired knowledge	100% of women members and 30% of wives or household partners of men members	100% of women members and 10% of wives, household partners, or both of men members
	Percentage of men who have received training in aspects related to enterprise development and who are applying the acquired knowledge	100% of men members and 20% of husbands or household partners	100% of men members and 20% of household partner of women members
Equal participation of men and women in enterprises participating in PACTA	Number of women's groups that have formed and developed enterprises	Three groups	One all-woman enterprise and four enterprises in which women are the majority
	Increase in women's participation in enterprises as direct members	20%	20%
	Percentage of new enterprises that assign resources in their investment plans to activities that generate incomes managed by the wife or household partner of men members	30%	17% of new enterprises formed between 2005 and 2006
Participation in the decision-making process	Percentage of mixed enterprises (in which both men and women are business partners) in which women are board members with decision-making power	30%	24% (mixed enterprises, 2005–06)
Rights to land and other productive resources	Percentage of enterprises that have taken legal measures to ensure that title to the land is issued to the couple, once the loan is paid off	10% of the total number of contracts	5.5% in 2005–06
	Percentage of new enterprises that stipulate rights favoring the couple regarding land and resources in their constitution document, in their rules or agreements, or in more than one of these	40% of new enterprises that began to participate in the project in 2005	9.7%
Participation in monitoring and evaluation	Percentage of men and women in families participating in monitoring and evaluation activities	50%	30%

Source: PACTA participatory evaluation and monitoring and information system.

land and other production assets. Lessons learned include the following:

- The participation of women in decision-making processes is crucial to ensure women's successful participation in business enterprises.
- To achieve the proposed objectives, it is necessary to invest in raising awareness and training staff of local technical units in gender equity.
- Developing business plans with the participation of the whole family is essential to ensure the inclusion of women in production activities.
- Providing family-oriented information and awareness encourages men to change their attitude toward their family obligations, value their wives' or partners' contribution to production activities, and recognize their wives' or partners' ownership rights over any assets they may acquire.
- Women's organization skills and experience facilitate joining the project.
- The main obstacle to women's participation in production and business activities is that they are almost exclusively responsible for raising children. Presently the enterprises that women can pursue successfully require little time and include small, profitable enterprises such as growing strawberries. An integrated development vision should foster the public institutions that rural families need to address such basic necessities as health care, education, day-care facilities, and public services so that families can increase their capacity to engage in a business venture.
- Product marketing must be strengthened, and technical assistance to make production more competitive must be guaranteed, especially for women's production activities, given that they have been excluded from acquiring such knowledge.

In its gender-related work, PACTA faces a number of challenges:

- Implementing the project's gender strategy while addressing cultural differences
- Expanding and strengthening alliances with public and private sector organizations that can help promote integrated family development and ease women's child-rearing responsibilities so that they can participate successfully in business activities
- Encouraging local support networks established with project support to adopt a gender-related perspective
- Creating awareness of the importance of gender training at all levels of PACTA staff.

NOTES

Overview

This Overview was written by Susan Lastarria-Cornhiel (University of Wisconsin-Madison) and reviewed by Nata Duvvury (Consultant); Victor Mosoti and David Palmer (FAO); Ruth Meinzen-Dick (IFPRI); Sabine Pallas (International Land Coalition); and Malcolm Childress, Edward Cook, and Indira Ekanayake (World Bank).

1. According to information from Malcolm Childress and Mukta Mahajani of the Land Policy and Administration Thematic Group, the World Bank has increased the number of land administration projects in the rural sector almost sixfold since 1995, from 4 to 23. The total loan portfolio has increased at a similar rate, from \$172 million to \$1,037 million. The number of rural development projects with a land administration component increased from 51 to 74.

2. For example, between 1978 and 2005, 21 percent of IFAD's projects in Latin America and the Caribbean (19 of 92 projects) had components for improving land access and tenure security (Hopkins, Carpano, and Zilveti 2005).

3. As a technical agency, FAO is currently collaborating with the World Bank on 30 land administration projects in 26 countries.

4. This Overview borrows heavily from Giovarelli and others (2005).

5. See Deere and Leon (2001) for an exhaustive review and analysis of women's rights to land in Latin America for the last few centuries and particularly since the 1950s.

6. More extensive descriptions of these land administration elements can be found in FAO (2002).

7. Customary rules and practices refer to those that are followed by communities and local groups and are not necessarily recognized by formal law; in fact, they may contradict formal legal norms.

8. Local authorities (whether formally appointed or community recognized) may not administer land and natural resources equitably or even legitimately by local norms. Experience from a number of countries has shown that oversight and supervision from a higher level of government are needed to avoid problems such as elite capture and to ensure that local authorities follow relevant formal law.

9. E. Mwangi, "Subdividing the Commons: The Politics of Property Rights Transformation in Kenya's Maasailand," CAPRI Working Paper 46 (Washington, DC: CGIAR System-Wide Program on Collective Action and Property Rights, 2006), www.capri.cgiar.org/wp/capriwp46.asp.

10. House ownership is also important in addition to land ownership. Particularly in the South Asian and Latin American context, women in a landless laborer household supplement the subsistence income from wage earning

with supplementary food from kitchen gardens on the housesites.

11. The land allocated by the woman's family to her husband is not his to alienate or pass on. If he leaves the community and leaves his wife, the land returns to the lineage.

12. See the GAL *eSourcebook* for suggested monitoring and evaluation indicators for each Thematic Note (www.worldbank.org).

Thematic Note 1

This Thematic Note was written by Susan Lastarria-Cornhiel (University of Wisconsin-Madison) and reviewed by Nata Duvvury (Consultant); Victor Mosoti and David Palmer (FAO); Ruth Meinzen-Dick (IFPRI); and Malcolm Childress, Edward Cook, and Indira Ekanayake (World Bank).

1. Most tenure systems have control rights such as freehold ownership under freehold tenure, commons, family land under customary tenure, and devolution of rights of state land. These systems often coexist or overlap in an area.
2. Customary allocation and management of land and other natural resources may or may not conflict with formal legislation and regulations. Customary authorities and rules operate in situations in which state agencies are not able to enforce natural resource management rules on the ground.
3. Comprehensive reviews of land reforms by Deere and Leon (2001) for Latin America and Agarwal (2003) for India reveal how few women received land from land reform programs.
4. A recent study in Ghana, for example, has shown that women heads of households, as compared with men heads, are significantly less likely to acquire land through purchase and rental (Quisumbing and others 1999).
5. United Nations-Office for the Coordination of Humanitarian Affairs, "Zimbabwe: Focus on Women's Lack of Access to Land," OCHA and Integrated Regional Information Network, December 4, www.irinnews.org/report.aspx?reportid=40021.
6. The Lowlands Agricultural Development Programme (LADEP) is funded by the IFAD and the government of The Gambia.
7. The LIFE Programme is a joint program between U.S. Agency for International Development (USAID) and Namibia, the World Wildlife Fund (WWF), and Namibian NGOs.
8. For a review of this type of land reform, see Nielsen, Hanstad, and Rolfes (2006).

Thematic Note 2

This Thematic Note was written by Renee Giovarelli (Consultant) and reviewed by Nata Duvvury (Consultant); Victor Mosoti and David Palmer (FAO); Ruth Meinzen-Dick

(IFPRI); and Malcolm Childress, Edward Cook, and Indira Ekanayake (World Bank).

1. G. Gopal, "Law and Legal Reforms," 2020 Focus No. 06: Brief 12 (Washington, DC: International Food Policy Research Institute, 2001), www.ifpri.org/2020/focus/focus06/focus06_12.asp.
2. The term "owned" is used throughout this Thematic Note, but it is meant to include long-term use rights that are like ownership.
3. Civil Code of the Dominican Republic, Art. 1421, 1428; Family Code of Honduras, Article 82; Family Law in Mexican States of Aguas Calientes, Oaxaca, and Sonora; Civil Code of Ecuador; Civil Code of Guatemala.
4. Some case law from common-law African countries retroactively vests legal recognition on a polygamous (illegal) union for purposes of inheritance or divorce and maintenance.
5. On the other hand, women in matrilineal societies are often in a very powerful position in relation to land rights. For a general discussion, see Strickland (2004).
6. Article 3, Paragraph V, Servicio Nacional de Reforma Agraria, Ley No. 1715, passed in 1996 and popularly known as the "Ley INRA."

Thematic Note 3

This Thematic Note was written by Susan Lastarria-Cornhiel (University of Wisconsin-Madison) and reviewed by Nata Duvvury (Consultant); Victor Mosoti and David Palmer (FAO); Ruth Meinzen-Dick (IFPRI); and Malcolm Childress, Edward Cook, and Indira Ekanayake (World Bank).

1. In some African and Asian countries, women are still considered minors and cannot enter into transactions or initiate official procedures without an adult man.
2. See Brown, Ananthpur, and Giovarelli (2002) for India and Walker (2003) for South Africa.
3. Examples of legislative reform that recognize customary land tenure are Australia (1976), Bolivia (1995), Mozambique (1997), Niger (1993), Philippines (1997), Senegal (1964), Tanzania (1999), and Uganda (1998).
4. G. Gopal, "Law and Legal Reforms," 2020 Focus No. 06: Brief 12 (Washington, DC: International Food Policy Research Institute, 2001), www.ifpri.org/2020/focus/focus06/focus06_12.asp.

Thematic Note 4

This Thematic Note was written by Susan Lastarria-Cornhiel (University of Wisconsin-Madison) and reviewed by Nata Duvvury (Consultant); Victor Mosoti and David

Palmer (FAO); Ruth Meinzen-Dick (IFPRI); and Malcolm Childress, Edward Cook, and Indira Ekanayake (World Bank).

1. This Thematic Note borrows heavily from Giovarelli and others (2005).
2. Article 3, Paragraph V, Servicio Nacional de Reforma Agraria, Ley No. 1715, passed in 1996 and popularly known as the “Ley INRA.”
3. Most marital property laws exempt inherited property from becoming part of community property.
4. This section on marital property and polygamy is taken largely from UN-HABITAT (2005).

Innovative Activity Profile 1

This Innovative Activity Profile was prepared by Catherine Ragasa (Consultant), with input and review from Sabine Pallas (International Land Coalition) and Jeanette Gurung (WOCAN). This Profile was largely drawn from ILC (2001), IFAD (n.d.), and Gurung and Lama (n.d.).

1. This section is mainly based on ILO (2001).

Innovative Activity Profile 2

This Innovative Activity Profile was prepared by Catherine Ragasa (Consultant), with input from Aleyda Ramirez (FAO-Honduras) and Francisco Pichon (World Bank), and reviewed by Susan Lastarria-Cornhiel (University of Wisconsin-Madison). This Profile was largely drawn from the Project Appraisal Document and Implementation Completion and Results Report (World Bank 2000, 2007) and personal communication with the project team.

1. This account mainly describes impacts as of 2007.
2. Only one family member may represent a family in a business as a direct partner, to avoid duplicating nonreimbursable transfers.

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