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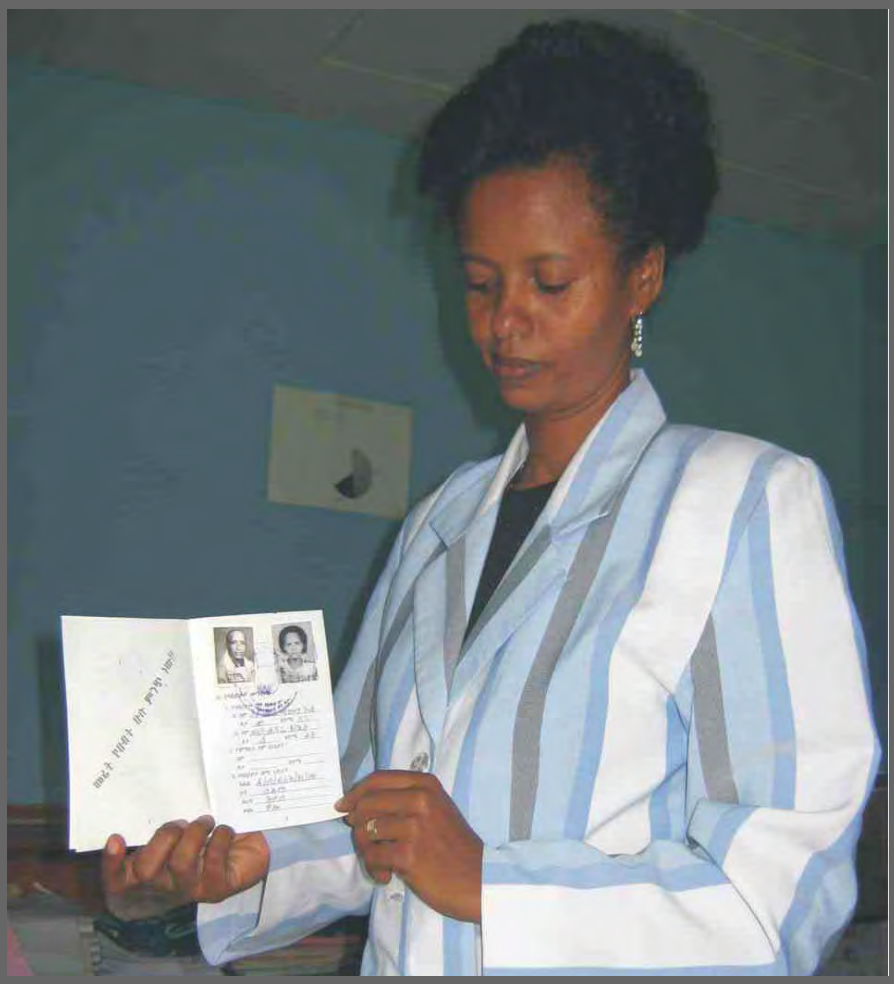
PROJECT BEST PRACTICES



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ARD Principal Authors: Renee Giovarelli and Susana Lastarria-Cornhiel

ARD Principal Contact: Roxana Blanco
ARD Home Office Address: ARD, Inc.
159 Bank Street, Suite 300, Burlington, VT 05401
Tel: 802 658-3890, Fax 802 658-4247
www.ardinc.com

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
AusAID	Australian Agency for International Development
CAF	*Corporación Andina de Fomento*
CBNRM	Community-Based Natural Resource Management
CES	Community Education Services
CIDA	Canadian International Development Agency
COHRE	Center on Housing Rights and Evictions
COSUDE	Swiss International Cooperation Agency
CRM	Community Resource Monitor
CRS	Catholic Relief Services
CSO	Civil Society Organization
DFID	Department for International Development
ELTAP	Ethiopia Land Tenure and Administration Program
FIDEG	*Fundación Internacional para el Desafío Económico Global*
FY	Fiscal Year
GAD	Gender and Development
GOE	Government of Ethiopia
GOM	*Grupo Organizado de Mujeres*
GPS	Global Positioning System
GRID	Gender Resource Information and Development Center
GST	Gender Sensitivity Training
GTZ	German Technical Cooperation Agency
HIV	Human Immunodeficiency Virus
IADB	Inter-American Development Bank
ICRW	International Center for Research on Women
IFAD	International Fund for Agricultural Development
INA	*Instituto Nacional Agrario*
INRA	*Instituto Nacional de Reforma Agraria*
LAC	Legal Assistance Center
LAM	Land Administration and Management
LAMDP	Land Administration, Management and Distribution Program (Philippines)
LAMP	Land Administration and Management Project (Philippines)
LIFE	Living in a Finite Environment Program
LMAP	Land Management and Administration Project (Cambodia)
LTP	Land Titling Project in Laos

LTPR	Land Tenure and Property Rights
LWU	Lao Women's Union
MARENASS	Market Strengthening and Livelihood Diversification in the Southern Highlands of Peru Project
MCC	Millennium Challenge Corporation
MLMUPC	Ministry of Land Management, Urban Planning and Construction (Cambodia)
NACSO	Women's Leadership and Decision-Making: The Namibian Association of CBNRM Support Organizations
NDT	Namibia Development Trust
NGO	Nongovernmental Organization
PETT	Peruvian Government's Rural Land Titling Activities
PIE	Participatory Impact Evaluation
PIO	Project Implementation Office
PMO	Project Management Office
PRODEP	Land Administration Project in Nicaragua
PROGENIAL	Program on Gender in Latin America
PRONAT	Panama Land Administration Project
RCSA	Regional Center for Southern Africa (USAID)
SA	Social Assessment
SARDP	Swedish Amhara Rural Development Program
SAT	Systematic Education Team
SIDA	Swedish International Development Agency
SINAP	System of National Protected Areas
SIST	INRA's Computerized Database
SO	Strategic Objective
TCO	Community Title in Bolivia
UN	United Nations
USAID	United States Agency for International Development
WIDTECH	Women in Development Technical Assistance Project
WWF	Worldwide Wildlife Fund

EXECUTIVE SUMMARY

There is a significant gap in knowledge of how projects aimed at land tenure and property rights reform affect women's rights to land. This study focused on a set of recent and existing land projects and how they dealt with gender. The results are based on a review of project literature, as well as interviews with project personnel and donor project managers. The outcomes are presented within the context of a "project cycle" of preparation/design, implementation, and monitoring and evaluation. To the degree possible, they are also couched in how successful projects were at incorporating the socio-cultural context in which they occurred. The analysis presented here contains elements of successful projects that have strengthened women's access to and control over land.

In 2004 USAID developed a Land Tenure and Property Rights (LTPR) Framework. The Framework includes a *Matrix* of land tenure and property rights constraints that are organized in five categories: (1) conflict and instability, (2) unsustainable natural resource management, (3) insecure property rights, (4) landlessness, and (5) poorly performing land markets. These categories are intersected by six broad intervention areas: (1) key institutional arrangements, (2) mechanisms for conflict and dispute resolution, (3) legal and regulatory framework, (4) land redistribution, (5) land administration, and (6) land use management and conservation. This *Matrix* serves to frame the universe of LTPR issues and interventions, and guides the overall parameters of this study. It primarily focuses on land and this study contributes to improving our use of the *Matrix* in land tenure reform and programming.

The fundamental principle that underlies this study is that secure property rights are the cornerstone of transformational development. Secure land tenure and property rights confer direct economic benefits—as a key input into agricultural production, as a source of income from rental or sale, and as collateral for investment activities that support participation, consumption, or investments.

Gender discrimination is related to lower per capita income, life expectancy, and literacy. The problem of gender inequity is a difficult one for development projects to address due to the deep cultural bias against women and the political ramifications of dealing with this sensitive issue. Women may not fully participate in these benefits as members of a household if they do not share secure, formal, or customarily recognized property rights over land or housing. Secure property rights for women is an important development issue because property rights impact intrahousehold decision making, income pooling, and household acquisitions. They are critical for women, particularly when the household breaks down for reasons of war, male migration, divorce, illness, and death.

For gender differences to be fully addressed, the differences must be addressed as part of assessment prior to project design, in project design, in implementation methodology, and in project monitoring and evaluation activities. We have to learn how to institutionalize these lessons, and capture best practices as a regular part of a knowledge management system that supports "learning by doing" and "doing better next time."

SOCIO-CULTURAL FACTORS

Norms and practices that determine the status of women in the household and in the community will have an effect on any land project. Cultural and social factors will not necessarily be uniform across a project area and they may have different implications depending on whether the household is male- or female- headed. Norms related to lineage, marriage practices, inheritance, and property rights are all critical. Projects are generally able to make little difference to cultural norms; however, land projects may influence those practices that deal with inheritance and property rights when they are supported by strong laws (e.g., Laos and Honduras). The degree of influence a project can have on cultural norms can also relate to the particular cultural practice in

question (Laos), the degree of training and communication the project engages in (Honduras), the project's chosen methodologies (Bolivia), the degree of funding, and the strength of the formal law (Philippines).

When designing a LTPR project, women's lower status and community lineage and marriage practices must be taken into account. Projects should aim to understand and accommodate the different socio-cultural factors affecting gender differentiated land rights in each community in which they work. This information on tenure relations should form part of any social assessment that occurs prior to design or as part of project work planning. While projects often cannot meaningfully influence customary practices, they must understand how to work within them.

PROJECT ASSESSMENT AND DESIGN

Failure to include gender in project assessment and design limits the project's ability to address gender inequities, and sometimes perpetuates or exacerbates them. When gender was considered in the design phase, especially when this included speaking to potential beneficiaries, the project was much more likely to meaningfully include women throughout the project and to monitor women's involvement (e.g., Cambodia). Those projects that incorporated the knowledge and concerns of local women in the design phase had impressive results (Cambodia, Namibia, Laos Phase II, Philippines). Some projects (Bolivia and Laos) failed to properly include women in the project design but later attempted to integrate women once the project had begun because it became apparent that women were not only being ignored by the project but also that women's existing rights were being taken away.

Those projects that assess and plan for gender differences from the beginning are better able to include women in the project and treat them equally. However, even projects that consider women after the design phase can at least show some, though lesser, success. The best ways to ensure that women benefit from a land intervention is to identify or hire a gender expert, include women in the design process, and include gender analysis in social assessments and in pre-implementation information gathering. A project will be more likely to have a successful implementation if a gender strategy is explicitly articulated during the design phase.

PROJECT IMPLEMENTATION

Generally, implementation of a gender strategy was found to be more difficult than expected. However, understanding the different cultural practices that affect women across the project area can foster women's participation (e.g., Honduras). In addition, even though land rights projects are mostly based on formal land laws, successful projects benefited from considering issues not necessarily within the bounds of the formal law like non-ownership rights (e.g., use rights), relationships between men and women other than marriage, and individual rather than household titling.

Training and educating both beneficiaries and staff on the specific issue of women's land rights is the best strategy for including women in project implementation. Trainings must address cultural norms, should include women and men (though seldom at the same time), should meaningfully include women in project activities, and must accurately identify all different types of property rights and the holders of those property rights within a household.

MONITORING AND EVALUATION

Monitoring a project's impact on gender has a significant effect on the ability of projects to include women. Gender monitoring and evaluation across most of the projects tended to be *ad hoc* and sporadic. This was the case for data collected on the impact of the project on women (e.g., Honduras, Bolivia, Laos Phase I, Peru). Some projects collected sex-disaggregated data throughout the project (Namibia, Cambodia, Philippines). Half of the projects conducted an "end of project evaluation", but only one did so again five years after completion to assess the medium-range impact of the project's interventions.

The collection of appropriate sex-disaggregated data before, during, and after project implementation is necessary for all land projects and should be a priority. Without monitoring land projects specifically for their impact on women and men separately, it is impossible to know whether the project is achieving its objectives. Monitoring allows projects to make mid-project adjustments where necessary, and to improve overall success. Additionally, sex-disaggregated monitoring can have a broader impact because it can educate various stakeholders on the results, and thus the value, of efforts to include women. Projects should conduct a comprehensive baseline study to capture the gender issues and potential impacts before project interventions take place and preferably before critical project methodologies and targets are determined. Projects should also analyze sex-disaggregated data throughout the life of the project to be able to adequately adjust methodologies and targets. Donors need to do a better job of setting aside funds to measure the impacts of projects if significant lessons are to contribute to improvements in a LTPR project cycle.

CONCLUSION AND THE WAY FORWARD

This study illustrates that, as a rule, the rights and needs of women are not considered in land tenure and property rights programming. Where they are included, the process of engaging women and the outcomes of the project efforts are not captured with consistency or rigor, and are not readily available for review.

The few projects that did make an effort to include women in the project design, implementation, and/or monitoring and evaluation, teach us some valuable lessons. Some of these lessons are captured in this report. But we have to go beyond generalities and design a strategy for developing and implementing LTPR projects for the benefit of both women and men. This will require tailoring a specific set of efforts wherein LTPR projects expressly reach out to women.

This review is the first in a series of USAID activities designed to gather lessons from land tenure projects funded by the US government and other donors; and rather than exhaustive, this review of a 15 land-related projects informs future programming. USAID is using this study to launch a series of more focused examinations of LTPR programming and gender. Between 2005 and 2007, the Agency started to examine gender as part of its work on land tenure programming in Angola, Burundi, Ethiopia, Rwanda, and Uganda. These countries were chosen based on opportunity (the missions were interested in including a gender focus on different aspects of their economic growth, good governance, and investing in people work). In addition, each mission had launched a land initiative and was keen to improve their land programming efforts and their specific impacts on women. Each gender-focused activity is tailored to the realities of the individual countries (in many cases post-conflict and with high incidence of HIV/AIDS) and undertaken by a team of LTPR gender experts. Most activities included the gathering of disaggregated information and data on women and men and their participation and contribution to the household economy based on their rights to land.

These focused efforts are starting to yield results that can further assist in the development of lessons and best practices for property rights (LTPR) reform. The patterns that are emerging suggest the construction of a more specific set of tools and questions that can be used to inform assessments, and contribute to better project design, implementation, and monitoring. The efforts are also beginning to suggest ways in which we can improve the sequencing of interventions and use impact assessment tools to determine how projects impact men and women differently. Moreover, the results that emerge from these projects will contribute to a greater appreciation of how men and women need to be addressed differently within the universe of potential property rights issues and interventions. The set of tools and the lessons that are emerging from this gender work should improve our understanding and use of the LTPR *Matrix,* and should contribute to a better engagement of the LTPR framework in future property rights reform.

1.0 BACKGROUND

Women's access to land and housing, and the type and strength of women's rights to land and housing, have been recognized as an important development issue. Secure property rights for women can have an impact on intra-household decision making, income pooling and acquisition, and women's overall role and position in the household and community. Moreover, land is a particularly critical resource for a woman when the household breaks down; for example, in the event of male migration, war, abandonment, divorce, polygamous relationships, illness (e.g., HIV/AIDS), or death. A review of the gender-related development index (UNDP 2006) reveals a strong correlation between human development indicators in general and gender development indicators in most countries. In other words, gender discrimination seems strongly related to lower per capita income, life expectancy, and literacy.

In development planning, when women's rights are explicitly taken into account and they participate in the design and implementation of a policy, equity is increased. In many cases, increased gender equality can also lead to increased economic equality (Moock, 1976; Meinzen-Dick and others, 1997). As a cornerstone of development programming, secure land ownership confers direct economic benefits as a key input into agricultural production, as a source of income from rental or sale, and as collateral for credit that can be used for either consumption or investment purposes. However, women may not fully participate in these benefits as members of a household if they do not share secure, formal, or customarily recognized property rights over the land and/or housing. In fact, women can lose their informal rights to land when land ownership is formalized through the titling process. This occurs, for example, when titles are issued in the name of the head of the household only (most often a male) and he chooses to sell the land without his wife's knowledge or approval.

Recently there have been a number of studies funded by international development agencies looking at women's land and property rights within the context of development projects and programs. The World Bank published a book that examined women's involvement in and benefit from four of its land administration projects from a legal, customary, and institutional perspective.[1] UN Habitat has finished a desktop research paper that looked at gender concerns related to joint tenure and other forms of group tenure.[2] In addition, the International Center for Research on Women (ICRW) published a book on women, property rights, and inheritance that looked at the impact of AIDS on women's property rights in sub-Saharan Africa.[3] The Center on Housing Rights and Evictions (COHRE) published a study on women's inheritance rights in sub-Saharan Africa.[4]

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[1] World Bank. 2005. *Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report*. Washington, DC: World Bank.

[2] UN Habitat. 2005. *Shared Tenure Options for Women: A Global Overview*. Nairobi: UN Habitat.

[3] Strickland, Richard. 2004. *To Have and to Hold: Women's Property and Inheritance Rights in the Context of HIV/AIDS in Sub-Saharan Africa*. Washington DC: ICRW.

[4] Center on Housing Rights and Evictions. 2004. *Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women*. Geneva: COHRE.

Other studies that have informed and motivated this paper are the book by Carmen Diana Deere and Magdalena Leon[5] on empowerment and women's land rights in Latin America; Bina Agarwal's work on women's rights to land in southern Asia including her most recent book;[6] and numerous studies in sub-Saharan Africa such as Ann Whitehead and Dzodzi Tsikata's[7] article on the shifting nature of women's rights within customary tenure systems, Cheryl Walker's[8] and Ruth Hall's[9] articles on land reform in South Africa, and Allison Goebel's[10] article on land reform in Zimbabwe.

In 2004, USAID put together a Land Tenure and Property Rights (LTPR) Framework, a set of tools that guides USAID through future property rights programming. As part of the LTPR Framework, USAID developed a LTPR *Matrix* (see Figure 1) that is meant to provide a menu of land tenure and property rights constraints and interventions that need to be considered within the realm of land tenure and property rights. While the set of tools looks at land tenure and property rights more broadly, it was thought that a focused look at existing land projects (USAID as well as other donors' projects) and how they deal with gender concerns might help inform USAID's Framework as how to best incorporate gender issues in all aspects of work in land tenure and property rights.

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5 Deere, Carmen Diana and Magdalena Leon. 2001. *Empowering Women: Land and Property Rights in Latin America*. Pittsburgh: University of Pittsburgh Press.

6 Agarwal, Bina. 2002. *Are we not peasants too? Land rights and women's claims in India*. New York: Population Council.

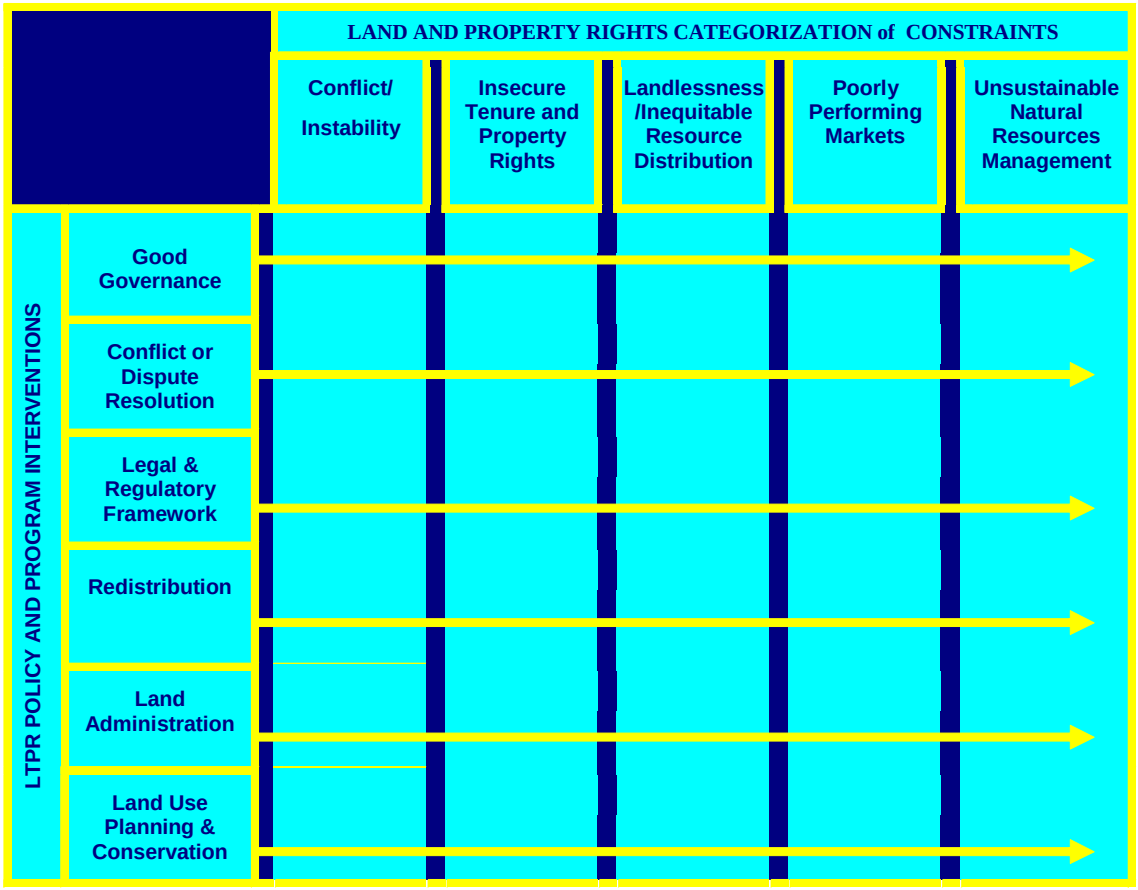
7 Whitehead, Ann and Dzodzi Tsikata. 2003. "Policy Discourse on Women's Land Rights in Sub-Saharan Africa: The Implications of the Return to the Customary, in Journal of Agrarian Change," Vol. 3, Nos. 1 & 2 (pp. 67-112).

8 Walker, Cheryl. 2003. "Piety in the Sky? Gender Policy and Land Reform in South Africa" in *Journal of Agrarian Change*, Vol. 3, Nos. 1 & 2 (January & April), pp. 113-148.

9 Hall, Ruth. 2003, "'Farm Tenure', Cape Town: Programme for Land and Agrarian Studies," School of Government, University of the Western Cape (*Evaluating Land and Agrarian Reform in South Africa* series; No. 13).

10 Goebel, Allison. 2005. *Gender and Land Reform: The Zimbabwe Experience*. Montreal: McGill-Queen's University Press.

FIGURE 1. LTPR AWARENESS MATRIX



This study attempts to further the body of work on gender relations and land tenure and property rights by examining successful interventions that have improved and strengthened women's access to and control over land. In this way, the study seeks to identify best practices and lessons learned with regard to integrating gender concerns and focus in relation to the five broad categorizations of land constraints identified in USAID's LTPR *Matrix*. These are:

- Conflict and/or instability that impact land rights,
- Insecure tenure rights,
- Landlessness and land redistribution,
- Land markets and their influence on communal and individual ownership, and
- Natural resources (pastures, wetlands, forests) management.

The utility of this study is to identify a set of questions that might be asked by practitioners in state agencies, donor agencies, and projects to determine whether the gender concerns of a land issue have been properly and adequately addressed, and to identify what has worked and why (see Appendix A). This study does not focus only on successful projects and programs, but rather seeks to find those specific "project practices" (whether in design, implementation, or monitoring and evaluation) that effectively deal with gender equity.

Whether or not land projects have a positive effect on women's land and property rights and their welfare will depend on the design of the project, the specific circumstances of the project setting (the context), integration of and participation by women, and the ongoing monitoring and evaluation of the project's effectiveness or impact for women. There is significant gap in our knowledge of how LTPR projects affect women's rights to

land. The collection of appropriate sex-disaggregated data before and during project implementation is necessary for all land projects and should be a priority given the investments in the land sector. State programs and policymakers, as well as international development agencies could benefit from collecting "project practice" information and developing illustrative case studies about gender sensitive interventions, processes, and outcomes.

2.0 METHODOLOGY

The methodology for this study consisted of desk research undertaken by a sociologist and a lawyer with considerable experience in land issues and gender.[11] The study considered different types of land and property interventions and the specific implementation practices utilized and developed to achieve a positive outcome for women. The categories of LTPR interventions considered in the LTPR Matrix are:

- Good governance (e.g., involvement in decision making and services related to land),
- Conflict resolution (e.g., post-conflict reconstruction, land and resource conflict management),
- Legal and regulatory framework (e.g., tenure reform),
- Land and resource redistribution (e.g., low-income housing development),
- Land administration (e.g., land titling and registration), and
- Land use management and natural resources conservation (e.g., community-based natural resource management, urban settlement upgrading).

While the researchers tried to collect case studies representing all six of these interventions, only land administration programs and natural resource management programs that addressed gender issues in relation to women and land could be identified. Within these two types of projects there were components dealing with good governance, conflict resolution, legal frameworks, and land and resource distribution, but the primary focuses of the projects chosen were either land administration or natural resource management.

The criteria used to select types of land and property interventions were those that directly affect women's access to and rights to land, natural resources tied to land (such as forests, wetlands, and pastures), and/or housing. Project interventions that did not actively and directly impact on women's rights and access to land and property were not considered.

2.1 APPROACH AND STEPS

When selecting projects related to the above issues, we attempted to take into consideration specific project contexts in order to have a broad set of conditions under which women access land and housing, and exercise their rights. These include urban and rural settings, societies that rely principally on formal law and those that also rely on customary or religious law, matrilineal and patrilineal systems, and marriage practices (patrilocal and matrilocal). We identified potential projects/case studies using the following steps:

1. An *ad hoc* working group was organized representing USAID, Millennium Challenge Corporation (MCC), and World Bank staff that deal with land and gender issues.[12] This group met with the two researchers in October 2005, at which time the criteria for selection of projects and relevant gender project interventions were agreed upon. A tentative approach for identifying USAID projects and collecting documentation was also decided.

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[11] The desk research was to be complemented by interviews with key project personnel located in Washington. Unfortunately, most of these key staff persons had either left the project agency or were located overseas.

[12] The working group consisted of Gregory Myers, Richard Strickland, Joan Atherton, and Lena Herron from USAID; Waafas Ofosu-Amaah from the World Bank; and Jolyne Sanjak and Kendra Koch from the Millennium Challenge Corporation.

2. Projects were identified that dealt with one or more of the five land issues, attempted to integrate gender concerns, and represented different regions. Besides USAID-funded projects, those funded by the World Bank, Canadian International Development Agency (CIDA), Swedish International Development Agency (SIDA), German Technical Cooperation Agency (GTZ), UK Department for International Development (DFID), and International Fund for Agricultural Development (IFAD) were also considered. Based on the researchers' knowledge and experience, a review of documentation, and communications with contacts in the different donor agencies, 43 projects were eventually identified from different geographic regions. (Appendix B lists all the identified projects.)

3. From this initial set of 43 projects, 24 projects were selected based on whether they appeared to have positive gender interventions such as:

   - Women's participation in project activities (as beneficiaries and/or implementers),
   - Women's participation in community governance,
   - Women's participation in policymaking and/or legislative reform,
   - Project activities (other than legislation and policy) that improve women's property rights and/or access to land, and
   - Positive changes in how state agencies (particularly those dealing with land) deal with gender issues.

   For this set of 24 projects, we requested relevant project documentation (including project design, implementation plans and reviews, socioeconomic studies undertaken, and monitoring and evaluation) from the sponsoring agencies.

4. We were successful in obtaining adequate project documentation for only 10 projects. Several other projects did provide adequate documentation, but it was clear in reviewing the documents that gender was only mentioned, and there had been no follow-through. This documentation (as well as journal articles, gray literature, and relevant country legislation available to the two researchers) was analyzed and written up into case studies to best illustrate "positive" gender interventions (case studies are included in Appendix A). Positive interventions were organized utilizing a set of criteria for each of the four project phases (project interventions organized by criteria are outlined in Appendix C). These four project phases under which we categorize interventions are:

   - Gender focus during project design and preparation,
   - Gender inclusion and integration during project implementation,
   - Project context taken into account during design and implementation, and
   - Monitoring and evaluation of gender integration and outcomes.

5. Information regarding best practices from these case studies was synthesized.

The next section contains the results of this synthesis, and the final section contains our recommendations for USAID programming based on this analysis.

3.0 SYNTHESIS OF FINDINGS

Before synthesizing the findings from our 10 case studies, the 10 projects should be put into the context of all of the projects we reviewed. We initially cast our net very broadly to find projects related to land that also had a gender component or emphasis. There were surprisingly few projects that included gender considerations at all, and even fewer that did more than merely mention gender as one of the issues the project was to address. Of the 10 that we reviewed in-depth, several considered gender only after the project had started, and it became clear that women were not being served well by the project. Other projects started with a clear gender plan, but follow-through was weak, primarily because the project did not include gender training or the local staff did not understand or support the gender focus. While none of the 10 case studies we reviewed can be considered ideal, most of them provide valuable lessons.

Using the criteria we developed under the methodology outlined above, we reviewed the documentation for the 10 projects to determine what lessons could be learned from their experience in integrating gender issues into their project design, implementation, and monitoring and evaluation. The following sections present a synthesis of our findings.

The problem of gender equity is a difficult one for projects to address because of deep cultural bias against women and the political ramifications of dealing with this sensitive issue. For this reason, for gender differences to be fully addressed, the differences must be addressed in project design; implementation methodology, guidelines, and procedures; and monitoring and evaluation activities.

3.1 GENDER FOCUS DURING PROJECT PREPARATION

If gender issues are to be effectively integrated into a land project (or land component of a project), the project design must explicitly include gender equity as one of the principal goals of the project, define participation by and integration of women as an integral factor of implementation, and include gender indicators as measures of success in monitoring and evaluation. Because of the cultural, social, and political nature of gender and land, the project design should seriously and carefully consider including gender experts in its implementation staff or contracting gender experts to routinely advise implementation staff.

The criteria we used to evaluate whether or not a project focused on gender during project preparation were:

- Gender is an integral part of project design and gender experts are integrated as staff or consultants.
- Gender analysis and gender-differentiated data collection is included in pre-implementation social assessment.
- Project staff gathers and uses knowledge of local women to design program and/or draft legislation.

We found that gender concerns and objectives were an integral part of the design of six of the 10 projects that consciously focused on gender to any significant degree. Not surprisingly, these projects also included gender experts in implementation staff (e.g., Honduras) or contracted gender experts throughout the project to recommend gender strategies and monitor the project's integration of gender issues (e.g., Namibia). When gender concerns were considered in the design phase, especially when this consideration involved talking to potential women beneficiaries, the project was much more likely to meaningfully include women throughout the project and to monitor women's involvement (e.g., Cambodia).

In the other four projects, gender was either not mentioned or simply mentioned as a concern in the project design without specifying how it would be considered (Nicaragua, Laos Phase I, Bolivia, Ethiopia). The project design did not contemplate hiring gender staff or contracting consultants.

Five of the 10 projects included an explicit gender analysis in the initial design, and most of those five projects collected gender-differentiated data. Several projects collected only qualitative information by interviewing women and nongovernmental organizations (NGOs) working with women. No projects undertook quantitative gender assessments during project design; Laos and Honduras did collect quantitative data after implementation was in full swing when project staff became aware that women were being disenfranchised. The other projects did not have a gender analysis, other than to articulate that there are gender concerns, and did not include sex-disaggregated information or data to inform that concern.[13] As already mentioned, early in the implementation of Phase I of the Laos project, awareness of the importance of integrating gender issues became evident and was subsequently integrated into the design of Phase II.

It was not common for projects to include the knowledge and concerns of local women to design the project. As a matter of fact, there was a general tendency to not include the knowledge and concerns of local population groups at all. However, in the Cambodia, Namibia, and Philippines projects, all interviewed women and included local women in their initial project research, leading to fairly impressive results. Because of the inclusion of the Laos Women's Union during the implementation of the first phase of the Laos project, their input was included in design of Phase II.

As we will see, failure to include gender in project design limited the project's ability to address potential gender inequities, a failure that either perpetuated inequities or may have even exacerbated them. Pressure by civil society in both Laos and Bolivia, several years after project implementation began, resulted in the project addressing the problem that women were not only being ignored but that their property rights were being taken away. These projects attempted to integrate gender into project activities and procedures with mixed results. For example, Bolivia's response was to implement *ad hoc* measures that increased the number of women being titled, but at levels that were far below expectations. The second phase of the Laos project was successful in including gender issues in its project design.

3.2 GENDER INCLUSION AND INTEGRATION DURING PROJECT IMPLEMENTATION

As there were differences in how gender issues were addressed in project design across our case studies, there were also differences in the projects' gender strategies during implementation. In general, the explicit articulation of gender strategy in the design phase facilitated the projects' inclusion of women in its activities and their success in addressing gender issues. However, even when gender was included in the design phase, implementation was often seen as more difficult than expected. Our criteria for gender inclusion and integration during project implementation were broad, and all of the 10 projects we reviewed met at least one of the criteria listed below:

- Gathers and uses knowledge of local women to implement program;
- Trains and educates project personnel, stakeholders, and beneficiaries regarding gender differences and issues;
- Integrates personnel and beneficiary women into project components and activities;
- Provides incentives and motivation to project personnel, local authorities, and stakeholders for gender focus and integration;
- Involves women in land-related activities (e.g., part of adjudication process; participation in education campaigns, information meetings; natural resource management committees);
- Attempts to identify all property rights holders and/or resource users within households and within communities;

[13] At least, we did not find gender-differentiated information in the project design or documents to support the design that we had access to.

- Involves women in project gain, so they understand and feel secure in their land rights;
- Promulgates or encourages legislation to include gender relations and differences; and
- Includes unintended or unanticipated, but positive, gender outcomes.

The Peru project explicitly involved women and integrated gender issues in the design phase, and from the beginning of implementation, with the purpose of combating gender-biased cultural norms and improving women's status. Gender training sessions were conducted in the communities for both women and men. Women were included in project personnel and as active participants. While there were no full-time gender specialists, the project hired gender consultants to undertake periodic gender assessments. Consequently, the project was open to revisiting its design and methodology over the course of the project to improve its gender approach. For example, a revolving fund to be managed by women that was initially designed for one activity (to produce improved pasture seed and tree seedlings) was quickly redesigned so that any income-generating activity could be funded when community women suggested that the initial design was too limiting. These revolving funds ended up being one of the more successful outcomes of the project.

The Peru project also explicitly encouraged the inclusion of women in its training of local technical specialists and trainers (*yachaq*). The project found that different cultural practices across the project area with regard to women's mobility and education greatly influenced women's participation in these technical training activities. Although the number of trained men still far exceeded the number of women, the rate of women being trained increased significantly over the course of the project.

While the Honduras project also included women in its project activities, the lack of a clear gender strategy meant that women were initially limited to activities related to domestic chores. As gender assessments later pointed out, women's productive activities were not being addressed. The project's approach was modified to include women in its production components by encouraging women to undertake agricultural and non-farm enterprises.

The Cambodia, Namibia, Panama, Philippines, and Bolivia projects all included women during project implementation. Cambodia, Namibia, and the Philippines specifically focused on education of women regarding their land rights. This focus on education had a major impact on women's involvement in the project, and several of the project documents postulate that focusing on educating women is critical to involving women in land projects. Working with organizations that serve women (women's NGOs) provided an easy way to reach women in the community for several of the projects. Holding special trainings for women also provided a mechanism to receive women's input into the project, creating ongoing, two-way communication. In the Philippines, over 40 percent of training participants were women.

While beneficiaries were trained in both Panama and the Philippines, training of project staff was limited or lacking completely. The reasons for this included lack of funding for this training, and a belief that gender mainstreaming did not require particular attention. However, training of project staff is critical for the success of gender mainstreaming. Plans and designs will not be implemented unless there is staff buy-in. Most often this requires training for, and communication with, the staff at all levels, from the top directors to field staff. In both of these projects, the lack of gender training for staff led to less effective implementation of the gender strategy. In Namibia, on the other hand, a full-time gender trainer was hired for two years to work with both staff and beneficiaries.

As has often been observed, project implementers and local populations routinely ignore legislation that mandates equal rights for women during actual implementation. However, projects that have a clear gender strategy for implementation of its components and include gender training for staff and beneficiaries do provide their staff with incentive and motivation for including women in on-the-ground implementation. Gender training in Honduras also improved acceptance of women's rights among local authorities and the project population.

For projects to provide incentives to personnel, authorities, and stakeholders, there must be sex-disaggregated monitoring of the results. In the project in Panama, the project documents indicated that while the staff

thought women had been very involved and had received positive benefit from the project, there was no monitoring or tracking of these outcomes, and therefore they were not captured.

In some of the titling projects, women were involved in the titling activities such as information meetings and parcel surveying. Titling staff in Bolivia were instructed to explicitly include women landholders, particularly wives, in the adjudication process. These measures increased the number of women as titleholders. In the land-titling component of the Honduras project, gender specialists were able to quickly discern that women were not being titled, and the project took measures to actively encourage families to include wives as titleholders. The area titled by the project included more women than any other area in Honduras.

Project assessments and focus group discussions in Bolivia and Honduras indicated that gender-sensitive procedures and gender training resulted in women informed of their property rights, and a more secure sense of their ownership rights.

In the Peru project, the titling modality was to title community land collectively, not to individual persons or households. In this case, following rural titling norms in Peru, all adult members, both women and men, married and single, were included in the census, not just household heads. The recognition of all adult members as community members is favorable to women compared to the prevalent practice of only registering the household head, who is generally male.

One area where there is not much information is in the area of identifying all holders of property rights. In many countries women have rights to land that fall short of ownership-like rights (right to gather firewood, for example). There does not appear to have been much effort to understand, on the ground, what property rights women had that may have been different from men. The three exceptions are Panama, Philippines, and Namibia.

In Panama, the social assessment included a gender focus to: (1) identify significant issues surrounding land tenure for each gender; (2) provide data needed to address existing disparities and discriminatory factors; and (3) facilitate actions that favor women's access to land and ownership. In the Philippines, there was an effort made to address the issue of unmarried couples. If couples are not legally married, and the land is in the name of the male only, women often do not have a legal right to the land. In many countries, especially in rural areas, couples do not legally marry. In the Philippines, this issue was addressed so that unmarried women would be included on land titles. In Namibia, there appears to have been some effort to identify women's rights in the context of natural resource management, but the documents do not directly describe that effort.

With regard to land legislation, most of the projects (Peru, Bolivia, Nicaragua, Ethiopia, Namibia, Panama) did not involve enacting or modifying legislation. The Laos Women's Union did undertake activities to improve women's legal land rights by encouraging gender-sensitive legislation. The Honduras project worked proactively with the Honduras Titling Agency to use the limited gender-related legislation (articles in the land law and regulations) to its fullest extent in order to include wives on land titles. In the Philippines, the gender-mainstreaming plan encompassed the whole project cycle from influencing legal reforms, to installing gender-sensitive monitoring and evaluation systems. In Cambodia, the project recommended that legislation be adopted to ensure women's rights to a fair and equitable division of land in the event of divorce or inheritance and legal guarantees that ensure their access to fair and impartial dispute resolution. Passing legislation that improves women's land rights is important, but is only a small step in making actual changes. The experiences of the projects in this overview highlight the usefulness of designing project practices and dispute resolution methods that make current legal codes and land administration systems more effective for women.

Several of the projects had positive gender outcomes that were not anticipated. In Honduras, where couples in rural areas are generally in consensual unions, the promotion of joint titles encouraged couples, particularly older couples, to recognize the stability of their relationship and to legally marry. In fact, the project organized mass civil weddings in many communities at the request of couples. Many women felt that legal recognition of their married status improved their rights as wives.

In Bolivia, it was found that rural women often did not possess official identity documents. In order to title women, the project has worked with local officials to facilitate the issuance of these documents to women. These personal identity documents are valuable to women since they are now able to participate in other activities (such as requesting credit) and governance processes such as voting.

In Ethiopia, the project required mandatory joint titling and that a picture of the husband and wife accompany the title to land. The desire for the pictures was not directly related to women's land tenure, but the pictures had the result of improving women's land tenure security. Mandatory joint titling also assisted women.

3.3 PROJECT TAKES INTO ACCOUNT SOCIO-CULTURAL FACTORS WHEN RELEVANT

Project areas and communities have different social and cultural characteristics, some directly related to gender and others that influence gender relations. We looked at whether projects took these characteristics into consideration in their efforts to integrate women into their land projects. There are endless examples of projects that have not considered these issues and therefore failed to reach women or improve their lives. The community characteristics we were interested in tracking were as follows:

- Strength of customary and formal laws (weak, strong, very strong);
- Matrilineal or patrilineal and matrilocal or patrilocal;[14]
- Inheritance practices;
- Marital property practices;
- Urban, rural, or peri-urban areas;
- Ethnic affiliation (majority or minority);
- Female-headed households; and
- Male out-migration,

Many of the projects did not specifically refer to these local characteristics, although there were often comments to the effect that implementation varied depending on cultural and geographic areas within the country or project area.

Probably the primary set of cultural characteristics that will have an influence on project implementation for women are the norms and practices that determine the status of women in the household and the community. These include lineage (whether families are patrilineal or matrilineal) and marriage practices (patrilocal or matrilocal). Women in matrilineal and/or matrilocal societies tend to have higher status than women in patrilineal and/or patrilocal societies; however, women seldom have equal status under any system. We found that most of the projects[15] acknowledged the lower status of women due to lineage and marriage practices, and did attempt to take this gender constraint into consideration. Projects also found that they were able to make little difference in the gender relations supported by these practices.

Related to lineage and marriage practices are those that determine inheritance and marital property rights. While formal law may give women equal inheritance rights as daughters and equal rights to marital property as wives, customary practices often disregard these legal rights, recognizing only sons as heirs of landed property and only husbands as owners of property acquired by couples. The Laos, Honduras, and Bolivia projects became aware of this discrepancy between formal and customary practices after the project was in

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[14] Matrilocal means that the husband moves to his wife's family's home, and patrilocal means that the wife moves to her husband's family's home.

[15] We have no information on this issue for Nicaragua beyond the project design.

full swing. All three made modifications in procedures and staff training in attempts to recognize women's legal rights, particularly that of wives. Laos and Honduras seemed to be much more successful in titling women than Bolivia for different reasons. Laos incorporated a women's organization with national coverage into their procedures and activities. Another factor that contributed to Laos' success is their bilateral inheritance practice—this means that women as property holders are culturally accepted. Honduras was very effective in titling wives, in spite of strong inheritance and marital property practices that excluded women, because the project held gender training programs for project staff, government titling staff, beneficiary population, and local authorities. They also reviewed Honduras titling procedures to make them more accessible to and inclusive of women. Bolivia's attempts were *ad hoc* and scattered, diminishing their impact.

In the Philippines, strong formal law, including funding for gender programs, seems to have had an impact on the equally strong customary law. While in many cases customary law affects how stringently civil law is enforced, in other cases, civil law is enforced yielding equality of rights for women. The Philippine project struggled to balance their efforts to include women and their need to also include and train men. At one point, they focused more on women than men, also to the detriment of the program. If men are to be "brought along" and included in making cultural changes, they also must be involved in trainings and the design of the project.

Customary law that encourages male ownership of land and discourages female ownership of land has a major influence on implementation of land projects. Even though the Philippine project integrated gender concerns from the very beginning of the project, without a clear mandate from management—particularly from the project management office (PMO)—staff were unwilling to jointly title land.

Customary law may negatively influence the success of a project in incorporating women due to the lack of female organizations and ability of women to meet together. In some countries, women's inferior status means that they need permission to meet with other women, or that they are simply not allowed to attend meeting or trainings outside of the home.[16]

Often projects cover areas with different social characteristics such as rural-urban areas and different ethnic affiliations. The strength of customary practices will vary in rural and urban areas and across ethnic groups. Or the customary practices themselves may vary. Generally, the projects did not really deal with this issue. Bolivia did prepare audio-visual information materials in local languages for different geographical areas—this is important for rural women who tend to be illiterate and not speak the dominant language. The Laos project (currently an urban and peri-urban titling project) recognized the stronger gender differences among some ethnic minorities in rural areas and acknowledged the difficulties it may encounter in recognizing women's legal rights when the titling program progresses into rural areas. The Nicaragua project, in recognition of the different ethnic areas it covers, acknowledges the need to take these differences into account in its titling procedures. The project does not appear, however, to then link these ethnic differences with gender.

Other factors that can impact women are the levels of female-headed households and male out-migration. Female-headed households face greater constraints because they often have minimal or no assets and less adult labor. Male out-migration, other than leaving behind *de facto* female-headed households, can have two very different consequences: men may send remittances to their families, allowing women to maintain or perhaps even increase quality of living conditions; or men may abandon their families, leaving wives to support their families with diminished resources and income, and no authority or power to make decisions regarding land belonging to the family. Only Cambodia noted the number of female-headed households in the country, and specifically made an effort to reach these households. War widows comprise one-fourth of Cambodia's population.

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[16] While we did not find this in our 10 case studies, in fieldwork Giovarelli conducted in Karnataka, India and Tajikistan this was a major issue for women.

3.4 MONITORING AND EVALUATION OF GENDER INTEGRATION AND OUTCOMES

An indicator of how seriously gender concerns are taken by project designers and implementers is whether gender integration is monitored and whether gender outcomes and impacts are evaluated. Monitoring gender impacts had a significant effect on the ability of the projects to include women. All of the projects made some mid-project corrections,[17] and therefore were better able to serve women's needs. We looked for projects that met one or both of the following criteria:

- Monitoring and/or evaluation during project implementation includes gender analysis and focus.
- Post-project evaluation includes gender analysis.

Gender monitoring and evaluation across most of the projects tended to be *ad hoc* and sporadic. All the land titling projects eventually monitored whether women were participating in titling procedures and how many women were being titled (either as individual or joint titles).[18] Often, this came about after implementation began and concerns were raised that women were being excluded; only Honduras consistently collected statistics on how many women were being titled. Bolivia, after several years, began to collect sex-disaggregated statistics on land titling. It appears that Laos-Phase I did not; however, several quantitative studies were undertaken by the Gender Resource Information and Development Center (GRID) and by the Australian Agency for International Development (AusAID). Laos (at the end of Phase I) and Honduras undertook sex-disaggregated evaluations or assessments of its project. The Peru project did not directly implement a land-titling component; however, there were periodic gender assessments of project implementation and outcomes.

Cambodia, Namibia, and the Philippines are collecting sex-disaggregated data at a minimum. Namibia seems to be the most progressive in terms of monitoring for gender outcomes. In the Namibia and Peru projects, accomplishments and difficulties with integrating women's concerns into the project were monitored throughout. Moreover, each evaluation made further recommendations for indicators of women's involvement in the project.

Of the projects that are completed (five out of 10), end-of-project evaluations were carried out to measure outcomes. Only Honduras, however, conducted a post-project gender evaluation several years after project completion to determine its medium-range impacts. This evaluation is quite informative and should be useful for designing and implementing future projects as it found minimal impact on gender relations and equity. Other project documents did not contain a gender analysis of the project, although these documents may exist.

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[17] We have no information on this issue for Nicaragua.

[18] We do not have information on the implementation of the Nicaragua project, including whether monitoring and evaluation included gender concerns; project design does include gender indicators in its Participatory Impact Evaluation.

4.0 CONCLUSIONS AND RECOMMENDATIONS FOR USAID FUNDING

The most disturbing thing about this research paper is the number of land projects that do not consider gender at all. These projects are gender blind, and certainly they do not positively and proactively discriminate against women. However, rarely if ever are there countries where women and men have equal land rights. Beyond that, women and men have different training and education needs (times, place, level of literacy), and different cultural norms. To not consider gender is almost always to discriminate against women in land projects.

Even where gender is considered, it appears that it is an uphill battle for projects to fund and support special efforts to include women. This is due to a lack of understanding of what the issues are and why they matter, and because of entrenched customs related to the roles and duties of men and women in society.

This section is again divided into the four general areas of inquiry into whether or not a project meaningfully deals with gender differences. The criteria provide a set of questions that every land project should consider in design, implementation, and monitoring efforts (see Appendix C). The criteria could also be used to evaluate land project proposals, even before a project reaches the design phase.

4.1 GENDER FOCUS DURING PROJECT PREPARATION

While all donors are now talking about gender and land rights, few are designing projects with gender differences in mind. Perhaps the most important finding of this study is that *those projects that consider and plan for gender differences in land projects from the beginning are better able to include women in the project and treat women equally*. The projects with the best outcomes for women (most women involved in titling, for example) were those projects that involved women from the beginning and designed a program for addressing gender differences. Projects that focused on women later in the process saw an increase in the number of women involved in the project, but did not show the same level of achievement as those that involved women from the beginning.

The most successful strategy for considering gender differences in the design phase was to identify or hire a gender expert as part of the design, implementation, or monitoring team. When a person who was trained and knowledgeable about gender differences and how to address them was involved in the project, the project was much more likely to meaningfully include women.

A second strategy that was uncommon but extremely successful was to include the knowledge and concerns of local women in designing the project. This can be done through qualitative interviews with potential beneficiaries or involving local women in pre-project research or in the initial stages of the design. Finally, local NGOs that serve women can be included in the design phase.

From the point of view of a desk review, it is difficult to know what constraints projects face in including gender in project preparation because it is rarely discussed in project documents. However, from our own field experience it seems that the most fundamental problem appears to be a lack of understanding (1) that

there are gender differences in terms of land rights, (2) the complexity of gender relations that support gender-biased land and property rights, and/or (3) how to deal with these gender differences. A second constraint that was mentioned in one instance in the case studies was funding and the lack of funding available for a gender expert.

Recommendations

- Include gender experts as staff or consultants when designing a land project.
- Include knowledge of local women in the design of the project (conduct qualitative interviews).
- Include gender analysis in social assessments or pre-implementation information gathering.
- Identify meaningful indicators in the social assessment that address gender-oriented outcomes for monitoring and evaluation purposes.

4.2 GENDER INCLUSION AND INTEGRATION DURING PROJECT IMPLEMENTATION

The strategies employed for including both women and men in project implementation were:

- Providing gender training for community members,
- Providing gender training for local technical specialists and trainers,
- Providing gender training for local staff,
- Providing gender training for local NGOs,
- Hiring women as project personnel, and
- Involving women in project activities (e.g., parcel surveying).

The most successful strategy for including women in project implementation was to train and educate *both beneficiaries and staff on the specific issue of women's land rights*. Several projects found that it was not sufficient to train beneficiaries. When staff were not trained, they most often followed familiar customs, which often included an exclusive focus on the head of the household (most often a male).

Discussion with local women leaders should assist in designing trainings. In many cases, trainings held for women and men separately will yield more female involvement and better two-way communication between the trainers and local women. On the other hand, some trainings that include both men and women may also be necessary or desired. The trainings will need to address the cultural norms that create opposition to women's land rights.

Constraints to including women in project implementation were again related to a perceived lack of funding and a lack of understanding of the issues. For example, where different cultural practices occur in different regions, the trainings have to be adjusted to fit the local community or they will not be successful. Without a clear gender strategy, projects sometimes include women but only in their traditional roles (as an office assistant, for example, and not a trainer or expert).

The one area where projects did not appear to focus was in the area of identifying property rights holders. Households can be complicated in their make up due to multiple wives or unmarried couples, and it may not be readily apparent to project personnel who has what land rights in the family. Households also have the tendency to ignore daughters' inheritance rights. When land rights are formalized, this lack of understanding of the household can mean that women within the household lose rights they formerly had. This is especially true when communal land is individualized, or in the case of use of communal natural resources such as wetlands or forests.

Recommendations

- Train and educate both beneficiaries and staff on project goals and intent and the meaning of gender differences.
- Meaningfully include women in project activities.
- Identify all property rights holders within households. Understand the make up of households in the community.

4.3 PROJECT TAKES INTO ACCOUNT SOCIO-CULTURAL FACTORS WHEN RELEVANT

Projects that made an attempt to work with gender differences generally took women's lower status and the lineage and marriage practices of the communities into account when designing their project. However, none of the projects could meaningfully influence these practices. Rather, they had to understand how to work within the customary systems.

Different cultural practices across the project area with regard to women's mobility and education greatly influenced women's participation in training and technical activities. These differences may require modifications in procedures or staff trainings. Different techniques may also be needed when dealing with women from rural or urban areas or from different ethnic groups.

The most successful strategy for dealing with differences in socio-cultural factors are (1) to include both men and women in the discussions and trainings when discussing these differences; and (2) to vary the method and content of the trainings to appropriately meet the needs of different socio-cultural groups.

Recommendations

- Understand and accommodate the different socio-cultural factors affecting gender differentiated land rights in each community where the project is working.

- Utilize the information from the gender analysis of tenure relations undertaken in the social assessment during the planning phase.

4.4 MONITORING AND EVALUATION OF GENDER INTEGRATION AND OUTCOMES

Lack of information can lead to policies and projects that either limit or reduce women's economic and social opportunities. Monitoring and evaluating how the project is meeting the needs of women was critical in all the successful projects. Every project reviewed had not fully implemented their gender plan and needed some additional focus in one area or another. *Without monitoring the land project specifically for its impact on women and men separately (not on households), it will be impossible to know whether the project is meeting its goals.*

Monitoring allowed projects to revisit the design and methodology and to make mid-project adjustments to better serve women. These adjustments had a major impact on the outcomes of the projects in terms of involvement of women. Moreover, sex-disaggregated monitoring provided incentives to personnel, authorities, and stakeholders because they could see the results of their efforts.

Recommendations

- Conduct a true baseline study to capture the gender issues and potential impacts before project interventions take place, and preferably before critical project methodologies and targets are determined.
- Collect and analyze sex-disaggregated data throughout and after the project to be able to adequately adjust methodologies and targets and to measure what the project has achieved.

APPENDIX A. CASE STUDIES

SUPPLEMENTAL LAND ADMINISTRATION PROJECT, BOLIVIA (2001-2005)

Funded by the World Bank

1. Project Description and Objectives

This World Bank project provided financing to Bolivia to modernize and update its land administration records and institutions. The original National Land Administration Project (1995-2001) had total financing of US $27.2 million; this project (Supplemental Land Administration, P074819) was approved in 2001 for US $7.5 million. The overall objective of both projects was to achieve a more efficient and transparent land administration system through legal and institutional reforms, including provisions such as "application of criteria of equity in the distribution, administration, tenure and use of land with respect to women, regardless of their civil status;" land regularization and titling; and modernization of the Land Registry (*Registro de Derechos Reales)*. This case study summary will focus on the implementing agency's (*Instituto Nacional de Reforma Agraria* [INRA]) activities related to the land regularization and land titling component of this land administration project.

2. Land Rights and Gender in Bolivia

Bolivia's formal legal system recognizes equal rights for both women and men, including the right to own property, to inherit, and to share marital property (community property). One of the distinguishing features of the latest land law (the 1996 Ley INRA) is the explicit recognition of equal rights to land by women and men. Article 3, Paragraph V, states that equity criteria will be applied in the distribution, administration, tenure, and use of land in favor of women, independent of their civil status.

Other legislation also recognizes women's equal rights to land and property. Bolivia's 1979 Family Code declares that spouses have equal rights and responsibilities (Art. 96) and that women have social and economic functions in the home that are protected by law (Art. 98). Provisions regarding marital property as community property (property owned by both wife and husband) or any property acquired during marriage by the couple with their income or labor (Art. 102). In addition, the Family Code specifies that property acquired through grant or adjudication from the state forms part of the community property of the conjugal couple (Articles 111). This stipulation has been interpreted by INRA to include land distributed through the agrarian reform and resettlement programs and titled under this titling program.

Inheritance norms are found in the 1975 Civil Code and in general are not gender biased. Intestate property is to be divided equally among all children (daughters and sons), and the surviving spouse (Articles 1094 and 1103). In addition, with regard to marital property, the surviving spouse retains her/his half of that property.

Customary norms and practices, however, show a strong bias against women owning land. Husbands control household land and if that land is formally titled, generally only the husband's name appears on the documents. At the time of inheritance, the land usually passes from father to sons, although widows are permitted to remain on the property. Daughters may inherit a small share of the land.[19]

While the 1953 agrarian reform law stated that all Bolivian farmers 18 years and older, without distinction of sex, were entitled to benefit from agrarian reform and land settlement programs, in practice the only women who received land were female heads of household such as widows with small children. Nevertheless, 17 percent of the beneficiaries between 1956 and 1994 were women. This unexpectedly high proportion of women beneficiaries reflects the high number of titled women in the Beni (47 percent) and Santa Cruz (16 percent) lowland regions where large landowners during the 1970s attempted to hide the extent of their

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[19] Salazar, Rosario. 2004. *Tierra en la tierra: las mujeres ¿dónde están?* La Paz: Draft manuscript.

landholdings by titling some of their land in the name of their wives. The number of women who received land in the indigenous/smallholder highland and valley regions was very low: Chuquisaca (4 percent), Cochabamba (4 percent), La Paz (6 percent), Oruro (2 percent), and Potosi (6 percent).[20]

Under the current regularization program, the legal context for improving women's land rights is more favorable than under the previous agrarian reform. The gender language of the 1996 land legislation and the development of proactive gender guidelines and procedures should significantly increase the percentage of women holding land titles.

3. Incorporation of Gender in the Design of the Titling Process

In spite of gender-sensitive agreements and recommendations during project preparation,[21] INRA did not integrate gender issues into the design of the titling process and procedures. During the first few years of the titling program, INRA did not take any measures to ensure that (1) women were made aware of their legal rights, (2) women participated in the titling process, or (3) its personnel and the titling brigades received gender training with regard to women's land rights.

In addition, the regulations approved by Congress for implementation of the law calling for land titling did not adequately address the issue of women's property rights. As titling advanced, it was evident that very few women were being titled, either as individuals or as co-owners. A working group of Bolivian NGOs was formed to promote the effective application of the new law's gender provision by proposing mechanisms to facilitate its application through a series of discussions among both state and civil society groups. The principal proposal that came out of this working group was the issuing of joint titles during the titling process.

4. Changes in Gender Strategy during Implementation

Beginning in 2001, INRA realized that the titling regulations[22] did not include sufficient procedural guidelines to assure gender equity in the titling process. INRA, through the office of its director, made administrative directives to modify its activities and procedures with the objective of including more women in the process and to grant land rights to more women. These administrative directives included:

- When a legal title or a regularization certificate is issued to a couple, regardless of their civil status (married or consensual), both names must be included in the space provided for the titleholder, recording the woman's name first and then that of the man.
- The field appraisals by the titling brigades must verify effective possession regardless of civil status (married, divorced, separated, single, widowed) or gender.
- Women were to be explicitly invited to participate in the information campaigns, workshops, and exhibition events of the titling process.
- Reports submitted by the titling brigades and INRA on these events should include the number of women who attended.
- During fieldwork, the name of the spouse (legal or consensual) of the landholder should be included in the cadastral form (*ficha catastral*).

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[20] Deere, Carmen Diana and Magdalena Leon. 2001. *Empowering Women: Land and Property Rights in Latin America*. Pittsburgh: University of Pittsburgh Press.

[21] World Bank. 16 May 1995. World Bank Staff Appraisal Report for the Bolivia National Land Administration Project. (Report No. 13560-BO).

[22] The law that called for titling and registration of rural land is the *Servicio Nacional de Reforma Agraria*, Ley No. 1715, passed in 1996 and popularly called the Ley INRA. The final regulations for the law were passed in 2000.

- Land parcels titled for the first time, whether smallholder parcels or medium properties, are to be titled to the couple, not only to the head of household.
- A couple does not have to be legally married for the wife to be considered a co-owner.
- Spouses or siblings can be listed as co-owners, but not children.

These instructions by the head INRA office to its departmental and field offices reveal the difficulties that the titling brigades experienced in carrying out the instructions, originating from both government agencies and community members. The Land Registry, for example, refused to register co-ownership titles (as community property) to consensual couples, insisting that only legally married couples were recognized as legitimate spouses. As a result, the Land Registry was rejecting titles to couples without an accompanying marriage certificate and titling brigades were therefore reluctant to issue such titles. Titling brigades also experienced resistance from some male household heads and from some community authorities to include women in the titling process and on the land titles.

In late 2001, INRA hired a gender specialist to organize and implement a gender training program.[23] This training program consisted of (1) gender sensitivity training for departmental INRA offices (from the director down to all personnel), and for titling brigades and supervisors; and (2) training/education workshops on gender and land rights in the local language (Quechua, Aymara, or Spanish) for rural women organizations (such as CIDOP, CEMIB, and CIMTA); and (3) informational campaigns throughout Bolivia.

As the gender program progressed, other activities were incorporated: a review of the legislation regarding women's rights to land (e.g., inheritance, marital property), and preparation of a legal framework for INRA's titling process and its titling personnel; the collection of data on attendance of community meetings and informational workshops disaggregated by gender; the disaggregation of titling data by gender in INRA's computerized database (SIST); and focusing of gender sensitivity training on those areas where the titling process was actually occurring.[24] The gender media campaigns that accompanied the titling efforts consisted of printed materials, videos for women, posters, and calendars. All of these materials were customized for the geographic zone, the local language, and cultural norms.

The gender sensitivity training of departmental INRA personnel and titling brigades (both INRA and private firm brigades) consisted of a half-day program that outlined the objectives of the gender program, emphasized that women should participate in the titling process, reviewed the legal rights of women (not only in titling, but also in other property issues such as inheritance), and discussed the problems that women encounter, such as monolinguism and lack of personal identification cards. One problem with the titling program that also affected the impact of gender training was the high turnover rate in the titling brigades and among INRA personnel. Gender sensitivity training programs no longer exist; only written instructions on how to deal with gender issues are currently given out to the titling brigades.

Titling within the World Bank project was carried out in the areas of Ichilo and Pocona. Gender training in the two areas followed different paths. In Ichilo, training sessions were carried out both with the brigades as well as directly with the women. Specific workshops on gender and property rights were carried out with groups of women in most communities. In Pocona, on the other hand, only the brigades received gender training from INRA, but the brigades themselves were proactive in implementing standards that included women in the titling process. The firm carrying out titling in this area developed a verbal and written campaign that greatly emphasized women's rights and the importance of their participation at all levels of titling. They also included a female technician in each titling brigade and requested that all community titling committees include at least one woman.

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[23] The gender specialist was initially funded by COSUDE from 2001 to 2003; this project continued funding for this position during the last few years (2003-2005).

[24] Camacho Laguna, Daniela. 2003. *Derecho de las mujeres a la tenencia legal de la tierra*. La Paz: INRA and COSUDE.

Information gathered from a series of focus group discussions in both areas showed that gender training increased women's knowledge regarding their land rights and the potential benefits of a land title. It also seemed to positively influence their attitude regarding the titling program. Women who had received some type of gender training, compared with women who had not, showed greater knowledge regarding women's land rights and higher motivation for having their name included on the title. These women were certain of their right to be included on the title. On the other hand, women who had not received gender training came to the focus group meetings with secondhand information, seeking confirmation and more information. Men also came to recognize and acknowledge that women have rights to land. One male participant from a community that had received gender training characterized including women on titles as inevitable.

When asked specifically about the participation of women in the public campaigns and informational meetings regarding the titling program, women recalled that specific mention was made of women's rights. They also commented on the fact that women were explicitly invited to participate in the process. Those women who did not receive gender training or information appear to have been marginalized from the titling process, receiving information from other sources, mostly word of mouth.

Titling of women

A review of the statistics on titling prepared by INRA reveals that men as individuals have received over 50 percent of the titles issued since 1999, while women as individuals have received only 17 percent. Including joint titles, the percentage of women who received legal title to land increases to 37 percent; on the other hand, the percentage of men also increases to 76 percent (see Table A-1). Taking into consideration inheritance practices that give preference to sons over daughters and Bolivia's marital property regime, these statistics appear to demonstrate that women may be more successful at acquiring land as spouses than as daughters through inheritance.

TABLE A-1. TITLES ISSUED & LAND TITLED BY GENDER (1999-2004)

Title Recipient	Number of Titles	Percentage	Land Titled (ha.)	Percentage	Average Parcel Size (ha.)
Women	1,918	17	99,590	2	52
Men	6,330	56	521,625	8	82
Joint	2,253	20	336,352	5	149
Legal entity	782	7	5,454,345	85	6,975
Total titles	11,283	100	6,411,912	100	568

Source: INRA. 2005.

Regarding the amount of land titled in the different categories, the above table also reveals that the overwhelming majority of land belongs to legal entities; this includes TCOs (community titles) and agricultural enterprises. Again, we see that women as individuals received one-fourth the amount of land that men received. When broken down by year, the percentages of titles to individual women and to couples have increased significantly in the last few years; however, individual men still continue to receive over 50 percent of titles.

Women are more likely to obtain title to smaller parcels of land: 23 percent of small homestead parcels (solar) were titled to women and 47 percent were jointly titled (see table below). As parcels increase in size and/or commercial nature, the percentage of women receiving titles either as individuals or with their spouse (joint title) decreases.

TABLE A-2. TYPES OF TITLES ISSUED BY TYPE OF FARM

	Women		Men		Joint		Legal Entity*		Total	
	number	%	number	%	number	%	number	%	number	%
solar	100	23	116	27	201	47	13	3	430	100
small	1,782	18	6,019	60	1,960	20	236	2	9,997	100
medium	22	10	140	65	32	15	22	10	216	100
commercial farm	13	14	50	56	15	17	12	13	90	100

*Legal entity does not include community-led titled land.
Source: INRA. 2005.

Except for the small homestead parcels (solar), individual men obtain the great majority of land titles, while women obtain a small percentage (between 10 and 18 percent) of titles for agricultural (small and medium) parcels and legally registered commercial farms. Joint titles for agricultural (small and medium) parcels also decrease greatly. The great number of individual and joint titles being issued to women is for homestead parcels, not for agricultural parcels, and the amount of land being titled to men far exceeds the amount titled to women as individuals and to women in joint titles.

Community-led titling

As a result of concerns regarding the titling process by organizations of smallholders, a community-led titling (*saneamiento interno*) process was developed. These concerns included the very lengthy titling process and the intervention of outsiders (INRA and titling brigade personnel) in community land disputes. In February 2000, INRA issued an Administrative Resolution (No. 25/2000)[25] recognizing a rural community's capacity to resolve land boundary disputes within the community through customary methods (e.g., conciliation).

Many communities extended the interpretation of the law to mean that the community carries out the parcel measurements and determines who are the legal owners of the parcels.[26] The community-led titling process in the project areas involves the following steps:

- INRA or the titling brigade determines the outer limits of the community.
- Community authorities (sometimes working together with selected community members who have received some training[27]) determine the boundaries between parcel holders and draw up a list of parcel owners, writing down the information in the Internal Regularization Book (*Libro de Saneamiento Interno*).
- The titling brigade then surveys the parcel boundaries for the cadastral maps and verifies the parcel owners by filling in the cadastral form.

Important advantages of community-led titling are that community authorities more quickly and easily resolve most boundary conflicts, and involve community members who are then more invested in the titling process.

Interviews with INRA personnel and with titling brigade personnel, as well as focus group discussions, reveal that the community-led titling process is an *ad hoc* process. The norms and regulations for community-led titling have not yet been determined, nor have titling personnel been properly trained. While titling brigades

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[25] This administrative directive was made into law in March 2002 (Supreme Decree No. 26559).

[26] INRA is not in total agreement with this interpretation (interview with Dr. Martín Burgoa, Director de *Saneamiento*, INRA/La Paz). It is evident that a methodology needs to be developed by INRA and the communities to determine exactly what community-led titling means, what activities it covers, what the legal norms are, to what extent INRA can delegate its authority to title, and how INRA and communities can cooperate in the titling process.

[27] These persons usually consist of a paralegal trained in the legal aspects of land rights and titling and another person trained in boundary delineation.

train two facilitators (a paralegal and a measurement technician) in each community doing community-led titling, this training appears to be insufficient. As a result, some communities are not taking care to ensure that their rules are in accord with Bolivian legislation, and community authorities are sometimes using doubtful criteria that results in not recognizing women's property rights.

Participants (both men and women) in a series of focus group discussions carried out in 2004 recounted cases of persons and families being denied ownership rights to the land they felt is rightly theirs. Community members were not informed of how the appeal process works, and consequently, community leaders were able to ultimately determine the outcome of contentious land conflicts.

5. Gender Monitoring

The project did not incorporate any monitoring of women's participation in the titling process at the beginning of the titling program. Some attempts were made to collect information on women attending information meetings in the communities and participation in the parcel surveying activity. However, review of the reports on information meetings and parcel surveying shows that this type of information was collected very sporadically.

Perhaps the one monitoring mechanism that has been most successful is the disaggregation of titling data by gender. INRA's computerized database (SIST) records the gender of titleholders and is now able to report the number of titles issued to individual men, individual women, couples (joint titles), and legal entities.[28]

6. Problematic Issues

As INRA and the titling brigades stepped up efforts to include women in the titling process, a number of obstacles beyond what is usually considered land administration "territory" have been encountered. These include illiteracy, monolinguism, and lack of personal identification documents. The titling process has attempted to deal with these obstacles with varied success.

Women in Bolivia are three times more likely to be illiterate than men; they are also more likely to speak only an indigenous language, not Spanish—the official language. Communication with women, therefore, is limited to oral and visual means such as posters, graphic pamphlets, radio, and television. The gender person that worked with INRA for a number of years developed oral and visual materials in both Spanish and the local indigenous language, adapting them to different geographical and cultural areas. Titling brigades also make an effort to have persons on their team with local indigenous language skills.

Another major obstacle for many rural women is the lack of personal identification documents. Women from land-poor households are less likely than men to have birth certificates and national identification cards for several reasons. The cost of processing official documentation such as birth registration and identification cards is high for low-income families, particularly those living in isolated rural communities, and families are more likely to incur these costs for their sons and not their daughters. One requirement for determining parcel owners during the titling process is official citizen status shown by possession of an identification card.

INRA has attempted to temporarily resolve this problem by allowing undocumented persons to be included on the forms (such as the cadastral form) filled out during the adjudication and parcel measurement processes, with the understanding that these persons will have the opportunity to obtain their personal identification documents before titles are actually issued. Facilitating the process for women to obtain these identification cards would increase the likelihood that women become titleholders. Land administration programs in countries where women lack personal documents may want to consider including, as part of the titling process, a program to obtain personal identification documents for targeted populations. This side benefit may increase communities' collaboration with titling programs.

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[28] Camacho Laguna, Daniela. 2003. *Derecho de las mujeres a la tenencia legal de la tierra*. La Paz: INRA and COSUDE.

7. Lessons Learned

INRA's land administration program did not (and continues to not have) any guidelines to safeguard women's legal rights to land. Gender concerns did not guide or influence the design of titling procedures. The titling forms did not include a place for more than one name as titleholder. Personnel were not instructed to correctly identify all landowners within the household. Women were not encouraged to attend public meetings and workshops regarding titling, nor were they sought out when the titling brigade visited their land for adjudication and parcel measurement.

This would seem to indicate that in the design of the program, gender issues were not seriously considered, nor have they subsequently been incorporated as an integral aspect of its program. As a result, attempts to "catch up" were *ad hoc* and not evenly effective across the program. Critiques by civil society after several years that the titling process was dispossessing women of their land rights motivated INRA to design and implement procedures to increase the participation of women in the process and on the titles. Gender training workshops were also implemented. These changes, however, have been done on an *ad hoc* basis and apparently with little monitoring. If these procedures had been in place from the beginning and formed an integral part of the program, the opportunity to train INRA staff and titling brigades would have been greater and possibly more effective.

Where gender training took place, either with INRA staff and titling brigades or with beneficiaries, there appeared to be positive impact on women's knowledge and assertiveness with regard to their land rights. However, gender training did not reach all project areas. The Bolivia case seems to indicate that when too little resources are allocated to gender concerns (e.g., one person was placed in charge of gender issues for the whole program), these gender initiatives are at risk and easily dropped.

Another problem with INRA's gender training program—and this is most likely true of most titling programs—was that training of INRA personnel and titling brigades was done only once. Even though the personnel turnover in both these groups was very high, particularly of field staff, the new staff members were not trained. In a relatively short time frame, a high proportion of the staff had not received any gender training. Effective gender training should be an ongoing and periodic activity so that all personnel are updated on new gender policies and procedures and new staff members are quickly brought up to speed.

Monitoring of gender concerns since the beginning of INRA's implementation of the titling program would have revealed at an early stage that the program lacked gender guidelines and appropriate procedures for including women. The fact that several years passed before INRA began to issue administrative directives to departmental offices and field staff to include women in the initial informational meetings is indicative that program monitoring did not include such basic gender issues as gender disaggregation of beneficiaries participating in INRA activities. Thus, one lesson learned would be to include gender in the monitoring component so that corrective action can be taken to increase women's participation in the activities and benefits of the program.

SWEDISH AMHARA RURAL DEVELOPMENT PROGRAM, ETHIOPIA (2003–PRESENT)

Funded by the Swedish International Development Cooperation Agency (SIDA)

1. Project Description and Objectives

The Swedish International Development Cooperation Agency (SIDA) began funding two land registration projects in the Amhara Region of Ethiopia in 2003, as part of the Swedish Amhara Rural Development Program (SARDP). The first project is a pilot in two *woreda*s using a cadastral survey.[29] The second project uses a system referred to as the "traditional" approach, which means that trained farmers take the land measurements and register the land.[30] As of February 6, 2006, the projects were at a standstill awaiting execution of the contract for the third phase of the program.[31]

The Amhara Regional Land Administration Authority is responsible for implementing both projects, both of which involve first the demarcation of *kebele* boundaries, followed by demarcation of common lands and fields, and then plots.[32] Ultimately, a land certificate is issued in the name of the husband and wife, which includes a photograph of both spouses, a list of all plots measured, and the names of family members.[33]

The Amhara region is the second largest state in Ethiopia, encompassing 170,752 square kilometers, or 11 percent of Ethiopia's total area.[34] The region is divided into 10 administrative zones, 106 rural and nine urban *woreda*s, and 2,927 rural *kebeles*. The region has three major agricultural climate zones: highland (above 2,300 meters), semi-highland (1,500 to 2,300 meters), and lowland (below 1,500 meters), accounting for 20, 44 and 28 percent of the area, respectively.

Ninety percent of the Amhara population (14.7 million people) lives in rural areas. The average rural household is comprised of 4.5 people, and the average landholding per household is 1.10 hectares. The average per capita holding is 0.24 hectares. Among agricultural holders, 18 percent are female, of whom 33 percent live in urban areas. Among male agricultural holders, 7.7 percent specialize in livestock production, compared to 18 percent of female agricultural holders. Eighty percent of male holders engage in mixed farming compared to 48 percent of female holders. The percentage of heads of agricultural households who are illiterate is 71 percent, with 81 percent for female-headed households.[35]

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29 A *woreda* is a local unit of government or district comprised of *kebeles* or wards/neighborhoods. A *kebele* is further subdivided into a unit called a *goat*. See Askale Teklu. 2005. *Land Registration and Women's Land Rights in Amhara Region, Ethiopia*, Research Report 4, International Institute for Environment and Development, at 3, n.2–3.

30 Adenew, Berhanu and Fayera Abdi. 2005. *Land Registration in Amhara Region, Ethiopia*, Research Report 3. International Institute for Environment and Development.

31 Email to author Renee Giovarelli from Lennart Frej (February 6, 2006).

32 Adenew, Berhanu and Fayera Abdi. 2005. *Land Registration in Amhara Region, Ethiopia*, Research Report 3. International Institute for Environment and Development, p. 13.

33 ibid.

34 ibid, p. 10-11.

35 ibid.

Cadastral Survey Pilot Project

The primary objectives of the pilot project were to (1) "analyze farmers' perceptions of land registrations and changes in attitude and land use as a result of the pilot," and (2) "evaluate technical and financial requirements for land registration and title certification."[36]

The project involves use of a cadastral survey in two *woredas* (Gozamen and Dessie Zuria), based on land measurement and identification of boundaries and locations. Each *woreda* consists of two *kebeles*. The Gozamen *woreda* encompasses of 2,000 hectares and the Dessie Zuria woreda encompasses 1,500 hectares.[37] Using a global positioning system (GPS), plot boundaries were demarcated and then marked with white stones.[38]

The project included community discussions at the *woreda* and *kebele* levels, and committees of farmers were recruited to implement the project.[39] In March 2005, after 30 months of data collection and entry, and map production, land certificates were issued to farmers in the pilot *kebeles*. Boundaries marked with white stones are not considered advantageous to weaker landholders, such as women and the elderly, because stones are so easily moved by other landholders during ploughing.[40]

"Traditional" Approach Pilot Project

While the cadastral survey pilot project was underway, SIDA also began funding a "traditional" registration project, also undertaken by the Regional Land Administration Authority in all 106 *woreda*s. The goal was to register all of the lands in the region within three years. In each *woreda*, a few *kebele*s were selected.

Guidelines for the registration process were developed but not immediately disseminated to all *woredas*. According to the guidelines, registration, certification, and land use planning are to be participatory, with farmers involved directly in land measurement and registration. Such participation would be through committees elected from the community and then trained. No GPS was used. Plot areas were estimated (using traditional methods) and boundaries determined by the committee in the presence of other witnesses and then described in words. This information would ultimately be transferred to the land certificate, which would include a narrative description of the boundaries (including the names of neighbors) and the names and photographs of the husband and wife. [41]

Of the approximately 18,890 community members elected to five-person committees, 1,318 were women, or seven percent.[42] "Local leaders and government officials had not promoted women's participation in local land administration committees because they perceived the work involved is too difficult for women. Also

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36 ibid, p. 13.

37 ibid, p. 15.

38 ibid, p.13.

39 More information on the objectives and make up of the committees is not available.

40 The source indicates that boundaries marked with stones are "advantageous" to weaker landholders but this statement appears to be in error because the source justifies that statement because other landholders can "constantly push the boundaries of their holdings during ploughing." Adenew, Berhanu and Fayera Abdi. 2005. *Land Registration in Amhara Region, Ethiopia*, Research Report 3. International Institute for Environment and Development. p. 15.

41 ibid.

42 ibid, p. 16.

fewer women participated in meetings held about the registration process.[43] However, where women were on the committee they did intervene to protect the rights of women."[44]

By the end of 2004, over 3.6 million plots were registered, although the amount of land registered is unknown.[45] Seven categories of land users had their land registered: (1) male holders (30.3 percent), female holders (26.1 percent), joint (husband-wife) holders (39.5 percent), group land users (2.75 percent), and NGOs and governmental organizations (1.41 percent).[46] One year later, a study of land registration in only four *woredas* indicated that 123,700 holdings had been measured and registered, with 54 percent of the holdings registered under joint title, 22.7 percent by men, 23.4 percent by women, and 0.12 percent registered as communal.[47] Of the registered holdings, 62 percent of the landholders had received certificates.[48]

A study of the perception among the communities of who benefits the most from land registration indicates that 37 percent believe the landless will benefit, then the rich (23 percent), then poor farmers and youth (14 percent), and finally women farmers (12 percent).[49]

In addition to these regional projects, USAID has begun funding a three-year nationwide program, the Ethiopian Land Tenure and Administration Program (ELTAP). ELTAP's primary objective "is to help the Government of Ethiopia (GOE) implement a sound land certification system that provides landholders in Ethiopia robust and enforceable tenure security in land and related resources."[50] Although it is premature to review ELTAP for its best practices for ensuring women's access to land, a brief discussion is included where appropriate.

2. Land Rights and Gender in Ethiopia

Both formal and customary law governs land rights in Ethiopia. Women fair far better under the formal law but custom continues to play a significant role in women's ability to access land.

Formal Rights to Land

The 1995 Ethiopian Constitution provides for only state ownership of land—there is no private right to land.[51] The Constitution does, however, provide that every farmer who wants to make a livelihood from

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43 ibid.

44 ibid, p. 25.

45 ibid, p. 18.

46 ibid.

47 ibid. p. 21.

48 ibid.

49 ibid, p. 23.

50 ARD, Inc. 9 May 2005. *Ethiopia: Strengthening Ethiopian Land Tenure and Administration Program, Final Technical Proposal*, p. 2–3.

51 Constitution of the Federal Democratic Republic of Ethiopia, art. 40, sec. 3 *available at:* http://mail.mu.edu.et/~ethiopialaws/MainConstitutionpage.htm; *see also* ARD, Inc. 9 May 2005. *Ethiopia: Strengthening Ethiopian Land Tenure and Administration Program, Final Technical Proposal*, p. 2–3.

farming is entitled to a piece of land free of charge.[52] The Constitution delegates responsibility for the administration of land and natural resources to regional governments.[53]

Article 35 of the Constitution accords to women all rights guaranteed under the Constitution and includes equal rights in marriage.[54] More specifically, women are entitled to acquire and manage property, including land, with equal participation in decision making: "Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance of property." [55] The Constitution obliges the state to prohibit laws or customary practices that harm or oppress women.[56]

The Family Code governs personal matters including marriage, divorce, division of household property, and maintenance and custody.[57] The Code recognizes two types of property in marriage: personal and common.[58] Personal property is that property which a spouse possesses on the day of the marriage.[59] All property acquired during marriage is deemed common, unless a court determines otherwise.[60] Significant for purposes of this discussion, there is a legal presumption of common property "even if registered in the name of one of the spouses unless such spouse proves that he is the sole owner thereof."[61] Upon divorce, common property is to be divided equally between the spouses, unless a marriage contract provides otherwise.[62]

The Civil Code governs inheritance, granting full testamentary rights to women.[63] The Civil Code, however, limits the right of a spouse to transfer personal property by testament to the other spouse. Instead, property must pass to blood relatives. Thus, "each spouse can retain his or her own personal property, half the common property, and any properties provided by valid contract between the spouses."

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52 Constitution of the Federal Democratic Republic of Ethiopia, art. 40, sec. 4;. *see also* ARD, Inc. 9 May 2005. *Ethiopia: Strengthening Ethiopian Land Tenure and Administration Program, Final Technical Proposal*, p. 2–3.

53 ibid, art. 52, sec. 2(d).

54 ibid, art. 35, sec. 1.

55 ibid, art. 35, sec. 7.

56 ibid, art. 35, sec. 4.

57 Revised Family Code of Ethiopia. 2000. *available at*: http://mail.mu.edu.et/~ethiopialaws/FamilyLawHome.htm. The Family Code repeals Civil Code provisions related to marriage, divorce, and maintenance but not inheritance. See Family Code, art. 319(1).

58 ibid, ch. 3, sec. 3.

59 ibid, art. 57.

60 ibid, art. 62.

61 ibid, art. 63(1).

62 ibid, art. 90.

63 The Civil Code of Ethiopia. 1960. art. 837. The discussion of inheritance is derived from the Women's Affairs Office, The Federal Democratic Republic of Ethiopia and the World Bank. 1998. *Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues*. p. 10–13. Where there is no citation to a specific legal provision, the omission is in the original source.

Amhara Regional Law

As mentioned above, there is no federal agency entrusted with land administration, and therefore, responsibility for land administration has been delegated to regional governments. A 1997 federal law mandates that regional laws must confirm the equal rights of women in the use, administration, and control of land, and that women must be permitted to hire workers or to cultivate their holdings as they choose.[64] The law requires that the system of allocating land rights be transparent, fair, and include the participation of women.[65] One major flaw in the 1997 law is that it is silent on how land should be registered. As a result, land was typically registered to the head of household, which was by law the husband—until passage of the Revised Family Code in 2000.

At least four of the regional governments have begun to devise and implement their own land administration policy, including the Amhara region.[66] Each region shares the objective of improving land tenure security for landholders but has a different approach to land administration. Regional proclamations still provide for the taking of land use rights by the regional government or the local *kebele* administration, on the basis of compensation paid. In no instance, however, is the expropriation process described.

The source of land rights subject to registration is the 1991–1996 land redistribution program.[67] Land redistribution in Amhara began in 1997 and was based on age and sex. Any woman over 18 years of age and any man over 24 years of age were entitled to an allocation.[68] According to a World Bank report, the Amhara proclamation includes several provisions that benefit women.[69] First, the proclamation increased women's access to land by no longer requiring that persons allocated land be prepared to till it. Second, the proclamation does not use the term "household," instead it uses the term "social institution," which is defined as a unit that is operated under the responsibility of a man or woman.[70]

Among those eligible to hold land in the rural *kebele*s are heads of households who administer families, couples married before 1996 who have been living together in their own house, and women who live in a rural locality and make money for a living in rural localities and whose means of subsistence is based on

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[64] Federal Rural Land Administration Proclamation No. 89/1997, parts 2.5(4); 2.6(3); *see also* The Women's Affairs Office, the Federal Democratic Republic of Ethiopia and the World Bank. 1998. *Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues*. p. 22.

[65] Federal Rural Land Administration Proclamation No. 89/1997, part 2.6(10).

[66] ARD, Inc. 9 May 2005. *Ethiopia: Strengthening Ethiopian Land Tenure and Administration Program, Final Technical Proposal*. p. 3.

[67] Teklu, Askale. 2005. *Land Registration and Women's Land Rights in Amhara Region, Ethiopia*. Research Report 4, International Institute for Environment and Development. p. 5.

[68] ibid. Please note that in at least one instance, Teklu relied on a Civil Code provision that was repealed by the Revised Family Code of 2000.

[69] The Women's Affairs Office, the Federal Democratic Republic of Ethiopia and the World Bank. 1998. *Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues*. p. 22–23.

[70] The authors of the World Bank paper note that this difference may simply be due to a difference in translation. See The Women's Affairs Office, the Federal Democratic Republic of Ethiopia and the World Bank. 1998. *Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues*. p. 23.

agriculture.[71] Unfortunately, the proclamation is silent on the criteria to be used for allocating land among those eligible, and is left to the determination of committees formed at the local level.[72]

In Amhara, joint titling, which incorporates names and photographs of both husband and wife on the title certificate, is required.[73]

Custom in the Amhara Region

Although the Constitution recognizes marriages concluded under religious or cultural laws, and the Family Code recognizes marriages conducted under customary law,[74] the Family Code prohibits bigamy.[75] The result is that women in polygamous households are in a vulnerable position without legal recourse.

In practice, however, formal law is weakly enforced in personal matters, and rural citizens continue to apply customary laws to their economic and social relationships.[76] Disputes are resolved through a process of family arbitration, and within the Muslim community disputes are settled by *sharia* courts. Customary practices related to women's access to land vary from region to region and between religious groups.

Customarily, single women in the Amhara region have little access to land, and are expected to move to their husband's village once they are married. As a result, there is a reluctance to allocate land to single women because the land may remain uncultivated.

In the Amhara region, there is no uniform custom of the rights of women upon marriage. It is customary that Christian women own half the common property, but married women control only crops (except in one community), livestock products, chicken, eggs, and some garden trees. Married Muslim women in the Amhara region have greater ownership rights but over less household property.

Upon divorce, women in the Amhara region are not entitled to land. Divorced women are expected to return to their village after their divorce. If they continue to live in their husband's village after the divorce, it is unlikely they will remarry because most of the males would be related to their husband. For the same reason, they would have difficulty obtaining assistance from male villagers to cultivate their land. To avoid this problem, allocations of land to divorced women is avoided. Thus, under the proclamation, a divorced woman may obtain land only if she meets the criteria for land allocation: making money in the rural locality, engaging in small trade and living in a rural area; or engaging in small-scale craft activities, with their livelihood based on agriculture.

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[71] The Women's Affairs Office, the Federal Democratic Republic of Ethiopia and the World Bank. 1998. *Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues*. p. 23.

[72] ibid.

[73] Teklu, Askale. 2005. *Land Registration and Women's Land Rights in Amhara Region, Ethiopia*. Research Report 4, International Institute for Environment and Development. p. 5.

[74] Revised Family Code of Ethiopia. 2000. art. 4. *available at*: http://mail.mu.edu.et/~ethiopialaws/FamilyLawHome.htm.

[75] ibid, art. 11.

[76] The following discussion of customary practices in the Amhara region is derived from the Women's Affairs Office, the Federal Democratic Republic of Ethiopia and the World Bank. 1998. *Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues*. p. 14–24.

Widowed, Christian women in the Amhara region rarely inherit the property of their husbands when there are blood relatives still living. Women inherit land only if there are no brothers or parents.[77]

3. Incorporation of Gender in the Design of the Titling Process

There appears to have been no deliberate consideration of gender issues during the design of the titling process for either pilot project. Despite that fact, however, women will benefit from the mandatory joint titling requirement, especially where the land certificate is to include a photograph of the land users, most often both a husband and wife. [78]

4. Changes in Gender Strategy during Implementation

Although there were no formal changes in strategy to address gender issues in the titling process, at least one local administration recognized the negative implications of women's lack of participation in the land registration process. In that instance, individual land administration desk officers "have instructed the community to include at least two women in the *kebele* land administration committee."[79] It appears that such instructions are isolated to one or two locales. Reliance on such local initiative cannot ensure that women's interests are addressed.

5. Gender Monitoring

Neither of the SARDP land registration projects incorporated monitoring of women's participation or gender-differentiated impacts. Although some of the data collected include the number of female-headed households who registered land, a more deliberate and expansive effort is needed to ensure women's access to land.

6. Problematic Issues

Several problematic issues are evident from the titling process in the Amhara region. First, no comprehensive gender plan was developed although the gender of the land holder was flagged as an important issue. The pilot projects did not include gender-differentiated approaches for training, education, or monitoring. Several key issues have not yet been decided, specifically, how to register land when there is a polygamous relationship involved. Polygamy is illegal but continues to occur.

Moreover, within the Amhara region, women's organizations have limited capacity to organize and conduct activities, and may not be a vehicle for informing and educating women about the land registration process.[80]

7. Lessons Learned

The Ethiopia project is an example of a project that did not necessarily consider gender in the project design, but nonetheless the process developed for registration was such that women were often registered as co-owners of marital property. However, there is little information other than the simple statistic of whose name is on the land certificates to indicate the effectiveness of photographing the land users. On one hand, this

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[77] Another source explains the customary practice to be that a widow will inherit all marital property including land. *See* Teklu, Askale. 2005. *Land Registration and Women's Land Rights in Amhara Region, Ethiopia*. Research Report 4, International Institute for Environment and Development. p. 14.

[79] Adenew, Berhanu and Fayera Abdi. 2005. *Land Registration in Amhara Region, Ethiopia*, Research Report 3. International Institute for Environment and Development. p. 25; Askale Teklu. 2005. *Land Registration and Women's Land Rights in Amhara Region, Ethiopia*. Research Report 4, International Institute for Environment and Development. p. 8.

[80] Teklu, Askale. 2005. *Land Registration and Women's Land Rights in Amhara Region, Ethiopia*. Research Report 4, International Institute for Environment and Development. p. 9.

approach seems to have a positive effect on women. At the end of 2004, there were women registered as land holders either as individuals (26.1 percent), or as joint holders with their husbands (39.5 percent).

Due to limited data collected and disaggregated by gender, it is impossible to know what other positive effects providing photos of land users had on women, nor is it possible to know what effect land registration had on women who were/were not registered.

Without a plan to include women, even federal law did not have an impact on whether or not women were involved as project implementers. Despite federal law requiring the inclusion of women as implementers of the land administration process, there was no formal effort to ensure women's participation, the result of which was that almost no women participated. According to one study, only one *woreda* tried to include women representatives on the land registration committee.[81] A survey of women in the region revealed that they never participated in the meeting to elect registration committee representatives because they were not informed of the dates or locations of the meetings; because they consider attending such meetings a task for men; and because, generally, women do not go to meetings. [82]

Women and other community members were ill-informed about the need for and impact of women's involvement in the land registration process. Community beliefs persisted (unchecked) that women "cannot handle" the task of registration because it is time consuming and requires moving from field to field. Moreover, women believed that their participation in the registration process would make no difference to their rights.[83]

The absence of women as implementers of the land registration process resulted in fewer women asserting their rights. Women indicated that they were more likely to approach a woman to address an issue related to their land rights rather than the local registration committee comprised only of men.[84]

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[81] ibid. p. 7.

[82] ibid. p. 7–8.

[83] ibid. p. 7–8.

[84] ibid. p. 8.

GUAYAPE VALLEY AGRICULTURAL DEVELOPMENT PROJECT (LAST PHASE), HONDURAS (1995–2001)

Funded by the Canadian International Development Agency (CIDA)

1. Project Description and Objectives

The Guayape Valley Agricultural Development Project was initiated in the 1980s and consisted of three phases. This review will focus on the project's gender strategy and its land titling activities in the third and last phase (1995-2001). The project area covered 222,000 hectares in the Province of Olancho; the broad valley floor of the Guayape River consists of 93,000 hectares of rich alluvial soil with a potential for intensive agriculture if water is available during the dry season. The rest of the project area is made up of steep hills and narrow tributary valleys where shifting agriculture, mixed crop and livestock farming, and forestry are the main economic activities.

The project's principal objective during this last phase was to build on the successful processes of the previous phases and consolidate institutional support for socioeconomic and environmentally sustainable agricultural production among smallholder farm families in the Guayape Valley. The construction of small-scale irrigation infrastructure and the introduction of diversified production systems were continuing themes in the third phase, together with land titling, water and soil conservation, and watershed protection.[85] There was also a major modality change in project financing: the funding for the first two phases was mainly from donations and for the third phase was primarily from loans.

During the second phase (1991-1995), infrastructural and capital investments including irrigation and technical innovation (such as a hybrid, high protein sorghum variety) had been undertaken by the project in order to diversify and increase agricultural production. In the process, a diagnostic study of the land tenure situation in the Guayape Valley revealed that most of the medium and smallholding families were working *ejidal* land (municipal land) or had received land under the agrarian reform of the 1970s and many of these landholders did not have title.[86] In order to protect the project's infrastructural and capital investments and to permit smallholder farmers to access credit for further farm improvements, a land titling component was initiated so that land could be utilized as collateral for credit. A pilot land titling effort was implemented during the last years of the second phase (1993-1995).

The project in its last phase sought to strengthen the credit delivery capacity of five local NGOs and two savings and credit organizations who collectively provided institutional credit to more than 5,000 small- and medium-farm families and to women engaged in diverse microenterprise initiatives. The project also supported other credit schemes such as grassroots savings and credit systems (Grameen Bank model) and other community-based credit and savings systems that offered credit based on group solidarity to women, youth, and other economically disadvantaged groups.

2. Land Rights and Gender in Honduras

With the reform of several legal codes starting in the mid-1980s, such as the Family Code (1984), women's rights to property were more explicitly recognized. Marital property legislation stipulates that couples can choose whether they pool the assets they acquired during marriage or whether they are kept separate; the

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85 Deloitte and Touche. 1995. *Guayape Valle Agricultural Development Project – Proposal for a Final Phase.* Canadian International Development Agency (CIDA).

86 Euceda Roque, Dario. 1991. *Tenencia de la tierra en el Valle Guayape y algunos aspectos de la Ley de Reforma Agraria incluyendo el credito.* Direccion Regional del Centro-Oriente, Honduras: CIDA.

default regime is separate property. Since property acquired is generally titled in the name of the household head, men are often the legal owners and may dispose of property without the consent of his spouse. On the other hand, intestate inheritance laws favor spouses when she/he does not have sufficient assets for their subsistence.[87] In addition, consensual unions have been recognized as legal since the mid-1980s with the same rights as married couples. This recognition is important in Honduras where there is a high rate of consensual unions.

In Honduras, customary norms and practices are based on recognizing the male household head as the main authority figure and the principal property owner, particularly of landed assets. In spite of the fact that legislative reforms since the 1980s have given female spouses equal rights in marital property, many households behave differently. Husbands have effective control over land and may not even consult their spouse when making decisions about the land. Wives generally concede decision-making authority to their husbands. If the female spouse dies first, the husband retains full control of their property—her half of marital property does not devolve to heirs until he also dies. On the other hand, if the husband dies first, his half is generally allocated to their children and sometimes even the wife's portion is distributed among them.

The titling and registration programs carried out during the 1980s in Honduras have focused on titling land reform beneficiaries[88] and smallholders occupying state- and municipal-owned (*ejidal*) land without title. While these parcels were allocated to families, the title generally lists only one name as property owner.[89] The realization that women's legal rights to land were not being recognized motivated the changes in titling procedures to issue joint titles, particularly for land allocated by the state to smallholders—this would include *ejidal* and agrarian reform land.

Honduras initially (1992) made joint titling optional. The Law for Modernization and Development of the Agrarian Sector (1992), states in Article 97 that "…the property title for land will be issued in the name of the couple, ***if they request it***" (our emphasis). In this way, the state took away with one hand what it had granted with the other. Although Honduran law recognizes marital property rights of female household heads (married or consensual), the Law for Modernization put the burden and responsibility on women to demand this right at the moment when household land was being titled. It is understandable that women would be reluctant to demand their rights since cultural norms place women in a dependent status vis-à-vis their husbands. Not until 2000 was the law revised to make joint titling mandatory.

In summary, the obstacles for achieving gender equity with regard to legal property rights in Honduras are of a legal, cultural, and social nature. Although some laws recognized the rights of wives to landed property acquired by the couple, another law required that the couple request the recognition of marital property. This law was in effect for almost 10 years, until the relevant article was reformed. The resistance of legislative bodies to recognize the rights of rural women in Honduras demonstrates the lack of political will to support gender equity.

3. Incorporation of Gender at Project Design Stage

The Guayape Valley project attempted to address women's needs from the first phase. One goal of the project was that rural women benefit from project interventions. Over the life of the project, the approach

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[87] Deere, Carmen Diana, and Magdalena Leon. 2001. *Empowering Women: Land and Property Rights in Latin America*. Pittsburgh: University of Pittsburgh Press.

[88] The agrarian reform program of the 1970s had formed production cooperatives. During the 1980s and 1990s, these cooperatives parceled the land, distributing land among its members in an individual fashion.

[89] An evaluation of the titling program financed by USAID between 1984 and 1989 concluded that only 24 percent of the 40,300 titles were granted to women. (Falck, Emile. 1992. *Project assistance completion report: Honduras small farmer titling project*. USAID Evaluation Report. Tegucigalpa: USAID.)

changed from one that organized some women's activities to one that attempted to deal with women's productive activities, and finally focused on their empowerment by facilitating their access to legal land rights. This change came about from gender assessments undertaken over the life of the project. This change in gender strategy follows the change in thinking and approach by development scholars and practitioners as they have come to realize that passive acceptance by women of assistance-type project activities are neither sustainable nor transformative, and that women have an active participatory role in the attainment of well-being for themselves, their children, and their families.

During the first phase of the project, most women's activities were limited to the community development component; a minority of women was included in the agricultural production components because few women owned or had direct access to land. The first gender assessment for the Guayape Valley project[90] recommended that women be gradually included in some production activities that are not dependent on landownership such as garden horticulture, small animal raising, tree nurseries, and agro-industry. The assessment also recommended that the project facilitate access to land for women including land purchase and titling. Finally, the gender assessment recommended that gender be included as an indicator for all project activities in monitoring and evaluation exercises.

Women controlled very little land in the project area toward the end of the 1990s when the titling activity began. From the cadastral survey carried out in the mid-1990s, it was found that women possessed only 18 to 23 percent of the farms and 15 to 16 percent of the land even though they made up 52 percent of the population in the project area.[91] A pilot land titling effort was implemented during the last years of the second phase (1993-1995). A later analysis of that pilot effort revealed that the titling process had no gender guidelines or procedures: 87 percent of the titles were issued to men, 13 percent to women, and none to couples.[92]

4. Changes in Project's Gender Strategy

As a result of the first gender assessment, beginning in 1993, major efforts were made to increase women's productive and income-producing abilities through the creation of small agro-industries (such as processing and marketing of fruits, vegetable gardens, diary products, poultry and pig production, animal feed). One major objective was to improve food security and diversify family diets. The implementation of these production activities was done through women's groups at the village level; they were mostly managed by women and involved training in the use of new technology.

A gender strategy document written in 2000 observed, however, that most of the women were not applying the technology disseminated in the training for most agro-industry production. Major obstacles were inadequate training, ineffective marketing strategies, lack of commercial credit to continue these activities, and low profits. In some cases women were actually worse off economically than before because many of these project activities were financed with loans they could not repay.[93] Among the major reasons found for

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[90] Cebotarev, Nora and Maria Concepcion Rubio. 1992. *Mujer Rural, Rural Women.* Direccion Regional del Centro-Oriente, Honduras: CIDA.

[91] These different sets of percentages are reported in two reports: (1) Ucles, Nolvia. 2004. *La titulacion del tierras con enfoque de genero: la experiencia del Proyecto de Desarrollo Agricola del Valle de Guayape Ultima Fase*, Tegucigalpa: CIDA. p. 3.; and (2) Proyecto de Desarrollo Agricola del Valle de Guayape-Ultima Fase. October 1999. *La posesion de tieras en el Valle de Guayape: un estudio de la situación de la mujer poseedora de tierras en nueve aldeas seleccionadas*. Honduras: CIDA.

[92] Ucles, Nolvia. 2004. *La titulacion del tierras con enfoque de genero: la experiencia del Proyecto de Desarrollo Agricola del Valle de Guayape Ultima Fase*, Tegucigalpa: CIDA. p. 9.

[93] Proyecto de Desarrollo Agricola del Valle de Guayape-Ultima Fase. n.d. *Estrategia de Integracion de Genero, End of Project Report.* Honduras: CIDA. pp. 92-93.

women's lack of credit access are no collateral, little knowledge of credit sources, and little knowledge of how to solicit credit.

For the third phase of the project, the gender strategy had evolved into integrating gender equity into each component of the project rather than having women's activities as add-on activities. This shift in approach responded to the realization that discrete "women in development" activities were ineffectual without recognition of the gendered obstacles that women face. The gender strategy also included integrating more women in project staff, gender training for all project staff, and the hiring of a full-time gender consultant at the end of 1999.

An expanded titling component was implemented during the third phase in collaboration with the Honduras titling agency, *Instituto Nacional Agrario* (INA), so that smallholder families could make investments in agriculture, natural resource management, and conservation.[94] One of the explicit and stated objectives of the titling component was to integrate women into the titling process, either as individual or joint owners, with the objective of enabling women's access to formal credit.[95] Initially, the land titling component was expected to reach between 3,000 and 5,000 families. When this phase of the project reached an agreement with the INA in March 1999, the goal was to title 3,000 farms with at least 1,000 titled jointly to both spouses.

Although Honduran legislation provided the option of joint titling for couples,[96] the rural land titling agency, INA, did not generally promote this option. Since they were evaluated on the number of titles issued, the extra work and documentation needed for joint titling slowed down the process. In other words, INA did not have a policy to promote joint titles nor did they encourage women to have their land rights titled. The titling process was implemented as efficiently as possible, meaning that the main priority was to issue as many titles as possible in the shortest time, even though this "efficiency" resulted in depriving persons of their legal land rights. Other rural projects that had offered this option to couples obtained disappointing results—a possible explanation is that this option was not accompanied by training and promotional campaigns.

The project undertook a series of preparatory activities to ensure that women would participate in the titling process. Together with the local municipal offices, the project sought to legalize common law marriages free of charge,[97] assist persons not registered in the birth registry to obtain a birth certificate, promote the option of joint titling, incorporate women in the titling brigades, organize gender training sessions for INA and municipal staff, and hold open municipal meetings that focused on the importance of women's land rights. There were also monitoring mechanisms such as the requirement that INA report on a monthly basis to the project how many titles had been issued to men, to women, and to couples.

As of September 2000, 2,581 property titles were issued. Of these, 21 percent were issued to women, 44 percent to men, and 35 percent to couples.[98] Even though women still received a significantly lower number than men, these numbers are positive relative to other titling efforts in Honduras. Another positive aspect of this titling effort is that the percentage of land titled (hectares) for each of the three categories (women, men,

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[94] As part of the titling component, the project together with INA and other organizations drew up a geo-referenced cadastre and GIS database of 220,000 hectares in the Guayape Valley.

[95] Lobo, Enma. 1999. "La Mujer y la tenencia de la tierra en el Valle del Guayape" in *Corra la Voz*, No. 2 (Abril), pg. 6.

[96] The Ley para la Modernizacion y el Desarrollo del Sector Agricola passed in 1992 provided for the joint adjudication and titling of couples (whether formally married or not), but only if the couple requested it.

[97] Honduran law, for purposes of land titling, recognizes joint ownership by couples married in civil court and by couples who have had their consensual union legalized.

[98] Ucles, Nolvia. 2000. "Hacia la titulacion de tierras rurales desde una perpectiva de genero" in *Corra La Voz*, No. 5 (Diciembre), pp. 4-5.

and joint) is comparable (20 percent, 44 percent, and 36 percent respectively)[99]. While the objective of the titling program on the part of the project implementers was to strengthen the economic capability of these smallholder families, both men and women responded that their motivation was to strengthen family stability.

A survey done of titling beneficiaries in May 2000 found that slightly over 50 percent of the land titled jointly had been purchased by the couple; the rest of the land had either been inherited by one of the spouses or they had been allocated the land by the municipality. The study also found that women titleholders (not joint titles) had acquired the land either through inheritance or had purchased it. A sizeable proportion of these women (30 percent) are single. In contrast, only 17 percent of titled men are single.

The End of Project Report for Phase III of the Guayape Valley project outlined the successes, disappointments, and potential failures of this titling experience. One big success was the cadastral survey and GIS database of the valley which can be used to document both property rights transfers and land use changes. It was hoped at the time that this cadastral survey would be linked to the property registry office. The titling of 19,000 hectares, the majority of which did not have any legal documentation, is also considered an important success. As well, the fact that 21 percent of these titles were issued to women and 35 percent to couples was a tremendous success since these were more than double the national rates.[100]

One of the broader impacts that came out of the positive results achieved by the Guayape Valley project is the sponsorship and promotion of joint titling by national government officials, including the President and the Minister of Agriculture. The Ministry of Agriculture eventually adopted a gender equity policy (*Equidad de Género en el Agro Hondureño*) and the National Congress passed an equal opportunities law (*Ley de Igualdad de Oportunidades para la Mujer*) in 2000.[101] The Ministry of Agriculture's gender policy was supposed to promote the joint titling option, provide gender training of titling staff, diffuse legal rights and institutional land access mechanisms for women, and facilitate the provision of identification documents for women.[102]

Caution, however, was noted in the report with regard to three aspects. The report noted that the value of titled land had increased by 39 percent. While this is beneficial to titled owners, it put out of reach for many low-income smallholder and landless families the possibility of purchasing land. Ironically however, financial institutions in the region had not reassessed the value of these properties, keeping the previous low values for them and thus maintaining low limits for titled owners' available credit. Thus, the objective of transforming land into collateral for smallholders was not achieved. Finally, with regard to titling women, the report cautioned that while the Ministry of Agriculture had adopted a gender policy, particularly with regard to land titling, unless INA institutionalized this policy and changed its priorities and procedures from issuing titles quickly to including women in the titling process, the success achieved by the project would remain an exception. The report noted that peasant organizations would also have to support a gender policy in order to successfully title women.[103]

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[99] CIDA. September 2000. *Avance en el Acceso y Control de Tierras Rurales de la Mujer Rural en el Valle de Guayape*. Report prepared for the Secretary of Agricultura and Livestock and CIDA.

[100] Proyecto de Desarrollo Agricola del Valle de Guayape-Ultima Fase. n.d. *End of Project Report, Proyecto de Desarrollo Agricola del Valle de Guayape Phase III*. Honduras: CIDA. pp. 57-58. The report does not provide data to support the claim that the rate of women and of couples titled in the project area was doubled compared to the national rate. A search by this author could not find data from INA on titling to couples (joint titles) for the project years. A source that listed titles issued to women and men shows that between 1996 and mid-2000, 25 percent of titles issued by INA went to women—no joint titles were listed. (Source: The Secretary of Agricultura and Livestock, INA, and the Guayape Project. 7 July 2000. *Hacia la titulacion de tierras rurales con enfoque de genero: Foro Nacional*.)

[101] As of 2004, the regulations for implementing the equal opportunities law had not been passed.

[102] Proyecto de Desarrollo Agricola del Valle de Guayape-Ultima Fase. n.d. *End of Project Report, Proyecto de Desarrollo Agricola del Valle de Guayape Phase III*. Honduras: CIDA. pp. 61-62.

[103] ibid. pp. 58-61.

5. Gender Monitoring

A gender assessment undertaken at the end of the first phase of this project recommended that gender be included as an indicator for all project activities in monitoring and evaluation exercises. In the documents made available for this review, there was some indication that gender monitoring had taken place on a regular and systematic basis. There were a series of gender assessments that did influence the implementation of some activities, such as the land titling component. There were also monitoring mechanisms in the land titling component such as the requirement that INA report on a monthly basis to the project how many titles had been issued to men, to women, and to couples.

An assessment of the land titling component from a gender perspective[104] was undertaken after the close of the project based on a series of interviews with principal persons involved in the titling process, focus groups discussions, interviews with titled men and women. The assessment found that although titling increased the number of women with legal rights to land, women did not increase their control over land. Titled women did not generally participate in the decision-making process regarding the production on that land; men continue to make production decisions related to land and women know very little about productive activities. The survey also found, however, that there was more communication between spouses regarding activities related to land, that income from land-based activities contributed to meeting basic household needs, and that the titling experience had contributed to more equitable and harmonious relations between spouses. A caveat should be made here that since joint titling was an option that couples chose, there is the possibility that couples that already had a harmonious and respectful relationship were the ones who chose joint titling. This possible bias should be taken into account when considering the positive gender results reported in this assessment.

Another interesting result from the 2004 assessment (which was also reported in the End of Project Report) is that few titled farmers have invested in their land because they have not been able to access formal credit. Local authorities, farm families, and bank officials reported that commercial banks do not accept rural land as collateral because of depressed farm prices and the inability of banks to foreclose on mortgaged land. In addition, titled farmers have not been able to access technical assistance after the close of the project. One of the conclusions of the assessment is that the main justification for land titling should be to secure the land rights of smallholders. The expectation that land titling in areas such as the Honduran rural sector will stimulate the creation of a land market for smallholders and provide them with access to formal credit does not appear to have been fulfilled.

6. Problematic Issues

As with titling programs in other countries (e.g., Bolivia, Peru, Brazil), one of the problems encountered in titling women is that many rural women do not have national identification documents such as birth certificates and voter registration cards. Couples do not have civil marriage certificates, a requirement for including women as joint property owner. One of the most successful activities of this project with regard to improving women's status and citizenship was to facilitate the resolution of these documentation problems.

7. Lessons Learned

Women's participation in land titling programs involves extra efforts to integrate women in project activities such as information meetings, parcel surveying and mapping, and gender training of both titling staff and community members. Titling programs that are mainly focused on the efficiency of titles issues will not take the time and effort to educate their staff, modify procedures to ensure the participation of women, and take the extra effort to include women in the titling process.

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[104] Ucles, Nolvia. 2004. *La titulacion del tierras con enfoque de genero: la experiencia del Proyecto de Desarrollo Agricola del Valle de Guayape Ultima Fase*, Tegucigalpa: CIDA. pg. 3.

The positive gender results from the titling program undertaken in the third phase (as opposed to the results from the pilot titling activity in the second phase) show that the preparatory activities undertaken by the project to ensure a gender focus were successful. The training of the titling staff and the municipal authorities and staff meant that the personnel involved in the titling process were aware of women's property rights. The promotional campaigns that advocated joint titling and the titling of women resulted in women becoming informed of their legal rights. The efforts by the project to resolve some of the procedural problems that women face (such as lack of identification papers) meant that more women were able to participate in the titling process.

LAND TITLING PROJECT (PHASES I AND II), LAOS (1997–2003, 2004–PRESENT)

Funded by the World Bank

1. Project Description and Objectives

A land titling program in the Lao People's Democratic Republic, financed by the World Bank and AusAID, began with a pilot urban titling program in Vientiane Prefecture and Khammouan from 1995 to 1997. The first Land Titling Project (LTP1), based on what was learned in the pilot, was implemented between 1997 and 2003 in nine provinces,[105] and cost US $29 million. The second Land Titling Project (LTP2) was approved in 2004 for US $23.9 million and is scheduled to end in 2009.

The overall goal of the project has been to strengthen the institutional basis for long-term sustainable economic and social development by fostering land markets and domestic resource mobilization. These objectives were to be achieved in a five-part program composed of development of a policy and legal framework to support a system of clear land use rights, accelerated issuance of land use rights, improved land administration, equitably increased revenue from land through development of a land valuation system, and enhanced institutional capacity.

The systematic titling program has targeted urban and peri-urban areas, and more specifically, urban land (land with buildings). The criteria for including an area in LTP1 were that it has (1) potential high economic and population growth, (2) high land tax rates, and (3) minimum forest area. Because of institutional weakness, government's low capacity for project implementation, and the lower-than-expected number of titles issued under LTP1, LTP2 will continue to title land in the same provinces as LTP1; titling will be expanded, however, to lowland agricultural land in those provinces. Expansion to other provinces will occur only when there is confidence that there is capacity and local funding available.

2. Land Rights and Gender in Laos

Lao legislation, including the 1991 Constitution, acknowledges gender equity with regard to family, inheritance, and property laws. Daughters and sons are to inherit equally. Land acquired by a couple is supposed to be issued a joint land use certificate or title (Law on Land, Art. 43; Family Law; and Property Law). Property acquired before marriage and land inherited from parents are not generally included in marital property and land title would therefore be issued to the individual owner.

Laos is a multi-ethnic country[106] with mostly patrilineal traditions and some small matrilineal areas. Land rights, marriage practices, and inheritance for most ethnic groups are flexible. Husbands may initially live with the wife's family but the couple eventually set up their own household either in the wife's or the husband's community. Both daughters and sons can inherit land and there are no cultural restrictions on women owning land. Inheritance practices are not rigid and parents usually decide which children will inherit what family property. Often this is done before the death of the parents on the basis of need and the relationship between parent and child. The traditional practice is for the youngest daughter to remain in her parents' home after marriage to take care of them in their old age; she therefore inherits the family homestead and may inherit more land than her siblings. It is not unheard of, however, for a son to remain in the parental home and become the main heir.

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[105] Vientiane Prefecture, Savannakhet, Champassack, Vientiene, Luang Prabang, Khammouane, Bolikhamsay, Sayaboury, and Saravan.

[106] The major ethnic groups are Lao Lum (68 percent of population), Lao Theung (22 percent), and Lao Sung (10 percent).

In the strongly patrilineal ethnic groups, such as the Khumu and the Hmong found mostly in the midland and upland areas, men are the owners and administrators of land, and land is transferred from one generation to another through sons when they marry and leave the house or when the parents become too old to work the land. Marriage practices are patrilocal, so women move to the husband's house and receive gifts of money or animals from their birth family. Women do not generally inherit land from their parents; daughters of Khumu families may inherit land if there are no sons.

The strongest patrilineal and patriarchal ethnic group is the Hmong who reside mostly in the north. Among the Hmong, the male head of household manages all the household property and resources. Land is inherited by the youngest son who is expected to take care of his parents when they become elderly. Neither daughters nor wives inherit land; if a man dies without sons, one of his male relatives inherits his property. A person does not marry someone from their own clan; they must marry outside the clan. Marriage is strictly patrilocal and daughters are not allowed to remain in or return to their birth families after marriage.[107]

3. Incorporation of Gender in Project Design

In spite of positive legal and cultural conditions for recognition of women's rights, there have been problems in issuing land documents to women. This is the case in the land allocation program in rural areas where the Ministry of Agriculture has been issuing land use certificates and was the case during the first years of the titling program in urban areas. During the pilot titling project (1994-1996), it appears that a very small number of women were titled. A study undertaken in 1998 by the research arm of the Lao Women's Union (LWU)—the Gender Resource Information & Development Center (GRID)—showed that the names on land documents did not always reflect the actual landholder.[108] While more women inherited land than men, many more land use certificates and titles were issued only in the husbands' names (see Table A-3). In addition, both husband and wife acquired over half of the land parcels, yet only a small percentage of these received joint certificates and titles.

TABLE A-3. LAND ACQUISITION AND LAND DOCUMENTS IN LAOS

How land was acquired		Name on land use documents	
	Percentage		Percentage
husband's family	18	husband	58
wife's family	30	wife	16
by couple	52	both	7
		other name	7
		no documents	12
Total	100		100

Source: Gender Resource Information and Development Center. 2000. *Gender and Land Documents: How Do Society's Perceptions of Gender Affect Women?* Vientiane: Gender Resource Information & Development Center (GRID) pg. 8.

The reasons for this discrepancy between landholder and the name on land documents relate to the certification or titling process and to cultural norms. In most households, only the men participated in the information meetings and other certificate or titling activities. Therefore, women were not aware of the legal and economic significance of having their names on land use documents nor were they present when decisions were made as to whose name would appear on the certificate or title. In addition, no provision was made on the forms used to collect landholder information for joint ownership. Land allocation teams and the land adjudication forms asked for the name of the household head, who traditionally is the oldest male in the

[107] Ministry of Finance, Department of Lands. 2002. *Existing Land Tenure and Forest Lands Study*. Vientiane: Ministry of Finance, Department of Land.

[108] Gender Resource Information and Development Center. 2000. *Gender and Land Documents: How Do Society's Perceptions of Gender Affect Women?* Vientiane: Gender Resource Information & Development Center (GRID).

family. Consequently, the land certificate or land title was issued to that person with others in the household listed as dependents.[109] Finally, the land programs relied on documentation such as land tax documents to support ownership claims. Since the male household head traditionally has dealt with formal and written procedures,[110] his name appears on these types of documents.

There is also evidence that cultural norms have influenced whose name is placed on land documents. Men are the traditional head of the family and wives defer to husbands, particularly in public situations because women, particularly in rural areas, are less literate than men and have less confidence in dealing with written documentation and official transactions. Women may have also felt that the husband's name, as head of the family, should be on land use certificates.[111]

The GRID study was done in the early stages of the land titling program and the study authors report that a small proportion of the land documents were land titles (other documents were rural agricultural certificates). The results of this study, however, heightened awareness on the part of the different actors in the land administration project, such as government agency officials, NGOs, and donor agencies, that women's rights to land were not being protected in the process of legally assigning property rights to land.

Land Titling Procedures during LTP1

Most of the problems were corrected as the land use titling program developed and the Lao Women's Union became an active participant in the systematic adjudication teams. Based on the findings of the GRID study and an earlier study funded by AusAID[112] with concrete recommendations for the titling process, the LWU as the official state organization that advocates for gender equity was asked to play a greater part in communicating to landholders the benefits of title, and the rights that would ensue, to men and women. The procedures developed under LTP1 included training of local field staff, meetings to which both men and women were invited, separate meetings for women, and general awareness raising on the rights of women to land within the project. Gender has also been integrated into the education, training, and information dissemination activities at the village level by the LWU.

One of their major roles in the land titling process was that of information dissemination on the titling process itself, particularly to women. LWU produces and distributes information, education, and communication materials such as calendars, posters, TV and radio spots, and distributes song tapes in villages. LWU produced a booklet in 2002 on the legal situation of women in Lao PDR, extracting sections and articles from several laws relating to land and women.

LWU is also involved in educating titling beneficiaries on the risks and benefits of land titles. This activity was included under Community Relations Services under LTP1; under LTP2, it was redesigned and renamed Community Education Services (CES). One LWU person represents the CES on the systematic adjudication team (SAT).

When a titling brigade initiates the titling brigade in a community, the SAT organizes a first village meeting where mostly village men attend. Several days or a week later, LWU organizes a meeting with the village women. The gender issue is treated in depth at this meeting, particularly women's property rights. LWU staff

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[109] ibid.

[110] Viravong, Minavone. 1999. "Reforming Property Rights in Laos" in Irene Tinker & Gale Summerfield (eds.) *Women's Rights to House and Land: China, Laos, Vietnam*. Boulder: Lynne Rienner Publishers.

[111] Gender Resource Information and Development Center. 2000. *Gender and Land Documents: How Do Society's Perceptions of Gender Affect Women?* Vientiane: Gender Resource Information and Development Center (GRID).

[112] Schenk-Sandbergen, L. and H. Rodenburg. November 1997. *Land, Gender and Social Issues in Lao PDR: Towards Gender Sensitive Land Titling*. Vientiane: Report for AUSAID.

interviewed in Vientiane feel that because of these meetings, the number of titles issued to women and joint titles has increased.

LWU has been an effective participant in the titling process because of its institutional structure: there are LWU offices at the national, provincial, and district levels, and at least representatives at the village level. In provinces where titling is taking place, LWU coordinates meetings with provincial members to assign responsibility for district and village levels and to work with the CES team.

LTP1 mainly relied on the LWU for guidance and for gender-sensitive procedures during implementation of the titling program. In a sense, the gender issues were thus marginalized and not internalized by the Project Implementation Unit and mainstreamed into the project. In part, this is probably due to a lack of understanding of the social aspects of titling on the part of highly technical staff and is not uncommon in other countries as well.

Data Collection on Gender

For LTP1, sex-disaggregated information on land titling beneficiaries could not be obtained from the land titling program. Neither was it possible to obtain information on the number of individual and joint land titles, in spite of a 1996 provision to monitor gender statistics within land registration.[113] Indicators on the gender of titled owners are available from two recent studies. These studies show a much higher level of titled women (either as individuals or as joint owners) than the 1998 GRID study. They also indicate that compared to other land certification programs, the titling program is legalizing the property rights of more women and issuing more joint titles (see Table A-4). Since LTP1 has focused on urban land and other official land documents are more likely to be for rural and agricultural land, some of the explanation for this gender disparity may be due to urban/rural and ethnic differences. The 2002 survey also showed that while only a small proportion of households (17 percent) had used their land as collateral to secure credit, almost half of them were women (48 percent). This would seem to indicate that women have the same access to credit as men. The respondents also indicated that in most cases, the decision to use land as collateral was a joint decision.

TABLE A-4. DISTRIBUTION OF LAND TITLES AND LAND USE CERTIFICATES (%)

Study & Year		Women	Men	Joint	Other	Total
Social Assessment (2002)	titles (urban)	34	24	38	3	100
	certificates (rural)	15	56	28	1	100
Baseline Socioeconomic (2003)	titles (urban)	28	20	41	11	100
	certificates (rural)	24	40	27	10	100

Sources: Lao PDR Land Titling Project. 2002. *Final Report of the Social Assessment for the Six Served Provinces and Two Unserved Provinces of the Lao PDR Land Titling Project*; Lao PDR Land Titling Project. 2003. Socioeconomic Baseline Study: Final Report.

4. Changes in Project's Gender Strategy

The land administration project has been a learning process with respect to gender issues and land. Initially, gender was not a focus, especially in the pilot stages, resulting in low numbers of titles with women's names

[113] "… preventive and corrective measures that have been incorporated in project design so as to preserve women's rights [is] to monitor gender statistics of land registration, together with other key performance indicators, during project implementation" (World Bank. 21 February 1996. *Staff Appraisal Report, Lao People's Democratic Republic, Land Titling Project.* World Bank, East Asia and Pacific Regional Office: pg. 36).

and no specific program for gender inclusion. Several studies[114] during the course of LPT1 highlighted the need to increase gender awareness among the implementation staff, in land policy in general, and in the community recipients of the titling. As a result, LTP2 is putting greater emphasis on encouraging community participation in the project, integrating and mainstreaming gender issues, and considering the impact on ethnic communities.[115]

Specific recommendations regarding administrative improvements included in the project design are covering Community Education and Services on a broader basis, institutionalizing CES in the Department of Land, clarifying roles of central and provincial level CES staff, introducing community mapping activities, strengthening participatory approaches, training and raising awareness of CES staff about gender and ethnic issues, improving the diversity of CES staff (to include women and ethnic minorities), and improving the communication materials—particularly for non-Lao speakers.[116] Community mapping will be an entry point to working with communities. This activity, done jointly with women and men of the community, will identify those who are vulnerable to risk (such as female-headed households, ethnic minority families, and poor families).

The LWU is an important player in CES activities. Activities to increase their effectiveness include training and capacity building, improved collaboration mechanisms between CES and LWU, and improved approaches to gender issues. This gender approach includes improving information dissemination to ensure that women, as well as other vulnerable groups, are fully aware of their rights, and of the benefits and risks associated with the use of land titles as collateral. At the village level, this will be done by adopting procedures that are adapted to the needs of women such as separate meetings, different methods of communicating information, and timing activities to fit in with women's schedules. All other aspects of the project, such as policy and capacity building, will be reviewed to ensure gender sensitivity.

In the second phase of the land titling program (LTP2), the LWU is involved in the training of district- and provincial-level titling staff, and has prepared booklets for trainers. The district trainer also goes to the village-level meetings where all the village sectors involved in titling are invited.

The role of the LWU has been key in integrating gender issues into the land titling program. In LTP2, the LWU is to have increased participation in the implementation of the project. Its roles include (1) project implementer and service provider by working alongside the adjudicating teams in the villages with the specific responsibility of ensuring that women understand their rights and entitlement under the project; (2) women's representative, involved in the discussions on future land policies; and (3) project monitor to monitor the performance of other agencies involved and the use of funds.

The LWU, together with other government agencies, is also a member of the Project Steering Committee, created under LTP2 to oversee the overall implementation of the project, review and approve annual work plans and budgets, and provide guidance to improve project effectiveness. Their participation in the Project Steering Committee would seem to attest to the value of the LWU in the implementation of this titling program.

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[114] These studies include (1) Burapha Development Consultants. 2003. *Final Report of the Assessment of Six Served Provinces and Two Unserved Provinces of the Lao PDR Land Titling Project.* Vientiane: Burapha Development Consultants. (2) Ministry of Finance, Department of Lands. 2003. *Socio-Economic Baseline Study: Final Report.* Vientiane: Ministry of Finance, Department of Lands. (3) Ministry of Finance, Department of Lands. 2002. *Existing Land Tenure and Forest Lands Study.* Vientiane: Ministry of Finance, Department of Land.

[115] World Bank. May 2003. *Project Appraisal Document for Second Titling Project.* Lao PDR: World Bank.

[116] ibid, Annex 11.

5. Gender Monitoring

Gender monitoring was not included in LTP1. The gender issues may have been addressed earlier when LTP1 had a baseline study conducted at the beginning of the project and not toward the end. If gender monitoring had been included, this would have highlighted the need for collecting sex-disaggregated data, including monitoring of subsequent transactions. Fortunately, several gender-focused studies undertaken during LTP1 highlighted the need to pay attention to how the titling process was dealing with women's land rights.

Monitoring and evaluation in LTP2 includes a socioeconomic impact study and the development of a monitoring and evaluation system within the Department of Land to track progress toward the achievement of development goals, as well technical and financial project performance. The baseline of the socioeconomic impact study was done in 2003; the follow-up study will be undertaken in year 4 of LTP2 with the aim of assessing the extent to which the objectives and expected outcomes of the project are being realized, including access by and impact on women.[117]

In addition, a number of output indicators identified in LTP2 may serve to monitor the effectiveness of gender integration in the project. These include equal access of women to land office services and land titling activities, number of titles issued in name of women or joint titles, increased percentage of women staff in the Department of Land and their provincial and district land offices, increased percentage of women (and ethnic peoples) enrolled in the high-level diploma, and percentage of women in adjudication teams.[118] These are isolated indicators; however, they would provide a type of gender monitoring. The experience in LTP1 seemed to indicate that some of these indicators were ignored, in spite of their inclusion in project design.

6. Problematic Issues

Nearly all of the gender focus was delegated to the LWU during LTP1. The benefit of this arrangement is that a professional, in-country agency with experience on women's issues in Laos and with local branches implemented an information campaign at a number of levels and contributed to long-term changes in the project. In addition, the LWU will be able to provide sustainable results through continued involvement and research. The disadvantage of this arrangement was the delegation by the Project Implementation Unit of gender issues to the LWU; there was minimum internalization of the gender issues and responsibility by the project staff and implementation agencies.

Another problem related to LWU involvement is the level of resources for their activities allocated from the titling program. Key informants from both the LWU and from the donor agency sector mentioned that budget funds set aside for Lao Women's Union activities are minimal and that the land titling program administration often presented administrative obstacles when LWU attempted to get reimbursed for its expenses. While LWU is enthusiastic about its role in the land titling program, lack of resources may hamper its activities and its effectiveness. The level of resources allocated to a set of activities is also symptomatic of the importance associated to those activities by administrative directors.

Another potential problem is the fact that the titling program has dealt primarily with urban land tenure, where social issues are less influenced by customary law and where land has economic value. As the titling moves to peri-urban and rural areas, the gender issues will be more complex and there will be significant regional and cultural variations which will have to be included in the program.

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[117] ibid, Annex 2.

[118] ibid, Annex 1.

7. Lessons Learned

A number of lessons can be learned from the Laos case study with regard to how land administration institutions and programs can improve women's rights to landed resources. Many of these lessons have been incorporated into LPT2.

Include Gender in Project Design and Provide Gender Training

There is a need to include gender in the project design and to have a clear understanding among the World Bank, technical assistance, and implementation agencies of the importance and the complexities of gender issue in land titling and land administration at the beginning of any project. In LPT1, gender issues were not a focus in the design of the project and therefore not addressed specifically in terms of procedures, staffing, and awareness until later. There were also no specific benchmarks for measuring success or failure.

Effective gender training seminars and materials for all expatriate and local staff at all levels provided by or through the World Bank can assist decision makers, implementers, technical assistance, and others to better understand why gender should be considered a part of any land titling project. In many cases, the lack of inclusion is in large part due to lack of understanding, not a lack of will. In addition, guidelines that provide concrete examples of potential strategies would greatly assist project managers.

Use Existing Institutions Effectively

The role of gender sensitivity training and community information campaigns was delegated to the Lao Women's Union. This organization had (1) a focus on women's rights, (2) experience and knowledge of local customs and practice, and (3) people at the local level who could be easily mobilized. The principal disadvantage of relying on the LWU was that the gender issues were not mainstreamed within the overall project.

One of the successful parts of the information campaign conducted by the LWU was the inclusion of two kinds of forums: (1) meetings where both mean and women were invited to raise awareness of the entire community, and (2) meetings only for women which allowed them to express opinions and ask questions in a less intimidating environment.

Include Women at All Levels of Project and in Training

Having qualified women actively involved on adjudication teams, procedure design, technical assistance, and interfacing with the recipients helps to ensure gender inclusion in the project outcomes and brings more attention to and acceptance of gender mainstreaming. Also, women are sometimes viewed by communities as more trustworthy and reliable, adding to the acceptance of the project. Often the World Bank and other bilateral donors are in a position to make this an important part of the project and can improve the role of women and men over longer periods.

Education and training provide a specific opportunity to mainstream gender issues by having this as part of the course content. Also of importance is the fact that in most countries (including Lao PDR), land administration is an extremely male dominated profession. Including women in any training and education opportunities increases participation by women in the project and related activities.

Baseline Study and Collection of Sex-disaggregated Data

The proposed baseline socioeconomic study for LTP1 was delayed until near the end of the project. Consequently, reliable information regarding socioeconomic conditions, including gender, was not available before the land titling program was implemented. Without an initial survey, it is difficult to (1) know what the gender-related issues that need to be addressed are, (2) measure the impacts of the project, and (3) raise awareness of the need for sex-disaggregated data.

In addition to the baseline study, the collection of sex-disaggregated data (and other socioeconomic data) over the course of the project needs to be explicitly addressed in land administration projects. This should not be simply a count of how many titles have women's names, but also include more extensive data on registration, subsequent transactions (formal and informal), inheritance, and credit. This information is essential for mid-stream adjustments during the project as well as for longer-term monitoring of the socioeconomic impacts of World Bank projects.

Awareness of Regional and Ethnic Variations

Land administration projects often focus initially on areas where land markets already are quite dynamic or may soon develop. These regions also generally represent people who may be less tied to tradition, customary law, or ethnic variations. Leaving out the difficult situations where gender issues may be more complex and sensitive may provide a false sense of success and may lead to procedures and forms that will not work in other areas of the country. Some research needs to be conducted, even in early stages of land administration programs, on the potential impacts and issues related to gender across different cultural contexts. During LPT1, several studies conducted by bilateral donors and NGOs pointed out not only the need to address gender in titling, but the complexity of issues still to be faced in Laos, particularly in some rural areas. For example, a study of customary land tenure systems in Laos mentioned that while titling land to women in Hmong villages "simply would not work, despite the laws of the country," it was noted that recently in urban areas this custom is not strictly adhered to and both sons and daughters inherit land.[119] On the other hand, as the Laos titling program extends from urban areas to rural areas, it will have to deal with this conflict between formal and customary legal norms.

[119] Ministry of Finance, Department of Lands. 2002. *Existing Land Tenure and Forest Lands Study*. Vientiane: Ministry of Finance, Department of Land (pp. 59-60).

SUPPLEMENTAL LAND ADMINISTRATION PROJECT, CAMBODIA (2002-2007)

Funded by the World Bank

1. Project Description and Objectives

The World Bank Project approved a special investment loan of $24.3 million to Cambodia for the Land Management and Administration Project (LMAP), with the majority of funds appropriated to the development of a mass land titling program. The objectives of the project are to improve land tenure security and promote the development of efficient land markets. On June 6, 2006, the World Bank suspended funding for the LMAP over allegations of corruption.[120]

The project was conceived as the first phase (FY 2002-2007) of the Cambodian government's Land Administration, Management, and Distribution Program (LAMDP). The objectives of the LAMDP, which will be implemented in 11 provinces over the next 15 years, are to (1) strengthen land tenure security and land markets, and prevent or resolve land disputes; (2) manage land and natural resources in an equitable, sustainable, and efficient manner; and (3) promote land distribution with equity.[121]

Key elements of this project include (1) systematic land titling, which aims to privatize and give title to all land in Cambodia; (2) Cadastral Commissions, a non-judicial form of land dispute resolution; and (3) social concessions, or a mechanism for transferring state land into the private ownership of poor landless people.[122] This case study summary will focus on the implementing agency's (Ministry of Land Management, Urban Planning and Construction [MLMUPC]) activities related to the land titling project and the dispute resolution mechanism component.

2. Land Rights and Gender in Cambodia

A new land law was passed by the National Assembly in August 2001, marking the first substantial attempt at land reform after three decades of social upheaval and internal displacement. It includes a measure to ensure that both women and men are identified as landowners.[123] The new law provides a framework for land administration and a fundamental property rights system for Cambodia that extends private ownership rights to all land.[124] The critical provisions of the law for purposes of LMAP are Title VI on Cadastre, which

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[120] World Bank. 9 June 2006 press release. "World Bank suspends loans to Cambodia over allegations of corruption." *Available at* http://www.bicusa.org/en/Article.2833.aspx (last visited Sept. 14, 2006).

[121] World Bank. 20 September 2001. *Project Implementation Document.* Report No. PID9768. p. 6; World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 2; ibid, Additional Annex 14, "Land Policy Statement of the Royal Government of Cambodia" (May 2001).

[122] Cambodia NGO Forum website, "Land Reform," *available at* http://www.ngoforum.org.kh/Documents/Sectoral%20Paper%20PRD2003/Land.htm (last visited Sept. 14, 2006).

[123] United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 61.

[124] "The new land law says that only possession begun before its enactment can give rise to ownership. Possession gives rise to ownership if it began more than five years before the enactment of the new Land Law. Possession begun less than five years before enactment will be allowed to mature to ownership so long as it is peaceful and uncontested. The new law clearly allows full ownership of agricultural land and protects all ownership from taking without prior payments of just and prior compensation." World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. Additional Annex 13: Cambodia New Land Law.

provides for a state guarantee of registered property rights. Provision is made both for systematic titling (compulsory, covering all the holdings in an area), sporadic titling (on demand, one parcel at a time), the cadastral index maps, and the Land Register. The MLMUPC is given necessary powers to carry out the full range of LMAP activities, including the power to mediate land disputes at the field level and to decide disputes in its Cadastral Commission.

Complete reform of the land administration system was deemed necessary because of the increase in landlessness and land conflicts that have been growing since the 1980s. After the Khmer Rouge regime systematically destroyed land titles and cadastral maps in the 1970s, land was redistributed in the early 1980s but only gave grantees use rights to land rather than ownership rights. When land liberalization occurred, the lack of resources prevented a complete mapping of land and firm titling of land.[125]

Socioeconomic changes during the last decade, including refugee repatriation, the advent of markets and urbanization, and increased population growth, have increased the competition for arable land. Meanwhile, the shifts have generated multiple modes of controlling land, from the subsistence mode of small farmers to community control of land in areas undergoing shifting cultivation to the market mode of land that exists in urban areas and is expanding to rural areas through speculative interests. Conflict erupts when those modes collide, and it often benefits those with market interests who have resources and the law on their side.[126] This process has adversely affected women heads of household, who are less able to adapt to changes in the traditional structure.[127] The major problems for women and other vulnerable groups include (1) inequality in land holdings, (2) landlessness, (3) insecure tenancy, (4) land conflicts, and (5) encroachment on urban lands by squatters.[128]

Private ownership was reestablished in 1989 and a Land Law put into place in 1992. However, the 1992 Land Law ushered into place a dual system of land registration including both formal and customary law. While local people continue to follow primarily local traditions and customs that recognize land use rights, those outside the community recognize formal legal rights of land ownership.[129] But the formal system of land registration is highly complex and bureaucratic, requiring that every application go through offices at the village, commune, district, province, and national levels. Between 1992 and 2001, nearly four million people applied for land certificates but only 540,000 had been issued.[130] Due to the delay and complication involved, most landholders have not sought to secure legal title because they believe use rights to be more important.

Women have been most disadvantaged by the dual system created by the 1992 Land Law because they lack access to and control over resources, as well as knowledge of their rights and titling procedures under formal law.[131] Local land administrators perpetuate the dual system because they do not understand the formal law clearly themselves. This results in the failure to implement laws efficiently and consistently.[132] For example,

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[125] World Bank. November 2001. *Environmental and Social Assessment* E496. p. 6.

[126] ibid, p. 8.

[127] ibid, p. 6.

[128] World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 8.

[129] ibid, p. 14.

[130] ibid, p. 14.

[131] World Bank. November 2001. Environmental and Social Assessment E496. p. 7; World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 80.

[132] World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 80.

local officials perpetuate the belief among many people that receipts for land applications are enough to effectuate legal title.[133] Thus receipts are traded freely in land transactions because people believe they are insurance against land grabbing. The high costs of land titles ($300-400) leads to informal transactions facilitated by lower-level officials in exchange for a fee, but these transactions do not generate proper land certificates. Those with financial resources and/or political connections are able to obtain proper title.[134] Conflicts arise when the unwritten rules of land title perpetuated by village chiefs and local officials come into conflict with the formal rules of the new Land Law.[135]

Customary law prevents women from accessing title to land. In Cambodia, women are considered to hold a subordinate status, and men wield decision-making power in the household.[136] Land rights are usually vested in the name of the male head of household.[137] Customary practice and intra-household dynamics require that women receive their husbands' permission to include their names on the land title.[138] It is common practice for men to make all decisions regarding transfer of property, and his spouse's signature is often not required for the sale of jointly owned property.[139]

Women are also more vulnerable to losing land in the case of divorce or inheritance because they are not listed on proper documents and lack knowledge of their rights.[140] It is more difficult for women to protect inherited land than men because such land is usually under shared ownership, and male inheritors hold receipts or certificates rather than women inheritors.[141] Women are also particularly vulnerable in conflicts between families—usually siblings—over inherited land when they are not formally included on land certificate applications or the certificate itself.[142] Women often surrender their ownership rights in inherited land to repay their husbands' debts.

Women's lack of education has a profound impact on their land security because they are less able to advocate for their rights.[143] Women not only have little power in the decision to sell the family's land, they also risk losing access to the benefits of the sale through its proceeds. In addition, women's low literacy limits their access to information about land issues, sales, and rights.[144] Women have little knowledge of the

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133 World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 24.

134 World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 80.

135 World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 25.

136 It is especially difficult to identify, monitor and address intra-household poverty issues. National poverty indicators are based on households and do not include gender-responsive indicators (except for female-headed households). United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 29.

137 United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 61.

138 ibid, p. 62.

139 ibid, p. 62.

140 World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 52.

141 ibid, p. 19.

142 ibid, p. 34.

143 ibid, p. 19.

144 ibid, p. 62.

importance of the receipts, certificates and papers for land titles compared to men. With the exception of female-headed households, most women did not know the size of the family plot.

3. Incorporation of Gender in the Design of the Titling Program

The project conducted a social assessment during project preparation that involved consultation with various stakeholders, including women's groups, about the titling program. The methodology focused on qualitative research, including individual interviews and small group discussions in five provinces and in a squatter settlement of Phnom Penh. The goals of the assessment were to (1) identify different stakeholders, (2) examine the social and institutional capacity at the local level for governing land rights, (3) forecast possible negative impacts of the program, and (4) make relevant policy recommendations.[145]

The principal findings from the social assessment with respect to gender appear in the table below.[146]

TABLE A-5. PRINCIPAL FINDINGS FROM SOCIAL ASSESSMENT: GENDER

Key Issues	Recommendations	Remarks
Change in land use pattern is followed by changing views on land rights; those who cannot adapt to such changes are adversely affected	Encourage modernization; promote public education and effective outreach	Synchronizes elements of SEDP with the titling program; special focus on the poor and vulnerable
Women-headed households own smaller land pieces than men do; women-headed households are also more vulnerable to become landless	Promote right to obtain knowledge and participation in titling and conflict resolution; create public awareness on gender	Requires larger awareness on gender equity
Women have little knowledge of land laws and titling procedures	Promote right to obtain knowledge and participation in titling and conflict resolution; create public awareness on gender	Requires larger awareness on gender equity
Boundary disputes, inheritance/divorce	Should be settled in the village/commune	Need to legitimize and strengthen local capacity settlement institutions
Process and service of dispute settlement are rather complicated and expensive, and women heads of households are not able to afford them	Make affordability the guiding principle to dispense justice; create public awareness on gender	Relates to larger administrative reforms

Source: *Social Assessment of Land: A Field Study*. 6 June 2001.

The social assessment recognized that "special efforts must be directed at strengthening women's access to land ownership and dispute resolution" during project implementation.[147]

The LMAP social assessment found that in all villages surveyed, gender inequality of land access and ownership has been widening.[148] Female heads of household, especially the "war widows" who comprise one-quarter of Cambodia's population, are particularly affected by inequality in land holdings and landlessness. They control smaller sized plots of farmland than men and could not enlarge plots after land redistribution in the 1980s due to a shortage of labor and animals.[149] This has made women more vulnerable to becoming

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[145] World Bank. 20 September 2001. *Project Implementation Document*. Report No. PID9768. p. 11.

[146] World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. Attachment 1.

[147] ibid, p. 52.

[148] ibid, p. 18.

[149] ibid, p. 18.

landless than men. Nearly half of all widows do not own any land, and of those that do, 84 percent own less than half a hectare.[150] This is the functional equivalent of owning no land at all, since the lack of modern farming practices like irrigation leads to low yields on small farms.[151] Oxfam has found that one in five women-headed households were landless, while the general rate was one in eight families.[152]

Women's credit burdens were generally higher than that of men. Female heads of households often lacked labor, animals, and capital to invest in fertilizers, and consequently they purchased on credit. The survey discovered that higher credit made women more prone to resort to "distress" sales of their land than male heads of households.[153] In addition, they are more prone to conflicts with creditors when they have put down part of their land as collateral and are unable to make good on their debts.[154]

To address these problems, LMAP conducted special outreach to women and other vulnerable communities through public information campaigns, with the goal of "clarity, simplicity and wider dissemination of the law underlying the titling process."[155] Local NGOs were contracted to promote public understanding of the land survey and titling processes. NGOs were required to provide women with information about their rights in the context of the new land law, as well as provide support to enable women to advocate for their rights.[156] Authorities at all levels of the land management and dispute resolution administration were to receive training and instruction about the rights of women with respect to the new land tilting laws.

In addition to public information campaigns targeting women, the social assessment recommended that LMAP set preferential rates for titling with the aim of assisting female heads of households.[157] Furthermore, it noted that to promote sustainability of the titling program, complementary development policies must be put in place that address both the practical (e.g., education, health care, income) and strategic (e.g., active participation in decisions affecting household and community) needs of women in Cambodian society.[158] To that end, additional safeguards were set in place to follow completion of the project to ensure that titling led to measurable improvements in social welfare and economic livelihoods. The project planned to link titled communities with local NGOs to provide support in the form of extension services, credit, access to markets, and other social services.[159] One goal was to increase women's access to extension services, which currently provide only 10 percent of their services to women.[160]

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[150] United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 61.

[151] ibid, p. 60.

[152] ibid, p. 61 (citing Oxfam GB land study survey: Williams, S. 2000. Review of Land Issues Literature, Cambodia Land Study Project. Phnom Penh: Oxfam GB.

[153] World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 19.

[154] ibid, p. 34.

[155] ibid, p. 44.

[156] ibid, p. 52.

[157] ibid, p. 52.

[158] ibid, p. 52.

[159] World Bank. November 2001. *Environmental and Social Assessment* E496. p. 8; World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 81.

[160] United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 58.

Finally, the social assessment recommended that legislation be adopted to ensure women's rights to a fair and equitable division of land in the event of divorce or inheritance.[161] To that end, women must also have some legal guarantees that ensure their access to fair and impartial dispute resolution.[162]

Structural problems in the formal legal settlement mechanisms pose significant disadvantages to women seeking land dispute resolution.[163] Formal mechanisms include the courts and the Land Dispute Settlement Commission. The latter mechanism was established in 1998 under the jurisdiction of the Ministry of Interior and the Council of Ministers with the goal to settle disputes through negotiation at the provincial and national levels.[164] Both mechanisms involve considerable time and expense to resolve disputes, which works to the disadvantage of women. Women are not able to afford court fees, nor can they travel the long distances to the provincial courts.[165] More powerful individuals often use the impediments of the formal mechanisms to their advantage, waiting until women opt out of the process due to financial or time constraints.[166] Women often choose not to use the formal mechanisms because of a lack of education about their rules and procedures, as well as a belief that the system is biased against them.[167]

Women are also disadvantaged in informal dispute resolution. Women's lack of resources makes them dependent on male relatives and friends to negotiate with state and local authorities.[168] This tactic is often prohibitive because of the extra costs involved. Women therefore tend to withdraw from both mechanisms of dispute resolution.

Land disputes are a particular problem for women-headed households, who lack resources to secure legal title and would often lose in court against wealthier or more powerful parties. In response to this problem, a sub decree to the Land Law established a cadastral commission system with the jurisdiction to resolve land disputes.[169]

LMAP made a strategic choice to use NGOs rather than government adjudication teams to conduct community outreach pursuant to the dispute resolution components.[170] The project partnered with NGOs specializing in community education and provided them with training in the new Land Law, the titling process, and the reformed dispute settlement processes.[171] The goal of this process was to "level the playing field" between the parties bringing disputes before the cadastral commissions.[172]

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[161] World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 52.

[162] ibid, p. 52.

[163] ibid, p. 19.

[164] ibid, p. 37.

[165] ibid, p. 41.

[166] ibid, p. 42.

[167] ibid, p. 43.

[168] ibid, p. 19

[169] Asian Development Bank, September 2003. Technical Assistance to the Kingdom of Cambodia for Implementation of Land Legislation—Phase 2. Report No. TAR:CAM 36427: p. 2.

[170] World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 8.

[171] ibid, p. 44.

[172] ibid, p. 38.

Concerns of women were taken into account in the project's decision to strengthen cadastral commissions. The project emphasized decentralization of the Cadastral Commission system to improve access. It provided motorbikes and travel allowances to increase public use of this dispute resolution mechanism.[173] This will benefit women, as most women were unable to travel alone or could not afford travel expenses.

LMAP also incorporated a provision to expand legal services to the poor and other disadvantaged groups with respect to land disputes.[174] A partnership was established with Cambodian Legal Aid to provide legal assistance to the poor in cases before the Land Dispute Resolution Commissions and the courts;[175] but only in the provinces and regions within which titling was occurring pursuant to LMAP.[176]

In order to encourage transparency among local administrators that would increase the public's sense of legitimacy in the land titling system, it was suggested that an oversight committee be established at the local level to keep track of titling operations. This committee would include women's representatives to ensure that women had a voice in the process.[177]

4. Changes in Gender Strategy during Implementation

During project implementation, LMAP recognized that women and women's land interests were underrepresented in the Cadastral Commission for the Resolution of Land Disputes. In hopes of encouraging the participation of women, LMAP recommended that MLMUPC prioritize support to the cadastral commissions that include at least 30 percent women.[178]

Another issue the project is trying to address deals with the scope of the cadastral commissions. The cadastral commissions interpreted their jurisdiction to only include land disputes where the land has not been registered, or disputes that pre-date 2001. The effect of this decision is that the cadastral commissions will not be able to resolve large land disputes. This undermines the purpose of the commissions, which were established to keep disputes out of court.[179] It is unclear whether this decision will have a disproportionate impact on women.

5. Gender Monitoring

It is unclear from the documentation what gender monitoring mechanisms were put in place, but LMAP's recommendation to MLMUPC to increase representation of women on the cadastral commissions indicates that gender monitoring is taking place. The sex-disaggregated data on land titling since project implementation began also indicates gender monitoring.

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[173] ibid, p. 38.

[174] World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 82.

[175] ibid, p. 10; World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 82.

[176] World Bank. 29 January 2002. Project Appraisal Document on a Proposed Credit in the Amount of SDR 19.3 Million (US $24.3 Million Equivalent) to the Kingdom of Cambodia for a Land Management and Administration Project, Report No: 22869-KH. Rural Development and Natural Resources Sector Unit, East Asia and Pacific Region: World Bank. p. 44.

[177] World Bank. 6 June 2001. *Social Assessment of Land: A Field Study*. p. 47.

[178] United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 62.

[179] Cambodia NGO Forum website, "Land Reform," *available at* http://www.ngoforum.org.kh/Documents/Sectoral%20Paper%20PRD2003/Land.htm (last visited Sept. 14, 2006).

6. Problematic Issues

Between the passage of the new Land Law in 2001 and April 2004, 80,000 new titles were issued based on the new titling procedures. A survey by LMAP in 2003 of 20,000 titles estimated that 78 percent of the new titles were issued in the names of both women and men in households.[180]

Some concerns have been raised by NGOs about participation in the registration process, which stem from the fact that illiterate rural farmers are having trouble understanding the rules and procedures. In addition, the process for land registration allows display of the cadastral plan and owner list for one month only. If a landowner does not claim the land or file a complaint during this period, he or she forfeits ownership rights to the land. This process has allowed opportunists to take advantage of land registration because illiterate farmers have more limited access to information about their land.[181]

There is also concern that the new Land Law does not go far enough in safeguarding the land rights of women. The new land law states that wives should co-sign titles with their husbands, but more education is needed to ensure that land titles are in the names of both husbands and wives and that the needs and constraints of women-headed households are better understood and addressed. Some observers have recommended additional awareness training about women's land rights to both men and women title holders, the cadastral staff and the commune chiefs, as well as higher-level authorities.[182]

As a final point, the project was designed to strengthen commissions on the national and provincial levels rather than on the district level; this limits women's ability to participate in the commissions because women often lack resources (financial and time) to travel long distances.

7. Lessons Learned

LMAP's success can be attributed to the project's integration into a long-term governmental land reform effort. The project was implemented as the first phase of a comprehensive land policy that was a high priority for the Cambodian government.

The social assessment conducted prior to project implementation took a gender perspective on land rights, and gender concerns were substantively integrated into LMAP's project design. Women's concerns were identified and special focus was placed on women-headed households, who were seen as especially vulnerable.

LMAP emphasized the participation of women in the project design and project implementation phases. The project conducted a wide and comprehensive public outreach campaign to explain the titling process and the advantages of formal registration. Gender awareness training appears to have been given frequently and to both women and men, including to officials in land administration and management at all levels. Measures were taken to target women due to their higher rates of illiteracy and general lack of education about their land rights. The project also hired gender advisors to work with the implementation team.

The project sought to address the underlying discrimination against women in Cambodian society by providing women with knowledge of their rights as well as the practical tools to secure them. To that end, the project set in place a dispute resolution structure that increases women's access to fair resolution of land

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[180] United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 61 (citing LMAP survey 2003).

[181] Cambodia NGO Forum website, "Land Reform," *available at* http://www.ngoforum.org.kh/Documents/Sectoral%20Paper%20PRD2003/Land.htm (last visited Sept. 14, 2006).

[182] United Nations Development Fund for Women, World Bank, Asian Development Bank, United Nations Development Program, and the Department for International Development of the United Kingdom. April 2004. *A Fair Share for Women: Cambodia Gender Assessment.* Report. p. 167.

conflicts, especially in cases of divorce or inheritance. The project took strong measures to address women's structural barriers to formal dispute resolution mechanisms, such as resources (financial and time) and customary practices rooted in women's subordination to men. It provided women with legal assistance and travel allowances to increase access. Gender awareness training was also given to address biases within the system.

Improving women's overall socioeconomic status was also a priority for the project, and from the project design phase there were efforts made to link the titling program to other development projects. Long-term sustainability was promoted by linking to other development projects, such as projects securing women's access to credit and extension services.

These measures show that gender was taken seriously during the design and implementation of LMAP. The fact that 78 percent of new titles were issued in the joint names of husbands and wives speaks to the success of this project in terms of including women, educating women, and titling women's land rights. The comprehensive plan and approach to gender mainstreaming had a positive effect on the outcome.

LIVING IN A FINITE ENVIRONMENT (LIFE)—NATIONAL COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT (CBNRM) PROGRAM, NAMIBIA (1993-PRESENT)

Funded by USAID

1. Project Description and Objectives

The USAID/Namibia office has a focus on achieving Strategic Objective 673-003 "Increased Benefits Received by Historically Disadvantaged Namibians from Sustainable Local Management of Natural Resources." The LIFE Program, a joint program between the United States and Namibian governments, World Wildlife Fund (WWF) and its management partners, and Namibian NGOs, was initiated in 1993 as part of the USAID regional Natural Resource Management Project under the Regional Center for Southern Africa (RCSA). Originally funded till 1997, the program was extended until 1999 following a mid-term review and modification of the design and now is in its third stage. The LIFE Program is based on the idea that "*Communities derive increased benefits in an equitable manner by gaining control over and sustainably managing natural resources in target areas.*" The project's goal is to support existing government and NGO initiatives to devolve rights over wildlife and tourism to local communities to promote sustainable natural resource management on communal land.

LIFE provides support to a Namibian initiative to develop a national program for community-based natural resource management (CBNRM). USAID's support of Namibia's CBNRM program includes technical assistance and training to promote:

- A conducive policy and regulatory framework;
- Improved management of the natural resource base in rural communal areas;
- Strengthened local community governance through formalized community-based organizations for natural resource management called "conservancies;"
- Increased benefits to conservancy members; and
- Protection for the endangered cheetah.[183]

Namibia is home to virtually every variety of wildlife for which Africa is famous. In 1996, Namibia enacted an amendment to the Namibian Nature Conservation Act of 1975 providing one of the most progressive policy environments for CBNRM in southern Africa. Since that time, 42 conservancies have been recognized by the government, putting over 10 million hectares of communal land under the control of conservancy management committees. Another 10 communities are in various stages of forming conservancies. In 2005, over US $2.8 million was earned by conservancies. The earnings come from community-owned and operated tourism enterprises such as lodges, campsites, and craft centers. The conservancies have also led to increased wildlife, as documented in the Kunene Region. In the Caprivi Region, illegal hunting has dropped by over 60 percent.[184]

2. Land Rights and Gender in Namibia

Namibia has made great legal strides to entrench women's rights in the country since independence. However, customary law still has a major influence on land and property rights. Generally speaking, married women have more rights than unmarried women, and those married through a civil process are better

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[183] USAID/Namibia. LIFE Plus Program: http://pdf.usaid.gov/pdf_docs/PDACH400.pdf#search=%22CBNRM%20Namibia%20USAID%22.

[184] USAID/Namibia. 2005. *Mission Gender Assessment.*

protected than those wed only according to local customs. Like in many other countries, in Namibia only 30 percent of the adult population is formally married under either system; those involved in informal relationships have no legal recourse when their rights are violated. These patterns led to the passage of the Namibian Married Persons Equality Act in1996, which applies to both customary and civil marriage. The Act does not specify that men are the heads of households, and it allows men and women to decide to own property and control assets either jointly or separately. The free choice of men and women with regard to which provision should apply is, however, severely compromised by the persistence of a colonial-era law, the 1928 Native Administration Proclamation. The Proclamation divides Namibia into two administrative zones, each of which is governed by different laws. Consequently, any civil marriage between two black residents north of the dividing line is automatically "out of community of property," (i.e., with separate control) and any marriage south of the line is "in community of property" (i.e., with joint control), unless parties specifically make a declaration otherwise before marriage takes place.

The Communal Land Reform Act sought to address some of the women and land issues. The government is also currently reviewing the Succession Bill to guarantee to surviving spouses a specific portion of the intestate estate of their deceased spouse, and to guarantee the surviving spouse the right of usufruct over the common household and plot upon the death of his/her spouse.

Despite formal law, customary law continues to be followed and is discriminatory against women, particularly in respect to land and property rights. There is a general social acceptance that a woman is inferior when it comes to property.

3. Incorporation of Gender at Project Design Stage

From the beginning of the LIFE Program, one of the strategic objectives was "to increase benefits to historically disadvantaged Namibians from sustainable local management of natural resources." At that time, the indicator they monitored was the "number of Namibian men and women participating in officially recognized management bodies which assume responsibility for management of natural resource." By 1998, 22 percent of the local management bodies were women.[185]

Part of the initial design included conducting a case study specifically focused on women. In 1995, under the project, a case study looking at the Community Resource Monitors (CRMs) and the impact of CBNRM on women in East Caprivi (Mbabane, 1995) was conducted. In addition, the project design included educating community members at the same time that LlFE partners strengthen the conservancy committees. Social surveys, as well as organization and training provided by the CRMs, provided a mechanism to integrate women into the entire process of CBNRM.[186]

LIFE support resulted in natural resource-based income generation activities that benefited women most because traditionally, thatching grass and basket weaving are "women's work." The expansion of marketing outlets provided additional income for women.[187]

4. Changes in Gender Strategy in the Project Design

A review of the Namibia National CBNRM Program was conducted eight years after the program was started and halfway through Phase II of the LIFE Program. The findings and recommendations related to gender included:[188]

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[185] Hagen, Roy; Barbara Wyckoff-Baird; Steve Johnson, SADCINRMP; Tim Resch, USAID/Washington; and Dorothy Oyier. March 1998. Living in a Finite Environment (LIFE) Evaluation. Namibia: USAID.

[186] ibid.

[187] ibid.

- Attention to social organization, gender, equity, and related issues had not been sustained as the program evolved.
- A priority area of concern was a lack of tools for participatory development and socioeconomic analysis; as well as a lack of gender analysis skills.
- The program had focused intensely on natural resource management and enterprise development expertise but had not developed an ability to institutionalize the program and be truly participatory. As stated in the previous bullet, gender analysis skills were lacking in certain staff and reporting systems. To balance this, the reviewers recommended that a strong, experienced social science and gender expert be brought on to the LIFE team for two years to serve, coordinate, and build capacity on these issues within the partnership. Specific examples of areas that needed to be more gender inclusive were development of zoning maps, preparation of the community development plan, and monitoring activities.

The review also identified some inter-SO coordination and agreement to work toward linking WIDTECH support grants on women's property and inheritance rights into LIFE's analytical agenda. Three organizations in Namibia were given small grants to pursue research and education programs related to women and property rights. The small grants were given to the **Legal Assistance Center (LAC)**, to conduct a comparative analysis of existing laws through research and community consultations, and to draft an alternative bill for local discussions and submission to the Ministry of Justice; the **University of Namibia** to conduct research on women's property and inheritance rights, and to produce a report with recommendations to policymakers, judges, government administrators, NGOs, and donors; and the **Namibia Development Trust (NDT)** to collectively educate and empower rural women so that they can challenge discriminatory traditional and customary practices related to property and inheritance.[189]

These recommended changes were implemented, and a 2005 Mission Gender Assessment found that great strides were made in gender balance of the CBNRM program at the national level. Women's Leadership and Decision-Making: The Namibian Association of CBNRM Support Organizations (NACSO) and its partners have placed great emphasis on building gender equity into CBNRM programs by ensuring that women have a voice in decision-making processes, stand for elections for conservancy management committees, and benefit from capacity development and training. Two examples are given: Uukwaluudhi Conservancy has the first female chair of a conservancy committee, and there are now two women serving as game guards in the Kunene Region and who carry out the same tasks as the men.[190]

Further recommendations for changes to the program included:

- Use the conservancy management committees as a conduit for public education programs. The committees are already doing this for HIV/AIDS interventions.
- Encourage women leaders in conservancies to organize themselves.
- Utilize women who received training and experience while serving on the conservancy management committees.
- Engage women, especially women-headed households, in culturally accepted ways at the sub-conservancy level (for example, hold separate women's meetings prior to formal meetings, set quotas for women's participation at certain meetings, select one women from each village to represent the views of women in that village, etc.).

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[188] Child, Brian; Kara Page; George Taylor; Bob Winterbottom; Klemens /Awarab; with Paul Bartel, AFR/SD; and Curt Grimm, AFR/DP. October 2001. Mid-Term Review of LIFE-II and Assessment of the Namibia National CBNRM Programme. Namibia: USAID.

[189] ibid.

[190] USAID/Namibia. 2005. *Namibia Mission Gender Assessment*. Namibia: USAID (still under review).

5. Gender Monitoring

Throughout the project, gendered efforts and accomplishments have been monitored. Each set of recommendations reviewed also made further recommendations for monitoring the impact of the CBNRM program on women. An early review found that there was a lack of gender analysis, and this was remedied by hiring a gender expert.

The 2005 gender monitoring review recommended that the mission track income derived from conservancies by use and gender. CBNRM income data are not yet disaggregated by gender, but by type of enterprise. Jobs created are also not disaggregated by gender, but along full-time/part-time lines.

6. Problematic Issues

The CBNRM project has been working to develop a program that is gender sensitive and improves the livelihood of women. This has been done within a cultural context in which customary law continues to be followed and is discriminatory against women, particularly in respect to land and property rights. Because of this, there had to be ongoing and focused efforts and continual monitoring of the program.

7. Lessons Learned

The striking thing about this project is that gender was taken into account early in the project, long before gender issues were being widely considered in development. Even so, "attention to social organization, gender, equity, and related issues had not been sustained as the program evolved." This is a common phenomenon in projects. But in this case, through ongoing monitoring, the project was able to identify its shortcomings and restart its gender efforts, making changes as necessary.

Another lesson from this project is the importance of having someone on the project with knowledge and experience related to gender concerns. The project needed assistance in both implementation and monitoring of gender differences.

Finally, one of the recurring themes throughout the project was the importance of involving and including women in project activities. In most cases, to do so required a specific effort and some changes to schedules or duties. Moreover, a focus on education and training of women was necessary if women were to be effectively included.

Also noted, even given the great success of this project, it was difficult to find documentation or discussion of the gender aspects of the project. It would be beneficial to other projects to be able to easily access the learning from this model project.

LAND ADMINISTRATION PROJECT (PRODEP), NICARAGUA (2002-2007)

Funded by the World Bank

1. Project Description and Objectives

This five-year project funded at US $38.5 million, together with another rural development project that focuses on technology development and technical training for agricultural producers, seeks to increase agricultural productivity, and thus increase income for the rural poor. This land administration project aims to secure the property rights of small and medium landholders and thus boost investment in rural areas.

Compared to many other Latin American countries, Nicaragua has a relatively more equitable land distribution structure, or perhaps more accurately, a less concentrated one. This is due in part to a lower population density compared to many countries, particularly in Central America, but also to redistributive agrarian reform programs during the 1980s and 1990s. Small and medium landholders control 75 percent of the cultivated land. Most of these farmers, however, do not hold secure title to their land and their property rights are institutionally and legally weak. Only 40 percent of agrarian reform beneficiaries, settlers on new land, and state farm privatization participants have a legal and registered title. Few of the indigenous and ethnic communities have any documentation at all.

Another distinguishing characteristic of the Nicaraguan case is the confused legal status of many properties, also a result of the agrarian reform and contra-reform efforts. For almost a decade now, land administration agencies have been attempting to regularize tenure status among both agrarian reform beneficiaries and among landowners expropriated during the 1980s who have reclaimed their properties. In order to avoid land reconcentration in the Pacific and central regions, protect the land held by indigenous communities in the Atlantic region, and reduce tenure insecurity for smallholders, the land rights of smallholders and indigenous communities need to be legally titled and secured.

The land registry is institutionally weak and unable to maintain the land records system. In part this is due to the numerous state agencies that were involved in land adjudication and issuing land titles since the mid-1980s. Many of these land titles and certificates have either not been recorded in the Public Registry or were recorded improperly. As a result, there may be several claimants for the same piece of land and conflicts over boundaries.

The overall objective of the Land Administration Project (PRODEP) is to reduce tenure security for men and women. This would be done through a coherent and technically superior approach to systematic land regularization (titling and updating titles) and land administration. The components of the project include (1) improved land administration services, such as legal cadastre; (2) land information system for municipal governments for territorial development planning and a fiscal cadastre; (3) reform of the Public Registry to assure high quality land records administration; and (4) demarcation of indigenous lands with an institutional framework for the recognition of communal rights over their territories and natural resources. Land regularization will take place in the three departments: Esteli, Madriz, and Chinandega. Indigenous land demarcation is to be carried out in the Atlantic Coast region.

2. Land Rights and Gender in Nicaragua

A concern on the part of the state for gender equity during the 1980s resulted in a series of agencies and organizations within and outside state institutions that focused on women's rights. For example, the 1987 Constitution explicitly states that women and men have equal rights. Nicaragua's marital property and inheritance legislation recognizes women's rights to property. The Family Code stipulates that all property brought into or acquired during marriage be pooled, including income from those properties. In case of separation or divorce, all property and income are divided in equal shares between the spouses; and in case of

death, half remains with the surviving spouse. In addition, consensual unions have been recognized as legal since the mid-1980s with the same rights as married couples. Daughters also have the same legal inheritance rights as sons.

Legislation from 1981 on for the different land tenure programs (cooperatives, state farms, land distribution to landless families) all specifically mentioned that men and women have equal rights to benefit from the program and its services, and to participate in agricultural production.[191] Some programs prioritized female household heads for benefits and services,[192] a radical departure from most government programs in the world where women-headed households are often ignored or discriminated against. State and NGO programs sought ways to incorporate women into economic and civil institutions.

While women were able to participate in the different land tenure programs, the level of women who were directly benefited was disappointingly low. In part this was due to a primary focus on urban women by state and NGO programs. Few resources were targeted for rural women. But the more important reason was the overwhelming cultural values and practices that did not view women as independent and productive citizens. Customary norms and practices continue to be based on recognizing the male household head as the main authority figure and the principal property owner, particularly of landed assets. Land traditionally belongs to the man, as do the assets of the farm family production unit. In the case of separation or divorce, the woman is usually deprived of access to the means of production, particularly land. Consequently, husbands have effective control over land and may not even consult their spouse when making decisions about the land. Inheritance practices in Nicaragua, with regard to agricultural land particularly, is for sons to inherit land, while in some cases a daughter or widow may inherit the family house.

Some land program regulations "conspired" to accentuate these cultural norms by permitting only one person per household to benefit. For example, land titles issued under the 1981 agrarian reform law were titled to individuals, not to families.[193] Cultural norms would dictate that this would be the male head of household whenever a husband is present. In addition, former hacienda workers were given preference as land beneficiaries; these workers were mostly men since women were hired only on a temporary or seasonal basis. Generally, if women received land or joined agricultural cooperatives or were recognized as full-time and permanent farm workers, it was because they were widows, divorced, or single women; in other words, sole heads of household. Recent legislation, including land legislation, has been more conscious of gender equity, recognizing the equal rights of women.

During the early 1990s, Nicaragua realized that women's legal rights to land were not being recognized; this motivated changes in titling procedures to issue joint titles to both married and consensual couples, particularly for land allocated by the state to smallholders. Law 209 in 1995 stated that both men and women were entitled to receive land titles and the option of joint titles for couples was established. In 1997, joint titling was strengthened by mandating that families receiving titles for agrarian reform land had to be issued in the names of both spouses (Law 278, Article 49). Some studies have shown, however, that implementation of the law has been limited. The titling program carried out in the 1990s continued to show bias toward males, not only titling more men than women (by 1998, only 16 percent of the titles were issued to women), but also titling smaller parcels to women. On average, parcels titled to women varied between 0.5 and 10 manzanas, while parcels titled to men varied between 0.5 and 20 manzanas. What this indicates is that women were granted legal rights to small homestead plots for growing vegetables and raising small animals; men were granted rights to larger parcels for income-generating agricultural production.

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[191] Galan, Beatriz. 1998. *Aspectos juridicos en el acceso de la mujer rural a la tierra en Cuba, Honduras, Nicaragua y Republica Dominicana*, Roma: FAO.

[192] Ceci, Sara. December 2000. *Women's Land Rights: Lessons Learned from Nicaragua*, Rome: FAO.

[193] Ceci, Sara. 2001. *El acceso de la mujer a la tierra en Nicaragua* (draft), Rome: FAO: pg. 10.

A study undertaken in 1998 on a sample of titled men and women found that both men and women work the land as well as work for others. Men and women work in segregated spaces with separate decision-making processes. Thus, women who have title in their own name have more authority in decision making. Women are considered to be property owners only when their name is written in the title. Married men did not consider their wives to be joint owners unless the title explicitly included the wife's name. On the other hand, it was found that couples with joint titles had increased land security and greater productivity.[194] It is not clear whether this is a result of the joint title or whether cooperating couples are more inclined to request a joint title during the titling process.

Another study found that even when women were included in joint titles, men were able to pressure them to sign sale contracts, threatening to abandon the family if the wife did not agree to the sale of the land. This would seem to indicate that in spite of joint title, patriarchal norms are able to prevent women from enjoying their legal property rights.[195]

3. Incorporation of Gender in Project Design

The project design targets landholders who suffer from land tenure insecurity, giving special assistance to landholders whose property rights are most at risk: the rural poor, landless households, women, and indigenous communities.

The titling process is designed to assign property rights to both women and men. For women, their ability to retain land rights if abandoned or widowed, or during their husband's absence (because of temporary migration), is crucial for their capacity to generate income, either directly (through agricultural production or land rentals) or indirectly (through the support of their adult children). As owners, as well as users of land, women can access credit markets and government agencies. Land rights in their own name also decreases their vulnerability to domestic violence.

The project design proposes specific instruments to achieve gender equality in access to project activities and benefits. These instruments would include:

- Provision of resources to women's organizations (e.g., legal advice) in order to strengthen them and make their voice heard;
- Establishment of norms in relation to the joint titling of properties in a manner that contributes to equity between genders; and
- Incorporation by the legal process of the notion of family capitalization, such as the transformation of the family land and house into a family asset.

The project rationale regarding family property is that, when coupled with other essential services such as technology, credit, and markets, it can produce a positive impact. The project design document also asserted that joint titling can be a means to discourage the immediate sale of properties once the titling process is completed, and to distribute decision-making power within the family.[196]

While the project design document advocated participation by civil society in the planning and implementation of the project and called for the participation of local organizations, there was little mention of women's organizations. The project design document did not include gender training (of either project staff or target populations). Nor were there clear and specific details of how gender issues would be

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[194] Rocha Cassay, Silvia. 1998. *Efectos comparativos de la titulacion a la pareja y la titulacion individual en las mujeres y hombres del sector reformado*.

[195] Agurto, Sonia and Alejandra Guido. 2002. *Nicaragua: diagnostico rapido sobre el impacto de la titulacion mancomunada.* Managua: Fundación Internacional para el Desafío Económico Global (FIDEG).

[196] World Bank. May 2002. *Project Appraisal Document, Land Administration Project (PRODEP).* Washington DC: World Bank. Annex 12.

integrated into the project, for example in the titling component and in legislative reform. The few social indicators mentioned in project design focused primarily on indigenous groups.

4. Changes in Gender Strategy during Implementation

No documentation was available describing the implementation of this project, although there should have been a mid-term review of the project done in 2004. A Portfolio Review of land administration projects undertaken in 2004 states that no gender issues were incorporated nor implemented in the project.[197]

5. Gender Monitoring

The project design was to support the establishment of gender-sensitive indicators for the Participatory Impact Evaluation (PIE), analysis of the gender issue, and implementation of land gender policies. Through the use of appropriate indicators, the PIE would evaluate the project's response to women's demand for land title and regularization services.

The project design recommended the following indicators with regard to women's participation in the land administration project:

- Number of joint titles issued,
- Level of women's participation in the development projects and the decisions on the use of natural resources, and
- Increase of women's organizations actively participating in the decision-making process.

6. Problematic Issues

Because no implementation documents were available, we could not detect problematic issues.

7. Lessons Learned

This particular project would seem to demonstrate one main lesson: if gender is not strongly and explicitly, included in the project design in a specific manner, concern over women's participation in the project will not be carried over into implementation. Nicaragua is one of the first countries in Latin America to have made joint titling mandatory in the case of land granted by the state. It was highly promoted in the titling program of the 1990s, although with limited success. Nicaragua also has one of the most progressive laws against domestic violence. The National Network of Women Against Violence is very active and was influential in having legislation passed in 1996 that made domestic violence a criminal offense. Thus, Nicaragua would have provided a positive context for implementing a reform of the land administration system that was sensitive to, and protective of, women's land and property rights.

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[197] Rygnestad, Hild; Arunima Dhar; Eija Pehu. 2004. *Land Administration and Gender Issues: Portfolio Review*. Washington DC: World Bank.

PANAMA LAND ADMINISTRATION PROJECT, PANAMA (2001-PRESENT)

Funded by the World Bank (with additional financing from the Inter-American Development Bank)

1. Project Description and Objectives

In 2001, The World Bank approved a US $47.9 million loan for the Government of Panama to fund the Panama Land Administration Project (PRONAT), with total costs estimated at US $72.4 million. As originally negotiated, the project was funded for a five-year term with two primary development objectives. First, the project was intended to ensure more equitable access to land and improve land tenure security, by providing land administration services (i.e., recognition of legal rights, conflict resolution, legal cadastre, and registry) in certain rural, peri-urban, and urban areas. The second objective was to enhance natural resource conservation through the consolidation of the National System of Protected Areas (SINAP) and indigenous peoples' territories. Such consolidation includes mapping, field demarcation, buffer zone limits, determination of legal status; and development of land management plans in selected areas through local, participatory consultation processes.[198] The project was implemented in five provinces as well as two cities and one district, covering a total of 2.5 million hectares.[199]

The original project has three components:

1. Land policy, legal and institutional framework—this component is aimed at improving the existing policy and regulatory framework for land-related issues including sales and rental markets, protected areas, lands of indigenous peoples, land valuation and taxation regime, and institutional strengthening of national and local capacity to enable institutions to apply new land policy directives.
2. Land regularization services—this component involves the completion of a systematic legal cadastral survey and regularization in the project area.
3. Consolidation of protected areas and indigenous territories—this component involves completion of land tenure identification, demarcation of priority protected areas, and demarcation of indigenous peoples' *comarcas* and territories.[200]

Populations identified as beneficiaries of PRONAT are, generally, "rural and semi-urban property holders who do not have register[ed] legal title to the property upon which they depend for their livelihood."[201] More specifically, direct beneficiaries include indigenous communities, small and medium producers in rural areas, and producers in semi-urban areas.[202] Among the small and medium producers, "special attention is required to recognition [sic] of the productive activities of women heads of households."[203] According to the

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[198] World Bank. 2000. *Project Appraisal Document on a Proposed Loan in the Amount of US $47.9 Million to the Republic of Panama for a Land Administration Project*, Report No. 21444 PAN.

[199] ibid, p. 9 and 110.

[200] ibid, p. 39–40.

[201] ibid, p. 115

[202] ibid, p. 115–16.

[203] ibid, p. 115.

Government of Panama's poverty agenda, the land titling system should promote access to land for families headed by women.[204]

At about the same time, the Inter-American Development Bank (IADB) loaned the Government of Panama US $27 million to fund a Land Administration and Regularization Project, which expanded the Bank-financed PRONAT to five additional provinces. More specifically, the objectives of the IADB project were "to promote land tenure security in order to facilitate access to credit and land investment aimed at economic growth in the rural, peri-urban and urban areas of certain provinces."[205] The project financed three components: (1) modernization of national and municipal land administration services; (2) land regularization services; and (3) land markets and local economic development.[206]

According to a September 2005 status report, the Bank's PRONAT project continued to "under perform, mainly due to fiscal constraints, and weak management capacity."[207] The project had "suffer[ed] significant implementation delays and bottlenecks," and a need to restructure the project was recognized. In October 2005, the Government of Panama submitted a proposal to restructure the project, proposing a reduction in project scope (by about 25 to 30 percent) and in project cost (by about 20 percent).[208] The development objective of the restructured project is "to modernize the land administration system, including priority protected areas and indigenous territories."[209] The restructured project includes the same three components as originally determined, plus an administration, monitoring, and evaluation component. [210]

The restructured project, implementation of which is within the original project's geographic scope, is estimated to cost a total of US $58.7 million. The restructuring proposal was to have been submitted for approval to the Bank in April 2006, but whether the World Bank approved the restructured loan is not clear.[211]

It appears that the IADB loan has not been restructured.

2. Land Rights and Gender in Panama

Land distribution in Panama is characterized by a high concentration of private land ownership of a relatively small number of large-scale, extensive agricultural and livestock holdings.[212] The majority of the population, however, occupies a small number of parcels owned by the national government.[213] As a result, income inequality is among the highest in the world; 37 percent of the population is considered poor and 21.6 percent

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[204] ibid, p. 18.

[205] Inter-American Development Bank. 2002. *Panama – Land Administration and Regularization Project, Loan Proposal*. p. 1.

[206] Due to the unavailability of IADB project documents, the IADB project is not addressed in this case study.

[207] World Bank. 2005. *Status of Projects in Execution – FY05, Panama*. p. 2.

[208] World Bank. 2006. *Project Information Document: Restructuring*. Report No. 35590. p. 2.

[209] ibid, p. 3.

[210] ibid, p. 2–3.

[211] ibid, p. 2.

[212] Inter-American Development Bank. 2002. *Panama – Land Administration and Regularization Project, Loan Proposal*. p. 1.

[213] ibid, p. 1.

are considered extremely poor.[214] Among the rural population, two-thirds are poor and 43 percent are extremely poor. Indigenous people comprise eight percent of the population but account for one-third of the extremely poor.

One of the root causes of poverty in Panama has been identified as the lack of equitable mechanisms for access to land and credit, and land administration services.[215] Approximately 70 percent of rural producers do not hold title to their farms, and most communal and collective landholders have no title. [216]

Land rights for small-scale farmers are primarily rights to possess land owned by the national government.[217] Existing legislation provides an opportunity for farmers to convert such possession into legal title if the occupancy dates from before the Agrarian Law. The purpose of PRONAT is "to establish the necessary conditions to legalize such possession."[218]

According to the World Bank, women enjoy equal rights to land in that there are no legal obstacles to women's access to land and titling and registration.[219] The World Bank attributes the cause of women's insecure rights to land to social custom and stereotypes.[220] Cultural biases against women exist in the division of labor, and policies reflect those biases by omitting women in the discourse.[221] The consequence is that women consider themselves subordinate, and have low self-esteem and insecurity.[222] Project documents also make note of the particular disadvantages of indigenous women and the discrimination they face.[223]

Historical titling efforts reflect this bias. Of the 7,556 land titles issued between 1988 and 1993, only 28 percent were issued to women. Of the 65,883 hectares titled during that period, 19.7 percent were to women and 80.3 percent were to men.[224]

3. Incorporation of Gender in the Design of the Titling Process

As part of the design of and preparation for PRONAT, a social assessment (SA) was carried out in 1999 that focused on the social aspects of land and natural resource issues.[225] The SA methodology included a gender

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[214] World Bank. 2001. *Project Information Document.* Report No. PID8082. p. 1.

[215] World Bank. 2000. *Project Appraisal Document on a Proposed Loan in the Amount of US $47.9 Million to the Republic of Panama for a Land Administration Project*, Report No. 21444 PAN. p. 4.

[216] ibid, p. 111.

[217] ibid, p. 111.

[218] ibid, p. 111.

[219] ibid, p. 113 and 127. *See also,* Food and Agriculture Organization. 1994. *The Legal Status of Rural Women in 19 Latin American Countries*, available at: http://www.fao.org/docrep/U5615E/U5615E00.htm (unpaginated).

[220] World Bank. 2000. *Project Appraisal Document on a Proposed Loan in the Amount of US $47.9 Million to the Republic of Panama for a Land Administration Project*, Report No. 21444 PAN. p. 113.

[221] ibid, p. 113.

[222] ibid, p. 113.

[223] ibid, p. 30.

[224] ibid, p. 30.

[225] ibid, p. 28.

focus to (1) identify significant issues surround[sic] land tenure for each gender; (2) provide data needed to address existing disparities and discriminatory factors; and (3) facilitate actions that favor women's access to land and ownership of means of production.[226] The SA involved extensive consultations with sample beneficiary groups, numerous semi-structured interviews, and six workshops with diverse focus groups (e.g., women, indigenous authorities, small farmers, and inhabitants of protected areas).[227]

The SA interviews with women revealed the following:

- Eleven percent of households interviewed are headed by women (15 percent, nationally).
- Only 13.7 percent of women (all in protected areas) have received some form of financial assistance, principally for agriculture.
- Thirty-one percent cannot pay for land titles and request free titles.
- Some 80 percent of women household heads have incomes less than 125 balboa/month, compared to 56 percent of men.
- Seventy-nine percent recommend negotiation committees to resolve conflicts rather than official institutions.
- Almost half prefer land titles to be issued in the names of their children.[228]

Based on the results of the SA, the Bank's Project Appraisal Document recommended that the project ensure that titling processes redress the imbalance and historical discrimination against women. To accomplish this, the following recommendations were made: (1) groups of women should be convened in districts undertaking land registration and titling, with the goal of jointly analyzing obstacles to women becoming beneficiaries; (2) the project should promote titling in both names of a couple or in the name of the women and their children; (3) the project should promote changes in discriminatory language, such as "women headed households," instead, all household heads should be included, regardless of gender; and (4) the project should carry out dissemination and promotion campaigns regarding both women's and men's rights to land tenure security.[229] These recommendations were to be implemented instead of "further refinement of the legal framework."[230]

As part of the participatory processes envisioned, grassroots land organizations (e.g., indigenous councils, associations, NGOs), and presumably women's organizations, would be eligible for targeted support such as legal technical assistance, logistical transportation support assistance with dispute mediation, and targeted training.[231] In addition, there was a recommendation that there be a study "of the possibility of identifying lands for women's associations that have requested them in two provinces."[232]

Among the indicators for determining project outcomes, the SA recommended that the percentage of women-headed households be documented.[233]

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[226] ibid, p. 110.

[227] ibid, p. 30.

[228] ibid, p. 120.

[229] ibid, p. 123.

[230] ibid, p. 113.

[231] ibid, p. 30.

[232] ibid, p. 123.

[233] ibid, p. 129–30.

4. Changes in Gender Strategy During Implementation

There is no indication that the gender strategy changed during implementation of the project. A review of project documents made available for this review, including project status reports, reveals that the gender strategy was not discussed.[234]

5. Gender Monitoring

As originally designed, the project was to include a significant and continuous monitoring and evaluation component using two systems over a five-year period. First, an information management system would monitor the management and efficiency of project execution, and evaluate the efficiency and efficacy of product delivery, beneficiary satisfaction, and whether such services are effective in reaching the poor.[235] The second system would evaluate the economic, social, and environmental impacts of the project, measuring changes in beneficiary welfare, productivity, land use, factor market participation, land values, technology, and sustainability of land use. Together these system were intended to provide an assessment of the performance of project components to help determine whether, and if so, how to extend the project in the future.[236] To complement the information systems and to provide feedback, there were to be periodic participatory evaluations by project beneficiaries.[237] Only one gender-differentiated indicator appears to have been established: the percentage of women household heads receiving titles.

6. Problematic Issues

The social assessment study recommends a series of strategies and targets for the project, some of which are carried through into the project, but many were not. For example, it was recommended that women's groups and associations be involved in the project, but this does not appear explicitly in the detailed project description. The project appears to have focused more on gender neutral efforts rather than specifically focusing on issues affecting women and men differently.

Local women's involvement during project planning was minimal. However, project staff indicated the invaluable input and support from PRONAT and PROGENIAL (Program on Gender in Latin America) Panama during the course of the project. Some evidence has been seen that some of the contractors performing project surveys lack the necessary training to promote joint titling appropriately.

7. Lessons Learned

The PRONAT design documents reflect a commitment to ensure that women's access to land is equal to men's access. The project has focused on gender neutral policies, which may not have met the project design goals. The lack of monitoring mechanisms for sex-disaggregated data will have a major impact on the ability of the project to determine whether the goal of gender equality has been met. The fact that women or gender concerns are not mentioned in the project status reports and project review reports indicates that the project may not have paid special attention to these issues.

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[234] Two *Project Status Reports*, dated September 12, 2003 and December 23, 2003 were reviewed as well as a *Back-to-Office Report,* dated May 21, 2003.

[235] World Bank. 2000. *Project Appraisal Document on a Proposed Loan in the Amount of US $47.9 Million to the Republic of Panama for a Land Administration Project*, Report No. 21444 PAN. p. 13.

[236] ibid, p. 13.

[237] ibid, p. 17–18.

In a country where the law does not discriminate against women and their rights to land, it is tempting to focus on the household as a whole and not on women and men within the household. However, such a focus usually means that women are less knowledgeable and less empowered to exercise their rights than men are because men are generally the face of the family. That is, men and not women attend trainings, go to the registration offices, or otherwise engage in the titling process on behalf of the family. Monitoring the impact on women of such a household focus is imperative to understanding whether or not women need special consideration in order to be "equal" in terms of project participation and titling.

MARKET STRENGTHENING AND LIVELIHOOD DIVERSIFICATION IN THE SOUTHERN HIGHLANDS (MARENASS), PERU (1997–2005)

Funded by the International Fund for Agricultural Development (IFAD)

1. Project Description and Objectives

This project was carried out in one of the poorest rural regions of Peru, the southern highlands; 88 percent of the population in this region is considered poor or extremely poor.[238] It was approved by IFAD's Executive Board in September 1995 for US $8.25 million, began operations in April 1997, and closed in June 2005. The implementing organization was the *Corporación Andina de Fomento* (CAF) under the Ministry of Agriculture.

The general objective of the project was to increase cultivated areas and the commercial value of farmers' productive natural resources in the southern highlands. This would be accomplished by reconstructing agricultural terraces, increasing the area of irrigated land, doubling the livestock load of pastureland, and reforesting. The main motivation was to reduce rural poverty by targeting its main causes: (1) the deterioration of natural resources (soil loss and degradation, pastureland degradation, loss of forestland, and deterioration of irrigation systems) which is particularly severe in the southern highlands; (2) sporadic and poor extension and technical assistance services; and (3) inappropriate technology.

The main specific goals were (1) the rational and efficient management of natural resources; (2) strengthening of the social structure and empowerment of local communities and families; (3) the transfer of decision making, responsibilities, and control of natural resources to local communities; (4) privatization of technical assistance services and peasant-to-peasant training; and (5) development of a technology that integrates traditional and modern methods and is minimally dependent on external resources.

The project's approach was to work with the peasant communities of the southern highland region, using a participatory methodology. The target population was 360 rural communities with 52,800 families. The project aimed at directly benefiting 30,000 of these families including 26,400 women and 50,000 children. These Andean communities are based on the family social unit and have socio-cultural characteristics such as communal management of natural resources, communal activities, and exchange of labor and services among families. The project did not select or contract outside persons to manage or direct project activities within each of the communities. Rather, the project worked with the Community Assemblies, and the project directors within each community were authorities and leaders elected by the communities.

Thus, the project's approach was redefined to increase the managerial capacity of peasant communities and its families so that they could implement their own development activities in a sustainable manner. Two types of activities were carried out: (1) diffusion of technology and information and capacity training of community members, including gender training; and (2) management of several different development funds by community groups to finance demand-driven activities, such as technical assistance, community promoters, and production and commercialization initiatives.[239] The funds were allocated using a competitive process among communities and among families within communities. The idea was to work with poor rural communities and social actors to create a demand for services and goods that the communities needed to

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[238] The project was implemented in the poorest provinces of three departments: Cusco, Apurimac, and Ayacucho. The communities are physically located at altitudes between 2,000 and 4,500 meters above sea level. (Ranaboldo, Claudia. October 2004. *Estudio de caso en Peru: Focalizacion del grupo objectivo y formas innovadoras de orientar los beneficios en comunidades campesinas de la sierra peruana: El caso del Proyecto MARENASS*, Fondo Internacional de Desarrollo Agrícola. p. 4-6.)

[239] Ranaboldo, Claudia. October 2004. *Estudio de caso en Peru: Focalizacion del grupo objectivo y formas innovadoras de orientar los beneficios en comunidades campesinas de la sierra peruana: El caso del Proyecto MARENASS*, Fondo Internacional de Desarrollo Agricola.

improve their socioeconomic living standards and that were appropriate for their productive activities. The project not only created a demand, but also provided the training and capacity building of personnel to meet that demand (supply). By the end of the project, these funds were to be transferred to the communities.

One of the dangers of community-managed programs, such as development funds, is that influential persons and groups in the community are in a position to capture the benefits of such programs, with the result that those groups with scarce access to resources and for whom the program is actually intended are the least likely to benefit from the program. Through training and capacity building of community groups and by holding open and transparent competitions for the funds, this type of elite capture was to be avoided.

During the implementation of the project, the general objective and approach was modified in order to increase the sustainability of the project by shifting the focus from productive natural resources to the persons and groups utilizing natural resources, from creating beneficiaries to working with social actors. The focus on social actors highlighted the need to differentiate among different actors based on criteria such as gender, income levels, access to resources and assets, and age. As a result of this focus on social actors and on their participation in the implementation of the project, priorities and activities were rearranged; families' first priority was to improve the home and house-plot. From there, families worked on their parcels, corrals, and livestock, finally spreading out to improving the community, and to surrounding natural and productive resources.

With regard to land titling, the project transferred some funds (S/15,367 or US$4,728) to PETT, the Peruvian rural titling program, specifically for the titling of community lands in two districts in Cotabambas province of Apurimac.

2. Land Rights and Gender in Peru

Peru's 1984 Civil Code recognized women's and men's equality, including voting rights, equal education, property rights, and family rights and responsibilities. With the exception of inheritance rights to spouse's property, spouses of consensual unions also attained the same status as those of civil marriages. The marital property regime, consisting of those goods and assets acquired by the couple during their marriage, is applied equally to both types of unions. All these rights were reconfirmed in the 1993 Constitution.

This project was implemented in the southern highlands where land rights have undergone some changes in the last several decades. Prior to the agrarian reform implemented in the late 1960s and the 1970s, the land tenure structure in this region was dominated by traditional haciendas (large estates) and peasant communities. The haciendas were expropriated during the agrarian reform and the land was distributed to hacienda workers and tenants. Most of this redistributed land was structured into peasant communities, although some land was adjudicated in individual private property.

The communal nature of peasant communities in Peru and in the southern highlands was reaffirmed in the 1987 Law of Peasant Communities (Ley 24656) that guaranteed the integrity of communal property and recognized the relative autonomy of peasant communities. This law, for the first time, also established that both women and men have the right to be community members with the right to use the goods and services of the community. To vote and participate in community decisions, however, one must be a qualified community member (*comunero calificado*), and while women are not legally excluded from this status, the customary practice is that one person per household holds this status and the male head of household normally represents the family before the community.[240]

In the project area, cultural norms and practices together with poverty, low-income, and minimal assets discriminate against the majority of women in their struggle to carry out their reproductive and productive

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[240] Deere, Carmen Diana and Magdalena Leon. 2001. *Empowering Women: Land and Property Rights in Latin America.* Pittsburgh: University of Pittsburgh Press. p. 147-150.

responsibilities. The disadvantaged situation of women vis-à-vis men in the southern highland region is evident in a few basic indicators. Women's illiteracy rate is five times that of men (38 percent for women compared to 7 percent for men) and they only possess 10 percent of cultivable land. In addition, rural women are much more likely to speak and understand only their local language, not Spanish. Nevertheless, women work at levels comparable to men. Women make up 49 percent of agricultural salaried workers and are heads of 33 percent of production units.[241]

3. Incorporation of Gender in Project Design

At the beginning, the project failed to adequately deal with gender issues. The project design observed the numerous ways women are discriminated against in the project area, including illiteracy, lack of training, non-recognition of women's productive roles, and limited access to technical knowledge. In order to overcome this discrimination, the project's gender objective was to favor women by (1) providing training for women that would make them aware of their productive roles, increase their self-esteem, and facilitate their integration in productive and social activities at a level equal to men; and (2) developing new technology that would address women's needs. These objectives, however, were formulated in a general manner, and were not specified as concrete objectives. Consequently, they were not integrated into the project's specific objectives.

The strategies for these gender objectives were (1) to incorporate women in project activities under the same condition as men, so that women would have direct participation in the decision-making process of the project; (2) to train women in their own language by women trainers; and (3) to work with women within their social context which includes their husbands or companions, their families, as well as their extended families. These proposed strategies, however, were also left at a general level, and were not integrated into project implementation.

In concrete terms, project implementation included only one activity that involved women: a fund for developing pasture seeds and a tree nursery. The project design incorporated women into the project through only one activity: the creation of a fund, managed by women, for the production of forage/pasture seeds and trees. These products were seen as necessary for other project activities such as improvement of pastures, agricultural terraces, and reforestation, and therefore it was thought that there would be a demand for these products. The idea was to provide loan funds to organized groups of community women, such as mother's clubs, so that their members could produce and market forage seeds and trees for this demand. The women's groups would have a bank account for this activity in order to receive the project's funds and to manage the loans given out to their members.

During the first two years of the project, eight percent of the persons receiving training in a skill were women. These women were either young women whose families had invested in their education or they were older women who were active members of their community and were recognized as leaders.

The participation of women in workshops was much higher. Of the 5,825 persons that participated in gender, self-esteem, and business planning workshops, 62 percent were women. What is surprising in this latter example is the high percentage of men that attended these workshops, since these types of workshops are generally seen as appropriate for women and not really needed by men.

The number of women that registered for the competition for community funds was also low during these first few years; only nine percent were women. The majority of these were single mothers and widows, suggesting that more women did participate but with their families and therefore were not registered as a participant.

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[241] IFAD. December 2002. *Report and Recommendation of the President for the Market Strengthening and Livelihood Diversification in the Southern Highlands Project.*

The project's approach to integrating gender issues was to not hire a gender specialist, nor to create gender units, but rather to make all project personnel responsible for gender issues within the project and its activities. The project would hire an outside consultant or organization to provide them with specific training or orientation. As a result of this approach, the project developed some concrete objectives during its implementation: to reduce women's workload, to improve its participatory methodology for diagnostic and planning exercises, and to strengthen the project's capacity to advise women.

With regard to the modest land titling activity, as mentioned before, only two districts (out of 80 in the project) in one province (Cotabambas) of Apurimac received some funds for titling of community lands.[242] The communities are legally recognized Peasant Communities (Comunidades Campesinas) and the titling modality was to title the community collectively, not individual persons or households. In the two districts, 53 peasant communities were titled. One of the first steps in titling community lands was to take a census (*empadronamiento*) of community members. In this case, following rural titling norms in Peru, all adult members, both women and men, married and single, were included in the census, not just household heads. The recognition of all adult members as community members is favorable to women compared to the prevalent practice of only registering the household head, who is generally male.

4. Changes in Gender Strategy during Implementation

The project experienced several major changes in the way it conceptualized gender and gender roles in the project area. During the project design, there was a tendency to equate gender issues with welfare activities for women. Shortly after implementation began, this approach was modified to recognize the productive role that women play in agriculture and in rural communities. This conceptual change, however, tended to disregard women's important reproductive role within the family. Several years into implementation, project staff reoriented their activities and how it viewed gender roles, recognizing women's important contribution to both production and reproduction, and the interrelated roles that both women and men have in the management of natural resources.

Gender objectives and strategies were based on the assumption that gender relations and conditions were uniform across all project communities. As project activities were implemented, it became clear that women's status in the region is varied. The project has observed that in ethnic Aymara communities, women are more entrepreneurial and less constrained with regard to mobility. In these areas, 28 percent of local (municipal) authorities are women. In communities where women are not involved in business activities, such as trading, they are more confined to their households and communities. This lack of mobility affects their ability to participate in women's group activities and in the project. These and other gender and cultural differences had a strong impact on project activities that sought to improve gender equity.

One of the major modifications made during the implementation of the project was to change the loan fund originally intended for reforestation and pasture improvement by women's groups to a loan fund for production, commercialization, and small businesses. The project provided training in organization development, bookkeeping, and business management.[243] The women's groups used the loans to set up small retail shops, invest in productive activities, engage in trading, and to set up microfinance schemes for group members. The women's groups established their own rules, interest rates, and control systems to monitor this micro-credit operation. At the end of the project, there were 558 women's groups in the 360 communities, consisting of 7,752 women and 608 men. The initial project investment in this activity was US $640,000 and at the end the accumulated capital was US $890,000.

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[242] The IFAD Peru project transferred funds to PETT, the Peruvian rural titling program, for community titling in the Apurimac province, one of the project areas.

[243] IFAD. August 2005. *Informe de Terminacion del Proyecto.* Proyecto Manejo de los Recursos Naturales en la Sierra Sur.

Production and Marketing Funds for Organized Groups of Women

Most of the organized groups (consisting of women only or women and men) have their own bank account; those that do not, use the community account. All 360 communities in the project have one or more women's groups. Project funds are transferred into these accounts, as are the revenues from micro-businesses. These businesses range from agricultural production and livestock breeding and fattening to micro-marketing and micro-credit operations. This fund has achieved great success; the average of the capitalization process for the project is about 50 percent. In the four years from 1998 to 2002, some groups have doubled the capital transferred by the project. Its most important success has perhaps been the impact on the role and presence of women in the social organization of communities.

In those communities where women have been more active in the market, women's groups were able to become more involved in other community groups, utilize other project funds, and access other resources such as technical assistance and other credit sources. There were significant differences among communities with regard to women's ability and capacity to integrate their activities with other project processes and to take advantage of other resources available to the community.

There is considerable variety in the management, structure, and level of consolidation of the groups that use this fund. The management of funds has generated power and prestige for the women involved and has enabled them to make a monetary contribution to the family economy. There is, however, a risk that this success may prompt some groups to present proposals for microenterprises that are not fully thought out or are not viable. As with other microfinance programs, there was tension between the principal purpose of microfinance for women—to support women's learning and empowerment—and the goal to create a sustainable investment fund that generate profits. Because of women's high illiteracy rates and inability to speak Spanish, the management of financial instruments by women's groups was still weak as of 2002.

One of the innovations of this project is how it integrated gender. Most development projects in low-income rural areas design welfare-type components that target mothers with young children. This project sought to target women of any age and whether they had young children or not. Project activities and funds managed by women included different types of activities so that women could choose how to participate in the project. In this region of Peru, rural women tend to be illiterate and speak only Quechua, not Spanish the dominant language. Because of these two constraints, it was more difficult to teach women the managerial and financial skills needed to manage the *grupo organizado de mujeres* (GOM) funds. Thus, one of the mid-project recommendations was to hold capacity-building training in Quechua and to improve women's literacy.[244] Other recommendations included entrepreneurial and business management training (not just training in production) for women, and to integrate the logic of community dynamics and of gender negotiation into the monitoring of the small rural business ventures.

Community development activities included production and marketing of crops and small animals, technical assistance, capacity training, and home improvements (e.g., *fogon mejorado*). The inclusion of women interns in the training programs was not initially accepted by all communities. Some communities, where women regularly traveled to markets and fairs, were not opposed to women interns. But in other communities, where men traveled and women stayed at home, recruiting women interns was more difficult. The project came to recognize that women's childcare responsibilities made it more difficult for them to participate in training activities. To encourage women's participation, the project provided mobile daycare services so that women could attend training programs. As women managed more funds and became more involved in women's groups, opposition to their participation as interns decreased.

While it was necessary to have organized women's groups in order to work with women who were considered of secondary status, the space in which women could participate grew, over the life of the project, from these

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[244] IFAD. October 2002. *Evaluacion Preterminal*. Proyecto de manejo de los recursos naturales en la Sierra Sur. p. xxvii – xxviii.

women's groups to community-wide organizations. A significant indicator of the impact of the project on women's empowerment is the increase of women peasant trainers (*yachaq*) from 0 to 339.[245] Nonetheless, one of the project reports maintained that in spite of widespread participation by women in the community funds, micro-businesses, and training, there continues to be a significant difference in how women's and men's achievements, capacities, and potential contributions are perceived by the community.[246]

A review of the impact of microfinance funds on women revealed mixed results. The review differentiated between funds invested in the training and education of women and funds for micro-credit activities. It emphasized the need to keep both types of activities, with different logics, differentiated in the minds of project participants. While the review was not explicit about the problems, it appears that while the capital invested in micro-credit has grown, women's ability to manage small entrepreneurial activities has not always increased; in other words, the constraints women face (illiteracy, monolinguism, secondary status, lack of mobility) and the constrained local and regional economy (such as the non-existence of markets for products) has constrained women's success in establishing small enterprises.

Integrated Approach

The focus of the project on the family and its needs has led not only to higher standards of living, but also in the empowerment of women within the household. The improvement of housing and infrastructure has meant better working conditions for women and less onerous and labor-intensive domestic chores. The freeing of women's time from some domestic chores has resulted in women being able to dedicate more time to productive activities. One of the project's major success activities was the *fogon mejorado*—improved cooking fire. The construction of a brick stove, to replace the open cooking fire on the floor, had a tremendous impact on the families. The brick stove made out of local materials, a design promoted the project, has improved cooking and eating conditions in rural homes. Cooking utensils and food are no longer on the ground (where some farm animals are kept) and the introduction of a table and chairs has made family meals a more agreeable family activity.

This improvement has also motivated families to make the cooking/dining area a separate room and to improve the room and the interior atmosphere by whitewashing the adobe walls and building a window into the outer wall. Other improvements include latrines and the corralling of small animals separate from the family's living quarters. Three of the major benefits from these improvements have been a reduction in women's domestic work, particularly in the preparation of meals, as well as in the care of yard animals (guinea pigs, chickens, etc.); an improvement in women's health (because of the reduction in smoke and direct heat); and a reduction in the use of firewood.[247]

5. Gender Monitoring

The project design included monitoring and evaluation activities, allocating resources to support such activities. There was to be an evaluation of technological change, evaluation of the project's activities, monitoring and evaluation of the subcomponents, and an administrative and accounting audit. When the first gender review was carried out in 2000, no project monitoring had yet been carried out. The project did carry out several gender-focused reviews and assessments over the life of the project. Since no baseline study was done, there was no evidence that an evaluation study had been carried out.

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[245] Ranaboldo, Claudia. October 2004. *Estudio de caso en Peru: Focalizacion del grupo objectivo y formas innovadoras de orientar los beneficios en comunidades campesinas de la sierra peruana: El caso del Proyecto MARENASS*, Fondo Internacional de Desarrollo Agricola. p. 10.

[246] IFAD. October 2002. *Evaluacion Preterminal*. Proyecto de manejo de los recursos naturales en la Sierra Sur. p. xxviii.

[247] IFAD. October 2002. *Evaluacion Preterminal (Anexos)*. Proyecto de manejo de los recursos naturales en la Sierra Sur.

6. Problematic Issues

One of the principal problematic issues in this project was a certain tension or conflict between two of its main objectives: to increase local participation in development processes on the one hand, and the promotion of gender equity on the other. Gender bias at the local level on the part of community members and local authorities often influence decisions and the decision-making process. While the project strove to improve women's status and decrease women's exclusion from community activities and decision making, the project's approach of local decision making often resulted in women being excluded from community development activities and processes.

The project tendency to let gender activities and gender processes emerge from the communities themselves resulted in some cases in minimal participation by women in the project beyond the management of their "seed" fund.

7. Lessons Learned

Several key lessons can be extracted from this project. Perhaps the most important is the need to think beyond simply having a gender focus in project design. If the project had explored more specific gender objectives, strategies, and activities, perhaps it would have avoided the misconception that women are all the same across communities in the project area. Also, the project design would have integrated gender broadly into the project components and activities, instead of having only one activity that specifically targeted women.

Another lesson is the conflict between project objectives on the one hand, and community, family, and women's priorities on the other. Project documentation clearly captured two such conflicts. The Production and Marketing Fund, an activity specifically for women's groups, had two important but potentially conflicting objectives: creating economically sustainable and profitable loan funds within each community, and training and empowering women in order to improve their status within the family and the community. Focusing on economic sustainability and profitability can result in neglecting the task of empowering low-status women. The challenge is how to fulfill both objectives.

Another set of conflicting objectives was seen in the priorities articulated by the project (improved natural resource conservation, improved productive resources, increased agricultural productivity) and those of the communities participating in the project. Community families were more interested in improving their immediate living conditions. This meant that the communities focused first on their housing and infrastructure. Once these needs were being attended to, they were able to focus on their agricultural parcels, and finally on the conservation of natural resources in their community. From the center of families' lives (their home), project participants moved outward in a concentric manner to include their crops, livestock, and finally the entire community with its resources. The lesson would seem to be that families living in extreme poverty will concern themselves about natural resource conservation once their basic needs are addressed. The gender aspect of this lesson is that women are at the heart of the home and therefore needs to be integrated into project strategies and activities from the initial stages.

LAND ADMINISTRATION AND MANAGEMENT PROJECT I (LAMP), PHILIPPINES (2001-2003)

Funded by the World Bank

1. Project Description and Objectives

The purpose of the Land Administration and Management *Program* (LAM Program) was to develop a clear, transparent, coherent and consistent set of land administration policies and laws; to accelerate programs that would formally recognize and record the rights of eligible land holders; to develop an efficient land administration system operating throughout the Philippines in accordance with government policy, and responsive to the needs of the people; to develop an effective and transparent land valuation system, in line with internationally accepted standards, that serves the needs of all levels of government and the private sector; and to develop a well-functioning land market operating in both urban and rural areas. The Land Administration and Management *Project* (LAM Project) was one component of the larger LAM Program, a first step towards the implementation of a long-term land administration and management program. The project cost was estimated at US 10.35 million, and the credit provided was US $4.79 million.[248]

The specific objectives of the LAM Project (LAMP) were to assess the viability of the Land Administration and Management Program and to formalize the institutional arrangements needed to support its development, and to test alternative approaches to accelerated programs designed to improve the protection of rights to land, eliminate fake titles, and introduce a framework for an equitable system of land valuation.

There were three project components: (1) Land Policy Development; (2) a Land Titling and Administration pilot and a Record Management pilot; and (3) Institutional Development.

2. Land Rights and Gender in the Philippines

The Philippines has undertaken many groundbreaking initiatives to promote gender equality and women's empowerment. Government, civil society groups and academe actively participate in moving rights for women forward. They have had the following major successes:

- Formulation of the Philippine Plan for Gender-Responsive Development l995–2025 as a document that gives perspective to the medium-term development plan of government;
- Passage of laws enhancing women's participation in development and electoral politics;
- Allocation of a minimum of five percent in the budget of all agencies and local government units for GAD (Gender and Development) programs, projects and activities;
- Implementation of various programs and services for women such as women's desks in police precincts, women and children protection units in government hospitals, shelters and crisis counseling facilities to eradicate all forms of gender violence; and
- Establishment of gender and development resource centers in the regions that can provide technical assistance to local governments in their gender programs, projects and activities.[249]

Moreover, Philippine legislation is progressive in terms of women's rights and access to land. There are three main protections for women in the law. First, the Comprehensive Agrarian Reform Law (RA 6657) guarantees equal rights to rural women. Section 40 of Chapter X states, "All qualified members of the agricultural force must be guaranteed and assured equal rights to ownership of the land, an equal share of the

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[248] World Bank. 20 September 2000. Project Appraisal Document. Philippines: World Bank.

[249] Gender Review of the World Bank's Philippine Portfolio.

farm's produce and representation in advisory or appropriate decision-making bodies." The administrative regulations adopted by the Department of Agrarian Reform to implement the gender equality provision of the Comprehensive Agrarian Reform Law provided that land titles had to be issued in the name of both a husband and wife or a couple living in consensual union "when spouses are jointly working and cultivating common tillage."[250]

Second, the Family Code states that property acquired in unions with or without marriage[251] is covered under the national co-ownership and joint ownership laws, and the presumption is that if two people live together their land is jointly owned.[252] This presumption is broader than in many countries where co-ownership and joint ownership presumptions only apply to formally married couples. Many women in rural areas are not formally married.

Third, the written consent of both partners for transactions is required regardless of whether the land is registered in the name of both partners or was obtained by only one of them, if the land was obtained during the marriage or cohabitation.[253]

Customary and religious law in the Philippines has a major impact on how vigorously the civil law is followed or enforced. 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.[254] Moreover, customary laws and practices differ from region to region, or province to province in the Philippines.

In some regions or provinces of the country women are equal with men in rights to land ownership, although in many areas it is the men who administer or manage the conjugal property.

3. Incorporation of Gender in Project Design

LAMP documents included gender concerns from the very beginning of the project, in the project preparation stage. The Project Appraisal Document (appraising whether the World Bank loan would be provided or not) articulates the gender issues facing the project. In addition, LAMP produced a Plan for Gender Mainstreaming and prepared a corresponding report to monitor its compliance. Several groups contributed to the development and implementation of the plan, including the national government, local government units, communities, families, and individual men and women. The gender mainstreaming plan encompassed the whole project cycle from influencing legal reforms, through encouraging female and male participation and training, to installing gender-sensitive monitoring and evaluation systems.

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250 Government of the Philippines. Memorandum Circular 18 of 1996. Administrative Order 1 of 2001.

251 The Family Code of the Philippines (Executive Order No. 209, July 6, 1987, as amended by Executive order No. 227, July 17, 1987) Articles 147–48.

Article 147: When a man and a woman who are capacitated to marry each other, live exclusively with each other as husband and wife without the benefit of marriage or under a void marriage, their wages and salaries shall be owned by them in equal shares and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership. In the absence of proof to the contrary, properties acquired while they lived together shall be presumed to have been obtained by their joint efforts, work or industry, and shall be owned by them in equal shares. For purposes of this Article, a party who did not participate in the acquisition by the other party of any property shall be deemed to have contributed jointly in the acquisition thereof if the former's efforts consisted in the care and maintenance of the family and of the household.

Neither party can encumber or dispose by acts inter vivos of his or her share in the property acquired during cohabitation and owned in common, without the consent of the other, until after the termination of their cohabitation.

252 Judd, M. and Dulnua, J. 2001. *Women's Legal and Customary Access to Land in the Philippines.* World Bank Report.

253 ibid.

254 ibid, p. 29.

The gender mainstreaming plan (February 2002) recommended:

- Ensuring the gender sensitivity and gender responsiveness of laws, policies, and regulations on LAM;
- Including gender sensitive indicators in the Project Logframe and Operational Plan—based on this, conduct pre-project (baseline data), during (degree and type of participation of women and men in the program and project implementation) and post-project (impact) gender assessment or a longitudinal gender analysis;
- Promoting active participation of women and men in the project activities (the percentage of women and men participants in project activities will be targeted between 40-60 percent);
- Promoting capability- and capacity-building activities (i.e., gender sensitivity, gender mainstreaming, alternative dispute resolution processes, transformative leadership skills, etc.) for women and men;
- Avoiding gender stereotyping (i.e., linguistic and visual biases and assigning of roles based on gender stereotypes);
- Identifying practical gender needs and strategic gender interests of women and men, and inclusion of measures to address them; and
- Using gender accountable community organizing processes.

There were four phases to the gender mainstreaming plan: The first part focused on building the organizational capacity of LAMP in gender mainstreaming (conducting Gender Sensitivity Training Workshops for LAMP managers and staff, integrating gender indicators in the LAMP Logframe and operational plans, and mentoring the different work units of LAMP on how to mainstream gender in their unit work design and operations). The second part focused on integrating gender in the consensus-building processes with stakeholders to ensure the gender responsiveness of LAMP legislative and institutional reform agenda. The third part focuses on building the gender sensitivity and gender mainstreaming capability of community leaders and representatives of other stakeholders in LAMP prototype activities. The fourth part relates to the necessary preparations to ensure that gender is integrated in the design of LAMP Phase 2.

LAMP sponsored gender sensitivity and planning workshops to enhance the capacity of their implementers to mainstream gender into their work. They also hired a gender consultant and used gender-sensitive methodologies in the generation of community baseline data.[255] LAMP has a part-time gender consultant and aims for a 50-50 distribution in gender of PMO staff hired.

4. Changes in Project's Gender Strategy

Not all of the initial gender plan was implemented, but the project closely monitored its progress. In April 2003, a revised logframe was developed and proposed to incorporate more specific indicators related to gender issues. Moreover, a Gender Focal Team was established in July 2003. A report on the "Progress of Gender Mainstreaming in LAMP" was issued on September 15, 2003.

Outcome indicators added to the logframe to address gender differences include:

- Clearly evaluated policy options for economic, social, environmental, and gender equity implications;
- Developed, tested and implemented replicable procedures for large-scale land registration that are simplified, streamlined, cost effective, gender sensitive, and acceptable to the community;
- Assessed and documented existing titling practices and procedures, including the barriers to efficient, effective, and community acceptable title registration (including gender related issues);
- Developed, tested and documented alternative approaches to adjudication and title issuance that are sensitive to all gender concerns;
- Designed, conducted and evaluated training courses and workshops that include gender awareness/analysis and participatory processes;

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[255] Gender Review of the World Bank's Philippine Portfolio.

- Collected sex-disaggregated data on land title holders to determine presence of gender disparity;
- Communities within the prototype area that are aware, gender sensitive and actively participating in project activities;
- Improved gender-responsive customer services/relations within the One-Stop-Shop;
- Monitoring and evaluation system in use to collect information needed for gender responsive project management;
- Human resources system made gender sensitive and operating effectively, including hiring based on competence and not on gender stereotypes; and
- Baseline established and data analyzed for gender-related assessment of: impacts, service delivery and stakeholder perceptions. (World Bank. April 2003. Philippine Land Administration and Management Project Revised Logframe.)

The gender mainstreaming report recommended the following specific changes to LAMP:

- Adopt a gender sensitized logframe for LAMP Extension Period; and
- Review gender sensitivity of manuals of each unit (CRS, TV, OSS, SAT) and recommend the integration of all of these manuals into LAMP Organizational Manual.

Human Resource Development

- Meet the Gender Focal Team and develop common Gender Mainstreaming Framework.
- Conduct Gender Sensitivity Training Workshops for all LAMP staff.

Programs/Projects/Activities

- Integrate gender in the Extension Period Plan.
- Amend all forms, including so as to identify sexes of land title holders and the mode of acquisition of lands (i.e., whether conjugal or not).
- Ensure that conjugal lands are titled to spouses.
- Develop gender sensitive materials.

Enabling Mechanisms

- Develop monitoring and evaluation tools to evaluate gender integration progress of each unit.
- Develop mechanism to mentor all units on gender integration.

Under the LAMP project, gendered aspects of the project were carefully and frequently monitored, and adjustments were made according to the findings of the monitoring. The specificity of the recommendations listed above indicates the seriousness of the commitment to gender concerns.

5. Gender Monitoring

As stated above, in 2003 gender aspects of the project were reviewed. The review found that nearly half of the project staff were women, although all employment is based on merit rather than gender. The Stakeholders Advisory Group included female representatives, and over 40 percent of the participants in training and non-training events were women. However, the limited resources for staff training appear to have lead to unstable and inconsistent adherence to principles of gender mainstreaming.

Gender-sensitive indicators are being collected as planned. In connection with this, the project had developed a mechanism to identify conjugal from non-conjugal properties. If the land is a conjugal property, the project pursues joint land titling between husband and wife. In cases where the property is owned exclusively by either spouse the title is sought only in the name of the landowner.

For the most part, the Aide Memoirs regarding program reviews did not discuss gender issues or concerns. However, the LAMP aide memoir of February 2002 took note of the delayed appointment of the National Gender Adviser and the International TA for Social Development." The Mission stressed that "this is a

significant concern and (it) feels that these advisers need to be deployed immediately to assist in addressing many of the issues."

LAMP maintains a system of ensuring that women and men have equal opportunity to participate in its training and non-training events, and they keep a sex disaggregated list of participants of the trainings.

6. Problematic Issues[256]

In spite of a comprehensive gender mainstreaming plan, gender mainstreaming did not occur to the extent desired or necessary. One of the major obstacles to full gender mainstreaming was the staff of the project. First, gender awareness trainings were put on-hold due to funding difficulties, and LAMP staff training on gender mainstreaming was done merely through Gender Sensitivity Training (GST) and Gender Responsive Planning Workshops. The National Gender Adviser did not have the opportunity to assist the work units in their actual operations.

Moreover, even those who attended GST workshops in 2002 did not necessarily integrate gender in the actual work of the LAMP personnel. Much time was lost due to these less focused trainings, and when the National Gender Adviser re-entered the project in September 2003, the work started with reintroducing gender among the project staff and developing clear agreements on gender target outputs and indicators for inclusion in their work plans.

Aside from confusion on how to actually integrate gender concerns in their work, another reason cited by the staff for failing to substantially integrate gender in their work after the GST workshops was the lack of clear mandate from management, particularly from the project management office (PMO).

A second problem that arose was that issuing joint titles required cooperation of several governmental departments, and these departments had difficulty cooperating and making a final decision on the titles.

Finally, to some extent men were excluded from the community meetings organized through the project. Men acknowledged that it was harder to invite men to these meetings and encourage their participation because men feel they have a less flexible schedule due to work commitments; they do not recognize such meetings and activities as having an effect on their lives; they prefer to use their time off on weekends for other activities; and invitations to the meetings are addressed to the association presidents, which more often than not are women.

Recommendations for being more gender inclusive were:

- Meeting invitations should be addressed to women and men and husbands and wives to increase male participation.
- The importance of male participation should be highlighted.
- Activities should be scheduled during weekends to increase male participation.
- LAMP representatives should accompany association leaders on their community and area visits to address the residents' land concerns. This would lend more credibility and less suspicion and resistance from the residents.

7. Lessons Learned

In the LAMP project, there was a clear discussion of the gender issues that needed to be addressed, and a plan was developed with an approach by which these issues would be addressed. Likewise, gender-related interventions were documented and monitored during implementation.

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[256] World Bank Task Manager Interview conducted by Hild Rygnestad, May 2004.

The Philippine LAMP project has shown the importance of involving women during project planning and implementation, including management, implementation staff, and stakeholders. At the same time, lack of initial resources delayed appropriate staff training on gender issues and resulted in inconsistent adherence to gender equity principles and sometime in weak integration of gender in the unit operations

One key lesson then, is that it is absolutely critical that local staff implementing projects understand the issues that affect men and women differently and are trained in how to mainstream gender concerns. In addition, there must be follow-through from the trainers and management staff. Management has to indicate their interest in whether or not gender is mainstreamed. This includes asking questions about it during review missions and reporting back on these interviews in addition to monitoring gender numbers (how many women and how many men attended X meeting).

A second lesson is that while focusing on women can lead to positive results for women, services and trainings can also exclude men through this process. It may be that it is important to have separate meetings or trainings for men and women given their separate and specific roles in the household and community. It may not be possible to reach both at the same time and place.

Finally, gender mainstreaming, in this instance, required ongoing attention. Both planning and monitoring were critical.

The following tables present the gender action plan developed at the beginning of the project.

TABLE A-6. ACTION PLAN (PART I - GENDER INTEGRATION IN THE WORK PROGRAMS AND STRATEGIES OF THE PMO AND PIOS)

Activities	Target Outputs	Who	When
Gender Sensitivity Training Workshops for PMO and PIO staff	• Staff can relate the importance of mainstreaming gender in LAM; • Staff become conscious/ sensitive to their gender views and practices; • Staff have knowledge of how to mainstream gender in their work program & strategies	Project managers, PCU, Adjudicators/ Title validation officers, CIM, CRS, HRD/Training Teams, and M&E unit.	First Batch: Key Staff PIO1: July 26, August 19-21, 2002 PIO2: September 11-13, 2002 PMO: October 16-19 Second Batch: All staff PIO1 October 14-15, Oct 17-18 PIO2: Oct 21-22
Planning workshop with each unit on gender integration in their work program.	• Concrete plans on how to integrate gender in all units/ functions of PMO and PIOs	Same as above	April 2003 October 2003
Evaluation of implementation of gender integration plans	• Extent of gender integration measured; • Helping and hindering factors to gender integration and mainstreaming analyzed. • Follow-up plan (if appropriate) developed	Same as above	By Monitoring and Evaluation Unit: Monthly? With Gender Adviser: November 2003

TABLE A-7. ACTION PLAN (PART II – GENDER IN THE CONSENSUS BUILDING PLAN)

Activities	Target Outputs	Who	When
Workshops with CSOs to develop indicators of gender sensitive LAM	• List of LAM gender sensitive indicators which CSOs support	Social Dynamics Team	August 13-14, 2002 October 2003

Activities	Target Outputs	Who	When
institutional and legislative reform agenda			
Workshops with government and private sectors for validation of list indicators of gender sensitive LAM institutional and legislative reform agenda	• List of gender sensitive indicators validated by representatives of concerned government agencies and private groups	PMO Gender Adviser Policy Coordinator	Extension Period

TABLE A-8. ACTION PLAN (PART – GENDER IN THE SOCIAL PLAN)

Activities	Target Outputs	Who	When
Training on Alternative Dispute Resolution (ADR) Processes (i.e., Negotiation and Mediation)	Pool of trained negotiators and mediators/ facilitators of ADR processes	CRS, Adjudicators, Title validation officers Gender Adviser	November 2003
GST Workshop for community leaders (CL) – PIO1 and PIO2	• CL can relate the importance of mainstreaming gender in LAM; • CL become conscious/ sensitive to their gender views and practices; • CL have knowledge of how to mainstream gender in LAM systems and procedures	CRS LAMP Pool of trainers Gender Adviser (?)	November 2003
GST Workshop for concerned LGU officials (LGU) – PIO1 and PIO2	• Concerned LGU officials can relate the importance of mainstreaming gender in LAM; • Concerned LGU officials become conscious/ sensitive to their gender views and practices; • Concerned LGU officials have knowledge of how to mainstream gender in LAM systems and procedures	CRS/PCU LAMP Pool of trainers Gender Adviser (?)	December 2003
Training workshop on gender sensitive CO-CD approach	Concerned CRS staff or NGO partner can develop and implement CO-CD strategies and plan of actions	CRS Social Dynamics Team	November – December 2003
Assessment of project's effects on gender views and practices (focused on LAM) in the communities	Sex-disaggregated data on the gender views and practices of the beneficiaries/ partners of LAMP in the communities	CRS / M&E Social Dynamics Team	Integrated in Social Assessment Phase 2

APPENDIX B. ORIGINAL PROJECT TABLE

STUDY: WOMEN AND PROPERTY RIGHTS: BEST PRACTICES
INITIAL LIST OF LAND PROJECTS FOR REVIEW
December 2005

No.	Country	Funder	Project Title & Number	Project Type	Task Manager	Begin Year	End Year
1.	Bolivia	World Bank	National Land Administration—Supplement (P006197)	Land admin (rural)	A. Silverman; M. Childress	2002	2005
2.	Cambodia	World Bank	Land Management and Administration (P070875)	Land admin	Keith Clifford Bell	2002	2007
3.	Côte d' Ivoire	World Bank	Rural Land Management and Community Infrastructure Development Project (P001194)	Land admin	Bleoue Nicaise Ehoue	1997	2004
4.	Croatia	World Bank	Real Property Registration and Cadastre (P067149)	Land Registration	Victoria Stanley	2002	2008
5.	Guatemala	World Bank	Land Fund Project (P054462)	Land fund (rural)	Nadim Khouri	1999	2005
6.	Honduras	World Bank	Rural Land Management (PAAR) (P007398)	Land admin (rural)	James Smyle	1997	2004
7.	Honduras	World Bank	Access to Land Pilot (PACTA) (P073035)	Land fund	Francisco Pichon	2001	2006
8.	Laos	World Bank	Land Titling Project I (P004208) Land Titling Project II (P075006)	Land admin (urban & peri-urban)	Wael Zakout; Marianne Grosclaude	1997 2004	2004 2009
9.	Nicaragua	World Bank	Land Administration (PO56018)	Land admin (rural)	Frederic de Dinechin	2002	2007
10.	Panama	World Bank	Land Administration Project (P050595)	Land admin	Jorge Muñoz	2001	2006
11.	Philippines	World Bank	Land Administration & Management (P066069) Land Administration & Management II (P073206)	Land admin	Keith Clifford Bell	2000 2005	2004 2011
12.	Bolivia	USAID	Bolivia Land Titling Project (BLTP)	Titling & registration	Walter Galindo (project director) Need info.	2004?	??
13.	Brazil	USAID	[Environmentally and socioeconomically sustainable alternatives for sound land use adopted beyond target areas] (512-001) [environmental program] (512-008)	Sustainable land use	Need Info.	1993 2003	2002 2008
14.	Burundi	USAID	[conflict/dispute resolution; legal & regulatory framework] (695-006)	Democracy and Governance		2003	2005
15.	Colombia	USAID	[resettlement of displaced persons				

No.	Country	Funder	Project Title & Number	Project Type	Task Manager	Begin Year	End Year
16.	Congo	USAID	[legal & regulatory framework]				
17.	Ecuador	USAID	[Biodiversity Conserved in Selected Protected Areas and Their Buffer Zones] (518-001)	Land regularization in buffer zones		1997	2006
18.	Ecuador	USAID	[Southern Border Integration] (518-011)	Land regularization in buffer zones		1999	2005
19.	Ethiopia	USAID/SIDA	Sweden Amhara Rural Development Program	Land admin		2003	
20.	Guatemala	USAID	[natural resource management project in Peten				
21.	Guatemala	USAID	[Support the implementation of the Peace Accords] (520-006)	Land titling		1997	2004
22.	Guinea	USAID	[Increased use of sustainable natural resource management practices] (675-001)	Land use management		1998	2006
23.	Honduras	USAID	National Environmental Protection Fund (VIDA)	Natural resource management		1990s?	???
24.	LAC	USAID	Poverty Alleviation through Land Access (PALA)	Land admin		2000	2006
25.	Malawi	USAID	[Increased Constitutionalism and Advocacy] (612-007)	Legal education & assistance on land rights		2001	2006
26.	Namibia	USAID	[Increased benefits received by Historically Disadvantaged Namibians from sustainable local management of natural resources; land conservancies] (673-003)	Natural resource management		1992	2004
27.	Senegal	USAID	[More effective democratic and accountable local management of services and resources in targeted areas] (685-002)	Rural development; resource management		1998	2006
28.	South Africa	USAID	[Increased access to shelter and environmentally sound municipal services for the historically disadvantaged population] (674-006)	Housing	674-006 Increased access to shelter and environmentally sound municipal services for the historically disadvantaged.	1996	2007

No.	Country	Funder	Project Title & Number	Project Type	Task Manager	Begin Year	End Year
29.	Sri Lanka	USAID	[Women's legal rights increasingly protected] (941-003) (EGAT/WID is Operating Unit)	Legal advocacy		1995	2003
30.	Zambia	USAID	[land use management & conservation]				
31.	Global	USAID	WIDTECH NGO Small Grants Project	Diagnostic studies & advocacy		2001	2002
32.	Egypt	IFAD	[soil conservation & irrigation]		Abdouli		
33.	Jordan	IFAD	Agricultural Resource Management Project Phase II		Abdouli	2004	
34.	Argentina	IFAD	Rural Development in Northeastern Provinces	Rural development		1993	1998
35.	Panamá	IFAD	Sustainable Rural Development in Cocle, Colon & Panama Provinces	Rural development		1998	2004
36.	Perú	IFAD	Natural Resource Management in the Southern Sierra (MARENASS)	Natural resource management		1997	2005
37.	Kenya	IFAD	Southern Nyanza Community Development	Land access		2002?	
38.	Uganda	IFAD	[policy formulation process including policy research on women's rights]				
39.	Kenya	GTZ	[Community Land Trust in Voi]	Urban settlement. upgrading			
40.	Ghana	GTZ	[Land Law Focal Area of the Legal Pluralism and Gender Project -- Land Titling??]	Titling			
41.	Honduras	CIDA	Agricultural development in the Guayape Valley	Agricultural development			
42.	Bangladesh	DFID	Rural Livelihoods Programme				
43.	India	???	[Deccan Development Society (NGO) in Andhra Pradesh, (mentioned in UN Habitat paper)]	Collective leases & land purchases by women			

APPENDIX C. CRITERIA TABLES

TABLE C-1. GENDER FOCUS DURING PROJECT PREPARATION

Project (Country, Dates, Title, Funding Agency)	Gender is integral part of project design & gender experts integrated as staff or consultants	Gender analysis & gender-differentiated data collection included in social assessment	Gathers & uses knowledge of local women to design program and/or draft legislation
Honduras, Guayape Valley – Last Phase, 1995-2001 (CIDA)	yes	don't know	don't know
Bolivia, Land Titling, 2001-2005 (World Bank)	side issue no gender staff/consultant contemplated	no	no
Peru, Market Strengthening and Livelihood Diversification,1997–2005 (IFAD)	yes	some data collection	no
Laos, Land Titling – Phases 1 & 2, 1997-present (World Bank)	side issue in Phase 1; more strongly integrated in Phase 2	not in Phase I, yes for Phase II	not in Phase I yes in Phase II
Nicaragua, Land Administration & Titling, 2002–2007 (World Bank)	gender is side issue no gender staff/consultant contemplated	don't know	no
Cambodia, Land Management and Administration Project (LMAP) 2002-2007	social assessment during project preparation included qualitative interviews with women and NGOs working with women. Special effort to reach women in public education; title women, and improve legislation	qualitative Interviews only	yes
Ethiopia, Amhara Rural Development Project, 2003-present (Swedish International Development Agency)	no	no	no
Namibia; Living in a Finite Environment (LIFE)--National Community Based Natural Resource Management (CBNRM) Program; 1993-present (USAID)	Yes, was part of strategic objectives and design	yes, collected sex-disaggregated data from the beginning—and throughout the project	yes, case study specifically focused on women

Project (Country, Dates, Title, Funding Agency)	Gender is integral part of project design & gender experts integrated as staff or consultants	Gender analysis & gender-differentiated data collection included in social assessment	Gathers & uses knowledge of local women to design program and/or draft legislation
Panama: Land Administration Project; 2001-present (World Bank)	yes, design included a social assessment that included a gender focus and extensive consultations with beneficiary groups. Banks Project Appraisal Document (PAD) called for ensuring that the titling process redress the imbalance and discrimination against women	yes, social assessment included a comprehensive gender analysis	local women's involvement during project planning was minimal
Philippines land Administration and Management Project (LAMP); 2001-2003; (World Bank)	yes, Project Appraisal Document discusses gender issues. LAMP produced a Plan for Gender Mainstreaming and monitored its compliance throughout the project	yes	yes, national and local government units, communities, families, and individual men and women were involved in designing the gender plan

TABLE C-2. GENDER INCLUSION AND INTEGRATION DURING PROJECT IMPLEMENTATION

Project (Country, Dates, Title, Funding Agency)	Women involved in land related activities (e.g., part of adjudication process; participate in education campaigns, information meetings)	Gathers & uses knowledge of local women to implement program	Trains, educates, project personnel, stakeholders, and beneficiaries re gender differences & issues	Attempts to identify all property rights holders and/or resource users within households & within communities	Provides incentives & motivation to project personnel & local authorities & stakeholders for gender focus & integration	Integrates personnel and beneficiary women into project components & activities	Legislation promulgated or encouraged by project includes gender relations & differences	Women involved in project gain, understand, & feel secure in their land rights	Unintended or unanticipated, but positive, gender outcomes
Honduras, Guayape Valley – Last Phase 1994-2001 (CIDA)	yes	don't know	yes	don't know	yes—in titling component	yes	N/A	yes	personal identity documents for women; civil marriage of many couples
Bolivia, Land Titling, 2001-2005 (World Bank)	yes—after 2003 and only in some areas	yes—for	several years—no longer done	yes—only in some areas	no	yes—after 2003 and only in some areas	legislation was already positive, gender-sensitive regulations needed	yes—those that were involved in gender training	personal identity documents for women
Peru, Market Strengthening and Livelihood Diversification,1997–2005 (IFAD)	yes—in community development funding component and training	yes	yes	N/A [no land titling]	yes	yes	N/A [no legislation involved]	N/A [land rights not part of project]	no
Laos, Land Titling – Phases 1 & 2, 1997-present (World Bank)	yes	no in Phase 1; yes in Phase 2	only beneficiaries in Phase 1; project staff & beneficiaries in Phase 2	yes	no in Phase 1; yes in Phase 2	yes, particularly in Phase 2	yes	yes	no
Nicaragua, Land Administration & Titling, 2002–2007 (World Bank)	don't know	no	no	not sure	no	no	appears not	not known	don't know

Project (Country, Dates, Title, Funding Agency)	Women involved in land related activities (e.g., part of adjudication process; participate in education campaigns, information meetings)	Gathers & uses knowledge of local women to implement program	Trains, educates, project personnel, stakeholders, and beneficiaries re gender differences & issues	Attempts to identify all property rights holders and/or resource users within households & within communities	Provides incentives & motivation to project personnel & local authorities & stakeholders for gender focus & integration	Integrates personnel and beneficiary women into project components & activities	Legislation promulgated or encouraged by project includes gender relations & differences	Women involved in project gain, understand, & feel secure in their land rights	Unintended or unanticipated, but positive, gender outcomes
Cambodia, Land Management and Administration Project (LMAP) 2002-2007	yes—special outreach to women through public information campaigns. Local NGOs were contracted. NGOs provide women with information about their rights as well as to enable women to advocate for their rights. Authorities at all levels receive gender training	yes—worked with NGOs catering to women	yes	yes	no	nes	Yes—the project recommended that legislation be adopted to ensure women's rights to a fair and equitable division of land in the event of divorce or inheritance and legal guarantees that ensure their access to fair and impartial dispute resolution	not known	don't know
Ethiopia, Amhara Rural Development Project, 2003-present (Swedish International Development Agency)	independent of project input, one office has specifically focused on involving women	no	no	yes	no	no	no	not known	although gender not incorporated into design phase or consciously part of project, project, photographs both a husband and a wife for title, leading to more secure rights for women

Project (Country, Dates, Title, Funding Agency)	Women involved in land related activities (e.g., part of adjudication process; participate in education campaigns, information meetings)	Gathers & uses knowledge of local women to implement program	Trains, educates, project personnel, stakeholders, and beneficiaries re gender differences & issues	Attempts to identify all property rights holders and/or resource users within households & within communities	Provides incentives & motivation to project personnel & local authorities & stakeholders for gender focus & integration	Integrates personnel and beneficiary women into project components & activities	Legislation promulgated or encouraged by project includes gender relations & differences	Women involved in project gain, understand, & feel secure in their land rights	Unintended or unanticipated, but positive, gender outcomes
Namibia; Living in a Finite Environment (LIFE)—National Community-Based Natural Resource Management (CBNRM) Program; 1993-present (USAID)	yes—emphasis placed on educating women community members and strengthening conservancy committees. Organization and training provided by CRMs provided mechanism to integrate women into entire CBNRM process	yes	yes—focused on training and education. Hired full-time gender trainer for two years	yes	there were incentives because gender outcomes were monitored and tracked	yes	N/A/	yes	don't know
Panama: Land Administration Project; 2001-present (World Bank)	yes—Organizations serving women (and other vulnerable groups) received targeted assistance for legal support of adjudication process	yes—PRONAT and PROGENIAL (Program on Gender in Latin America) were very involved during course of the project	training of project personnel was lacking	Information not available	no	yes—through PROGENIAL NGO	N/A/	information not available	don't know

Project (Country, Dates, Title, Funding Agency)	Women involved in land related activities (e.g., part of adjudication process; participate in education campaigns, information meetings)	Gathers & uses knowledge of local women to implement program	Trains, educates, project personnel, stakeholders, and beneficiaries re gender differences & issues	Attempts to identify all property rights holders and/or resource users within households & within communities	Provides incentives & motivation to project personnel & local authorities & stakeholders for gender focus & integration	Integrates personnel and beneficiary women into project components & activities	Legislation promulgated or encouraged by project includes gender relations & differences	Women involved in project gain, understand, & feel secure in their land rights	Unintended or unanticipated, but positive, gender outcomes
Philippines land Administration and Management Project (LAMP); 2001-2003 (World Bank)	yes—over 40% of participants in training and non-training events were women; Nearly half of project staff were women	yes—stakeholders advisory group included female representatives	yes—however, limited resources for staff training	yes—attempted to identify conjugal and non-conjugal properties	no—lack of clear mandate from managers	yes	yes—project encompassed influencing legal reforms	information not available	don't know

TABLE C-3. PROJECT TAKES INTO ACCOUNT FOLLOWING FACTORS WHEN RELEVANT:

Project (Country, Dates, Title, Funding Agency)	Urban, rural, or peri-urban areas	Strength of customary law & formal law (weak, strong, very strong)	Ethnic affiliation (majority or minority)	Matrilineal or patrilineal & matrilocal, patrilocal	Inheritance practices	Marital property practices	Female-headed households	Male out-migration
Honduras, Guayape Valley – Last Phase 1994-2001 (CIDA)	no info [only rural]	yes [strong customary norms in favor of male property rights & weak formal laws to support women's property rights]	N/A	yes [strong patrilineal & weak virilocal]	no [generally sons inherit land]	yes [property belongs to & administered by husband]	no [no info]	no info
Bolivia, Land Titling, 2001-2005 (World Bank)	provided audio-visual information in local languages [only rural]	not at beginning; later in ad hoc fashion [strong customary norms in favor of male property rights & strong formal laws to support women's property rights]	yes [smallholders are mostly indigenous and formerly hacienda serfs]	not at beginning; later in ad hoc fashion [strong patrilineal & weak patrilocal]	not at beginning, later in ad hoc fashion [generally sons inherit, daughters may inherit small land parcels]	not at beginning, later in ad hoc fashion [property belongs to & administered by husband; in some areas, women administer farm operation]	no [no info]	no info
Peru, Market Strengthening and Livelihood Diversification,1997–2005 (IFAD)	provided audio-visual materials in local languages [only rural]	yes [strong customary norms in favor of patriarchal relations]	yes [indigenous communities]	yes [strongly patrilineal]	no [generally sons inherit agricultural land]	no [landed property belongs to men]	no [no info]	no info
Laos, Land Titling – Phases 1 & 2, 1997-present (World Bank)	only urban & peri-urban; foresees potential problems as program enters rural areas	yes [customary norms are strong: patrilineal but matrilocal and bilateral inheritance]	no [ethnic differences are weaker in urban areas]	yes [patrilineal]	yes [both sons & daughters inherit land]	yes [both men & women own land, with exception of minor ethnic groups]	no [no info]	no info

Project (Country, Dates, Title, Funding Agency)	Urban, rural, or peri-urban areas	Strength of customary law & formal law (weak, strong, very strong)	Ethnic affiliation (majority or minority)	Matrilineal or patrilineal & matrilocal, patrilocal	Inheritance practices	Marital property practices	Female-headed households	Male out-migration
Nicaragua, Land Administration & Titling, 2002–2007 (World Bank)	no info [only rural]	no info [strong customary norms in favor of male ownership of land]	yes [strong ethnic groups in Atlantic Coast region]	no info [patrilineal]	no info [sons inherit agricultural land]	no info [husband owns landed property]	no [no info]	no info [temporary migration]
Cambodia, Land Management and Administration Project (LMAP) 2002-2007	rural and urban/ peri-urban	strong/very strong customary law; strong formal law as well	don't know—majority population	appears to be patrilineal	women do inherit land, but they are less likely to have their name on the land certificate than men	land rights usually in name of male head of household	"war widows" comprise ¼ of Cambodia's population	no info
Ethiopia, Amhara Rural Development Project, 2003-present, (Swedish International Development Agency)	rural	very strong customary law practices; weak formal law enforcement	both minority and majority	patrilineal and patrilocal	women inherit only if there are no boys	divorced women return home and do not receive land	unknown	unknown
Namibia; Living in a Finite Environment (LIFE)--National Community Based Natural Resource Management (CBNRM) Program; 1993-present (USAID)	rural	strong customary law practices; weak formal law	unknown	patrilineal; patrilocal	currently reviewing succession law to provide that surviving spouse must inherit a portion of land or have use rights over land	only 30 percent of people are formally married; rules for marital property differ depending on where you live	unknown	unknown

Project (Country, Dates, Title, Funding Agency)	Urban, rural, or peri-urban areas	Strength of customary law & formal law (weak, strong, very strong)	Ethnic affiliation (majority or minority)	Matrilineal or patrilineal & matrilocal, patrilocal	Inheritance practices	Marital property practices	Female-headed households	Male out-migration
Panama: Land Administration Project; 2001-present (World Bank)	rural; peri-urban	formal law is non-discriminatory; customary law is strong and women are seen as inferior to men in status and ability	deals with minority indigenous populations	appears to be patrilineal	no information	no information	unknown	no Information
Philippines land Administration and Management Project (LAMP); 2001-2003 (World Bank)	rural and urban	formal law is very strong and positive for women; Customary law has impact on implementation and varies from region to region	both minority and majority	patrilineal	no information	joint ownership for conjugal couples	no information	no information

TABLE C-4. MONITORING AND EVALUATION OF GENDER INTEGRATION AND OUTCOMES

Project (Country, Dates, Title, Funding Agency)	Monitoring and/or evaluation during project implementation includes gender analysis & focus	Post-project evaluation includes gender analysis
Honduras, Guayape Valley – Last Phase 1994-2001 (CIDA)	for the titling activity, monthly reports on men, women and joint titles were reported	yes
Bolivia, Land Titling, 2001-2005 (World Bank)	minimal monitoring: some records were kept of women's participation in information meetings; computerized database records gender & type of titles issued: men, women, joint, etc. end-of-project evaluation study not available	no post-project evaluation
Peru, Market Strengthening and Livelihood Diversification,1997–2005 (IFAD)	gender evaluations various times during the project and at end of project	no post-project evaluation
Laos, Land Titling – Phases 1 & 2, 1997 - ongoing (World Bank)	yes	N/A [project ongoing]
Nicaragua, Land Administration & Titling, 2002–2007 (World Bank)	Participatory Impact Evaluation includes gender indicators	N/A [project ongoing]
Cambodia, Land Management and Administration Project (LMAP) 2002-2007	yes; some sex-disaggregated data	N/A
Ethiopia, Amhara Rural Development Project, 2003-present (Swedish International Development Agency)	no	no
Namibia; Living in a Finite Environment (LIFE)--National Community Based Natural Resource Management (CBNRM) Program 1993-present (USAID)	yes—throughout project	N/A
Panama: Land Administration Project; 2001-present (World Bank)	appears not, women or gender concerns are not mentioned in the project status reports or project reviews. Lack of sex-disaggregated data	N/A/(ongoing)
Philippines land Administration and Management Project (LAMP); 2001-2003 (World Bank)	yes, gender sensitive indicators are being collected. Sex disaggregated list of participants	unknown

APPENDIX D. REFERENCES

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U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523
Tel: (202) 712-0000
Fax: (202) 216-3524
www.usaid.gov