

Gender in Agriculture



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Toolkit for Integrating Gender-Related Issues in Land Policy and Administration Projects

Women are often the primary users of land for residential and agricultural purposes, but are frequently denied primary and ownership rights to land and other natural resources because of cultural norms. Women are also often excluded from effective participation in the provision of land administration services. This toolkit provides a quick guide for task team leaders of land administration projects, titling components of larger operations, or other land titling initiatives to ensure greater participation by women in the land titling process. A core checklist of actions and initiatives is provided for the successful implementation of a project at the socioeconomic, legal, and institutional levels. This checklist is organized around the four project stages: (1) identification, (2) design and preparation, (3) appraisal, and (4) implementation, supervision, and completion.

1. PROJECT IDENTIFICATION

Gender mainstreaming is most successful if implemented from the very start of the project. During this stage, socioeconomic and cultural information from a gendered viewpoint is collected regarding statutory and customary property rights, land policies and legislation, land administration institutions, and land market transactions in the project area. This information can be accessed from land administration institutions and other governmental agencies, university-based and other research institutions that study land and gender issues, and NGOs that work on gender and/or land tenure issues. From this first stage—and throughout all the project stages—political commitment, both on the part of donor agencies and government agencies, is essential to improve and protect women’s land rights. During this stage, particular attention must be paid to the level of gender awareness in land administration and related institutions, the overall position of women in the community and economy, and the position of the government and the land registry agency with regard to gender equity. It is strongly recommended that a gender specialist (or at least a consultant) who has knowledge and experience on land tenure and women’s land rights be part of the project design team.

Guidelines for performing the scoping mission and gender analysis

Socioeconomic Issues

- Look at the broader social settings—family structure, representation of women in local affairs, women’s decision-making power, women’s roles in families and society, inheritance, marital and divorce patterns
- Determine what is restricting and enabling the use of land ownership as collateral for future investments
- Examine the economic activities
- Understand how land is allocated in the community and how land is transferred within the family and the community.

Legal and Policy Reform

- Examine legislation that affects women’s land tenure rights
- Examine the types of rights that exist and how those rights are held, including whether women can hold property in their own names
- Examine the nature of the formal land market—how land is allocated and transferred, either from the government or the open land market
- Determine whether and how women are disadvantaged as property owners, tenants, or renters and how these disadvantages can be ameliorated
- Determine how family code (including inheritance, marriage, divorce, marital property) and personal law affect women’s rights to land

Institutional Issues

- Assess whether principles of gender equity are broadly embraced, accepted, and promoted at the institutional level (such as land registries, courts, conflict resolution institutions, and local land administration agencies)
- Assess the gender balance within land administration agencies
- Examine the rules, institutions, and players involved in customary, religious, and informal frameworks - particularly those regarding inheritance and divorce

Additional Tasks

- Scoping missions and a series of consultations and dialogues with relevant organizations and agencies are required to assess the situation and identify key gender issues that need to be addressed
- Discuss findings with the project implementation staff and all relevant stakeholders
- Discuss and confirm buy-in of the implementing agency and of government to the gender-related program or activities
- **It is also recommended that the project concept note drafting be gender-sensitive throughout the document. At the very least, it is important to include a paragraph on the key gender issues and an annex in the report from the scoping missions and literature review**

Example 1:

In Palestine, formal legislation on inheritance is considered personal law and follows sharia law. Proof of right of ownership through inheritance is based on the “haser irthe” issued by the sharia court. This document specifies the rightful heirs of the property of a deceased person and the shares to which each heir is entitled. Customary practice has encouraged and even pressured women, particularly daughters, to cede their shares to their brothers, leaving women dependent on the generosity and goodwill of their fathers, brothers, and husbands. To counteract this type of pressure, the land titling project should issue titles to all rightful heirs, specifying their shares, and in this way, acknowledge women’s legal rights.

2. PROJECT DESIGN AND PREPARATION

During this stage, more comprehensive gender analysis and social assessment are needed, and the issues listed during the identification stage can be explored further. Gender equity can be one of the objectives of each component and activity. Every effort should be made to include women in the process—such as women’s NGOs, female staff, women’s community associations and women’s clubs—in order to have women’s needs and interests considered and integrated into the design of the project. In addition, it is strongly recommended that a gender specialist who has knowledge and experience on land tenure and women’s land rights be part of the design and preparation team. Initiatives must be designed to promote gender-oriented policy and gender-equal legal reform, increase public awareness of gender bias (through campaigns and outreach programs), target gender inadequacies in the registration process, ensure the inclusion of women in the dispute resolution process and create a gender balance within project and other technical staff. **The draft Project Appraisal Document (PAD) should include relevant gender issues, as well as suggested gender-responsive actions emanating from the gender analysis, scoping missions, and consultations/dialogues with stakeholders.**

The following are potential gender-responsive activities of a land policy and administration project (or land-related component of a broader project). These should be included, when applicable, in drafting the components and activities in the Project Appraisal Document (PAD).

Legal and Policy Reform

- Draft laws that include specific procedures for including women and for protecting women’s land and property rights in titling activities, and enforce marital property codes and inheritance and family legislation if they do not discriminate against women
- Promote gender equality in the allocation of state land within laws and regulations
- Draft laws that allow for significant representation of women in land administration agencies at the national, regional, and local levels

Public Awareness

- Engage with local partners to develop an outreach program that raises awareness of women’s rights and access to land registration services among both men and women
- Ensure that an outreach program includes women’s rights to title their property, how to title their property, and benefits of land titling for women and men
- Facilitate women’s meaningful participation in community meetings as well as meetings organized only for women
- Conduct regular customer surveys, including gender-disaggregated data and number of women surveyed

Land Surveying

- Promote women’s participation in land-surveying activities
- Note the number and percentage of women who participate in this process to use as an indicator

Dispute Resolution

- Appoint a land registry staff member as a lead gender liaison
- Ensure that the gender liaison receives appropriate gender training
- Promote legal assistance programs for women that advocate women’s rights
- Ensure that legal assistance is available for women and men at local levels and consider creating mobile legal teams

Institutional Development

- Include gender equity as an objective of the project in the charter of the land registry organization
- Create a gender unit within the project implementation team and the land administration agencies
- Create a customer council or board and ensure at least one member represents the interests of women
- Provide a legal assistance program with a special focus on women’s rights

Specific Services for Women during Land Titling and Registration Activities

- Engage a women’s advocate who can provide advice on a one-to-one basis
- Work with individual women as their property is surveyed and investigated
- Look for innovations to make it easier for women to participate in the titling and registration process, particularly in societies where women have restricted mobility. This may involve more women working in the project or having a separate room and door in the titling office where women can bring their documentation and pick up their titles

Public Display of Results

- Encourage the presence of a woman officer or NGO representative for women at the public display of results
- Establish women’s information sessions as well as hotline or advice services at the adjudication office
- Facilitate the appeal process for women by establishing links with lawyers and paralegals who can offer specific assistance
- Take extra steps, especially when sporadic registration is used, to ensure that the information is conveyed to women, such as using radio programs or having community workers or paralegals to conveying the relevant information to women

Property Registration and Distribution of Titles

- Ensure that titles are delivered to both the male and female owners of property simultaneously
- Verify that titles are correct and all property owners, including women, have been legally titled
- Confirm that the titling agency and the registry are following the same regulations with regard to who the legal property owners are

Investigating Ownership and Other Rights

- Design procedures and activities—which include guidelines and steps to assist the adjudicator/titling team in determining the rightful property holders, especially wives and daughters—to determine ownership and other rights to land titling
- Train adjudication staff in the legal rights of ownership
- Ensure that land parcel, building, and apartment title adjudication forms do not assume a single owner
- If laws stipulate that property obtained during marriage (including consensual unions) belongs to both spouses, ensure this is included in the procedures
- If joint ownership of state property is legally recognized, ensure that both spouses are included in the adjudication and titling processes
- In cases of inherited land, procedures should ensure that titles include all property owners (wives, daughters, husbands, and sons)

Registration of Transactions

- Incorporate procedures and facilities that promote the protection of women’s rights in the design of the transaction registration system
- Ensure information about rights, obligations, and resources promoting and protecting women’s property rights is publicly available in all registration offices
- Provide a person for women to contact to discuss their concerns and obtain advice
- Provide women’s information sessions, hotlines and/or advice services at the land registration office
- Offer extended services at least one night per week to enable women and men with time constraints to access services
- Have outreach offices available to women and men who cannot travel to a registry office
- Create professional links between the land registry organization and NGOs/other groups and professionals who can assist women

Gender-Responsive Staffing and Training

- Ensure a gender balance within project implementation staff and titling teams—this may involve professional training of female staff
- Conduct an audit of the gender mix and skill levels of the staff of the land administration agencies
- Include a representative of women’s advocacy organizations in the supervisory board (if one is to be created) and on any customer service council
- Conduct periodic gender training throughout the life of the project, involving all staff of land administration agencies (from directors to the officer staff) and project implementation staff
- Promote gender training among land market professionals (lawyers, notaries, surveyors, real estate agents) that emphasizes legal rights and obligations, identification of problems, addressing these problems, and promoting gender equality
- Take special efforts and procedural accommodations to encourage women in the communities to participate in trainings

Example 2 :

In Bolivia, the 1996 land reform law (Ley No. 1715, Servicio Nacional de Reforma Agraria) explicitly recognizes 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. The last phrase is important since it does not require that a woman be head of the household or married to be eligible for land rights.

3. PROJECT APPRAISAL

This phase involves assessing and checking that the project design and preparation are complete, ensuring that the activities listed above are included when applicable, and finalizing the Project Appraisal Document (PAD) and supporting annexes. During this stage, special attention should be paid to the following considerations:

- Collect baseline data in the project area to be included in the PAD on what land rights women and men have, how they acquired each parcel of land, what documentation they have to back up those rights, and how secure they are of their rights. Also collect data on income levels and sources by household member. Appendix 5 to the publication entitled “Gender Issues and Best Practices in Land Administration Projects” provides a model questionnaire for a baseline survey [www.worldbank.org/genderinag].
- **Ensure that gender-responsive actions and at least one gender-specific target/indicator are included in the PAD**
- Ensure that the project budget includes allocation for implementing and monitoring gender-responsive activities and that professional and technical resources are made available

The design of monitoring methodology and selecting indicators should involve female staff and participants. Both qualitative and quantitative indicators can be used; examples are listed below. In addition to monitoring project implementation status, the impact of these activities on women and men, their property rights, and their broader position arising from improved protection of their property rights must be monitored.

KEY OUTPUT INDICATORS

Institutional Development of Registry

Gender equity included in registry charter

Creation of customer council that includes women

Creation of supervisory council that includes women

Land Titling Activities

Manuals incorporate gender-equity guidelines

Gender balance in terms of project staffing

Gender training conducted

Registration of Transactions

Number of women provided with relevant information

Inclusion of gender guidelines in relevant manuals and documents

Awareness creation and outreach activities performed

Communications

Gender appropriate language used in communications

Number of gender-specific brochures prepared and distributed

Training

Number and percentage of women attending courses

Number of gender-equity courses conducted

KEY IMPACT INDICATORS

Institutional Impacts

Gender balance in land administration agencies improved

Government policies promote gender equality

Principles of gender equity are broadly embraced and promoted

Land market professionals and the judiciary are more aware of gender-based property issues

Economic Impacts

Women use their land certificates for economic gain

Greater access to credit for women

Standard of housing owned by women improves

Expansion of female-owned household enterprises

Social Impacts

Awareness of women's rights increased within the land registry and broader public

Women's inheritance rights are better respected and implemented

Greater participation in community organizations and in decisionmaking processes

Women's enhanced bargaining power within the household

Example 3:

The USAID-sponsored Land Reform Project in Tajikistan sponsored a group of 25 women in 2007 to mount a legal challenge to the decision of a local official to revoke their land rights. The women won the case, and the court's decision was used around the country to educate women, men, and local officials about respecting women's property rights.

4. IMPLEMENTATION, SUPERVISION AND COMPLETION

Implementation: It is important to ensure that gender issues and gender-responsive actions are incorporated into the Project Implementation Plan (PIP) or Project Operational Manual (POM). Gender-responsive actions being proposed into the PIP/POM should show clearly defined organizational responsibility for actions to be undertaken and who or which parties are involved (implementing agency, identified NGOs/CSOs, or donors). Early stages of the project implementation can also provide an opportunity to continue and strengthen baseline studies, or to initiate one, in cases where no baseline study has been undertaken. It would also be useful for the land registry IT system to record how the property was acquired and include the gender of owners so that statistics can be easily provided.

One approach to encourage women's involvement in the project is to target households headed by women and actively encourage or facilitate their participation in the land-titling activities. Their cases can then be promoted as examples for other women to follow. Another approach is to combine land-titling activities with other projects—particularly economic development projects, such as agriculture extension, small business development, or microcredit—to identify synergies between the projects and also promote the benefits of land titling.

Supervision: Monitoring of key gender issues should occur periodically throughout the implementation process to help ensure that all gender-responsive actions are being properly integrated into the projects. When possible, monitoring should be done several times during the first few years of the project, whenever the project extends to new geographic areas that have different social and cultural characteristics, and at the completion of the project. Monitoring and evaluation will allow review of the indicators set during the design and preparation stage to assess whether the objectives are being met satisfactorily. Tracking gender objectives through indicators gives project staff the opportunity to modify procedures and activities when necessary.

A paragraph on the key gender issues can be included in the Supervision Mission reports and Mid-Term Reviews, supported by a more detailed annex, covering the performance indicators listed above. If gender approaches were not included in the design and preparation and appraisal stages, supervision missions and mid-term reviews would still be important entry points for incorporating gender approaches into operations. It is suggested that a person experienced in gender and land tenure systems or land titling projects be involved in the supervision mission. Also, women staff and women participants in the project should be involved during data collection and monitoring.

Completion: Evaluation of project outcomes should be undertaken at project completion to determine whether project objectives have been achieved, including gender objectives. Ideally, a detailed baseline study is undertaken at the beginning of project implementation so that a follow-up survey can result in a valid assessment of indicators and objectives. If no baseline study was done, special care can be taken to ensure that the evaluation study and assessment: (a) include, if possible, a comparable control area where titling and registration activities were not undertaken, and (b) collect gender-disaggregated data. This will permit data analysis that measures gender objectives and determines whether unintended outcomes, whether positive or negative, have resulted from project implementation. **If promoting and protecting women's property rights has been included as part of the project's development objectives and/or intermediate outcome indicators, then it should be addressed in the Implementation and Completion Report (ICR).**

Sample Results framework

Project Development Objective (PDO)	Project Outcome Indicators	Use of Project Outcome Information
Establish a sustainable land administration system that is fair, efficient, cost effective, and decentralized in order to obtain increased income and sustainable livelihoods for land owners	Percentage/number of land owners who increase their income by 20%, disaggregated by gender	If target share or value is not reached by mid-term, measures such as further extension and training initiatives should be considered
Intermediate Outcomes	Intermediate Outcome Indicators	Use of Intermediate Outcome Monitoring
Outcome 1: Land titling is equitable between men and women landholders	Percentage/number of land titles registered, disaggregated by gender and by type of title (individual or joint)	If percentage/number of titles registered to women by year x is below target, the titling and outreach initiatives must be reviewed and adjusted accordingly
Outcome 2: Land tenure security leads to more diverse economic activities	Percentage/number of landholders, disaggregated by gender, who are able to diversify their economic activity after receiving title to their land	If diversification is below target, focus on supporting activities that overcome the obstacles hindering the process

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