



**United Nations Economic Commission for Africa**

**African Centre for Gender and Social Development**

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**Women and Access to Land and Credit:  
Discussions and Key Findings of the African Gender  
Development Index in Selected African Countries**

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## Acronyms

ACGSD	African Centre for Gender and Social Development
AGDI	African Gender Development Index
AU	African Union
AWPS	African Women Progress Scoreboard
CBO	Community-based organization
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CUA	Credit Unit Association
GDI	Gender-related Development Index
GEM	Gender Empowerment Measure
GID	Gender, Institutions and Development Database
GSI	Gender Status Index
FGM	Female genital mutilation
GTZ	German Agency for Technical Cooperation
MFI	Microfinance Institution
NGO	Non-governmental Organization
NLP	National Land Policy
OECD	Organization for Economic Cooperation and Development
PBDAC	Principal Bank for Development and Agricultural Credit
PEAP	Poverty Eradication Action Plan
SESE	Survey of Employers and Self-Employed
SSA	Sub-Saharan Africa
UNCDF	United Nations Capital Development Fund
UNECA	United Nations Economic Commission for Africa
UNICEF	United Nations Children's Fund

## 1. Introduction

The year 2005 was an international year of micro credit. It carried the theme that micro credits are a powerful tool for poverty reduction if they are channeled effectively. So far, despite the growing attention to rural areas, microcredit programmes have had a limited outreach for those most in need, namely, the people in rural areas living on agriculture, and where the vast majority of the population is women. Similarly, people living in rural areas enjoy the least land tenure security, often relying only on customary rights to the land, which tend to favour the male members of the kin.

The African Gender Development Index (AGDI) and other contemporary research measures clearly show that women's access to economic resources and to land and financial services in particular, has not improved to a satisfactory extent and has not followed the overall economic growth curve in Africa. Instead, especially in rural areas, women are about to drop from the formal economic sector development, if their inclusion is not given more attention. The demand for land that is suitable for cultivation is beyond the available resources of most women in Africa, and in densely populated countries such as Kenya, Lesotho and Mozambique, farm sizes have been slowly declining. Approximately 22 per cent of the land area in Africa is under forest, 43 per cent is desert and only some 21 per cent of the land area is suitable for cultivation. About 14 per cent of the land area is under permanent pasture. Of the whole African population, approximately 70 per cent live off agriculture.<sup>1</sup>

Women make up most of the rural population, representing 93 per cent of the rural population in Malawi and 85 per cent in Zimbabwe respectively. Women's economic activities tend to be limited to the informal sector, characterized by small income-generation activities for the family's well-being. Especially from a private business point of view, women, who mostly occupy peripheries, practicing small farming or small informal enterprise, with limited control over resources and limited decision-making power in households, are the least attractive group for investors as they combine several risk factors.

One of the most serious obstacles to increasing agricultural productivity in Africa is women's insecure access to land tenure and credit. The consequences of their inadequate land rights are various, including food insecurity, inability to invest in land and denial of access to additional financial resources. Without clear ownership rights, women are not eligible for loans and credits, nor for memberships in agricultural organizations. However, there is a clear consensus that only by inclusion of women in economic life will sustainable grounds for development be created. Special agricultural credit schemes for women, although often only small-scale local initiatives, have had encouraging results in Africa and elsewhere.

This report presents the findings of the economic block of AGDI, on women's access to land and credit in particular. Additionally, it discusses the challenges of the current legal environments in the AGDI countries, as well as factors that hinder women's access to land and credit and opportunities that credit schemes could bring to increase agricultural productivity.

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<sup>1</sup> UNECA, 2004. Land Tenure Systems and their Impacts on Food Security and Sustainable Development in Africa, p. 53.

Further, it discusses some of the socio-cultural root causes of economic inequality in Africa. Land in the African context opens an interesting study arena considering its controversial historical background. In the high competition for land, women have remained somewhat in the margins of the public discussion, revealing a great need to internalize the concept of gender mainstreaming.

In 2004, the African Centre for Gender and Social Development (ACGSD) launched AGDI, which provides a holistic perspective to gender (in) equality in Africa, consisting of three main areas: economic, social and political power blocks, which are further divided into various categories and sub-categories. AGDI consists of two major blocks each with indicators capturing various fields of economic, social and political life. The first block, the Gender Status Index (GSI), presents quantitative data on gender relations, while the second block, the African Women's Progress Scoreboard (AWPS), uses qualitative indicators to measure the effectiveness of the gender policies of African governments. AGDI incorporates the major international and African charters and conventions and integrates a number of variables that have particular salience for African men and women.

In developing AGDI, ECA has tried to capture and address the underlying gender relations in African cultural and social environments through nationally available data on various quantitative and qualitative indicators. By consulting various specialists throughout the process of developing AGDI, special attention was given to making it as practical as possible with the aim of serving a wide range of users beyond the academic world.

AGDI studies were conducted in the five subregions across the twelve trial African countries, namely, Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia and Uganda. The field studies were completed and reported to UNECA in 2004-2005. The AGDI studies showed that the availability of data on women's access to land and credit is still very limited in Africa. Seven out of the 12 trial countries provided limited gender-disaggregated data on access to land, and which covered the countries only partly. In the case of credit, gender-disaggregated data including both formal and informal sector were not available from the national statistical offices in most countries. However, there are many actors in the field conducting independent research or surveys, which have also been utilized in this synthesis paper.

#### **Box 1**

##### **Global Tools to Measure Gender Equality**

- The Global Gender Gap, World Economic Forum, 115 countries
- Gender-related Development Index (GDI), United Nations Development Programme (UNDP), 140 countries
- Gender-empowerment measure (GEM), United Nations Development Programme (UNDP), 80 countries
- The Gender, Institutions and Development Database (GID), Organization for Economic Cooperation and Development (OECD)

In the following chapters, international legal and policy frameworks for securing women's inheritance and property rights are presented, followed by an introduction to different approaches that the countries have adopted to domesticate the international commitments. AGDI results on access to land and credit as well as qualitative AWPS findings are presented in chapters 5 and 6. Lastly, the opportunities and threats for credit programmes, including agricultural credits are discussed. While it is not an attempt to provide a full conclusion and a cure for gender inequality, it is hoped that this document will provide more insights into the causes, and better understanding on the gender inequality challenges that the political, economic, cultural and social environments in Africa cultivate. Both land and credit will be discussed in parallel in this document, either as directly linked to each other or as separate entities that are essential elements for women's economic empowerment.

## **2. International Commitments: Legal and Policy Frameworks to Secure Women's Equal Access to Resources**

Women's property rights includes the right to acquire and dispose of any movable or immovable property obtained by own labour or through inheritance. Hence, it is a broad notion that has a bearing on several legislative frameworks including marriage and inheritance laws. Women's access to land is a major aspect of women's property rights particularly in Africa where the livelihood of the vast majority of the population depends on land, both as a productive resource and for the related right to housing.

While the Convention on the Elimination of All Forms of Discrimination (CEDAW), its Optional Protocol and the Protocol on Women's Rights, formulate an adequate legal framework for the protection of women's property rights at the global and regional level, the Beijing Platform for Action (BPFA) and the Solemn Declaration on Gender Equality in Africa set the specific regional policy frameworks for equal rights to land.

With the exceptions of Somalia and Sudan, all African countries have ratified CEDAW, while its Optional Protocol has been ratified by 13 countries as of May 2007. By March 2007, 20 African countries had ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Protocol on Women's Rights).

### **Convention on the Elimination of All Forms of Discrimination against Women**

Articles 13 and 14 of CEDAW stress women's access to credit specifically but the Convention does not clearly spell out what is meant by women's equal access to land. CEDAW provides for the right of women to have credit and loans, marketing facilities, appropriate technology and for *equal treatment in land and agrarian reform as well as in land resettlement programs* (Article 14(g)). Furthermore, it provides for adequate *living conditions particularly in relation to housing*. Article 1 (provision on non-discrimination) and Article 3 (provision on State Parties to take all appropriate measures to ensure that women enjoy equal rights with men) guarantee all aspects of women's property rights including the right to land, credit and adequate housing. Article 2b urges governments *to adopt appropriate legislative and other measures, including*

*sanctions where appropriate, prohibiting all discrimination against women.* None of the AGDI trial countries reported on such measures, or on systems to criminalize discriminative practices.

Given the complex reality of the right to land use and ownership in the developing world, CEDAW under Article 14(g) has provided for the right of women to land and credit quite cautiously. The Convention does not guarantee women's rights to land clearly and firmly, although it does provide for the right of women to credit and loans, marketing facilities, appropriate technology and equal treatment in the land and agrarian reform and land resettlement programmes that have been taking place in most African countries. Similarly, Article 14(g) of the Convention provides for adequate "living conditions particularly in relation to housing..." which is of particular importance in rapidly growing urban centres of Africa. However, it could be argued that Article 1 (provision on non-discrimination) and Article 3 (provision that requires State Parties to take all appropriate measures to ensure that women enjoy equal rights to men) should be interpreted to mean that CEDAW guarantees all aspects of women's property rights, including the right to land, credit and adequate housing.

### **The Protocol on Women's Rights**

The Protocol on Women's Rights (additional Protocol to the African Charter on Human's and People's Rights) has been signed by 43 African countries, which shows significant progress over CEDAW. The African Women's Protocol approaches the issue of women's property rights firmly. Under Article 19 entitled 'Sustainable Development' the Protocol's Sub Article C) provides that African governments should *promote women's access to and control over productive resources such as land and guarantee their right to property*. Article 16 also obliges State Parties to grant women's access to housing irrespective of their marital status. Furthermore, Article 21 entitled the 'Right to Inheritance' guarantees the equal right of women to division of property upon divorce, and the right of widows to continue living in a matrimonial house.

The progress made by the protocol is laudable. However, the challenge of resolving the entangled system of statutory, religious and customary laws with regard to property rights, marriage and inheritance will continue to be a challenge in Africa. Solutions demand dynamic, persistent and multiple intervention strategies at the policy level, as well as strong community activism at the local level.

### **Beijing Platform for Action (BPFA)**

The Beijing Declaration and BPFA, under Strategic Objective A.2 (b) in line with CEDAW Article 3, urges governments to undertake all the necessary administrative and legislative reforms to give women *equal and full access to economic resources, including the right to inheritance and to ownership of land and other property and credit and to revise laws and administrative practices to ensure women's equal rights to inheritance and to ownership of land and other property* (Strategic Objective F2; 165.e.). The Objectives focus on encouraging governments to enact modern laws and administrative regulations that supercede customary laws and practices.

Strategic Objective A.3 encourages governments and finance institutions to facilitate women's access to savings and credit services. While governments are expected to train women and increase the availability of credit, banks are required to create innovative mechanisms that are accessible for poor and rural women (Strategic Objective A.3: 62,63). The Objective was set to encourage more flexible and accessible extension of credit to poor and rural women to whom such financial services are denied under the normal procedures whereby credit extension is predicated upon having title to land or house. Furthermore, BPFA encourages governments to establish pro-entrepreneurship programmes for women both in urban and rural areas (Strategic Objective F2; 166). Under Strategic Objective A.3 (66) international organizations are encouraged to increase funding of programmes that target the entrepreneurial activities of disadvantaged women.

### **Solemn Declaration on Gender Equality in Africa**

At the regional level, the Solemn Declaration on Gender Equality in Africa, which was adopted by Heads of States of the African Union (AU) in July 2004, reaffirms the commitment of African governments to *implementation of legislation to guarantee women's land, property and inheritance rights including their right to housing*. While the spirit of the Declaration has to be acknowledged, it assumes that there is a uniform legislation that is governing property and inheritance rights in all African countries. Therefore, it fails to protect women's rights in the countries that do not yet have adequate statutory laws on women's equal access to resources.

### **UN Resolution 53/197 on the International Year of Micro Credit 2005**

Although the Resolution does not provide for significant global change in women's lives in particular, it is worth mentioning, being among the first international commitments on micro credits, addressing women specifically. It recognizes that *microcredit programmes have especially benefited women and have resulted in the achievement of their empowerment*, as well as *recalling on the role of microcredit in the eradication of poverty and their contribution to social development*. Further, it invites governments to take stronger positions in securing and strengthening the functions of micro-finance institutions as well as developing new alternatives to provide financial services to the poor.

Beyond the above-mentioned international legal frameworks and policies, there are no laws addressing women and credit. This is partly due to the lack of interest in women in economic markets, partly due to the nature of credits as an economic activity. There is ongoing debate on how to oblige private finance entrepreneurs to favour women over men without violating the principles of free markets that they have to fulfil all the good customer criteria. However, it is worth mentioning that the international frameworks are generally set for credit institutions, for example, by the World Council of Credit Unions, which is the leading international organization and platform for advocacy and knowledge sharing in this area.

They developed the *Guide to International Credit Union Legislation and Model Law for Credit Unions* in 2005, which compiles regional experiences in a comprehensive manner but unfortunately fails to address gender issues<sup>2</sup>. Clearly, there are identified challenges not only in

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<sup>2</sup> Documents can be found at [www.woccu.org](http://www.woccu.org)



getting the international agreements and their interpretations to meet, but also in getting the international standards ratified into domestic legislation and law enforcement. The conventions on women's rights address a broad range of economic, social and political rights, but are not likely to gain full success on the ground if not firmly responded to at country level.

### **3. National Responses: Statutory Laws**

The AGDI pilot countries have taken very different measures to meet the requirements of the international conventions. In many countries, national data on women's access to land and credit are either insufficient or not available at all (Cameroon, Madagascar, South Africa and Tanzania did not provide gender-disaggregated statistics on land ownership). However, most of the AGDI pilot countries have revised their Constitutions in a more gender-sensitive direction during the past decade.

Rather than the existing legislation being inadequate, the challenge mainly lies in the implementation of enacted laws, as there is a lack of mechanisms and bodies to follow up and monitor the situation. In some situations, there is no mechanism at all for women to claim their rights. In terms of labour laws, seasonal farm workers have the most common form of employment. They are mostly female and are the least protected. For example, in Kenya's Rift Valley, the Kenya Labour Act does not protect all local farmers. The law does not cover seasonal and/or contractual workers who are primarily women.<sup>3</sup> Throughout the AGDI pilot countries, very little funds, or no funds at all have been allocated to advocacy and women are not aware of their rights.

Since gaining independence, many African countries have gone through a second round of land policy development and revision of existing laws that date back to the 1960s and 1970s. Several approaches to land reforms have been adopted, including land redistribution and resettlement, land nationalization through vesting control of all land in the State, issuance of land registration and titling, or collectivization of land ownership<sup>4</sup>. Gender equality, which has not received enough attention in the land reform programmes, adds one more perspective to the complicated and complex issue of land tenure in Africa.

#### *From land as a common good to land as a market commodity*

Disagreements on land ownership between ethnic groups have occasionally taken place throughout time, but it is important to note that the customary land tenure systems in most cases have been clear systems of rules and regulations. Customary land tenure in many parts of Africa continues to be much more deeply rooted than the legislated systems that predominate in modern societies. Customary land tenure is often much more flexible and inclusive in the system of rights and obligations.

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<sup>3</sup> Rachel Rebouché. *Labour, Land and Women's Rights in Africa: Challenges for the New Protocol on the Rights of Women*, Harvard College, 2006.

<sup>4</sup> UNECA, 2004. *Land Tenure Systems and their Impacts on Food Security and Sustainable Development in Africa*. p. 23.

Several factors have contributed to the shift from customary laws to statutory laws. Firstly, there has been political pressure. The impact of colonization is undeniable. It did not only affect commercial farming in Africa but shook the traditional distribution of land among the different ethnic groups. Further, establishing artificial borders, in some cases across the tribal territories, led to the splitting of many ethnic groups. Colonization also introduced new concepts such as that of land *ownership* and that of *land as a commodity*. Prior to this, African cultures had not recognized land as a market good but as a natural resource for community use and production.

Secondly, the strategic orientations selected for economic growth, together with uncontrollable natural disasters, have put additional pressure on secure land tenure. Due to erosion, floods and droughts, land productivity is decreasing while at the same time commercial farming and livestock breeding are increasing. Further, the population is growing in every African country, putting more pressure on food production and private land use. The competition is particularly high in countries such as Rwanda and Lesotho, where the land area suitable for cultivation is only a small percentage of overall land area.

Thirdly, social and cultural values and norms are changing. While land used to be a common good for a family or a clan, it is now becoming an individual asset. For example in Darfur, Sudan, this has led to situations where the farmers can no longer rotate use of the land, as they used to do in the past when there was plenty of land for everybody's use. If a farmer does not keep the plot under permanent cultivation, the land will be returned to the community. In the past, the farmers were given other pieces of land so they could rotate their farming activities. With a far larger number of people competing for land, this is no longer possible. A negative impact on productivity of the land is inevitable, even if the farmers consider themselves wealthier with larger plots.<sup>5</sup>

#### *Decades of land law and policy revisions*

Most of the countries on which this report focuses have gone through law revision processes during the past 15 years and changed legislation to better protect women's equal rights. As a result, gender-equal inheritance and property rights are secured in the Constitutions and land laws of several countries, for example in Ethiopia, Madagascar, Mozambique, South Africa, Tanzania, Tunisia and Uganda. Several studies show that the challenges in most of the countries do not lie in discriminatory legislation but in the inefficient legal systems that neglect to enforce the laws for various reasons. These range from costly and bureaucratic administration, lack of systems to allow registration of land in one's name, and corruption in the unjustified favouring of certain members or traditions of the society. Nonetheless, women usually stay in the margins in the competition for land due to their less powerful social status, poorer education and poorer economic resources.

Few focus areas in the policy and legal revisions can be identified. Firstly, much emphasis has been given to re-defining and/or sustaining the role of customary law. Secondly, more weight has been given to land administration, for instance by establishing local or communal land boards. However, the law and policy revisions have raised severe criticism in most countries.

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<sup>5</sup> M.A. Abdul-Jalil, 2006. "The dynamics of customary land tenure and natural resource management in Darfur". In FAO, *Land Reform, Land Settlement and Cooperatives*, p. 19.

For example, attempts to respect traditional land distribution have led to unclear situations in terms of which type of law should be implemented, sometimes giving much power to the traditional leaders. This is not necessarily a negative attribute as traditional means are often the only way to secure the right to land tenure for those ethnic groups that have used the land for generations but who lack the modern land ownership documents. However, giving more power to traditional leaders, in many cases, tends to leave less room for women to claim land rights and does create a problematic environment in the changing market-oriented and liberal economies, with the accompanying greater pressure for commercial land use.

Further, the efforts to enhance land administration have been criticized for being heavy, unclear, bureaucratic and costly. They continue to hinder those farmers who are striving to gain legally recognized and secure tenure to the land they have been cultivating, in some cases for decades. This continues to be a problem especially for African female farmers, whose illiteracy rates are among the highest in the world and who therefore have limited access to and knowledge of justice and rights.

Thirdly, attempts have been made to secure the land tenure of minorities and/or indigenous groups, which have lost their land in the past. This has been the case for example in post-apartheid South Africa, which adopted a strong policy to return the lost land to the black population. Fourthly, following the global growth-emphasizing trends, under the new policies, attempts have been made to secure the tenure of commercial farmers.

As the fifth element of the land laws and policies, many positive steps have been taken to ensure gender-equal access to resources by statutory laws, as customary laws in general are in favour of the male kin members. For example, in Lesotho, where a new land policy was introduced in 2003, a Land Policy Review Commission was appointed by the Prime Minister to participate in the public land distribution discussions, including the subject of women's rights. Botswana has long traditions in the democratic governance of land. The Tribal Land Act, dating as far back as 1968 provided for the establishment of Land Boards, which, even if accused of uneven distribution of land, have had positive influences on the governance of land, including development of comprehensive gender-sensitive land policies.

Malawi introduced a new National Land Policy (drafted in 2002) that responds to the norms of customary law and secures women's tenure and all children's equal inheritance rights.<sup>6</sup> However, as mentioned earlier, many of the revised laws leave room for unclear interpretation, which usually leads to favouring those who have power in the societies, and who very rarely are women. Customary laws will be discussed more in chapter 4.

At their best, the new policies and land laws have adopted a holistic approach taking into consideration the requirements of the market economy in the special cultural environment in which they are implemented. At their worst, the policies and laws have failed to firmly respond to anybody's needs, creating conflict between the modern democratic governance systems and the traditional communal leadership, which is still stronger and of greater importance than the state government in many rural parts of Africa. Frequently heard criticism towards the new land

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<sup>6</sup> UNECA, 2003. *Land Tenure Systems and Sustainable Development in Southern Africa*. Op. cit. Southern Africa Subregional Office (SRO-SA), Lusaka, Zambia, pp.13-18.

policies and laws is that they are not found to be consultative and inclusive enough. The policies have been accepted without comprehensive mapping of the needs of rural people, therefore, they have failed to address the needs of the poorest firmly, people who are often female. This has been identified as a problem in many countries, for example in Mozambique, where the latest Land Law was passed in 1997.<sup>7</sup> Similarly, microcredit programmes, although spreading rapidly to the rural areas, have been mostly an urban phenomenon and are therefore somewhat exclusive of those in the agricultural sector.

### **Credit, Business and Legal Responses**

As mentioned earlier, laws addressing credits are not as firmly and straightforwardly defined as are the laws on inheritance and property rights. Depending on the types of credit and credit associations, different laws apply. As a general note, it can be safely concluded that the policy and law development for micro credit has failed to follow up on the expansion of microcredit programmes. The *Summary of International Credit Union Legislation* reveals that most of the Cooperative Society Laws of African countries, under which the credit unions operate, are 20 years old or more, such as Malawi's Cooperative Societies Law, which dates as far back as 1946.

The latest laws can be found in South Africa (Ministerial Designation under Banks Act, 1998), Rwanda (Cooperative Societies Law, 1999) and Kenya (Cooperative Societies Law, 1998). In general, little attention has been given to share and deposit protection for credit unions or financial cooperatives.<sup>8</sup> Further, while microcredit programmes have been recognized as a potential powerful tool for poverty reduction, and have had good results and high payback rates especially among the programmes targeted to women, they are still mostly in the hands of donor agencies, having received relatively little focus at the government level.

A study conducted in Nairobi mapped the operations of 30 microfinance institutions (MFIs), and concluded that there was conspicuous inadequacy in both policies and control mechanisms to ensure systematic, secure and sustainable functioning of the institutions. A number of problems were identified, including inadequate registration systems and therefore lack of responsibility in providing the services to the customers, lack of professionalism and lack of business security, as institutions are relying excessively on external support from donors<sup>9</sup>.

However, various campaigns during the International Year of Microcredit, 2005 did bring about some positive results all over the world including in Africa, such as the development of a National Policy for Microfinance in Malawi, a Draft Microfinance Policy in Ghana and a Microfinance Policy developed by the Central Bank of Nigeria. The National Microfinance Committee of Kenya has been actively lobbying for the passage of a Microfinance Bill<sup>10</sup>.

Although the policies recognize the potential of microfinance as a poverty reduction tool, they do not address women – the majority of the poor population – as specific beneficiary groups,

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<sup>7</sup> Ibid., pp.13-14.

<sup>8</sup> World Council of Credit Unions, 2005. International Credit Union Legislation, available at <http://www.woccu.org>

<sup>9</sup> George K' Aol Ondergo and Richard Ochanda, 2005. *Factors Influencing the Microfinance Schemes in Kenya*.

<sup>10</sup> UNCDF, International Year of Microcredit, 2005. Final report available at <http://www.uncdf.org>

revealing a great gap, and a niche for additional international and national efforts. Various types of credit and the main challenges that they pose will be discussed further in chapter 7.

#### **4. Women, Land Tenure, Customary Laws and Changing Societies**

In the African context especially, the role of customary inheritance and property laws cannot be ignored. While there are exceptions and examples of matrilineal societies, most African cultures are patrilineal. This has hindered women's access to land or other resources in three forms:

- Traditions that prevent women from owning land
- Traditions that prevent women from inheriting land
- Traditions that prevent women from speaking in public<sup>11</sup>

Traditions that prevent women from owning land include social, cultural and religious customs. Despite the positive policy development, the general public environment of many countries does not support women's equal ownership rights, partly due to discriminatory customary practices. Below, some general trends on shifts from customary law to statutory law, and their impact on women are discussed.

##### **Women in the Changing Legal Environment**

Most African countries have shifted from customary law to a combination of statutory law and customary law, after going through decades of policy reforms. During the colonial period, most of the land in most countries (for example, Algeria, Mozambique and Tanzania) was state-controlled. After gaining independence, many countries retained state control over land as in Mozambique and Tanzania, where the new governments opted for village collectives or state farms over household farming. Nationalization policies were also partly implemented in Tunisia. As States have taken more control over the land, the power of customary law has significantly weakened. However, land rights, especially those inherited in rural areas, continue to be of a customary nature to varying extents across countries. In the rural areas, customary law enforced by community elders tend to have more power than structural governmental systems, even if it is commonly legislated that state and local authorities allocate land use rights.

Due to patrilineal kinship systems and customs, women have not been able to own and control land in most African cultures. Since the customary laws are still very powerful in many countries, despite the policy development for securing women's land rights, statutory policies and laws are sometimes formulated in an attempt to respect the customary laws and avoid conflict with them. This has led to situations wherein women are not able to claim their rights, because it is (a) against their social or cultural beliefs or (b) there is no system to do it, or anybody to whom discrimination can be reported, or (c) statutory law is not easily interpreted and it is not clear to either party how to proceed.

Tanzania's new National Land Policy (NLP) is an attempt to follow the international commitments, and to respect both women's rights and the traditional cultural environment: *In order to enhance and guarantee women's access to land and security, women will be entitled to*

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<sup>11</sup> Zenebeworke, Tadesse Marcos. *Revisiting Customary Institutions and Gender Relations: A Daunting Challenge*.

*acquire land in their own right not only through purchase but also through allocation. However, inheritance of clan family land will continue to be governed by custom and tradition... Ownership of land between husband and wife shall not be the subject of legislation.*<sup>12</sup> The Village Land Act of Tanzania (2001), on the other hand, clearly articulates women's equal access to property and creates proportional representation for women on local land boards<sup>13</sup>. The Constitution of Lesotho prohibits discrimination on the basis of sex, race and religion. However, the Constitution condones discrimination under "personal and customary laws". Lesotho ratified CEDAW with reservation to Article 2 (non-discrimination clause). Yet, Lesotho has ratified the African Women's Protocol without reservation and recently passed a Gender Equality Bill that had been pending in parliament for about 4 years<sup>14</sup>.

The countries that this report focuses on are using customary and statutory laws in parallel, customary laws usually being more gender discriminative than the statutory laws. To continue with Tanzania as an example, in Christine G. Ishengoma's study on rural women in the surroundings of Morogoro, the findings on women's access to land and credit are similar to those found by AGDI research teams. Although women have equal rights to land ownership in theory, in practice women only have control over the usage of the land, which is owned by their families or husbands. As informal holders of the land, women are not able to sell the properties if they so wished.

Furthermore, as women are not usually controlling the family income, or making profit by selling their products themselves, their access to technology such as chemical fertilizers, ploughs, oxen or manure remains limited, the crops consequently being smaller than they could be with adequate means to improve the productivity. However, Ishengoma found that nomadic women were more likely to own and control their properties than their female peers in the villages and towns, and are more likely to maintain their ownership of cattle and of the income from producing ghee for sale. Although many are likely to be relatively more prosperous than other women, they are usually the most difficult members of the society to reach for education or for taking the advantage of social services, public decision-making and markets.<sup>15</sup>

In Tanzania, Lesotho, Malawi, Ethiopia, and Benin as well as in many other African countries, where both statutory and customary laws on land tenure are implemented side by side, women are in the guardianship of their fathers before marriage. After marrying, the guardianship is transferred to the husbands without the right to inherit a share in their matrimonial homes. In case of widowhood, the first son of the family inherits the properties, while the mother remains a holder of the land without full control or decision-making power over the usage of the properties. The mother loses control over the land as soon as the son is old enough to take the responsibility of the property<sup>16</sup>. The families are reluctant to change the customary systems in favour of female members of the family, as the girl child would transfer the ownership of the family wealth to another clan. The customary, patrilineal inheritance systems are the most common in Africa, but practices vary from ethnic group to ethnic group. Many countries have

<sup>12</sup> Government of Tanzania, 1995. NLP Policy Statement 4.2.6 in Zenebeworke Tadesse Marcos, op cit.

<sup>13</sup> Mwangi, 2006. supra note 32 at 136 in Rachel Rebouché, op cit.

<sup>14</sup> Amollo, Thabane, Hanzi, 2006. *Human Rights and Democratization in Africa*, University of Pretoria.

<sup>15</sup> Christine G. Ishengoma. *Accessibility of Resources by Gender: The Case of Morogoro Region in Tanzania*.

<sup>16</sup> Keiso Matashane, *Women's Rights and Participation. including Women's Access to Land and Inheritance, and the Role of Lobbying and Grassroots Organizations in Lesotho*.

secured equal inheritance and property rights for boys and girls by law, but as was mentioned before, often the social as well as administrative support mechanisms are inadequate and women are not able to benefit from the statutory laws.

**Box 2: The right to choose between religious and regular court: a case in Ethiopia**

W/o Kedija lived in a marriage with her husband, in which she gave birth to three children. After her husband's death, his grandchildren from a previous marriage sued W/o Kedija and her children at the Naiba first instance Shari'a Court claiming that they were entitled to inheritance of her husband's house. W/o Kedija and her children, based on their constitutional right stated in Article 34/5, refused to be judged at the Shari'a Court but rather wanted to take the case to a regular court of law. Article 34/5 of the Constitution states that:

*The Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.'*

The consent of both parties in the dispute is essential if the case is to be decided "in accordance with religious or customary laws". Despite her constitutional right, the Naiba first instance Shari'a Court denied W/o Kedija's request to be judged by a regular court and gave judgment in favour of the grandchildren. W/o Kedija took her case further to the Shari'a High Court stating that neither she nor her children consented to be judged by the Shari'a court and any decision given without such consent is void. Still the high court reaffirmed the judgment of the first instance Shari'a Court.

*The high court in its decision outlined that Article 34(5) of the FDRE Constitution states that any particulars with respect to being judged by customary and religious laws are to be detailed and determined by specific laws. The court went further and explained that the particular Proclamation, No.188/1999, which deals with the provisions detailed in Article 35(4) was introduced on December 7, 1999. Hence, the Court decided that Article 34(5) of the Constitution was not applicable to cases prior to December 7, 1999 and therefore, W/o Kedija did not have any grounds for bringing her case to a regular court.*

W/o Kedija took the case further to the Shari'a Supreme Court but it was to no avail as it reaffirmed the decision of the lower courts. Since the Ethiopian Women's Lawyers Association (EWLA) strongly believed that there were fundamental errors in the interpretation of the Constitution and that the higher court denied W/O Kedija's constitutional right and reaffirmed the decision of the first instance Shari'a Court, it took the case to the Council of Constitutional Inquiry. The Constitution in its Articles 35/1 and 35/7 states that women have equal rights with men and should enjoy equal treatment with men with respect to the inheritance of property.

As per Article 83 of the Constitution, the House of Federation decided a constitutional dispute submitted to it by the Council of Constitutional Inquiry. Finally, the House of Federation acknowledged the error in the constitutional interpretation and judgment was made in favour of W/O Kedija to take her case to a regular court of law.

*Ethiopian Women Lawyers Association (EWLA).*

## **5. Women's Access to Land and Credit: Gender Status**

AGDI was piloted in 12 African countries (Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia and Uganda) in 2002-2004. The information for the economic power block and the specific variable for land ownership and access to credit in the GSI were collected from national statistical offices and municipalities in 2004. Despite the legal reforms that have taken place, the AGDI findings report on poor performance in securing women's access to and control over economic resources, women's access to land on average being less than half of men's respectively. Similar conclusions can be made in the case of credit. The pilot studies also

reveal another challenge to be addressed more firmly, namely, regular collection of gender-disaggregated data at the national level.

Of the 12 pilot countries, only seven countries provided gender-disaggregated data on land ownership (see table 1). AGDI measures women's access to land, plots or houses compared to that of men and includes both urban and rural areas, wherever the information has been available. Eight countries provided data on women's access to credit. However, the pilot studies revealed that only a few countries are collecting data on both formal and informal sectors. It is important to note that the GSI takes only the number of credits into consideration, not the amounts. Latest national data have been used to calculate the indices<sup>17</sup>.

There are two informal microcredit programme categories: First, aid-oriented programmes run by non-governmental organizations (NGOs), often combining financial benefit with broader educational and social goals. Second, there are the business-oriented actors, who are an essential part of free markets but focused on their own survival in the markets. While both types are highly needed in African economies, they pose some specific problems in their own niches, both landing on weakly developed grounds in most African countries. Some of the challenges of credit programmes will be discussed in chapter 7.

**In recent years**, women's access to credit has shown faster improvement than access to other economical resources, due to the intensive work done by various organizations and governments in establishing special credit schemes and programmes targeted to women. However, women's access to formal credit sources such as bank loans remains extremely low compared to men's due to lack of regular income, inability to guarantee the loans and limited access to information. While community-based organizations (CBOs) and NGOs are doing valuable work in improving women's access to credit, the economic development is not sustained unless governments take actions to ensure women's access to credit in the formal sector.

Women's access to credit correlates to their feeling of security and the amount of long-term investments on their land. If women are not able to buy technology to improve productivity and use the returns on their land remain poor. Various organizations report relatively satisfactory results with credit schemes for women that result in tangible improvement of women's and their families' quality of life as well as very high payback rates.

To encourage women in larger-scale economic activities and investments for sustainability and growth, it is of utmost importance that women have a sense of ownership of their activities. Therefore, AGDI also measures women's ability to decide on their own expenditure. In the following analysis, information on decision-making power regarding income has been included wherever available. Following the general global trend, women are less likely to take bank loans than men throughout the pilot countries. AGDI aims at indicating the gender equality status in

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<sup>17</sup> The GSI indicates female achievement in comparison to male achievement in a given variable. For example, in Egypt 267,830 women are reported to own rural or urban plots/houses or land while 4,416,554 men are reported to own rural or urban properties. The GSI is calculated  $267,830/4,416,554 \approx 0.061$ . In other words, in comparison to every man who owns land, plots or houses only 0.061 women own land, plots or houses.



terms of access to credits in both formal and informal sectors, including banks, credit associations, NGOs and other credit providers. Table 1 presents some results.

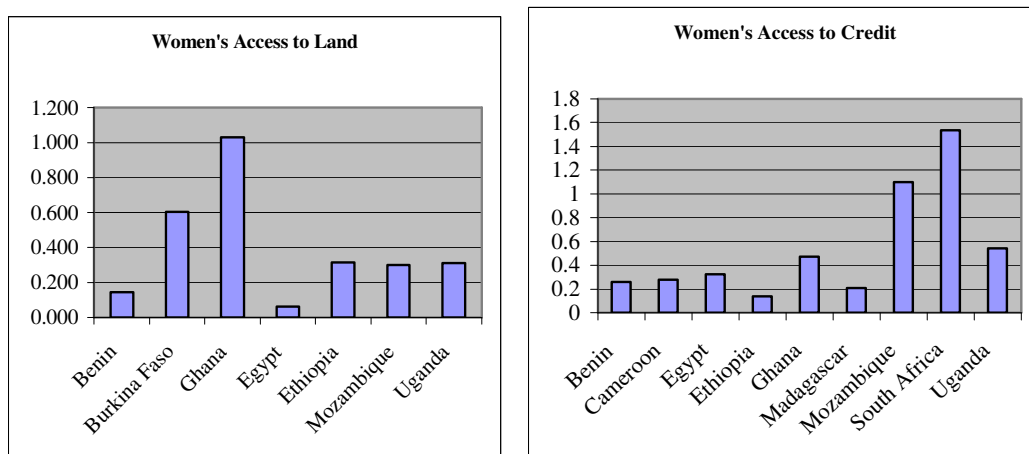
**Table 1. Access to land and credit (AGDI)**

Indicators		Benin	Burkina Faso	Cameroon	Egypt	Ethiopia	Ghana	Madagascar	Mozambique	South Africa	Uganda
Ownership of rural/urban plots/houses or land (number of registered women)	F	462	3,718,790	-	267,830	2,501,714	6,155,624	-	709,349	-	906,551
	M	3,164	6,154,338	-	4,416,554	7,947,709	5,978,277	-	2,357,780	-	2,916,179
Indicator		0.146	0.604	-	0.061	0.315	1.030	-	0.301	-	0.311
Access to Credit	F	1,216	-	115	65,937	256,242	23,688	1,501	13,304	1,382,401	288,067
	M	4,725	-	410	203,921	1,847,712	49,978	7,292	12,095	900,998	532,276
Indicator		0.257	-	0.280	0.323	0.139	0.474	0.206	1.100	1.007	0.541

*Source: AGDI Country Reports*

Of the pilot countries, Ghana shows significant progress compared to the other countries. In the urban areas of Ghana, most of the houses are rental houses, unlike the case in the rural areas where the owners generally occupy their houses. Women's land ownership still remains lower than men's but their chances to own or rent a house are equal or in some towns and regions, even higher than that of men, especially in the urban areas. The indicator for Ghana is therefore 1.030. Women's access to credit remains lower than men's, the indicator being 0.474, but is higher than the indicators of AGDI trial countries on average. The credits are channeled through The Credit Unit Association (CUA), which has 11 regional branches in the country. Despite the relatively low indicator rate, as many as four out of five women, especially those unmarried, state that they decide on the spending of their own savings. Table 2 compares AGDI results for women's access to land and credit in selected countries.

Table 2. Women's access to land and credit in selected countries



Source: AGDI Country Reports

In Mozambique, the registration of urban properties (housing) covers only Maputo, and gender-disaggregated data on land ownership is not available at all. Therefore, the indicator does not give the full picture of land tenure relationships in Mozambique. By law, it is mandatory to register houses in the names of the married couples. In practice, due to the reduced number of civil marriages, men in Maputo tend to register more houses in their own names than including the women's names. Given the limitations of the available data, women's access to land or housing remains very low compared to men's, the indicator being 0,301. The indicator for women's access to credit in Mozambique is reported to be as high as 1,100. This includes data from formal sector and banking services in the informal sector. In the formal sector, women represent a significantly lower amount of all the credits taken.

Similarly, in South Africa, based on a survey of employers and self-employed (SESE) in 2001 (conducted by Statistics South Africa), women have received more loans and credits than men. However, as in Mozambique, women tend to take more credits from other moneylenders than banks. Women have also received loans from NGOs and CBOs while men have not used that source at all according to the AGDI report. South Africa's indicator for access to credit is 1.534. Gender-disaggregated data on land tenure is not available in the country.

In Uganda, there is no systemized, frequent data collection on access to land or credit. Therefore, the indicator is based on the raw data, processed by the AGDI research group. The indicator for access to land and housing is slightly higher in Uganda than in Mozambique, 0,311. In the case of Uganda, data on both formal and informal sector are available. It seems that the need for loans and credits has been recognized as an essential tool for improving gender equality in Uganda also. Women clients represent over half of the number of the loans and credits taken, the indicator being 0,541, and during the past five to seven years, women's access to credit has improved rapidly. In 2000, only 35 per cent of the women had access to some form of credit. In 2002/2003, women represented 55 per cent of all the loan and credit clientele.

However, as in most African countries, distribution of loans remains a geographical challenge, as most of the MFIs are located in urban areas, while most of the women occupy rural areas. Despite the positive developments, women are less able to control their earnings in Uganda. The AGDI report indicates that only 45 per cent of the women are able to decide on their expenditure.

Of those countries that reported on women's access to land, Egypt is clearly lagging behind. The indicator on women's access to land in the country is reported to be alarmingly low, only 0,061. The AGDI report does not give explanations for the indicators on women's access to land, the geographical coverage of the figures or how recent the data are. National data on access to credit in Egypt are available only in the formal sector. As women in the informal sector are those usually most in need of and most likely to take credit, data collected only in the formal sector does not provide a sufficient basis for comprehensive analysis of access to financial services.

Data provided by the Principal Bank for Development and Agricultural Credit cover only 6 out of the 26 governorates of Egypt. Within the above-mentioned data limitations, women are reported to have access to less credit both in terms of number of credits and in terms of amounts distributed, the indicator being only 0.323. As women's access to land is extremely low, a cautious estimate of even lower real access to credit could be drawn. Women's real access to credit is limited in the very regions where agriculture provides most of the income and where women own more land relative to men.

Additionally, as in many other countries, women tend to qualify less for medium- and long-term credits in Egypt. In general, women's access to resources reveals great inequality and should urge the Government of Egypt to make more efforts in this area in order to fulfill its commitments to the BPFA and to CEDAW. On a more positive note, however, according to the AGDI country report, Egyptian women are deciding on the expenditure of their savings, especially in the urban areas.

Women's access to credit compared to men's remains very low also in Madagascar (indicator 0,206) and Ethiopia, indicator being only 0,139. In Madagascar, data are only available in the informal sector, while Ethiopia provided data on both sectors. Despite the low indicator on women's access to credit in Madagascar, the statistics show a slow but sure improvement. In 2001, women received fewer loans from financial institutions, but as in South Africa, a greater number of microcredits. The Demographic and Health Survey (DHS) in 2000 in Ethiopia showed that, despite the limited access to external resources, over 70 per cent of the women are in control of spending their own savings. However, women's access to land remains low (indicator 0.315). The survey findings are similar in Benin where women's access to credit is reported to be low (indicator 0.257), but where women are able to control their own earnings and savings satisfactorily (indicator 0.801).

## **6. Land Administration: Do Commitments on Paper and Reality Meet?**

To date, most of the studied countries have not been able to achieve the international commitments in the field of women's social, economic and political empowerment. Much faster improvement has occurred in women's access to education for example than to women's access to economic resources. Related to what has been discussed in chapter 4, the prevailing discourse discourages women from claiming their rights as in many countries the agrarian reform or resettlement programmes use the "head of family" concept, which usually identifies men as the basis of land allocation<sup>18</sup>.

As discussed in chapter 2, women's land rights are stressed in both CEDAW (Article 14) and BPFA (Strategic Objective A.2). The findings show that governments have undoubtedly shown commitment in putting land tenure policies and law reform programmes in place. However, to ensure fair and sound land distribution in Africa, innovative ideas have to be adopted to combine customs, equality norms, statutory laws and ownership issues. Policy development at the state level is not necessarily adequate to ensure women's access to land and credit, as there is a risk that separate policies on women's equal access to resources remain separate if they are not mainstreamed into other major policies. In general, studies show that the systems to secure women's access to land and credit tend to benefit urban-employed rather than rural women, agricultural land being even excluded from some of the new inheritance schemes<sup>19</sup>.

The AWPS of AGDI consists of 13 different indicators:

- Ratification of international or regional convention or charter
- Reporting
- Law or other legal measure
- Policy Commitment
- Development of a gender plan
- Targets set
- Institutional mechanisms
- Budget
- Human resources
- Research
- Involvement of civil society
- Information and dissemination, and
- Monitoring and evaluation

In women's access to resources, to be more indicator specific, AGDI pilot countries were not required to report on the two first indicators, namely, 'ratification of international conventions' and 'reporting'. There are very few concrete and tangible results reached in terms of legislation and policy development that target credits and financial markets as women's access to credit is not noted in the AWPS. AWPS results on land governance and women are presented below.

### **Laws and Other Legal Measures**

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<sup>18</sup> UNECA, 2004. Op. cit. p. 72.

<sup>19</sup> Ibid. p. 72.

Of the AGDI pilot countries, Burkina Faso, Ethiopia, Madagascar, Mozambique and Tanzania have made specific attempts to ensure women's inheritance and property rights regarding land. Most of the countries are making some progress towards equal inheritance and property rights (Benin, Cameroon, South Africa, Tanzania, Tunisia, Uganda), while Ghana and Egypt lag behind without any actions taken.

### ***Progressive Performers***

In Ethiopia, women's equal access to land has been ensured both in the Federal Constitution and Federal Land Administration laws. However, despite the strong legislation, women's actual access to land is very low, GSI reported being only 0.350. Similar to Ethiopia, Uganda's Constitution, revised in 1995, clearly spells out a state duty to ensure women's equal right to own and use land regardless of custom (Articles 26(1) and 26(2)). Malawi has ensured by law that women have the right to register land in their own name independently<sup>20</sup>. Mozambique's Land Law of 1997 made significant improvement in protecting women's rights. The law especially recognizes the constraints of rural women, and the direct correlation between productivity and land tenure security. It ensures women's rights to control the resources as titleholders or co-title holders of land.

In Tanzania, equal access to land for men and women has been stressed both in the Land Act and Village Land Act. In South Africa, women's land rights and gender equality are addressed in the Communal Land Rights Act, but the Act has been criticized for creating an unbalanced relationship between the Minister, who holds too much discretionary power and the traditional leaders, who tend to hold the actual power. The traditional leaders are likely to follow the old, usually male-favouring customs; hence, the statutory law remains relatively ineffective.

In Burkina Faso, women's equal access to land has been secured in the Law No. 014/96/ADP (*Réorganisation Agraire et Foncière*). Taking an additional step towards securing women's rights to land tenure, in some districts, women and especially widows are being given priority in the land re-distribution programmes.

Eritrea, Namibia and South Africa have included affirmative action and quota schemes for women on agricultural boards<sup>21</sup>. Similarly, affirmative action on gender and property rights has been enforced in several sections of the Land Act<sup>22</sup> of Uganda. Zimbabwe has accepted a quota of 20 per cent land allocation to women<sup>23</sup>.

### ***Slow Followers***

Egypt reports that there are "no laws that prohibit any women from owning land"<sup>24</sup>. In the traditionally patriarchal societies with strong cultural traditions, such statements are not encouraging women's access to resources. The GSI of Egypt is the lowest of all the trial countries, only 0.061. However, according to the Egypt Report, the Government of Egypt is focusing on raising awareness among women on their rights. The Ministry of Agriculture and

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<sup>20</sup> UNECA, 2004. Op cit., p. 82.

<sup>21</sup> Rachel Rebouché. Op. cit., 2006.

<sup>22</sup> Margaret Rugadya, Esther Obaikol and Herbert Kamusiime, 2004. *Gender and the Land Reform Process in Uganda: Assessing Gains and Losses for Women in Uganda*.

<sup>23</sup> Aili Mari Tripp, 2004. *Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda*.

<sup>24</sup> ECA, AGDI Report on Egypt, 2004.

Land Reclamation has training programmes for women but it seems that hard measures need to be taken to secure women's access to resources and to empower them to claim their rights. Trainings on women's rights are extremely useful but they have relatively little significance without access to justice.

The Government of Tunisia has put some empowering and protective laws in place. However, the country widely follows Muslim traditions and the Koran encourages parents to favour sons over girls by giving them double resources compared to the girls<sup>25</sup>. Tunisia does not indicate the GSI for land ownership relations. Ghana's Constitution guarantees equal access to jointly acquired assets of spouses while married and in case of divorce in Article 22 (3a, 3b) of the 1992 Constitution but fails to address women's rights firmly, to own and control assets independently.

Ghana is performing well in terms of women's access to land with a GSI of 1.030. Although no actions have been taken place towards gender-sensitive legislation, Benin has shown commitment and determination in setting gender targets for law revision processes in its Policy for Rural Development of 2001 (Article 10)<sup>26</sup>. Madagascar lags behind in all efforts to secure women's equal access to resources. There are no laws to protect women's access to land. However, the law is neutral and provides for equal inheritance rights. Also, the 1992 Constitution states that Madagascar is to follow its international commitments, including CEDAW and the African Protocol on Human and People's Rights, and legal measures are to be taken if national legislation proves to be against them.

Whether the countries have adopted new laws that protect women's rights or not, the GSI reveals a clear non-correlation in legally securing women's land rights and actual access to resources. In general, the gaps lie between enactment and enforcement of the laws. Additionally, despite the attempts to secure women's access to land legally, there are also identified gaps in the contents of existing laws in the countries which have reported on gender-sensitive legislation.

### **Policy commitments**

Half of the AGDI pilot countries (Benin, Burkina Faso, Egypt, Ghana, Mozambique, South Africa, Tanzania excluding Zanzibar, Tunisia and Uganda) reported policy environments that favour women's access to land. Almost all of the countries have taken some steps to develop policies regarding the economic security of women. Of the pilot countries, South Africa stands out for having comprehensive policies on women's access to land, while other countries have made some progress. However, South Africa does not collect or provide gender-disaggregated data on land tenure, which means that no conclusions can be drawn on the effectiveness of existing policies.

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<sup>25</sup> ECA, AGDI Country Report of Tunisia, 2005. *Le Coran, le verset 11 de la sourate no 4 : 'dieu vous recommande au sujet de vos enfants le léguer au garçon deux fois la part de la fille...' et le verset 176 stipule : 'a l'homme le double de la part de la femme'*, p. 165.

<sup>26</sup> UNECA, 2005. AGDI Country Report, Benin.

### ***Progressive Performers***

Setting an example to its peers, South Africa has firmly addressed gender concerns in its policy development efforts. The White Paper on South African Land Policy in 1997 places emphasis on removing any restrictions on women's access to land, including marriage, inheritance rights, customary laws and access to decision-making regarding land. The White Paper commits the Department of Land and Agriculture 'to use gender-sensitive, participatory methodologies in project identification and planning'. It also adopted the Land Reform Gender Policy Framework in 1997, which aimed at 'creating an enabling environment for women to access, own, control, use and manage land; as well as access credit for productive use of the land'<sup>27</sup>. However, while it encourages use of gender-sensitive methodologies, the White Paper does not make concrete suggestions on how to achieve gender equality in land tenure.

A gender-sensitive land policy or a draft land policy also exists in Burkina Faso, Malawi, Lesotho and Zambia. However, turning commitments into legislation is yet to follow in these countries<sup>28</sup>. In the case of Tanzania, while turning policy into legislation is progressive and favours women's access to land, it does not address the issue of customary laws clearly, leaving a lot of power to the same customs that have traditionally hindered women's equal access to resources.

Although Ethiopia has not developed a policy to secure women's equal rights to land in particular, its efforts in securing women's access to land are worth mentioning. Women's equal access to land has been ensured in the Federal Constitution and Federal Land Administration laws. In fact, Ethiopia has been active in adopting laws to protect women's rights to land. However, women's real access to land according to the GSI is low (indicator 0.315). It would seem that in Ethiopia, more emphasis should be put on legal literacy and on reducing the bureaucracy of land administration.

### ***Slow Followers***

Cameroon, Ethiopia and Madagascar have not addressed gender equality in their land policies at all, although women's access to resources has been given some attention in general policies. In Ghana, women's access to land has been secured in the Gender and Agricultural Development Strategy of 2001, which focuses on female farmers and securing of land tenure through cooperative systems.

### **Development of a Gender Plan and Setting Targets**

Most of the studied countries have not developed adequate plans to ensure women's access to land. Eight countries report that they are in the process of developing a plan or have made some provisions in existing plans to address women's access to land. Burkina Faso, Cameroon, Ethiopia, Madagascar, and Tanzania score 0 in reported planning, with no actions to date.

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<sup>27</sup> ECA, 2005. AGDI Report, South Africa, p. 82.

<sup>28</sup> UNECA/SRO-SA, 2003. *Land Tenure Systems and Sustainable Development in Southern Africa*. Op. cit., Lusaka, Zambia.

Very few countries have set clear targets to ensure women's access to land. Only two trial countries, Benin and South Africa, report on clear targets. In South Africa's Land Redistribution Programme, women are prioritized as the 'target beneficiary group'. The aim of the programme is to transfer 30 per cent of the land from white to black inhabitants, 30 per cent of the transferred land to women. Although Benin lags behind in putting protective laws in place, it has set several targets to ensure women's better access to resources, including putting mechanisms in place to include women in the land reform discussions, ensuring adequate land allocation to women as well as developing of credit schemes for women to buy land titles.

### **Institutional Mechanisms, Budget and Human Resources**

Most countries have established institutional mechanisms to support women's empowerment in various social, political and economic issues, including access to land and other economic resources. Benin, Burkina Faso, Egypt, Mozambique and Uganda report highly satisfactory results. Ghana, Ethiopia, South Africa, Tanzania and Tunisia report some progress, while Cameroon and Madagascar report that no efforts have been made to put supportive institutional mechanisms in place.

The findings of the trials reveal that all countries still have a great deal to do in the field of budgeting and allocation of adequate resources to support women's access to land. Six of the trial countries have not secured the activities financially at all, while six countries have allocated some resources to advocate gender equality and women's inheritance and property rights. Nine out of twelve countries have allocated some human resources while three countries report no efforts in this regard. Funding to fulfil the commitments of BPFA and other international agreements is consistently reported to be inadequate.

### **Involvement of Civil Society**

Much remains to be done in the field of collaboration between governments, multilateral organizations and civil society. There are some efforts to establish synergies between the public and civil sectors, and many countries are reporting on single projects that are being conducted by the NGOs with government support. None of the AGDI trial countries have institutionalized cooperation at the state level. However, for example, Uganda's Poverty Eradication Action Plan (PEAP) encourages collaboration between the public and civil sectors, as does Ghana's Gender and Agricultural Development Strategy 2001, especially in the rural areas where most NGOs operate.

Both countries set positive examples of openness and an enabling environment for cooperation. Further, a study conducted by South Africa's Department of Land and Agriculture in 1999 found that women were well represented in local land committees, over half of the members on average. This, to some extent, guaranteed that women's voices were heard in the ongoing consultations on the Communal Land Reform Bill. In Tunisia, the Government supports two women's organizations, namely, *L'union nationale de la femme tunisienne* and *L'association tunisienne des femmes democrates*.

The greatest steps towards joint programming have been taken in Mozambique and South Africa. However, information on projects in AGDI reports is insufficient. Some efforts are



made in Benin, Burkina Faso, Egypt, Ghana, Madagascar, Tanzania and Tunisia, while Cameroon, Ethiopia and Uganda are urged to strengthen collaboration between the government and civil society, to ensure maximum impact of the work of the different actors.

## Research, Information Dissemination and Monitoring and Evaluation

In the AGDI trial countries, no governmental research or regular surveys on women's access to land are undertaken according to the reports. Ghana, Mozambique and South Africa report that usually research is undertaken by civil society. Uganda does not address the issue. No data on the variable are available for Tanzania.

Advocacy activities follow the overall pattern with very little variation. In South Africa, the Department of Land Affairs Communication has published leaflets on women's rights to resources and land in several local languages, and the materials are widely available. Burkina Faso, Egypt, Ghana, Madagascar, Mozambique, Tanzania and Uganda have made some progress in the area. In Ghana, for example, some independent research has taken place in the Faculty of Law of the University of Ghana in collaboration with the GTZ Legal Pluralism Project. Benin, Cameroon, Ethiopia and Tunisia report that no efforts are being made in the area of advocacy and information dissemination.

In general, monitoring and evaluation mechanisms are not in place. Exceptions are Benin and South Africa, which report on some efforts to further monitoring and evaluation. In South Africa, the Department of Land and Agriculture has established a Monitoring and Evaluation Directorate. Monitoring and evaluation is based on the White Paper on Land Reform of 1997 commitments, but gender-disaggregated data are not collected in a systematic manner, nor is progress on women's access to land reported regularly in the annual reports.

Table 3 summarizes country performance by the AWPS, regarding women's access to land, indicating the average performance of the 12 pilot countries, namely, Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia and Uganda. The overall performance of all the sub-categories is only 36 per cent. As discussed before, the greatest achievements are in the areas of law revisions and establishment of institutional mechanisms, but very little has been done in terms of supporting activities. Research is imperative in order to identify the needs and gaps. Performance is particularly weak in the area of monitoring and evaluation, which is essential in identifying where the challenges and constraints lie in resolving gender inequality in a country.

Table 3. African Women's Progress Scoreboard: Average Performance of 12 African Countries															
	Ratification	Reporting	Law	Policy commitment	Development of a plan	Targets	Institutional mechanism	Budget	Human resources	Research	Involvement of civil society	Information dissemination	Monitoring & evaluation	Total	Maximum possible score
															% Obtained

Equal access to land	X	X	1.16	0.85	0.54	0.54	1.16	0.54	0.77	0.46	0.92	0.85	0.16	7.95	22	36%
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### **Box 3. Organizations working on women's property rights and related issues**

#### **Kenya**

- Centre for Rehabilitation and Education of Abused Women (CREAW)  
Tel. + 254 2272 3972
- Coalition on Violence Against Women (COVAW)  
Tel. +254 2574 357 <http://www.covaw.or.ke>
- Collaborative Centre for Gender and Development (CCGD)  
Tel. +254 2537 100
- Education Centre for Women in Democracy (ECWD)  
Tel. +254 2570 386 <http://www.ecwd.org>
- Federation of Women Lawyers – Kenya (FIDA-KENYA)  
Tel. + 254 2717 169 <http://www.fidakenya.org>
- FEMNET <http://www.africaonline.co.ke/femnet>
- GROOTS-Kenya  
Tel. +254 2718 977
- Kenya AIDS NGOs Consortium  
Tel. +254 2717 664 <http://www.kanco.org>
- Kenya Land Alliance  
Tel. +254 3741 203
- Mazingira Institute <http://www.mazinst.org>
- RECONCILE  
Tel. +254 3744 940
- Society of Women Against AIDS in Kenya (SWAK)  
Tel. +254 2574 044
- Women Fighting Against AIDS in Kenya (WOFAK)  
Tel. +254 243 164
- Women and Law in East Africa (WLEA)  
Tel. +254 2448 905
- Women's Rights Awareness Programme (WRAP)  
Tel. +254 2728 675
- Kenya Land Alliance <http://www.kenyalandalliance.or.ke/>

#### **South Africa**

- Association for Rural Advancement <http://www.nlc.co.za/afra.htm>
- Human Sciences Research Council of South Africa  
<http://www.hsra.ac.za>
- Legal Resources Centre <http://www.irc.co.za/home.default.asp>
- South Africa Regional Poverty Network, Oxfam  
<http://www.oxfam.org.uk/landrights>
- Women's Legal Centre <http://www.wlce.co.za>

#### **Other Africa**

- International Federation of Women Lawyers – Lesotho  
<http://www.hri.ca/organizations/viewOrg.asp?ID=6222>
- East African Sub-regional Support Initiative for the Advancement of Women  
<http://www.eassi.org/>
- Tanzania Women's Lawyers Association  
<http://www.hri.ca/organization/viewOrg.asp?ID=5464>
- Hakiardhi Land Rights and Resources Institute

<p>Tel/Fax +255-51-152448</p> <ul style="list-style-type: none"> <li>• Women and Law in Southern Africa, Malawi <a href="http://www.wlsamalawi.org/index.html">http://www.wlsamalawi.org/index.html</a></li> <li>• Women in Law and Development in Africa <a href="http://site.mweb.co.zw/wildaf/">http://site.mweb.co.zw/wildaf/</a></li> <li>• Uganda Land Alliance Tel. +256 41 530 823</li> <li>• Ethiopian Women's Lawyer's Association Tel. +251 11 4668 088</li> <li>• Habitat International Coalition (Middle East/North Africa) <a href="http://www.hic.mena.org">http://www.hic.mena.org</a></li> <li>• LandWeb: NGOs and Land Advocacy in Eastern and Southern Africa <a href="http://www.landweb.org/index.htm">http://www.landweb.org/index.htm</a></li> <li>• Land Alliance, Zambia Tel. +260 1 222 432, Email: <a href="mailto:land@coppernet.zm">land@coppernet.zm</a></li> </ul> <p>Source: Human Rights Watch, ECA/ACGSD</p>
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## 7. Women and Credit: Borrowing Patterns

To shift from land to credit, the types of credit providers and women's credit usage patterns are introduced briefly. Data collection on women and credit in most African countries is not systemized and therefore relies heavily on independent organizations and individual researchers. Consequently, the information provided is not systematic and it is challenging to present the data in a logical manner, especially in relation to land. Information has been compiled from various sources, including AGDI reports, papers prepared for international credit summits and other thematic research.

There are clear consistencies in women's lending patterns throughout African countries. The most common source of credits is different aid organizations, as mentioned before, mostly with combined education programmes. Banks and rural banks have the smallest number of female clients. Further, women have been active in forming cooperatives or solidarity groups and are less keen on individual borrowing. Microbanking Bulletin, Issue 14, Spring 2007, published a comparative study on selected microfinance institutions in four different regions; Europe and Central Asia, Sub-Saharan Africa (SSA), Latin America and the Caribbean, Middle East and North Africa, concluding that the usage of different forms of microcredit schemes in SSA is the second highest in the world, after Asia.

Table 2 compiles information on loan patterns in SSA compared those in Europe and Asia. In all regions, the number of women borrowers exceeds 60 per cent of the clientele of the sample MFI group. However, it should be borne in mind that the number of selected MFIs is not particularly large and there are great variations between the countries. In spite of this, the study does open a window to financial markets in Africa.

Table 2. Borrowing patterns in Africa, Asia and Europe							
	Number	Total Assets	Number	Percentage	Average	Average	Financial

	of MFIs		of Active Borrowers	of Women Borrowers	Loan Balance per Borrower	Loan Balance per Borrower/ GNI per Capita	Self-Sufficiency
Units		USD	Nb	%	USD	%	%
<b>Region (data from 2005)</b>							
Asia	57	81,198,092	130,169	64.2	402	53.9	119
Africa	57	9,113,640	26,285	62.5	370	124.6	94
Europe and Central Asia	49	10,719,008	5,840	65.6	1,263	73.0	109
<b>Charter Type (data from 2003, global averages)</b>							
Bank	31	167,194,336	34,006	34.7	1,200	133.7	121
Credit Union	20	7,360,708	11,188	68.8	995	63.6	124
NBFI	72	14,363,825	26,927	57.2	749	98.4	100
NGO	95	11,241,362	80,474	68.5	467	43.1	105
Rural Bank	12	3,677,368	6,422	61.7	364	65.1	120
<b>Methodology (data from 2003, global averages)</b>							
Individual	74	74,955,692	18,076	37.9	1,202	110.1	113
Individual/Solidarity	96	16,824,648	84,438	63.2	645	74.9	113
Solidarity	35	4,170,344	21,528	79	123	41.0	90
Village Banking	26	6,886,560	32,038	73.5	189	21.6	99

*Source: Microbanking Bulletin, Issue 14, Spring 2007.*

Women as target borrowers are of little interest to private moneylenders, which also explains the great interest in women shown by aid organizations that do not have commercial goals. Women tend to take very small credits but in great numbers. However, as women's income levels are extremely low in Africa, the average credits taken by African women are as high as 124.6 per cent of the average GNI per capita. In other words, women represent the highest possible business risk for institutions that have their own survival as priority interest. Additionally, financial self-sufficiency of the institutions is the lowest in Africa. As aid organizations do not reach everywhere, private moneylenders with possibly higher interests than other sources of credits and loans are often the only likely available source of credit for women.

This partly explains why the vast majority of women do not take risks with bigger loans. Small credits offer only a short-term remedy rather than as investing in future income generation. The poorer the borrowers are, the more likely they are to use the money for day-to-day consumption. Further, related to the discussion on customary laws in chapter 4, apart from the economical constraints that hinder women from taking bigger credits, it is important to note that there are also cultural factors connected to household decision-making dynamics that decelerate women's enthusiasm to expand their businesses. Men are traditionally expected to provide the livelihood for their families while the women's role has been to support men's efforts. So, although this is changing everywhere, business ambition has been somewhat an unknown culture among women.

In Malawi, where the female client exit rates have been relatively high, survey results concluded that the women clients wanted to bring just a little extra contribution to the household returns, but only to an extent that did not jeopardize their control over the income, and to an extent where husbands would not withdraw their own contributions. The women wanted to have extra cash for sending some to the relatives and to pay for food and clothes.<sup>29</sup> In some countries, such as Mozambique and South Africa, women seem to take more credits than men. However, as mentioned before, AGDI measures the number of credits taken, not the amounts. Since women tend to take much more modest amounts of credit than men, the AGDI indicator does not necessarily state that women have overall better access to loans and credits.

Of the AGDI trial countries only Mozambique, South Africa and Uganda clearly state that the indicator includes both formal and informal sectors. In general, women tend to borrow money through informal channels rather than through banks, but significantly lag behind men. Women's access to formal sector employment is generally low compared to men, their main source of income being minor, and informal sector income-generating activities, such as farming and small businesses. With neither regular nor high income, women do not qualify for formal sector loans, especially for long-term bank loans. The majority of women are able to take only small credits that are not sufficient for their needs. In the long run, women end up paying more interest on the loans, as interest rates in the informal markets are not fixed and often exceed market costs.

However, several studies show that women have proven to be reliable customers with very high repayment rates. For example, reporting similar results to the *Microbanking Bulletin* study, a study done in Kenya reveals satisfactory results on women's access to credits provided by microfinance institutions. Women represent 40-60 per cent of all the loan takers with repayment rates from 80 to 100 per cent.<sup>30</sup> Similarly in Zambia, Credit Management Services Limited was established with the support of several donors in 1992. It offers microcredit schemes for hundreds of women in different provinces. The company reports positive results in expanding existing businesses as well as establishing new ones. Additionally, credit programmes have taught women to save parts of their income to increase the financial security of the family<sup>31</sup>. To demonstrate the borrowing patterns of women, the table below summarizes data on credits taken to start businesses in South Africa.

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<sup>29</sup> Susan Johnson, 2005. 'Making MFIs and financial markets work for poor women'. Paper for the Consultation on 'Gender and Microfinance', held by FWFB, in Ahmedabad, India. In Susy Cheston, *Just the Facts Ma'am": Gender Stories from Unexpected Sources with Moral for Microfinance*, 2005. Available at <http://www.microcreditsummit.org>

<sup>30</sup> George K' Aol Ondergo and Richard Ochanda, op. cit.

<sup>31</sup> World Bank Group, 1999. *Zambia's Credit Management Services: microcredit schemes for women entrepreneurs*, Africa Region.

**Table 4: Source of loans to start business, 2001**  
(absolute numbers of credits taken)

	Women	Men	Total
Total operators	1382401	900998	2283399
Borrowed from stokvel	50918	14138	65057
Borrowed from somewhere else	148133	68599	216733
* commercial bank	4228	6713	10942
* friends or relatives	125685	54822	180507
* credit societies	1897	0	1897
* moneylender	7574	2350	9924
* business partner	305	424	729
* business association	1159	1329	2488
* NGO or CBO	814	0	814
* Other	8312	3343	11655

*Source: AGDI Country Report, South Africa*

While microcredit schemes for women, provided by either governments or NGOs and CBOs, are necessary and much needed, they only provide bandages for more profound structural problems. There are challenges in both the patterns of provision of credits and the uses of the credits. Despite the good results of the microcredit programmes in improving and sustaining household income and well-being, and enabling the parents to send girl children to schools together with their brothers, the credits provided by the programmes are small and short-term by nature. Moreover, the credits are mostly used to buy household goods to be sold later on rather than to invest in order to increase and sustain productivity.

Jennifer Riria, a Kenian banker in charge of a savings bank for three million female clients, says that nine out of ten women customers use the loans to buy goods while only one uses the monies to invest in production<sup>32</sup>. These trends are closely linked to land tenure rights. If women do not have land tenure security in the piece of land they are in control of, there are no incentives in making long-term financial commitments to it. Consequently, women are settling for smaller crops and smaller income.

In Ghana, for example, women, who mainly represent the informal sector of the economy and who are usually cultivating land for domestic consumption, are systematically given less fertile land (often geographically fragmented and remote plots). Therefore, they are often only able to cultivate less nutritive plants such as cassava, while men cultivate the more fertile land with higher variety of plants. Due to lack of land rights and limited access to the family income, most Ghanaian women are discouraged or completely unable to make long-term investments in improving the land.<sup>33</sup> Therefore, there is a great need to develop strategies to encourage treating women as essential actors of formal economies, as well as to make the microfinance institutions self-sustainable instead of relying on donor funds.

<sup>32</sup> Ministry for Foreign Affairs, Finland. Interview of Jennifer Riria in "Women Need Resources and Services", 24 November 2006. Available at <http://www.formin.fi/Public/Print.aspx?contentid=83902&nodeid=15316&culture=fi-Fi&...>

<sup>33</sup> World Bank, Ghana. *Women's role in improved economic performance*. Available at <http://www.worldbank.org/findings/english/find145.htm>

## 8. Credit Schemes as Tools to Empower Women and Reduce Poverty, and Opportunities for Agricultural Credits

With the current land tenure systems and limited recognition of women's rights, women remain vulnerable and dependent on their families with great responsibilities but very few opportunities. Microcredit schemes are common in African countries and many of the programmes primarily target poor women. Additionally, as mentioned before, the programmes usually aim at a wider development agenda. For example, UNICEF promotes basic social services, social communication and child protection, linked to microcredit schemes<sup>34</sup>. Combined with programmes to secure women's land tenure rights, agricultural credits offer great avenues to include women in economic development. To achieve this, strong national high-level commitment is needed, as well as a shift from the mindset that women are aid targets rather than aid providers with the common goal of building sustainable economies, are highly needed and necessary.

While agricultural credits are becoming increasingly common, they do include many uncontrollable (environmental and natural) as well as controllable (infrastructure, economic, political and social) challenges, making them relatively unattractive among private investors. As women do not usually qualify for formal sector, i.e. bank loans, they depend on private credit institutions, or even less organized private moneylenders. As Von Pischke has argued, the high interest rates charged by private moneylenders are a real reflection of the opportunity costs of the loan<sup>35</sup>.

Lending money to rural people is considered especially risky as the general life expectancy of rural people is low. The funds are usually used in agriculture, which, apart from being seasonal, is highly dependent on the climate. Rural people are also highly mobile, which makes the businesses more challenged and costly to manage<sup>36</sup>. Further, in the absence of strong governance in most developing countries in the world, many rural people do not have the official documents on land ownership or their own identity - be they men or women - which are required by most of the financial institutions.

Despite this, there has been growing interest in recent years among donors to develop agricultural credit programmes, partly due to positive results in some countries and partly due to realization that empowering rural people is the missing link in poverty reduction plans. However, to make the programmes work effectively requires joint commitment from both government and the credit providers. Governments are encouraged to take action on issues such as securing political stability in the form of increasing the sense of ownership of the piece of land in the farmer's possession, to strengthen the land administration and contract enforcement mechanisms that clarify property rights, to ensure citizens' access to public services, to ensure legal and recognized identification documents to all citizens, and to develop infrastructure.

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<sup>34</sup> UNICEF. *Give Us Credit. How access to loans and basic social services can enrich and empower people.*

<sup>35</sup> Von Pischke, 1991, p. 175 in James Roth, *The Limits of Microcredit as a Rural Development Intervention*, p. 10. 1997.

<sup>36</sup> Ibid.



Christen and Pearce propose some special features to be taken into consideration when planning agricultural credit programmes, which seem to “contribute to a well performing portfolio, in diverse conditions, in a variety of circumstances”. Among these are:

- Repayments are not linked to loan use. Instead, the household income comes from various sources
- Savings mechanisms are provided to the lenders
- Portfolio risk is diversified by lending to a wide variety of farming households
- Membership-based organizations can facilitate rural access to financial services and be viable in remote areas.<sup>37</sup>

In other words, ensuring the maximum possible diversity of the clients will reduce the risks of the credit provider. To ensure the maximum possible diversity of income sources at household level will reduce dependency on credits. Additionally, African countries tend to export raw materials rather than processing them in their own countries. Improving women’s ability to invest in machinery and other technology and to secure their rights to property would undeniably improve the families’ general financial security in the long run. Equally important, but receiving relatively little attention to date, training women to process agricultural products, such as conserving fruits and vegetables would have a positive impact on household food security.

Boosting women’s access to credit combined with adequate business training has also proven to be an important factor in developing self-esteem and the sense of independence. Impact studies on women’s credit schemes send relatively positive messages on improving women’s conditions wherever credit mechanisms for women have been available. Increasing the level of women’s income also increases their authority on deciding the expenditure. Furthermore, some studies suggest an indirect link with limited land rights and high fertility. In cultures where sons inherit the land, families prefer to have as many sons as possible, as this might be the mothers’ only means of security to access the land<sup>38</sup>.

## 9. Conclusions and Recommendations

AGDI findings, as well as studies conducted by other organizations, send a unified message. In general, women’s access to land and credit are still very low compared to men’s in Africa. Much needs to be done to reach the international targets, such as those set in CEDAW and BPFA. Very modest steps have been taken at both international and national level regarding women’s access to credit and women as equal actors in the formal economy sector in Africa. The findings of GSI and AWPS reveal relatively poor performance in following the international commitments at national level. The poorest scores in all the categories are reported in Cameroon, where no data on women’s access to land are available, and the country reports little efforts on all the AWPS indicators, except for putting some legal measures in place to

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<sup>37</sup> Robert P. Christen and Douglas Pearce, 2005. ‘Managing Risks and Designing Products for Agricultural Microfinance: Features of an Emerging Model’. CGAP Occasional Paper, No. 11, Washington D.C., August. In Meagan Andrews, 2006, *Microcredit and Agriculture: How to Make it Work*. Mennonite Economic Development Associates, Canada.

<sup>38</sup> Jacques du Guerny, 1996. *Gender, Land and Fertility: Women’s Access to Land and Security of Tenure*. FAO.

secure women's inheritance and property rights. Data are available for women's access to credit in Cameroon, which is very low (GSI 0,280). Egypt performs low in all indicators in both GSI and AWPS (GSI 0.061 for access to land, 0,323 access to credit) despite the reported several measures taken to secure women's access to land, including training and information provided by the Ministry of Agriculture and Land Reclamation, credit schemes provided by the Principal Bank for Development and Agricultural Credit (PBDAC) and NGO sector work.

Women are participating in the credit programmes actively with good results. However, both AGDI and global and country-specific studies paint a somewhat artificial picture of the income-generation opportunities and financial security that the microcredit programmes have to offer currently, as most of the programmes are run by NGOs and other donor-driven organizations. Most of the credits are used for day-to-day consumption rather than on productive investments.

In the long run, as a significant number of the active MFIs are dependent on donor funding, they do not solve the root causes of the poverty problem. Instead, recognition of women as full business actors in the economies, with equal opportunities, would go a great deal further. As the global trend in the microfinance industry is towards commercialization and privatization, it is time to consider adequate national-level measures to find ways to ensure outreach of different finance options and a shift of emphasis from urban to rural areas. Further, it is necessary to develop and secure financial services including banking, savings, and insurance and credit schemes for every actor in the market.

There is some positive development in several countries regarding financial policies, but the legislation in many countries is not up-to-date to meet modern demands. Moreover, posing a great challenge to the academic world as well as to the governments and donors, there are no best practice examples on gender-sensitive financial planning in terms of securing women's access to credits in the countries that this report has covered. Ensuring equal access to resources requires adequate budget allocation and skillful staff not only for promoting equal rights, but also for monitoring and evaluation and taking adequate actions based on actual findings. Furthermore, information dissemination is close to non-existent in most of the studied countries.

Cooperation between governments and CBOs has gained very little footage in all the pilot countries. South Africa is an exception with established joint programmes between the government and NGOs. It is important to stress that while governments play crucial roles, they should not be the only actors in protecting consumers' rights. The civil society is highly needed to protect and guard the interests of private consumers. As David Grace writes: "When the competition fails and the regulations are insufficient or not enforced, well organized and informed consumer groups can round out a safe operating environment for consumer finance."<sup>39</sup>

Most of the trial countries have taken some legal measures, some countries stronger than others, to ensure women's equal access to land. Several countries have adopted affirmative action measures to secure women's access to land (for example, Uganda), but there seems to be a clear gap in enforcement of the laws, as women's access to land remains low throughout the AGDI pilot countries. Ghana has not taken legal measures to secure women's access to land. However, the country reports women's access to land to be as high as 1,030. In general, despite the efforts

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<sup>39</sup> David Grace, "Middle is not a Four-Letter Word". *Microbanking Bulletin*, Issue 14. Spring, 2007. p. 6.

made to date, there seems to be great lack of clarity in how the legal systems work in the countries. Often women do not have the means or knowledge to claim their rights, even if statutory law is loud and clear on equal treatment for men and women.

In order to secure economic growth, women's economic rights have to be strengthened at several levels in all the countries. Agricultural credit programmes might offer the means to boost economic growth. As women's contribution to household income in many African countries is still mainly domestic and therefore unpaid by nature, women tend to concentrate on food production and small cultivation for families, while men are in charge of cash crops. In Ghana, as in many other African countries, where agriculture is the largest component of the national economy, the sectoral growth fails to reach its highest potential as land distribution remains unequal. Secured land tenure combined with well-planned and well-targeted credit schemes can offer powerful tools for poverty reduction in both urban and rural areas.

## **Recommendations**

1. Countries are urged to develop innovative strategies to address women's equal access to land and credit directly and firmly in the economic policies. While countries have been active in developing gender policies, the approach does not have a long-term impact or maximum outreach if women's access to resources is addressed in policies that target women only. Therefore, comprehensive mainstreaming strategies for inclusion of women need to be developed. In the case of land rights, despite the fact that much has been done already, women's access to and control over land remains extremely low.

This clearly indicates that the existing systems are not working to the full capacity or that they are not working at all. Policies and/or affirmative action for access to credit are not as straightforward as governmental means to influence land rights, as they are partly built on free markets and free competition. Therefore, governments are encouraged to develop strong policies for inclusion of women in the commercial sector, and to develop supporting credit programmes that secure women's access to credit.

Additionally, there is great need to update the existing laws under which the MFIs operate, as many of them are decades old and fail to meet modern needs. There is a clear demand that they put policies and legislation in place to set ground rules for private moneylenders, to fight illegal lending and wild interest rates and proactively aid financing of national development.

2. There is a clear need to define the roles of customary and statutory laws. In many countries, customary laws continue to overrule statutory laws, a situation that usually leaves women without independent economic security. Cultural values are often considered as a stagnant system of customs, to be preserved, nurtured and left untouched. There is a growing understanding that FGM is indeed a harmful traditional practice, but denial of access to economic resources or education does not seem as harmful to some.

While it is important to respect cultural values, sound and critical review is needed as to which values are essential for preserving the cultural diversity in the world, and which values are causing the societies to drop off the global train. Gender inequality and disregard for human rights is a serious constraint for economic as well as social development as it leaves half of the

population in the working age in the outskirts of economies. Hence, it is important that women's access to resources is given attention and is protected by an effective legal system.

3. AGDI findings as well as several other studies spell out clearly the need for adequate training and information dissemination. Enabling land policies or general credit schemes do not reach maximum impact on women's lives, if women are not able to utilize the systems that have been put in place. In other words, it is very important that adequate training be given from primary education to special training courses on business management and private financial management, and on basic citizen's rights and legal systems. Additionally, the governments are urged to develop their advocacy plans to ensure that women are aware of their rights.

4. Most of the AGDI pilot countries have established institutional mechanisms to promote women's inheritance and property rights. However, they are not functioning at full speed due to lack of funds or lack of human resources. The institutional mechanisms should be further strengthened by training and adequate funds allocation. The purpose of institutional mechanisms is to support government as well as the rest of the society, and to follow up and evaluate country performance in ensuring women's access to resources.

Countries have reported very little effort in monitoring and evaluating the progress made since the BPFA and other international commitments. Data collection on women's access to resources is not done regularly, or in some countries, at all. Furthermore, the institutional mechanisms should include programmes to promote women's access to credit in their activities, as it has proven to be a powerful element in boosting women's financial as well as social and psychological competitiveness.

5. Especially in terms of improving women's access to credit, much has been done by NGOs and CBOs. However, as these programmes do not automatically count as formal sector credits, there is no clarity on how much impact the programmes have and how wide a group of women benefit from these programmes. Some programmes have had a great impact as stepping boards to increased economic activities by giving the material as well as the mental preparedness to take sound, larger-scale business risks.

While governments as policymakers and legislative bodies hold the cards in their hands to ensure women's access to land and credit, much tighter cooperation with NGOs is recommended to further strengthen women's economic security. There are great resources in the NGO sector but the organizations are less powerful without government support. It is of utmost importance that the political environment not only supports, but also builds partnerships with NGOs, while taking the lead in developing national strategies to further strengthen women's access to resources.

6. Finally, governments are strongly urged to put effort into reducing the administrative load of registering properties or of claiming individual rights. It is reported in many cases that even if women are aware of their rights and are willing to demand them, there is either no system or lack of clarity on how to do it. The laws are not effectively implemented and the individual cases are often lost in the administrative jungle due to complicated and time-consuming procedures or excessive registering costs.

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