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HELPDESK REQUEST

Joint-titling of land and housing

Examples, causes and consequences

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Oxford Policy Management

July 2013

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Abbreviations

BAWATA	Women’s Council of Tanzania
BRR	Agency for the Rehabilitation and Reconstruction of Aceh and Nias
CIDA	Canadian International Development Agency
COFOPRI	Organisation for Formalising Informal Property
CRO	Certificate of Right of Occupancy
CSO	Civil Society Organisation
DFID	Department for International Development
GLTF	Gender Land Task Force
GVADP	Guayape Valley Agricultural Development Project
IDB	Inter-American Development Bank
INA	National Agrarian Institute
LTC	Land Tenure Certificate
LTR	Land Tenure Regularisation
MINITERE	Ministry of Lands, Resettlement and Environment
NGO	Non-governmental organisation
PETT	Special Land Titling and Cadastre Project
PRSP	Poverty Reduction Strategy Paper
RALAS	Reconstruction of Aceh Land Administration System Project
RL	Residential License
TAWLA	Tanzanian Women Lawyers Association
UNIFEM	United Nations Development Fund for Women
WAT	Woman’s Advancement Trust
WB	World Bank

1 Introduction

Across the world, low rates of land ownership remain as one of the most persistent signs of gender inequity. While many developing countries have adopted legislation to reinforce gender equality in property ownership, the actual *de facto* state of women's right to land often remains unchanged. Even when countries adopt joint-titling policies intended to shift household bargaining power in favour of women, actual rates of joint-ownership are often lower than expected (Deere and León, 2001; Payne, Durand-Lasserve and Rakodi, 2007).

However, there are some examples at the national, state, city and project level where progress has been made towards getting women's right to land formalised, either as single or joint-holders of a land title. To better understand how this progress can be achieved, this report documents several cases from around the developing world. It is the result of a helpdesk request from DFID containing the following questions:

1. What examples are there of joint titles of low income housing? These should preferably from South Asia where possible.
2. How were joint-titling policies achieved and what were the political/financial incentives in getting this into policy?
3. What were the process and enablers that helped both government and/or civil society to make this happen?
4. What is the impact of joint titles on the status of women?

The first question will be discussed in Section 2, in which we highlight cases from several developing countries where either joint titles were provided, existing joint-titling policies became more successful or legislation was passed which created a legal basis for joint titles.

As questions two and three are closely intertwined, they will be tackled together in Section 3, where we investigate the various drivers of change for the joint-titling examples discussed in the previous section, including some examples where these enablers ultimately failed to produce results.

We consider question four in Section 4, where we present mostly empirical evidence on the benefit of enhancing women's property rights, and a few examples of qualitative evidence where available. Section 5 comprises a brief conclusion with lessons to be drawn from the examples in this report.

2 Examples of joint-titling efforts

Joint-titling policies require a substantial number of prerequisite reforms and policies before they can be successful. For example, even if there is legislative backing for joint-titling and land registration documents allow for more than one person to be registered, unless land officers specifically query applicants about their marital status, women might still be left out during the registration process (Deere and León, 2001).

To better structure the examples in this section, we have categorised the types of reforms conducive to establishing effective joint-titling policies into four general categories:

- 1) *Legal* – At a minimum, a country must have a legal framework which allows for joint ownership of property. Ideally, there should be mandatory joint-titling, or at least a presumption of joint-ownership;¹
- 2) *Political* – These are examples where there was a concerted political effort to see joint-titling policies work, usually through a specific government decree. This type of reform indicates a change in official government policy, but does not guarantee that the policy was implemented;
- 3) *Institutional* - There needs to be an initiative by whichever institution is tasked with granting land tenure to promote joint-ownership. This could be passive, such as including the option for more than one owner on a title or by making joint-titling a requirement but not enforcing it. Active reforms would include making joint-titling the default regime (with enforcement), educating potential beneficiaries, etc.;
- 4) *Last mile* – Even when all other reforms have taken place, effective joint-titling programmes still require household participation to be successful. Lack of information on joint-titling efforts or benefits, culture or household biases can all impede the success of an otherwise well-designed programme. These ‘last mile’ problems can sometimes be mitigated through information campaigns or incentives, and are often recognised and tackled by the NGO/CSO sector.

While there is an implicit hierarchy in these reforms, they need not be strictly sequential, nor are all necessary for successful joint-titling policies in every context. They are also often overlapping: for example, it may be left to a land administration authority to decide how to implement a national law backing joint-titling, in which case institutional reform would be key. Conversely, it is possible for legal reform to make institutional reform redundant, if, for example, the law stipulates how exactly land officers should register marital property.

2.1 Examples of progress in joint-titling

In this section, we provide examples of various types of joint-titling successes. These examples are taken from different developing countries and from very different contexts, so may not be representative of the progress on joint-titling within those countries. They also do not represent a comprehensive list of successful joint-titling outcomes in the world.² However, each one has been selected to illustrate a different type of success, either through the type of reform, or the drivers behind it. These successes cover a range of different outcomes, ranging from legal reforms, political or institutional

¹ UN-HABITAT’s (2005) report on shared tenure contains an excellent review of legislation relevant for joint-tenure across Africa, Asia and Latin America.

² Joint-titling efforts seem to have been the most common in Latin America, but many examples from this region are redundant for learning about the drivers of successful operations.

initiatives, to actual increases in joint-titling rates. A comprehensive table of these reforms is provided in the Appendix, comprising much of the key information from this report.

Tanzania

Legal/last mile but not institutional

Tanzania is an intriguing case, as it is often held up as a positive example of gender-inclusive land reform, yet has been generally unsuccessful in getting women titled. Following Julius Nyerere's retirement and the practical end of his socialist *Ujamaa* policies, Tanzania began to develop a national land policy to cover both rural land still governed by customary ownership as well as urban land, the majority of which was informally (and illegally) held. This work culminated with the passing of the 1999 Land Act and Village Land Act, both of which explicitly established women's right to acquire, own, use and sell land (Sundet, 2005).

Furthermore, the Land Act also mandated that when a household obtains a title (known as a certificate of right of occupancy (CRO)) then both husband and wife will be considered joint-occupiers of the property and registered as such unless otherwise specified. Even if the spouse is not jointly-titled in this way, the Land Act specifies that sale or mortgage of land is prohibited without the permission of the spouse, although in practice this may not be enforced.

In much of the literature on women's access to land, the default joint-ownership clause of the Land Act is touted as real progress (UN-HABITAT, 2005). Yet, in practice, actual joint-titling rates following the reform may have been lower than expected. Titling in Tanzania is currently done on a voluntary basis, and, due to high administration costs and complex paperwork, overall demand for title has been fairly muted (Collin, 2012). Most residents have instead purchased a more limited form of land tenure known as a residential license (RL). While an RL application has space for up to three owners to be included, registration data reveals that nearly all households have registered just a single name and of these over 70% have been men (Ali et al., 2013).³

While there is no systematic data on the percentage of CRO holders who have opted to joint-title, data from one project in Dar es Salaam indicates an average joint-titling rate of 60% for married households, a large improvement over the RL joint-titling rate. However, these data come from a community which was directly targeted by a women's NGO for an information campaign (Ali, 2013), so these joint-titling rates might be higher than the norm.⁴

Tanzania's problems might seem inherently institutional, as the Ministry of Lands is ultimately responsible for ensuring that the gender provisions in the Land Act and Village Land Act are enforced. However, it is worth highlighting one particular case where a small tweak drastically improved joint-titling rates. In Dar es Salaam, the Woman's Advancement Trust (WAT), a local women's NGO which had been involved in the push for pro-gender provisions in the Land Act, piloted a titling programme in two unplanned settlements in which they used small price subsidies to induce households to jointly-title.⁵ Nearly all dual-headed households which received these small conditional subsidies went on to apply for a title included a woman as co-owner on the application form. This constituted a roughly 40% increase over the baseline (Ali et al. 2013). While this

³ It includes if the lack of a second name is due to applicants only putting forward one member, or the local government only storing the first member listed.

⁴ Prior to the programme, only 25% of dual-headed households indicated they would seek a joint-title with their spouse, so there is reason to believe that much of the observed increase was due to the NGO's advocacy efforts.

⁵ This programme was also part of a research project run out of the University of Oxford and World Bank. See Ali et al (2013).

particular reform was attempted by an NGO, its success suggests that similar small changes in policy could be effective in a government setting.

India

(Political/institutional)

India presents a frustrating case of the inability of reform to work its way down a decentralised system. As state governments are allowed to devise their own land redistribution legislation, it is difficult for any national-level policies on women's access to land to trickle down to the state level. The central government directed states to integrate joint-titling requirements twice, first in 1985 and then again in 1992, but only a handful of states went on to adopt proactive titling policies: Karnataka, West Bengal, Assam and Madhya Pradesh (Nielsen, R., Bhatla, N. and Chakraborty, 2006). In general, there seems to be neither consensus, nor much indication as to why some Indian states followed this directive and others did not,⁶ although in some cases pressure from civil society played a role.

Perhaps the most successful case is that of Karnataka state: following on from the central government's directives, the state government began making joint-titling a requirement in its own housing scheme in 1993, eventually issuing housing benefits to women solely by the year 2000. While no precise figures are known on the percentage of women who received either title or joint-title, fieldwork by Nielsen et al. (2006) suggests that the programme was a success, at least in terms of distribution of rights.⁷

West Bengal is another state government which eventually embraced joint-titling, although without much result. Following the state's comprehensive land redistribution programme, Operation Barga, rural women's groups protested the fact that men were the primary beneficiaries (Argawal, 2003). Possibly as a response, the state government issued a directive in 1992 that, "to the extent possible", all government allocations of agricultural land were to be joint titled or to go to women only (Argawal, 2003; Brown and Chaundry, 2002). By most accounts, these orders were ignored by local government officials, either claiming ignorance or coming up with bureaucratic excuses not to follow through on the directive (World Bank, 2005). During three rounds of field research in the state Brown and Chaundry (2002) found very few households who had been allocated jointly-titled land by the government. As West Bengal has not applied the requirement retroactively, even if land distributed in the future is joint-titled, most land which has been already allocated will continue to remain single-titled.

This is a similar experience to that of the state of Assam, which also issued a directive that all future government-issued land would be jointly-titled. Again, the directive was never enforced, as implementing officials complained about lack of appropriate forms for joint-titling or claimed that joint-titling had to be requested by households themselves (Hanstad, Nielsen and Brown 2004). Madhya Pradesh also appears to have embraced joint titling of government-distributed land as a policy, mainly as the result of the recommendations in its own Policy on Women, although it is currently unclear how successful the initiative has been (Agarwal, 2003).

Finally, there is the rather unique case of Chandigarh, a mid-sized city in the north of India. While the state governments in the previous examples were reacting to central government directives or pressure from civil society, the Chandigarh government implemented a joint-titling requirement for purely technical reasons. It was believed that households which were jointly-titled would be less likely to sell the regularised land and

⁶ Some have argued that Bina Agarwal's seminal book, "A field of one's own", influenced Madhya Pradesh to take pro-women policy more seriously. As this argument is chiefly made by Agarwal herself (Agarwal 2003), perhaps it should be taken with a grain of salt.

⁷ Nielsen et al. (2006) questions whether or not those rights had a meaningful impact, as the joint-titling and women-exclusive titling policies were not accompanied by a concerted effort to explain *why* the requirement had been put in place.

move to on to a new unplanned settlement. Thus, the city government made joint-titling a requirement for all its registration efforts from 2000 onwards (Datta, 2006).

Indonesia

Political/institutional

Indonesian law recognises joint ownership for all property obtained during a marriage, forming a legal basis for joint registration of land. Like many other countries receiving World Bank support, Indonesia began its first systematic land titling programme in the early 1990s. Data taken from titled areas four years later revealed that, while a non-negligible 30% of single titles went to women, only 5% were jointly-allocated to multiple owners (Lastarria-Cornhiel et al., 2003).

One common problem with joint-titling efforts is path dependence: once a title has been issued to a single owner, it becomes much more difficult to convert the same land to a joint-title.⁸ This makes it all the more crucial to get joint-titling policy right prior to any large-scale land registration, as the room for effective change grows tighter as these programmes reach their natural conclusion.

In the case of Aceh, the region of Indonesia hit hardest by the 2004 earthquake/tsunami, the unprecedented destruction actually presented an opportunity: as most land records were lost and many people were uprooted, the reconstruction authority, BRR, was tasked with rebuilding the provincial land registrar from scratch. Possibly due to pressure from women's groups in Aceh, BRR announced a joint-titling policy as part of its land system reconstruction programme, RALAS (UNIFEM, 2009). The policy was a relative success, with nearly 30% of the approximately 240,000 land parcels being either distributed directly to women or jointly-titled (Bell, 2011). However, some have pointed out that information about the joint-titling requirement of RALAS was not widespread enough, and that the programme would have been even more successful if more effort had been spent informing women of their rights (World Bank, 2011).

Vietnam

Institutional

As part of its *Doi Moi* reforms to create a more market-based economy, the Vietnamese government has been issuing land tenure certificates (LTC) since the 1980s. Due to what appeared to be a gender neutral policy, the initial allocation of LTCs greatly favoured men, as the 1993 Land Law mandated that LTCs be issued only in the name of the representative of the household, even if the property was jointly held in reality. Thus, despite Vietnam actually having fairly progressive legislation⁹ most LTCs were issued to men (World Bank, 2003).

The early 2000s marked a shift in the Vietnamese government's policy towards titling. First there was an official government decree in 2001, mandating that LTCs should be jointly registered. This came either after or concurrently with a World Bank Poverty Reduction Support Credit which made joint-titling a condition, and was eventually followed by an IMF-backed PRSP which set an ambitious target to achieve full joint-titling by 2005 (World Bank, 2003). Finally, in 2003 a new Land Law was passed, indicating that LTCs should now be registered in the names of both husband and wife.

The Vietnamese reform had led to some progress. With World Bank assistance, the government not only began issuing joint LTCs for newly-registered land, but also worked to convert existing single-owner LTCs to joint LTCs in several areas (World Bank, 2008). So far, this is the only concrete example of a government actively converting titles

⁸ Currently, Vietnam is the only case where there seems to have been some effort to convert existing titles into joint-titles.

⁹ The 1992 Vietnamese Constitution bans any discrimination against women and mandates that men and women have equal rights in all aspects of society.

rather than relying on new registration efforts or land sales to issue joint land certificates.

By 2004, approximately 15% of land was registered using a jointly held LTC, while 66% was registered to male household heads and 19% to female households. These figures continued to improve, albeit slowly: as of 2008, 22% of land is thought to be jointly titled between husbands and wives, an increase of only 7% over the four years following the implementation of the new Land Law (UNDP, 2012).

Peru

Institutional/last mile

The Special Rural Cadastre and Land Titling Project (PETT) was launched by the Peruvian government in 1991 to title rural land in order to stimulate agricultural investment and to create an efficient land market (Deere and Leon, 2001). While Peruvian law created no precedent for automatic joint-titling, it did mandate that all property obtained during marriage should be jointly held. Despite this, it appears that the first phase of the PETT program was gender neutral, not taking any proactive stance on whether households should be given single or joint titles. In the first five years of the project, applicants were not even asked about their marital status (Deere and León, 2001). Thus, by most accounts, phase one of PETT predominantly issued single titles to men and women, with very little in the way of joint ownership (Glavin, 2011).

Due to a change in procedures by PETT staff and NGO campaigning (this is discussed in more detail in the next section), the second PETT phase, which ran from 2000 to 2004, was more successful in extending joint tenure to families, with between 56-76% of all households with couples receiving a joint title (Fuentes 2008; Glavin, 2011).

Honduras

Institutional/last mile

Honduras is an example of a country that had a reasonable legal basis for joint-titling, but puts the onus on households to request it. The 1992 Law for Modernization and Development of the Agrarian Sector mandated that the titling and distribution of public land to smallholder farmers should not be subject to any gender bias, but that the land would only be jointly titled if couples requested it (Lastarria-Cornhiel, 2003). This was followed by a new titling project aimed at smallholder farmers, run by the National Agrarian Institute (INA). Despite the 'gender neutrality' of the titling reform, the years for which data are available indicate that only twenty-six joint-titles were issued for the entire country over a two year period (Deere and León, 2001).

The subsequent success in joint titling comes not from a change in national policy, but from a specific titling programme being run in the Guayape Valley by a CIDA-funded agricultural development project (GVADP). The first phase ran concurrent with the national titling programme and thus issued joint titles to only a small proportion of couples. However, prior to the second phase, development project staff decided that joint titling would enhance the economic impact of the programme. In collaboration with the Honduran government, GVADP worked with INA officials to increase joint titling rates, using incentives such as subsidising credit access for co-titled households. Rates of joint titling in the region rose sharply relative to the rest of the country, with nearly 40% of all titles being issued jointly to couples (UN-HABITAT, 2006).

Rwanda

Legal/political/institutional/last mile

Rwanda is a rare case where support was built in from the very beginning.¹⁰ First, there was political endorsement of women's right to own and inherit land with the passing of the 1999 Succession Law (children of either gender inherit equally) and the 2005 Organic Land Law, the latter stipulating that wife and husband have equal rights to land.

On a more practical level, the 1999 Law on Inheritance and Marital Property not only specifically lays out a regime for co-registration of property, but more crucially it makes co-registration the default option unless married couples specify otherwise (Brown and Uvuza, 2006). Thus, while couples can opt to split their marital property fully or partially, most are nudged towards the jointly-titled outcome.

These factors, combined with a concerted effort by the Rwandan Ministry of Lands (MINITERE) to promote joint titling during the country's large-scale land tenure regularisation (LTR) programme, has led to relatively high levels of joint-titling. Brown and Uvuza (2006) report that over 80% of all land registered by the LTR programme is joint-titled, with the next largest percentage belonging not to single-titled men, but women.

Now that we have considered a few examples of successful joint-titling reforms, the next section shall present and discuss further some of the key drivers of those forms.

¹⁰ Beginning is defined as the Rwandan Patriotic Front government established in the wake of the 1994 genocide.

3 What drives the difference between success and failure?

In this section we discuss some of the main drivers of the reforms examined in the previous section, for those cases where the cause was relatively transparent. These include examples where civil society or NGOs pushed for reform, institutions themselves reacted to poor joint-titling outcomes, incentives for joint-titling policies were unconnected to concerns for gender equity, where support existed at all levels of government, and where external incentives or donor support were the main drivers.

3.1 CSO and NGO involvement

Civil society organisations (CSOs) and NGOs are frequent drivers of joint-titling reforms, and are involved in the majority of the examples considered in this report.

Peru

One of the most concerted efforts by civil society to improve the state of women's land ownership came about in Peru. During the early stages of PETT, the programme came under fire from several NGOs for its gender-neutral approach, which had resulted in fairly low rates of joint-titling. Flora Tristan, a feminist NGO, campaigned heavily for the rural titling process to promote gender equity, both at the national level and in collaboration with regional NGOs (Glavin, 2011).

The problem was not seen as being inherently political: the Peruvian Constitution and Civil code already had provisions for joint-titling (although only in the case where property was obtained during marriage). Instead the coalition of NGOs used a two-pronged approach. The first was to work directly with PETT officials to ensure that they approached their work carefully and with gender fairness in mind. The second was to target beneficiaries directly. From Glavin (2011):

“One of the strategies was to inform the women about their rights, using local women from the RNMR [National Rural Women’ Network] as spokespersons. Information was provided through communication channels such as radio programs, videos, and information stands at Sunday markets”

Other bottlenecks, such as lack of identification documents, were recognised and also addressed by the NGOs’ campaign.

It is quite difficult to address causality in this case. Even conservative estimates suggest that joint titling rates rose substantially in between the first and second phases of PETT, despite there being no change in the law regarding joint ownership, and so many authors credit the NGO campaign for this improvement (Deere and León, 2011).

India

In the case of Karnataka state, NGO/CSO involvement does not appear to have been a deciding factor in the state government’s decision to impose the joint-titling requirement on housing benefits, nor does there appear to have been any involvement in ensuring that the requirement was applied. However, as Nielsen et al. (2006) point out, NGO involvement may still be useful in enhancing the actual benefits of joint-titling. In the case of Karnataka state, the NGO Samarasa organised women’s self-help groups in multiple locations, informing them of the potential benefits of the joint-titling requirements (including the income-generating potentials of the land). Nielsen et al. (2006) credit this type of intervention as being necessary when titling requirements are imposed, but otherwise not explained or justified to beneficiaries.

Local organisations seem to have played a more pivotal role in West Bengal's failed attempt to introduce joint-titling as policy. Women's peasant organisations were involved in lobbying for the original land redistribution which went on to heavily-favour men in terms of ownership (Argawal, 2004). These same women's peasant organisations are credited with pressuring the West Bengal government to revisit their titling criteria (UN-HABITAT, 2005).

Tanzania

Both civil society and women's NGOs were heavily involved during the development of Tanzania's land laws, many of them after the National Land Policy (the precursor to the Land Act) was revealed in 1995. In a similar fashion to the coordination seen in the Peru example, advocacy came not from individual NGOs, but from a coalition. The Women's Council of Tanzania (BAWATA) and the Tanzanian Women Lawyers Association (TAWLA) organised a group of NGOs to form the Gender Land Task Force (GLTF), which lobbied heavily for more gender-sensitive land legislation. This lobbying involved training and lunch workshops with members of parliament and Ministry of Lands officials, a "Land Symposium" held at a posh conference centre in Dar es Salaam and an information campaign spread across all types of media (World Resources Institute, 2011).

The inclusion of the clauses on women's right to property and co-titling in the Land Act is seen as a major victory for the GLTF. However, it is worth noting that without the focal point of upcoming legislation to rally around, the efforts of the gender lobby have subsided in subsequent years (World Resources Institute, 2011). This suggests that, while campaigning by civil society can be useful for large 'wins', it might be more difficult to sustain attention when the impediments to joint-titling are more complex.

Indonesia

The adoption of a gender-sensitive titling policy by the Aceh reconstruction authority BRR, seems to have been a natural progression of what was already a substantial recognition of gender issues in the reconstruction process. Early on, women's CSOs were involved in lobbying for gender to be taken more seriously, even appointing a "gender advisor" to the BRR (UNUFEM, 2009).

It appears that the Aceh government and the BRR were extremely responsive to the concerns of women's groups. Gender was integrated into the Aceh Recovery Framework (ARF). The regional government established its own independent agency for women's empowerment, which reported directly to the government. During the first phase of the reconstruction effort, the reconstruction authority BRR was initially criticised by local women's organisations for lack of concern for gender. The head of BRR responded by creating a unit within the organisation dedicated to integrating gender issues into the reconstruction policy (UNIFEM, 2009).

However, it is hard to reconcile the exuberant accounts of civil society involvement reported by gender organisations such as UNIFEM and the general lack of knowledge on ownership rights displayed by women in Aceh revealed in a World Bank-funded report on gender outcomes in the region (World Bank, 2010).¹¹ It is possible that, while civil society was successful in pushing for top-down reforms of the process, further involvement at the local level to reinforce government policies might have led to even more success.

Uganda

While not discussed in the previous section, the case of Uganda provides an interesting example of how NGO/CSO efforts are at times insufficient to overcome political obstacles. Ahead of the 2000 amendment to the country's Land Act there was a substantial campaign from civil society, including citizen education and parliamentary

¹¹It should be noted that the same report found that even though women's knowledge of their rights was extremely poor, it was still better than in areas where RALAS operated, so joint-titling might have had some effect, but even then the

lobbying, for a co-ownership clause to be included. Despite these efforts, the clause was thrown out on a technicality:

“The co-ownership amendments were, in fact, passed by the parliament, but political maneuvering on the grounds of technicalities left women without the clause. Member of parliament and ethnics minister Miria Matembe was about to read the amendments into the microphone for the Hansard (legislative record) when she was interrupted in mid sentence by someone who said they were finished and she did not need to read them. Later she was told that because she had not read the clauses into the microphone, they could not be included into the Hansard and hence, into the amendments to the Land Act.” (Indrani, 2005)

While the Ugandan case highlights just how difficult these reforms can be to push through, it also illustrates the difficulty of discerning whether a reform fails because of passive institutional incompetence or because of active resistance.

3.2 Institutional learning

Many of the examples in which governments (both local and national) instituted joint-titling policies or reinforced existing policies involve trial-and-error learning. Often titling programmes began and were re-assessed. Gender was singled out as an area for improvement and addressed in the next phase of the programme, either through procedural solutions or through new legislation. These examples speak to early technocratic solutions to joint-titling bottlenecks: while trial-and-error learning is a reasonable way for institutions to muddle along, proceeding without an initial joint-titling strategy implies enormous sunk costs, as it can be quite difficult to induce single-titled households to switch to a joint title, as will be illustrated in the Vietnam example.

Peru

While much was made in the previous sub-section of NGO involvement in the PETT programme’s joint-titling efforts, Glavin (2011)’s interviews with those working directly for PETT paint a different story. From the perspective of those working for the titling programme, the first phase was wrought with difficulty because of the unprecedented scale and type of work, leading to a number of procedural mistakes. These included forms which did not account for consensual unions and no procedures for automatically joint-titling individuals whose identification documents indicated that they were married. Those working for PETT recognised these difficulties and designed better forms, procedures and best practise for the second phase (Glavin, 2011).

Those interviewed in Glavin (2011) also argued that the large amount of NGO lobbying had little impact on their work, many also claiming that they never actually met anyone from the NGO coalition. This makes it difficult to discern the true mechanisms behind the success of the second phase of PETT.

Vietnam

It is unclear what led to Vietnam’s reforms, although there is some evidence that donors, including the World Bank and the IMF, became aware of the problem and took efforts to both introduce and propagate joint-LTCs. While some authors present the changes in the 2003 Land Law as being a natural progression of *Doi Moi* reforms (Tuyen, 2011) others point out that the Law was passed “with donor assistance” (Mak, 2005). Following the reform, the World Bank was heavily involved in (pilot) work to re-issue LTCs to families, both on the demand and supply side, using an information campaign to inform women of their rights and assisting in the updating of the land registrar (Mak, 2005).

3.3 Gender inclusion and top-down support

Rwanda

Part of Rwanda's success in promoting joint-titling in its land tenure regularisation (LTR) programme might be due to its incredibly progressive constitution, which stipulates that at least 30% of all decision-making bodies must be made up of women. This includes the regional land commissions which were tasked with implementing the LTR (Brown and Uvuza, 2006). Ngoga (2012) found that most land commissions exceeded this requirement, with, on average, 40% comprise of women.

The representation at all women undoubtedly played a large part in the successful implementation of the joint-titling policy, as all levels of government were extensively concerned with preserving women's land rights. Rwanda is one of the rare examples where every level of government was fully behind the gender-inclusive approach, from the political support provided in the form of progressive legislation, to the concern expressed by the Ministry of Lands that women's land rights be protected, to the significant representation of women at all levels of the process (Brown and Uvuza, 2006).

3.4 Internal institutional and political incentives

The literature on joint titling efforts is often silent on the exact internal incentives driving institutional reform, usually citing the motivation for change as being driven by concerns for gender equity or imposed by civil society. This subsection outlines the few examples where there is evidence that joint titling was not in itself the desired outcome, but instead an intermediate step used to achieve another objective.

Perhaps the most intriguing example is the government of Chandigarh, India, which implemented its joint titling programme not for any obvious concerns for gender equity, but because it wanted to stem informal growth and slum formation. City officials were concerned that newly-titled households would take the opportunity to sell the land and resume squatting elsewhere. Under the assumption that women were inherently more resistant to selling and moving, the local government felt that joint-titling would throw sand in the gears of gentrification, with women using their new-found bargaining power to prevent any new sales. Thus, the introduction of a relatively progressive joint-titling programme was the, almost accidental, result of gender stereotyping (Datta, 2008).

Other reforms have been driven by perceptions of the added economic and welfare benefits of joint-titling. The substantial effort by Honduras's Guayape Valley Agricultural Development Project to joint-title agricultural land was also intended to aid the ultimate goals of the project. Designed as a comprehensive intervention, complete with agricultural extension, irrigation, and credit-provision, the project was aimed at enhancing the overall livelihoods and food security of farmers living in the province. Project staff discovered that, from the limited titling efforts taken in the first phase of the project, that not only was titling itself a necessary complement to the other interventions taking place, but that household economic outcomes and credit access would be further enhanced with the provision of joint-titles,¹² possibly by improving repayment rates (UN-HABITAT, 2006). Furthermore, by the time the Guayape Project turned to large-scale titling its gender component had grown substantially, so providing joint-titles was not solely a method to enhance household welfare, but also improve women's direct access to credit (USAID, 2006).

Similarly, some the Rwandan enthusiasm for joint titling may have been driven by concerns over maintaining efficiency in a sector crucial for national development. Uwayezu and Mugiraneza (2011) point out that, given women in Rwanda are heavily

¹² There have been theoretical arguments that extending co-ownership of marital property improves aggregate outcomes by inducing the receiving spouse to invest more in this property (Rainer, 2007).

involved with agricultural production, the government has an economic incentive to secure their tenure. Ali et al. (2011) note the role that conflict over land played in the 1994 genocide, arguing that one of the chief objectives of the Land Tenure Reform programme was to *clarify* land rights, which included women's inheritance rights. Thus, the joint-titling of land was considered by some to be part of the process of recording accurate rights according to the law, rather than the objective being that of gender equity itself.

Despite these examples, there is not much conclusive evidence on other incentives driving political and institutional reform. Most project documents and academic papers either take these reforms as given, or they assert that the reforms are based on either concerns for gender equity, or the desire to improve the welfare of women directly. Economic concerns, such as the ones outlined here, are rarely mentioned. This does not necessarily indicate that these incentives are not at play, but that they are often not considered in the literature.

3.5 External incentives and donor support

It is worth noting that in many of these examples, donors played a passive role, funding joint titling efforts or pushing for more gender-friendly policies when possible. This includes UNIFEM and the World Bank in Indonesia, CIDA in Honduras and the World Bank in Rwanda. However, there are some cases when donor involvement might have been pivotal in generating the observed reforms. For example, Fuentes (2008) points out that the Intra-American Development Bank, which provided grants to the PETT programme, specifically singled out gender as an area the project needed to improve on, putting implicit pressure on civil servants to improve joint-titling outcomes in the second phase. As mentioned before, the only transparent driver of the change in Vietnamese titling policy in 2001 were dual-requirements by the WB and IMF in the Poverty Reduction Support Credit and the PRSP to improve joint-titling outcomes (World Bank, 2003).

4 The impact of joint-titling and similar interventions to enhance women's land ownership

While joint-titling policies change the *de jure* distribution of rights in favour of women, it is not immediately clear that this leads to actual, *de facto* changes in women's control over land and housing, nor leads to improvements in women's welfare. Although there is a wealth of literature on the impact of asset ownership on women's outcomes and a growing literature on the impact of land titling itself, there has been very little empirical work produced on the impact of joint-titling above and beyond the impact of titling itself. For example, while much of Erica Field's work on the impact of land-titling on gender outcomes in Peru must be considered within the context of PETT's successful joint-titling policy, it is impossible to disentangle the resulting impacts from the counterfactual of single-owner titling.

In this section we discuss the main empirical research on the impact of joint titling, titling, and other similar property rights interventions, keeping the above limitations in mind. We also consider a few examples of less-robust empirical research and qualitative research which, while likely to be subject to a range of biases, still warrant consideration.

Inheritance rights

One of the many features which joint titling ideally provides is an automatic inheritance right: if a woman is the sole or joint owner of property, she stands to, by default, inherit it when her partner dies. It is therefore worth examining some of the evidence on the impact of inheritance rights, to get a better sense of what sort of benefits joint titling should confer.

Within the South Asian context, several studies have focused on the Hindu Succession Act, one of India's more notable efforts to improve the land and property ownership of women. As the act was passed in 1956, most empirical studies have been able to tease out effects by comparing women who were in primary school just before and after the reform, or whose father's passed away before and after the reform.

Deininger, Jin, Nagarajan and Xia (2010) compared asset inheritance between Hindu boys and girls whose parents died before and after the Act was passed, finding that the share of girls' asset inheritance improved by over 20%. By comparing girls who were still of school-age at the time the Act was passed to those who were too old to benefit, they find that school-aged girls saw an increase in the number of years of schooling obtained.

While the Hindu Succession Act was generally considered progressive, there were significant elements which disadvantaged women: daughters enjoyed equal inheritance of property obtained by their father, but not joint family property. Roy (2011) exploits the fact that several Indian states attempted to amend this discrepancy, allowing women full inheritance of both father's and joint family property. She finds that Hindu girls who were of primary-school age at the time their state changed the law were no more likely to inherit land, but instead saw an increase in their education by half a year of schooling, possibly due to families compensating them for the change in their. Similarly, in a more complete analysis, Brulé (2012) finds no impact on land inheritance, contradicting Deininger, et al. (2011). Still, it is worth highlighting that even if *de jure* inheritance rights don't translate into actual *de facto* inheritance, they might be generating other compensating transfers, such as those suggested by Roy (2011).

Moving to sub-Saharan Africa, Peterman (2011) uses longitudinal data from rural Tanzania to examine whether or not changes in women's inheritance rights across time are associated with better outcomes. She finds that women who report subjective increases in the right to inherit her husband's land, house or his other assets were more

likely to enter the labour force and, on average, earned a higher wage. In Malawi, Telalagić (2012) finds that women who come from matrilineal tribes, who have substantially better 'outside options' than women whose customs follow patrilineal inheritance, have greater amounts of leisure and spend less time doing domestic work. This suggests that the outside options generated by inheritance rights leads to an actual change in *de facto* bargaining power within the household. However, as these studies vary in their ability to identify a causal relationship, more work is needed before too much can be gleaned from these results.

Land ownership

In the continuum of female land ownership, joint-titling could be thought of as an intermediate step, situated by male-only ownership and female-ownership. If we find that female-only ownership results in improved outcomes for women and children, we might expect the bargaining power associated with joint-ownership to convey some of these same benefits.

One particularly relevant example is that given in Wang (2012), who examined the effect of urban privatisation of Chinese state-housing which was sold off to resident state employees at discounted prices. She goes on to compare households in which the wife received the opportunity to acquire the house to those in which the husband received the same opportunity (under the assumption that the offer was a 'shock' to households in which one parent worked for the public sector). Wang finds that households in which the husband benefited from the transfer of ownership rights saw increases in the women's time spent on household chores, as well as household expenditure on 'male' goods such as tea and cigarettes. Conversely, households in which the woman received the ownership rights saw decreases in expenditure on male goods, women's chores, increases in self-reported decision-making power over durable goods, as well as daughters' short term nutritional status.

Although they are both largely descriptive empirical analyses Allendorf (2007) and Doss (2005) both find similar patterns in Nepal and Ghana respectively. Allendorf (2007) shows that female land ownership is correlated with having a greater say in household decision-making and having children who are less likely to be underweight. Doss (2005) finds that both asset and farmland ownership in Ghana is correlated with increased expenditure on education and food and decreased expenditure on alcohol and tobacco. These particular results are likely to be deeply endogenous, as women who already have a lot of decision-making power are also likely to exert more control over land, so the direction of causality is not entirely clear.

Land titling

Conveniently, one of the few studies which attempt to differentiate the impact of joint-titling from that of single-titling is an evaluation of Vietnam's land use certificate (LUCS) rollout. Using a constructed panel data set from the Vietnam Household Living Standards Survey, Menon, Rodgers and Nguyen (2012) study the impact of LUCs on a number of outcomes associated with female bargaining power, whilst controlling for household characteristics using a fixed effects model. In households in which women received sole-ownership of the LUC, they find increases in child health, education, as well as decreases in expenditure on alcohol and tobacco. For most of these outcomes, with the exception of child health, the authors also find similarly-sized effects for households which acquire a jointly-held LUC, although often these are of a lower magnitude than households in which the female is the sole beneficiary. This is potentially due to the fact that while joint-titling might convey significant bargaining power to women, single-titling for women will always result in even stronger levels of bargaining power.

In a related analysis, Menon, Rodgers and Kennedy (2013) find that jointly-held LUCs also have beneficial impacts on poverty, women's education and household chores, although not all of these results are particularly robust, and many of them occur only in female-headed households.

Some of the most often-cited work on the impact of land titling on women comes from Erica Field's work on Peru, which takes advantage of the rollout of titles under Peru's COFOPRI initiative, the urban counterpart to the PETT programme described earlier in this report.¹³ Comparing areas where COFOPRI rolled out first to those who had not yet received titles, she finds that women in programme areas were more likely to participate in household decisions and were significantly less likely to have a child in following years (Field, 2005). She argues that the effect is channelled through household bargaining power, as households receiving a COFOPRI title were substantially more likely to be jointly-titled. However, while there is suggestive evidence that joint-titling had larger impacts on female bargaining power than the status quo of single-titling, it is less rigorously defined than the main result.

In a related analysis, Field (2007) also finds that households receiving COFOPRI titles were more likely to participate in the outside labour market, a result consistent with the guard labour hypothesis (where family members, often women and children, must remain home to watch over the property). She also found that households reduced child labour hours, which is also consistent with the bargaining power effects observed before. Similarly, Galiani and Schargrotsky (2010) analysed the impact of a slum-titling policy in Buenos Aires which largely conveyed joint-titles to its recipients (over 95%). They found that recipient households subsequently had smaller households (possibly due to a fertility effect) and invested more in children's education.

In an impact analysis of the pilot phase of Rwanda's Land Tenure Regularisation (LTR) programme, Ali, Deininger and Goldstein (2011) compared households just within the borders of pilot areas to those just outside. They find that married women in households which received registration (which was, when applicable, joint-registration) were more likely to recognise the land as their own and were more confident that their children would eventually inherit the land. They also found that households receiving the titles were more likely to invest in soil quality, and that these effects were more pronounced for female-headed households.

Much of the descriptive and qualitative literature on joint-titling suggests positive outcomes for women. In her paper on the impacts of the Chandigarh joint-titling initiative, Datta (2006) found that women in the jointly-titled area of the city were more assertive and more likely to resist if their husband decided to sell the house than women in other unplanned areas of the city. Women in the titled area, Bhaskar, said they felt more secure, both from sales, but also from their husbands bad habits, and the possibility of abscondment. Nielsen et al. (2006) women who received a title through the Karnataka housing programme reported an increased sense of security, better self-image and status, comfort and wellbeing.

In summary, the literature largely finds that female inheritance and asset ownership is associated, not necessarily causally, with positive effects on women's welfare, possibly by increasing bargaining power. However, many of these results are not from actual studies on joint-titling. For those that are, there still not enough evidence showing joint-titling has an impact above and beyond single-owner titling of men, as many of the observed benefits could also be due to the general economic impacts of titling on households.

Finally, these studies do not compare the size of effects of titling to that of other interventions, so it is unknown whether or not titling or joint-titling would compare favourably to other policies intended to improve women's welfare or bargaining power.

¹³ Information on gender reforms within the COFOPRI programme is scant, although Field (2005) asserts that this intervention had a strong focus on joint-titling, which suggests it is comparable in approach to the rural PETT programme.

5 Conclusion

With the aim of improving our understanding of when, where and how joint titling successes happen, this report has highlighted several country-specific examples of reform.

Most of these have not been complete successes, even when significant reforms have taken place. For example, despite Tanzania's landmark legislation providing women the right to land and implementing default joint-titling, there has been little work done on the ground to see that these provisions are actually implemented. As we saw in many of the examples from India, even when there is nominal political support for a joint-titling policy, institutional backing from the local land authority is key for making any progress in implementation. However, as each of these reforms is important for establishing effective joint-titling regimes, they are worth considering independently, even if they ultimately failed.

Despite all these issues, there are some general lessons to be drawn from the examples cited in this report:

- Legislation which is "gender neutral" is often not enough, as neither title-granting institutions nor households will be concerned with joint-titling if it is not the default position for married couples;
- NGO/CSO involvement seems to be an important driver of both legal and political reform. However, the examples where NGO/CSO involvement waned after large political or institutional successes (e.g. Tanzania, Indonesia) resulted in poorer joint-titling outcomes than those where involvement included low-level interventions, such as education and programmes (e.g. Peru, Honduras) to get past last mile problems;
- Institutional learning is an important factor, as land authorities and governments do learn from their mistakes (e.g. Peru, Honduras and Vietnam). However, because land titling schemes are costly and imply large 'sunk' costs, if learning does not happen quickly enough then it may be very difficult to overturn existing inequities. For example, the low levels of joint-titling in West Bengal have been partially blamed on the lack of excess land left to distribute. Similarly, the change in policy in Vietnam has left it with two types of title which have been difficult to reconcile;
- Having institutions in which the interests of women are well-represented can ensure that titling programmes are successfully backed. This can be either directly, such as through Rwanda's requirement that women make up at least 30% of all governing bodies, or indirectly, such as the Aceh government's creation of an independent authority to promote the status of women;
- Institutions tasked with implementing joint-titling policies seem to be more effective when they have incentives to do so. These can either be intrinsic, such as the Chandigarh government's desire to curb land sales, the GVADP's desire to better accomplish its project objectives, or the purported desire of PETT officials to do a better job, or external, as in the examples where external donors explicitly made joint-titling a condition for funding; and
- On-the-ground information and advocacy, as was provided in Peru by various NGOs or in Tanzania by WAT, can help in getting past last mile problems. Similarly, incentives at the household level, as in the GVADP's use of preferential credit in Honduras or WAT's use of price discounts, can be useful in enticing land owners to jointly-title.

Finally, this report has presented evidence on the impact of joint titling, general titling, and other efforts to increase women's ownership and control over household property. In general, these types of ownership are correlated with outcomes often associated with women's bargaining power (fewer chores, less expenditure on male-oriented goods, better education and health for children). However, more work needs to be done to establish more convincing causal relationships. Also, more research is needed into the added benefit of joint titling, in addition to the general economic benefits conferred by formal land titling.

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Annex 1

Table 1: Examples of joint-titling progress

County	Reform	Result	Main Drivers	Impacts
Honduras	CIDA- funded Rural development programme, coordinated with national titling institution to induce household to jointly-title.	Sharp increase in joint-titling rates – 36% of households jointly titled, 20% to women only.	Concerns over economic impact of project after first phase, project staff decided joint-titling would amplify benefits.	N/A
India – Chandigarh	Local government opted to issue joint titles to resident of one	All unplanned parcels given joint-titles from 2000 onwards.	Concerns over post-titling sales and spread of unplanned settlements.	<i>Qual/Quant</i> – women said they felt more secure, more willing to challenge husband over a sale
India - Karnataka	Joint-titling and sole-women titling directives in 1993 and 2000	Exact numbers not known, but rule seems to have been applied in nearly all cases.	Titling directive seems to have been inspired by central government directive. Resulting programme is primarily state-driven, directive reached officials at local level, who understood requirement	<i>Qualitative</i> – increased sense of wellbeing, security, prosperity and status
India – West Bengal	Joint-titling and sole-women titling directives in 1992	Exact numbers not known, rule seems to have only been enforced haphazardly. Most excess land was distributed prior to the reform.	Women’s groups lobbied state government to adopt provision. Also inspired by central government directive.	N/A
Indonesia	Post-tsunami reconstruction authority imposes joint-titling during re-mapping of Aceh province	Exact joint-titling numbers not known, but 28% of land went to women or was co-titled, compared to baseline of 5%	Tsunami destroyed previous land records, introduction of new registration exercise left the door open for reform; women’s groups petition reconstruction authority	N/A
Peru	Rural land titling scheme PETT, changed procedures to focus more on joint-titling	Between 56-76% of dual-households received a title, versus baseline of close to zero	Institutional reform – PETT officers changed behaviour; also substantial lobbying from gender NGOs, pressure from donors	<i>Quantitative</i> : evidence from similar programme in urban areas that fertility decreased, more involvement in decisions, less child labour. Hard to disentangle from overall effect of titling.

Rwanda	1999 Law on Inheritance and Marital Property creates basis for joint-titling, land authority enforces it in large-scale titling	Over 80% of land registered is jointly titled. Baseline unknown.	Top-down support; gender inclusiveness built in from the constitution (women on land authorities)	Women are more likely to believe they own the land, that their children will inherit it. More plot investment. Again, cannot be disentangled from overall effect of titling
Tanzania	1999 Land Act and Village Land Act – gave women the right to own property, default joint-titling and ownership rights	Very low levels of joint-titling under limited title programme, slightly higher under full title programme.	Gender NGOs/CSOs (GTLF) heavily involved in production of legislation, campaigning and lobbying.	Evidence from rural Tanzania that inheritance rights are important, but no evaluation of joint-titling programme yet.
Vietnam	2003 Land Law – switched default tenure regime from household head to joint-titling	Large increases in joint-titling in World Bank pilot areas. Moderate increases nationally.	Policy change on the Vietnamese Government’s part. Possibly driven by pressure from the World Bank and other donors.	<i>Quantitative</i> – Increases in child health/education, reduced expenditures on alcohol/tobacco Positive impacts on women’s education/chores (more tenuous) <i>Qualitative/mixed:</i> Increase in credit access, improved position within the family, mutual decision making