

Institution: University of Sussex

Unit of Assessment: UoA 24 Anthropology and Development

Title of case study: Improving access to land rights through research on gender and property

1. Summary of the impact

Whitehead's research on gender, economic liberalisation and land changed the way in which international organisations (the UN, the World Bank and the EU) approach the gendered impacts of land policy. Her work changed policies and programmes to improve women's and poorer people's access to land rights. In particular the International Development Law Organization and national governments in sub-Saharan Africa have acknowledged her findings in their development of best-practice guidance. In Ghana this has helped to deliver changes on the ground by transforming the 'Ghana Land Administration Project' to incorporate a gender perspective and civil-society participation in local land administration, advocacy and debate.

2. Underpinning research

As liberalisation policies took hold in sub-Saharan Africa in the late 1990s, guaranteed land access was a growing concern in international policy circles. In many contexts, customary practices, not individual title, were the main basis for claims to land and, as these were regarded as a barrier to productive investment, there was a widespread call to increase individual ownership with registered titles. This was the centrepiece of the World Bank's highly influential land policy and funds flowed to support highly complex national enquiries, better land administration and titling reforms. Most African feminist lobbies also argued that women needed registered titles to have secure land rights as a basis for their economic security and livelihoods.

The innovation in Whitehead's (in collaboration with Tsikata, University of Ghana) critical analysis of land policy was the comprehensive assessment of the largely ethnographic evidence of the nature and strength of women's claims to land under customary practices, which found compelling evidence that registration for title favoured largely rural men and elites and that women and the poor lost out. This provided a trenchant critique of the dominant policy for their detrimental effect on women and the poor.

Their initial research was part of the 2000–05 UNRISD Project on Agrarian Change, Gender and Land Rights. Evidence from sub-Saharan Africa was complemented by case studies of Zimbabwe and Tanzania, initially producing Whitehead (2001) [see Section 3, R2], then the full critique (Whitehead and Tsikata 2003 [R1]). They found that the strength of women's land claims under customary systems is in their 'social embeddedness', and this provides a strong safety net. Women's land entitlements are based on the fulfilment of a range of social obligations to family members, and thus the more well-connected and well-regarded a woman is, the stronger her claims to land (Whitehead and Tsikata 2003: 96–7).

Land titling is also accompanied by adjudication systems that deal with title conflicts and the balance of socially embedded claims and title. Whitehead revealed that these new structures reproduced existing adverse power relations with kin and family groups. Unless specifically guarded against, they are biased mainly towards men and rural elites. Several socio-legal and ethnographic cases showed that it was exceedingly difficult for women (and men who lacked social power) to assert their claims in these fora. The new administrative structures systematically overlooked socially embedded claims, so women lose access to farmland. Since women are responsible for much of Africa's food production, this compromises national and household food security.

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Introducing individual title and a land market exposes big differences in the resources and assets of rural men and women. Relatively few women can buy land, but they lose their safety net. Whitehead's work on economic liberalisation and gender more generally is a sustained account of how, beginning from very different starting points, rural women cannot take advantage of liberalisation as much as men (and the poor even less than the better-off). Women diversify their livelihoods, as do men, but far far fewer make this a route out of poverty.

Emeritus Professor Ann Whitehead has been a Sussex Anthropologist since the 1970s.

3. References to the research

R1 Whitehead, A. and Tsikata, D. (2003) 'Policy discourses on women's land rights in sub-Saharan Africa: the implications of the return to the customary', *Journal of Agrarian Studies*, 3(1–2): 67–112.

This is the key, highly-cited research publication to which impact is attributable. Whitehead developed the broader implications in:

R2 Whitehead, A. (2009) 'The gendered impacts of liberalization policies on African Agricultural economies and rural livelihoods', in Razavi, S. (ed.) *The Gendered Impacts of Liberalization*. London: Routledge and UNRISD, 37–62.

R3 Whitehead, A. (2010) 'Preface', in Tsikata, D. and Golah, P. (eds) *Land Tenure, Gender and Globalisation: Research and Analysis from Africa, Asia and Latin America*. Ottawa, Cairo, Dakar, Montevideo, Nairobi, New Delhi and Singapore: Zubaan and International Development Research Centre (IDRC), vii–xii.

Research contributing to Whitehead and Tstkata (2003) includes:

R4 Whitehead, A. (2001) *Policy Discourses on Women's Land Rights in Zimbabwe*. Geneva: UNRISD, UN Discussion Paper.

R5 Whitehead, A. (2002) 'Tracking livelihood change: theoretical, methodological and empirical perspectives from North-East Ghana', *Journal of Southern African Studies*, 28(3): 575–98.

R6 Whitehead, A. (2003) 'Gendering poverty: World Bank African poverty assessments', in Booth, A. and Mosley, P. (eds) *New Poverty Strategies: What Have They Achieved? What Have We Learned?* Basingstoke: Palgrave Macmillan, 223–54.

Note: this first appeared as Whitehead, A. (2003) *Failing Women, Sustaining Poverty: Gender in Poverty Reduction Strategy Papers*. Report for the UK gender and development network: http://www.sarpn.org/documents/d0000428/P376_Gender_PRSP.pdf

Outputs can be supplied by the University on request.

4. Details of the impact

The impact derives primarily from the research and analytical critique of dominant approaches to land policy that Whitehead published with Tsikata (2003), and developed further in Whitehead (2009) [see Section 3, R2]. These have influenced international policy debates and the formulation of most major global organisations, whether reflecting on gender, land and agriculture [see Section 5, C1, C3, C4 and C5], or on gender and development more widely (e.g. in informing the World Bank's World Development Report [C2]). In addition, the findings from the research were taken forward in Ghana by Tsikata, where Sussex's collaboration was used to achieve substantial development-policy impact.

The central arena of impact has been in legal reform concerning land. For example Whitehead's research is cited as a central analytical and evidential component in the International Development Law Organization's Community Land Titling initiative [C1]. This intergovernmental organisation

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offers legal expertise, resources, tools and professional support to governments, multilateral partners, and civil society organisations. Whitehead's analysis of the challenges of informal justice systems to advance the women's rights is cited in their programmatic summary (2013) *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment* [C1].

Similarly, Whitehead's analysis of the potential pitfalls of decentralised land institutions for gender-equitable participation and representation became incorporated into the UN FAO's policy deliberation, initially via their analysis of *Statutory Recognition of customary Land Rights in Africa* (pp. 28–33) [C3] and, through this, becoming incorporated into their (2013) technical guide *Governing Land for Women and Men: A Technical Guide to Support Achievement of Responsible Gender-Equitable Governance Land Tenure* [C3]. The critique also fed into the *European Report on Development* through a preparatory paper addressing land-based investments for food, fuel and other agricultural commodities, and ways to strengthen local land rights [C4].

As Whitehead's analysis not only addresses and reframes understandings of gender and land, but sets this within wider questions of poverty and land, her work has also been influential in relation to policies making or advocating changes in legislative practice to make justice more accessible to the poor generally; to poor men as well as poor women. This aspect of her research was significant to the World Bank's 'Justice for the Poor' (J4P) programme in Kenya, for example, with the potential for land registration to undermine women's land rights informing their *Assessment of Women's Access to Land Rights in Agricultural Communities in Kenya* [C5].

The significance of Whitehead's work is visible in national deliberations in several sub-Saharan countries, for example in the Bank of Namibia's deliberations on 'Unlocking the Economic Potential of Communal Land,' where her work evidenced the problems for women of its land titling [C6].

The impact of Whitehead's research can be discerned not only in general policy, but also in programmes implemented to improve the lives of the poor and marginalised. For example, a World Bank Evaluation [C7] provides clear evidence and insight into the way in which Whitehead's research transformed the somewhat fraught 'Ghana Land Administration Project' (<http://www.ghanalap.gov.gh/>). This project had as a mission to strengthen 'land administration and management ... through ... appropriate land administration laws and regulations, capacity building for Land Sector Agencies, Land Owners and relevant NGOs, and streamline business procedures within the Land Agencies'. It began with a focus on land titling, generating the problems anticipated in Whitehead's analysis. When it was restructured in 2008, however, the mix of activities was altered, in particular to include a small-grants programme, to promote civil-society participation in local land administration, advocacy and debate on land issues. As the World Bank (2013) evaluation put it, 'This was a belated concession to the counterweight lobby: those who had advocated early on for developing institutions outside the chieftaincy orbit', citing Whitehead and Tsikata (2003) [C7]. Whitehead and Tsikata had persistently questioned the project for threatening women's land access (and that of the poor) and Tsikata had since become a member of the ISSER (University of Ghana) team implementing a research and dissemination workshop programme for the Land Administration Project (LAP). By 2013 there were at least 25 small grants funding civil-society organisations that supported the rights of the poor and marginalised and, drilling down further, one of these civil-society organisations had addressed some of the failings [C8].

Given that Whitehead's research was very directly questioning World Bank land policy in general, and in Ghana, this change in project policy is all the more significant. It is notable that later World Bank outputs cite Whitehead's broader critique of neoliberalism in their deliberations and policy on Gender and Development in their World Development Report for 2012 [C2].

5. Sources to corroborate the impact

C1 On the IDLO's 'Community Land Titling initiative', see e.g. their work on Uganda, Liberia and Mozambique at www.ssauganda.org/uploads/Protecting%20community%20lands.pdf. On IDLO programmatic output, see *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment*, <http://www.idlo.int/Publications/Women-AccessstoJustice.pdf>

- C2** Citation 11 in *World Bank Development Report, Gender Equality and Development* (2012: 202) <http://books.google.co.uk/books?id=7Xo2yNmgrbkC&pg=PA252&lpg=PA252&dq=%22The+Gendered+Impacts+of+Liberalization+policies+on+African+Agricultural+Economies+and+Rural+Livelihoods%22&source=bl&ots=wGTklv3TxY&sig=rcEEIzQIarHFTZXVmRWQGTtFuc0&hl=en&sa=X&ei=9ztuUrrsFcSV0AWzplCgCw&ved=0CC4Q6AEwAQ#v=onepage&q=whitehead&f=false>
- C3** On UN Food and Agriculture Organisation policy deliberation, see Knight, R.S. (2010) *Statutory Recognition of Customary Land Rights in Africa: An Investigation into Best Practices for Lawmaking and Implementation*. FAO Legislative Study 105 [for the Development Law Service, pp. 28–33. FAO legal office], <http://www.fao.org/docrep/013/i1945e/i1945e01.pdf>. On the use of Whitehead's work in programmatic best practice, see p. 54 of UN FAO (2013) *Governing Land for Women and Men: A Technical Guide to Support Achievement of Responsible Gender-Equitable Governance Land Tenure*. <http://www.fao.org/docrep/017/i3114e/i3114e.pdf>
- C4** On the *European Report on Development*, see the preparatory paper Cotula, L. and Polack, E. (2012) 'Land tenure and agricultural investment: investing in local tenure security for inclusive and sustainable development', IIED, 11–12, informed by Whitehead's analysis (in bibliography, but not referred to directly) http://erd-report.eu/erd/report_2011/documents/dev-11-001-11researchpapers_cotula-polack.pdf
- C5** On 'Justice for the Poor' (J4P) see, e.g., their *Assessment of Women's Access to Land Rights in Agricultural Communities in Kenya*, pp. 2–3, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/01/15/000333038_20100115005527/Rendered/PDF/526740WP0P11101on1Harrington1Chopra.pdf
- For Whitehead and Tsikata's work infusing current World Bank deliberations and policy on Gender and Development, see also, for example, a paper by M.O. Odeny (of the wonderfully named 'Jet Set Consultants' and the Expert Land Policy Initiative) for the Annual World Bank Conference on Land and Poverty (2013) on 'Improving access to land and strengthening women's land rights in Africa', which cites Whitehead, and repeats her analysis in the final paragraph of its conclusion (but not cited). <http://www.conftool.com/landandpoverty2013/index.php?page=browseSessions&presentations=show&abstracts=show&search=Odeny>
- C6** On Bank of Namibia's deliberations on 'Unlocking the Economic Potential of Communal Land' see Bank of Namibia, symposium (2012) <https://www.bon.com.na/CMSTemplates/Bon/Files/bon.com.na/7d/7dafdec3-24a1-4817-902a-c4a686f57489.pdf>
- C7** On the World Bank Evaluation of the 'Ghana Land Administration Project' (and the 25 small grants supporting civil-society organisations supporting the rights of the poor and marginalised, see *Project Performance Assessment Report*, Ghana Land Administration Project (Credit No. 3817 Project ID P071157), June 2013 http://ieg.worldbank.org/Data/reports/PPAR-75084-P132252Ghana_Land_Administration.pdf Section 2.18; see also Section 1.3, 2.7 and p. 47. On the Ghana project in general, see <http://www.ghanalap.gov.gh/>
- C8** On examples of those small grant programmes, see, e.g., <http://www.mwananchi-africa.org/storage/SSG%20Newsletter%204th%20edition%20.pdf>