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Harnessing Synergies for Implementation and Monitoring Impact**

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**AN INTRAHOUSEHOLD ANALYSIS OF ACCESS TO AND CONTROL OVER LAND  
IN THE NORTHERN PROVINCE, RWANDA**

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**Abstract**

We assess the extent to which Rwanda's progressive legal framework has eliminated gender-based discrimination in access and control over land by taking a nuanced look at women's ability to make land-related decisions and at the factors that affect their decision-making power. Our findings indicate that in Rwanda women's involvement in land-related decisions at the household level varies considerably depending on their marital status, their age, their husbands' knowledge of women's rights to land, and community-level perceptions of the extent to which women's land rights are mediated by their husbands and kin. Our findings also show that women have very limited say when it comes to bequeathing land.

**Key Words:** women rights, land rights, decision-making, Rwanda.

## **1. Introduction**

It has been widely acknowledged that in most African countries, customary laws and practices toward how land can be used, managed, and transferred discriminate against women (ACORD, Oxfam and Action Aid, 2012). While some women may be able to overcome these obstacles with the assistance of their husbands, parents, brothers, or sons, field observations from around the world overwhelmingly suggest that women cannot always gain access to resources through their male relatives and that this male-mediated access to resources, even when it exists, leaves women in a more vulnerable position. (USAID, 2011; Fletschner, 2009).

The gap between women's and men's secure and direct access to resources, including land, has a negative impact on women's productivity, on the income women can generate, on women's social status and on women's ability to influence household and community decisions. Data from Africa, Asia, and Latin America show that this affects women's participation in household decision making (Field, 2003; Datta, 2006), household production, agricultural output and income (Fletschner, 2008; Allendorf, 2006; Deere et al., 2005; Quisumbing, 1996), household food expenditures (Katz and Chamorro, 2002; Quisumbing and Maluccio, 2002), and expenditures on food and education for children (Doss, 2005; Katz and Chamorro, 2003).

In an effort to address these and other concerns, the African Union adopted the continent-wide Framework and Guidelines on Land Policy to inform land policies of member states (African Union, 2009). The African Union framework and guidelines explicitly recognize the existence of gender discrimination in ownership and control of land resources as well as the need to strengthen women's land rights. Consistent with these efforts, over the past two decades, several governments in the region have revamped their Constitutions, land or property rights laws, and family codes to grant women equal rights under the law or to include positive action-oriented provisions to advance and secure women's rights over land.

Rwanda is an important example of these efforts with its 2003 Constitution, a 2004 National Land Policy (NLP), a 2005 Organic Land Law (OLL), and its ambitious Land Tenure Regularization (LTR) Program to formalize the land rights of men and women in the entire country by regularizing 11 million parcels. It is easy to see why Rwanda stands out for its impressive, inclusive, and gender-sensitive efforts to formalize rights to land. Still, to the extent that some of the new provisions challenge customs and norms, their full impact might be limited unless they are accompanied by carefully tailored complementary interventions.

In this paper, we take a step back and use intrahousehold data from husbands and wives to examine the extent to which women in Rwanda have access and control over land. We do this by analyzing women's involvement in their households' land-related decision-making. We first look at how women's decision-making varies by type of decision, we then look at how it compares to men's and explore differences by type of household; and, we end by using statistical tools to better understand the host of socio-economic factors that are related with women's involvement in these decisions.

Our findings indicate that in Rwanda women's involvement in land-related decisions at the household level varies considerably depending on their marital status, their age, their husbands' knowledge of women's rights to land, and community-level perceptions of the extent to which women's land rights are mediated by their husbands and kin. Our findings also show that women have very limited say when it comes to bequeathing land. Based on this evidence and building on experience elsewhere, we conclude the paper with legal, policy and programmatic recommendations to strengthen women's access and control over land.

## **2. Women's land rights in Africa**

As mentioned above, in the couple of past decades several countries in the region have introduced substantial legal reforms and, in the process, strengthened women's formal rights to land. Examples of these legal reforms include:

In Kenya, the 2010 Constitution addresses women's plight to land ownership and creates the necessary legal and institutional framework to ensure full realization of women's right to land and other related resources. Ghana's 1992 Constitution prohibits sex-based discrimination and prejudice and requires the state to guarantee the ownership of property and the rights of inheritance of all. In Uganda, the 1995 Constitution provides for equality between men and women, including in respect to the acquisition and holding of land. And in Malawi, the 1995 Constitution grants women equal legal capacity to enter into contracts and acquire and maintain property rights, regardless of their marital status. Similarly, the constitutions of countries such as Zimbabwe, Zambia, Swaziland, Namibia and South Africa have similar clauses prohibiting gender-based discrimination or granting equal protection and equal rights to women and men.

There have been considerable improvements in family and succession laws as well. For instance, Ghana's Intestate Succession Law of 1985 eliminates discriminatory norms against women; Tanzania's Marriage Act of 1971 grants men and women equal rights under the law; and Ethiopia's Revised Family Code of 2000 grants spouses equal rights in the management of the family and creates the presumption of

common property upon marriage that provides the basis for requiring consent for property transfers, including those under de facto unions lasting three years or more.

In terms of laws regulating land or property rights, some gender-sensitive improvements include: Tanzania's 1999 Land Law guaranteeing men and women equal rights to buy, own, use and transact land; Sierra Leone's 2007 Devolution of Estate Act which repealed and replaced a law that discriminated against women; and the Land Acts enacted in Kenya in 2012 that includes promising provisions such as spousal consent in land transactions, equal recognition of men and women, and co-ownership.

Lastly, countries like Tanzania have also attempted to safeguard women's land rights by ensuring female representation in land administration bodies whether by direct elections, by appointing special seats, or by affirmative action.

Despite all these progressive regulations, a number of legal hurdles remain. For instance: while Ghana's Intestate Succession Law grants equal rights of succession to all children of the intestate, the law has been weak in protecting the land rights of women who are unmarried and of childless widows (Runger, 2006). Furthermore, the coexistence of different systems of land administration and regulation has made it difficult for women to claim their rights (Runger, 2006). Or Uganda, a country with progressive laws and policies related to women's land rights that have had very limited impact because they have yet to be fully implemented (Odeny, 2013).

### **3. The case of Rwanda: Context**

Both Rwanda's Constitution and its Organic Land Law now prohibit discrimination on the basis of sex. The National Land Policy and the OLL, both designed to improve tenure security through land registration, facilitate the development of an equitable land market and promote the sustainable use of land, contain key articles of relevance to securing women's rights to land. Of particular importance is Art. 4 which states that "any person or association with legal personality has the right over land" and that "any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land" (Daley et al., 2010, p: 4). This, coupled with the Matrimonial Regimes, Liberties and Succession Law (MRLSL) of 1999 establishing equal inheritance rights to land for men and women, suggests that in Rwanda women's rights to land are fully protected.

Yet, as was the case in other countries in the region, there have been some important challenges. Namely, that Rwanda's Constitution recognizes only monogamous civil marriages, leaving women who are in

cohabiting relationships or are members of a polygamous household at a disadvantage. In fact, the Constitution, the MRLSL and the OLL all reflect a clear legal dichotomy between those in legal marriages and those living outside them. To further complicate the situation, an initial mistranslation of the Kinyarwanda version of the law, resulted in legal text in English stating that husbands and wives shall have equal rights to land when it should have said that men and women should have equal rights to land. Given the restrictive definition of husband and wife, this initial error is presumed to have affected under whose names were titled in cohabiting and polygamous households, possibly leaving women at a disadvantage.

Finally, in the context of land rights formalization, community perceptions of the source of land rights shift between customs and laws, and without information on what rights are granted by law, communities are likely behave according to their customs. Because in Rwanda it is the laws, and not custom, that ensure women's equal rights to land, without adequate legal information to guide behavior and decisions, women could stand to lose the rights they have gained through the formalization process (Scalise and Giovarelli, xxx).

Our study aims to assess whether and to what extent this progressive framework has helped bridge the gap between women and men's ability to exercise their rights to land. And, understanding that the job has not been completed, we also identify evidence-based recommendations that can help fill this gap.

#### **4. Methodology**

Arguably, one could assess the extent to which Rwanda's progressive legal framework has eliminated gender-based discrimination in access and control over land by taking a nuanced look at women's ability to make land-related decisions. More specifically, to what extent are rural women involved in decisions on how their households' land is used—for subsistence cultivation, for agricultural production, or to be rented, sold, or offered as collateral—and on how the associated proceeds are allocated.

Due to Rwanda's high population density, extreme land fragmentation, and history of xxx, land holding households often operate more than one plot of land. But household members' access and control over these plots is not uniform. In fact, legal regulations, social norms, and intrahousehold dynamics combine to determine who can exercise rights over which plots. More specifically for our inquire, women's ability to influence plot-specific decisions may be affected by whether or not they have a husband, whether there are multiple wives, or whether their marriage is legally recognized.

#### **4.1. Sample design**

By design, our sample is restricted to households who own land. The average household in our sample has 0.68 hectares, fragmented into 3.7 plots. While all households in our sample have land, their members' ability to access land or influence decisions may vary by plot. Equivalently, within a given household, individuals may differ in the share of household land that they can use or over which they can exercise decision-making power. By comparing information about the husbands and wives in the same households we can do a gendered analysis that accounts for intrahousehold dynamics. Given the legal, social and family dynamics at play, we can further refine our analysis by stratifying our sample according to the type of households (monogamous households in which the couple is legally married, monogamous households in which the couple is cohabiting, and polygamous households).

Within each type of household, we selected households randomly. In the monogamous households we interviewed the husband and the wife. In the polygamous households we interviewed the husband, the first wife ("senior wife") and one additional wife ("junior wife"). Respondents within the same household were interviewed simultaneously, separately, and privately to make sure they did not influence each other's responses.

#### **4.2. Decision-making variables**

The survey questionnaires modules on their participation during the land tenure regularization (LTR) process, their participation on an LTR awareness-raising pilot, their perceptions of their tenure security and the land disputes they have encountered, but this study focuses on data concerning demographics, educational attainment, awareness of their rights to land, and plot-level self-identified primary land-related decision-makers.

We considered the following decisions: a) How the plot is going to be used; b) Who makes decisions about what crops to sell; c) Who keeps the money from the sales of the crops; d) Who can sell the plot; e) Who makes decisions on how to spend the money from selling the plot; f) Who can rent out the plot; g) Who makes decisions on how to spend the money from renting out the plot; h) Who can offer the plot as collateral; and, i) Who can decide who inherits the plot.

To construct the decision-making variables that are core to our analysis we followed these steps:

- i) We asked each husband to list his household's plots. For each plot, we then asked him to report the plot's size and to indicate who makes each of the land-related decisions outlined above.

- ii) We asked each wife to list her household's plots, to report the size of each plot and, using the same set of land-related decisions, to indicate whether she is involved in making each of those decisions for that plot.
- iii) We matched the information provided by husband and wife(wives) to calculate the household's land holding.
- iv) We used the decision-making information provided by the husband to calculate the share of household land over which each member of the household could make decisions.
- v) For plots that the husband had neglected to mention, we supplemented this calculation with the decision-making information provided by the wife(wives).

Please note that we do not distinguish between individuals who can make decisions by themselves and those that are joint decision-makers. As such, it is possible, for example, that in a household where all decisions are made jointly by husband and wife(wives), each person will appear to have decision-making power over 100% of their household's land.

### **4.3. Data**

We surveyed 255 men and 340 women from 255 households in 4 cells of the Musanze District, in Northern Rwanda. The sample distribution and descriptive statistics are provided in Tables A1 and A2 in the appendix. We chose this area because it has one of the highest population density in the country and households' livelihood and agriculture production are severely constrained by the resulting land pressure.

In preparation for the analysis that follows, Table 1 provides a statistical profile of respondents' ability to access their households' land, to work on it, and to perceive it as theirs, recognizing that these profiles are likely to differ by type of household. It is important to note that these households vary greatly in terms of their overall land endowment: legally married monogamous (LMM) households hold an average of almost 70 acres, cohabiting monogamous (CM) households hold less than half of what their LMM peers do, and polygamous households hold, on average, 65% more land than LMM households.

**Table 1. Respondents' access, ownership, and use of household land by type of household<sup>1</sup>**

| <b>Legally Married Monogamous</b> (average household land holding: 69.15 acres) | Wife           | Husband        |         |
|---|----------------|----------------|---------|
| Share of household land that s/he can access due to:                            |                |                |         |
| Inheritance   | 12%            | 50%            |         |
| Marriage  | 48%            | 5%             |         |
| Purchase  | 21%            | 19%            |         |
| Share of household land s/he works on   | 89%            | 81%            |         |
| Share of household land that s/he perceives as hers/his                         | 84%            | 92%            |         |
| <br>  |                |                |         |
| <b>Cohabiting Monogamous</b> (average household land holding: 28.03 acres)      | Wife           | Husband        |         |
| Share of household land that s/he can access due to:                            |                |                |         |
| Inheritance   | 14%            | 61%            |         |
| Marriage  | 63%            | 5%             |         |
| Purchase  | 12%            | 10%            |         |
| Share of household land s/he works on   | 84%            | 80%            |         |
| Share of household land that s/he perceives as hers/his                         | 82%            | 91%            |         |
| <br>  |                |                |         |
| <b>Polygamous</b> (average household land holding: 114.01 acres)                | Senior<br>Wife | Junior<br>Wife | Husband |
| Share of household land that s/he can access due to:                            |                |                |         |
| Inheritance   | 5%             | 1%             | 44%     |
| Marriage  | 33%            | 28%            | 2%      |
| Purchase  | 5%             | 6%             | 21%     |
| Share of household land s/he works on   | 46%            | 36%            | 25%     |
| Share of household land that s/he perceives as hers/his                         | 41%            | 36%            | 79%     |

The data indicates that, unlike men, women rarely inherit land from their parents. For women, their husbands are the most likely avenue to access land. In fact, in monogamous households women appear to have acquired access to half of their households' land, or more, through marriage (48% for LMM and 63% for CM households, respectively). And while at 33% for senior wives and 28% for junior wives, these shares are noticeably lower in polygamous households, because polygamous households hold more land, the total amount of land polygamous wives access through marriage is comparable to that of LMM women<sup>2</sup>. In fact, both in relative and absolute terms, the women who are least likely to gain access to land through their partners are those in CM households—their households have less land and they themselves have access to a smaller share of it.

<sup>1</sup> These shares were calculated using the steps enumerated under section 4.2., except that in determining how respondents gain access to land we used their own (rather than the husbands') reports.

<sup>2</sup> Interestingly, there is perfect segregation between the plots that senior wives and junior wives reported accessing, indicating that polygamous households are in agreement on the plots that each wife is entitled to use.

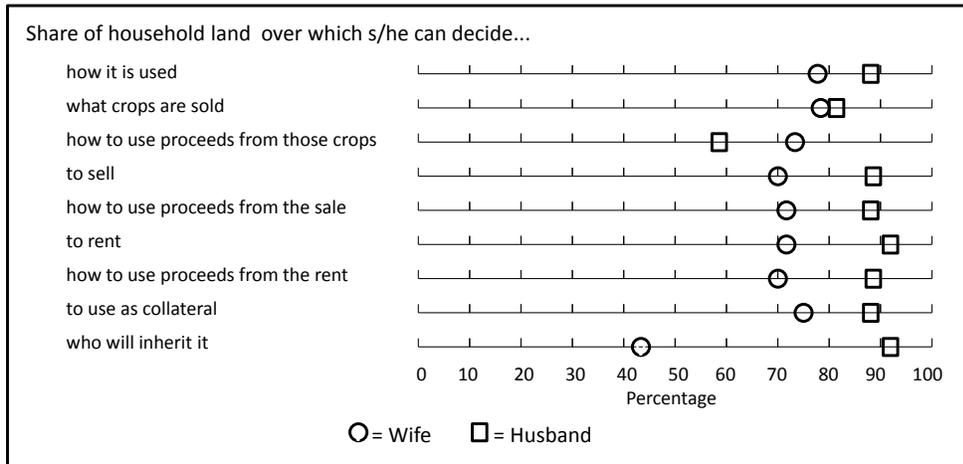
The information on respondents' allocation of their work suggests that monogamous couples tend to take a more collaborative, joint approach – husbands and wives both work on at least 80% of the household land. When it comes to ownership of land, monogamous families follow a similar pattern, if somewhat biased toward men: on average, women in monogamous families own between 82 and 84% of their households' land, while the equivalent numbers for men are 91% and 92%.

The allocation of labor in polygamous households, on the other hand, appears to be considerably more segregated, with wives working somewhat independently from each other (on 46% and 36% of their household's land)—a share of land close to what they perceive as their own—while husbands contribute work to a much smaller share of their households' land (25%), even though they report owning 79% of it.

### **5. Intrahousehold land-related decision-making**

To take a nuanced look at women's decision-making power, we need to assess whether women's decision-making power varies by type of decision, how it compares to men's, and whether it varies by type of household. A simple visual tool can assist these comparisons. In the graphs that follow, each row refers to a different type of decision. The lines represent the spectrum over which individuals can have decision-making power. At the extreme left, are individuals with no decision-making power whatsoever—they make decisions on 0% of their households' land. At the extreme right, are individuals who are primary decision-makers over their entire household's land holding—they make decisions over 100% of their households' land. We use a circle to denote the decision-making power of an average wife and a square for the equivalent figure for the average husband. As discussed, husbands and wives' relative decision-making power may differ by type of household and therefore we present three graphs: one for legally married monogamous households, one for cohabiting monogamous households, and one for polygamous households. In the latter, circles represent the senior wife and triangles denote the decision-making power of the average junior wife.

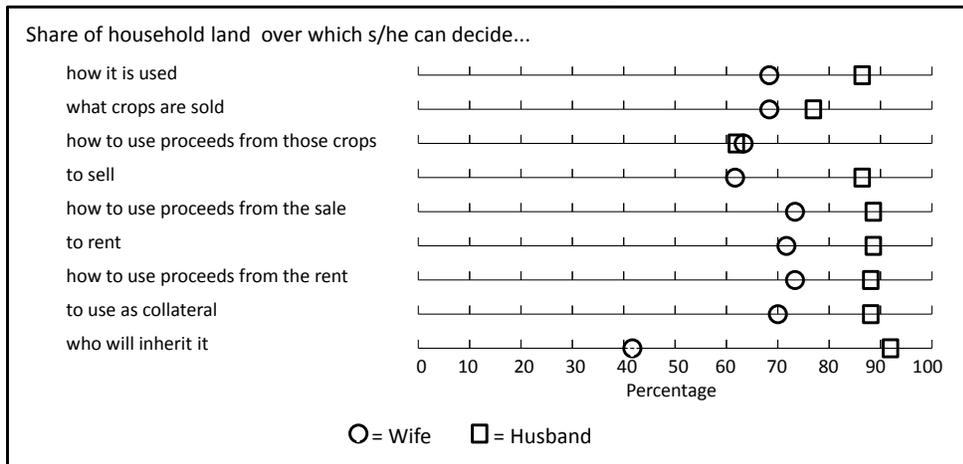
**Fig.1. Decision-Making over Land in Legally Married Monogamous Households**



As the circles in Figure 1 indicate, women in LMM households have considerable decision-making power: they are decision-makers over 70 to 80% of their households’ land for a wide range of decisions that vary in their frequency and their magnitude—from what the household will consume to whether to mortgage or sell land. While these numbers are clearly short of 100%, indicating that women do not possess full decision-making authority, it is important to note that neither do their husbands. The latter could be due to factors external to the household, to families living in an extended-family environment where others are the principal decision-makers, or to some degree of land segregation among spouses.

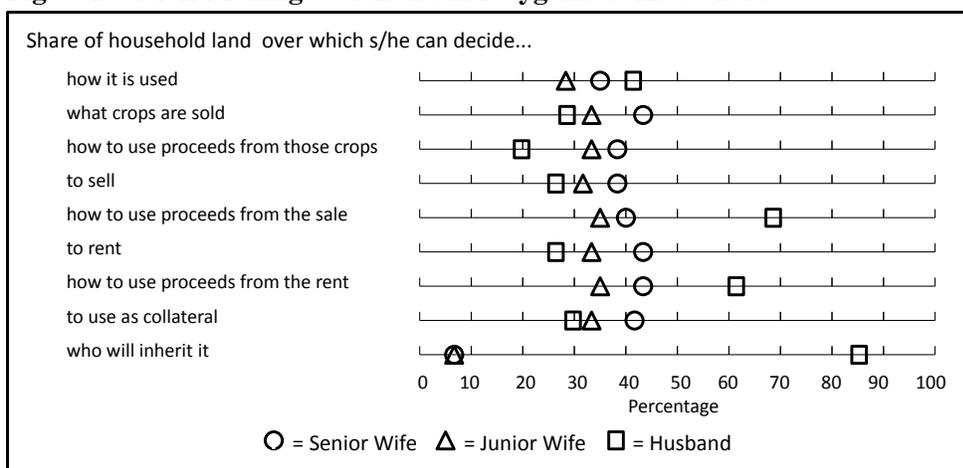
Still, with the exception of one decision, women have considerably less decision-making authority than their husbands. The gender gap is particularly alarming when one considers who in the household decides how land will be bequeathed. If, as the graph indicates, husbands are typically entrusted with the power to bequeath land, then husbands are more likely to benefit from the long-term security and benefits that accrue from the current and future “loyalty” of the perceived heirs. At the same time, women may find themselves in a vulnerable position since their rights to continuing accessing their households’ land can depend on their husbands’ good will, the strength of their marriage, and their husbands staying alive. Even if no bad outcome materializes, simply internalizing this norm places wives in a relatively weaker bargaining position vis-à-vis their husbands, in turn affecting their own wellbeing and their families’ overall welfare (Manser and Brown, 1980; McElroy and Horney (1981).

**Fig. 2. Decision-Making over Land in Cohabiting Monogamous Households**



Compared to their legally married peers, women who are cohabiting in monogamous households tend to have less decision-making power. In particular, the share of household land over which they can make periodic decisions on how the land is allocated, what produce is sold, and what to do with those proceeds is roughly 10% lower for women who are cohabitating than for those who are legally married. A similar gap appears in women’s ability to influence their households’ decisions to sell land. While women’s decision-making power appears to be affected by their marital status, the same is not true for their husbands who report similar involvement in decisions regardless of whether they are legally married or cohabiting. Finally, decisions that have to do with who inherits the land are still heavily dominated by the husbands.

**Fig. 3. Decision-Making over Land in Polygamous Households**



In polygamous households, women’s relative sphere of decision-making is noticeably smaller—across decisions, and particularly when it comes to making choices related to inheritance. On average, a senior

wife has decision-making power over 35% to 45% of the entire household's land holding, and a junior wife is likely to have a say over 5% to 10% less land, depending on the decision.

The exception is inheritance decisions, where both senior and junior wives' involvement is limited to an almost negligible 6% of the land. This is in sharp contrast with their husbands, who tend to make inheritance decisions on 85% of the household land.

While husbands retain decision-making strength for inheritance decisions, their relative say in other areas is considerably smaller. Husbands' involvement in decision-making varies by decision but is noticeably weaker (and weaker than their wives) when it comes to decisions related to selling crops, allocation of those proceeds, and whether to sell, rent or offer the land as collateral. Conversely, they have a relatively stronger involvement when it comes to decisions related to how to allocate the proceeds from renting or selling land.

To summarize, women tend to have less decision-making authority than men, but the pattern is not homogenous and, neither one tends to have decision-making authority over the totality of the household's land. In monogamous households, a larger share of the decisions appear to be made jointly—more decisions and over a larger share of the land holding. In contrast, polygamous households tend to operate in a more segregated fashion with senior and junior wives, and in some cases husbands, making decisions on separate plots.

It is important to note that while weaker in relative terms, i.e., compared to those in their household, spouses in polygamous households do operate on larger holdings and as such may not be weaker in absolute terms, i.e., compared to women and men in monogamous households. In fact, those in the weakest position appear to be women in monogamous cohabiting relationships. Their households tend to have smaller land holdings and they tend to have control over a smaller share of them.

Finally, across the board, and by far the strongest gender gap in decision-making has to do with decisions about who will inherit the land. In all cases, this decision is largely made by the husbands, perpetuating women's vulnerability and consequently women's ability to influence household behavior in the long term.

While this nuanced depiction of women's decision-making ability helps highlight areas of concern and can help prioritize interventions, in order to inform policy efforts to address these issues we must identify key factors associated with these outcomes and provide evidence-based suggestions for effective interventions. We turn to that next.

## 6. An econometric framework to analyze women's land-related decision-making power

We have already argued that a woman  $i$ 's ability to make decisions,  $WD_i$ , can vary with her marital status,  $MS_i$ . It is likely to also be affected by characteristics of her community,  $CC_i$ , characteristics of her household,  $HHC_i$ , characteristics of her husband,  $H_i$ , and her own characteristics,  $WC_i$ . Thus, to identify the extent to which each of these factors is associated with her decision-making power, we can estimate:

$$WD_i = \beta_0 + \beta_1 MS_i + \beta_2 WC_i + \beta_3 HC_i + \beta_4 HHC_i + \beta_5 CC_i + \epsilon_i \quad (1)$$

For the remainder of the analysis we have grouped women's decisions into three categories:

- *Usufruct Decisions* include decisions related the how land is used, which crops are sold, and how to use the proceeds from selling this produce.
- *Transaction Decisions* include decisions related to selling, renting or offering the plot as collateral and how to use the funds associated with these transactions.
- *Inheritance Decisions* refer to decisions related to who will inherit the land.

And estimate model (1) for each of these 3 types of decisions using OLS with errors clustered by household. Table 2 provides definitions and summary statistics for all the variables used and Table 3 summarizes the findings.

The average age for women is 41 and for men is 47. Close to half of the women are literate, but the literacy rate is almost 20% higher for their husbands. Households have an average of 0.74 hectares of land, of which only 0.05 had been inherited by women. Husbands answered correctly an average of 5.4 of the 7 questions they were asked on women's rights to land. Finally, according to the men's perceptions, women's vulnerability to lose land if their husbands die, abandon them or marry other wives is fairly low.

**Table 2. Description of variables**

| <b>Name</b>                      | <b>Definition</b>   | <b>Weighted Mean</b> |
|----------------------------------|---|----------------------|
| <b>Woman's Decision-Making</b>   |   |                      |
| Usufruct Decisions               | Share of household land over which she can make usufruct decisions  | 0.61                 |
| Transaction Decisions            | Share of household land over which she can make transaction decisions   | 0.60                 |
| Inheritance Decisions            | Share of household land over which she can make inheritance decisions   | 0.31                 |
| <b>Her Marital Status</b>        |   |                      |
| Cohabiting Monogamous            | Dummy that takes the value of 1 if the woman is in a monogamous cohabiting household  | 0.26                 |
| Polygamous                       | Dummy that takes the value of 1 if the woman is in a polygamous household   | 0.33                 |
| Junior wife                      | Dummy that takes the value of 1 if the woman is a junior wife   | 0.14                 |
| Brideprice                       | Dummy variable that takes the value of 1 if her husband paid her brideprice   | 0.69                 |
| <b>Woman's Characteristics</b>   |   |                      |
| Woman's age                      | Her age in years  | 40.70                |
| Woman's literacy                 | Dummy variable that takes the value of 1 if she can read and write  | 0.50                 |
| Dependents                       | Her number of dependents  | 2.04                 |
| Has a Son                        | Dummy variable that takes the value of 1 if she has at least one son  | 0.74                 |
| Her inheritance                  | Amount of land that she inherited (in ares <sup>3</sup> )   | 5.34                 |
| <b>Husband's Characteristics</b> |   |                      |
| Husband's age                    | Her husband's age in years  | 46.68                |
| Husband's literacy               | Dummy variable that takes the value of 1 if her husband can read and write  | 0.69                 |
| Husband's knowledge              | Her husband's level of knowledge about the LTR and women's land rights based on 7 questions with one point per correct answer   | 5.40                 |
| <b>Household Characteristics</b> |   |                      |
| Household land                   | Total household land holding (in ares)  | 73.86                |
| Very poor household              | Dummy variable that takes the value of 1 if the household is very poor, as determined by the enumerator   | 0.18                 |
| <b>Community Characteristics</b> |   |                      |
| Women's Vulnerability            | Husbands' answers to "how common is it for women to lose access to land when: their husbands die, their husbands abandon/divorce them, their husbands marry another wife or their relations with their kin break down?" This variable counted a 1 for every time they answered common or very common. The indicator can therefore range from 0 to 4, with 4 being the highest level of vulnerability. | 0.89                 |

## 7. Factors statistically associated with women's decision-making power

Usufruct decisions and transaction decisions are very different in nature—they vary drastically in terms of how often they are made and on the potential magnitude of their impact. Yet, as Table 3 indicates, the factors associated with women's ability to make the two types of decisions are remarkably similar. In short, women's decision-making ability to influence how land is used or transacted and how those proceeds are allocated depends mainly on their marital status, their age, their husbands' understanding of women's rights to land, and village-level perceptions of the extent to which women's rights to land are mediated by their husbands and their kin.

<sup>3</sup> An are is equivalent to 0.01 hectares.

**Table 3. Characteristics associated with women's land-related decision-making power. OLS results**

|                                  | Share of household land<br>over which women can make |                       |                       |
|----------------------------------|--|-----------------------|-----------------------|
|                                  | Usufruct Decisions                                   | Transaction Decisions | Inheritance Decisions |
| <b>Her Marital Status</b>        |  |                       |                       |
| Cohabiting monogamous            | -0.09*<br>(0.06)                                     | -0.00<br>(0.06)       | 0.00<br>(0.09)        |
| Polygamous household             | -0.39***<br>(0.05)                                   | -0.38***<br>(0.05)    | -0.42***<br>(0.08)    |
| Junior wife                      | -0.12***<br>(0.04)                                   | -0.11***<br>(0.04)    | -0.02<br>(0.04)       |
| Brideprice                       | 0.04<br>(0.04)                                       | 0.07*<br>(0.04)       | -0.04<br>(0.06)       |
| <b>Woman's Characteristics</b>   |  |                       |                       |
| Woman's age                      | -0.004*<br>(0.00)                                    | -0.01**<br>(0.00)     | -0.00<br>(0.00)       |
| Woman's literacy                 | 0.02<br>(0.04)                                       | 0.02<br>(0.04)        | -0.02<br>(0.06)       |
| Her dependents                   | 0.02<br>(0.01)                                       | 0.00<br>(0.01)        | 0.02<br>(0.02)        |
| Has sons                         | -0.03<br>(0.04)                                      | -0.02<br>(0.04)       | -0.08<br>(0.06)       |
| Her inheritance                  | -0.00<br>(0.00)                                      | -0.00<br>(0.00)       | 0.00<br>(0.00)        |
| <b>Husband's Characteristics</b> |  |                       |                       |
| Husband's age                    | 0.00<br>(0.00)                                       | 0.00<br>(0.00)        | 0.00<br>(0.00)        |
| Husband's literacy               | -0.02<br>(0.03)                                      | -0.03<br>(0.04)       | 0.03<br>(0.06)        |
| Husband's knowledge              | 0.07**<br>(0.03)                                     | 0.11***<br>(0.03)     | -0.00<br>(0.04)       |
| <b>Household Characteristics</b> |  |                       |                       |
| Household land                   | 0.00<br>(0.00)                                       | 0.000*<br>(0.00)      | 0.00<br>(0.00)        |
| Very poor household              | 0.01<br>(0.05)                                       | 0.01<br>(0.05)        | -0.03<br>(0.08)       |
| <b>Community Characteristics</b> |  |                       |                       |
| Women's vulnerability            | -0.04**<br>(0.02)                                    | -0.04*<br>(0.02)      | -0.03<br>(0.03)       |
| Constant                         | 0.51***<br>(0.19)                                    | 0.23<br>(0.22)        | 0.48*<br>(0.27)       |
| Observations                     | 301  | 301                   | 301                   |
| R-squared                        | 0.398  | 0.342                 | 0.197                 |

Notes: Standard errors in parentheses; \* p<0.1; \*\* p<0.05; \*\*\* p<0.01

Legally married women in monogamous households are the ones with the highest decision-making power. They do significantly better than those in cohabiting monogamous relationships. In contrast, women in polygamous households fair considerably worse and even more so if they are a junior wife. To put things in perspective, other things equal, an average junior wife is 51% less likely to make usufruct

decisions and 49% less likely to make transaction decisions than women who are in monogamous legal marriages. Finally, regardless of their marital status, women are in a stronger position if their husbands have paid brideprice. The latter may have to do with husbands publicly recognizing their wives' value.

Worryingly, unless affirmative measures are taken, the disparities in women's decision-making associated with their marital status may be magnified by the recent nation-wide land tenure regularization process. An evaluation of this process found that "*the land tenure regularization process appears to have worked against women who are not legally married. Perhaps due to a misinterpretation of the original letter and spirit of the law, the names of women who are not legally married are much less likely to have been recorded on land titles.*" (Santos et al, forthcoming: p:TBD)

Older women are also at a disadvantage and the hurdle is not trivial. For instance, a woman 20 years older is 20% less likely to make transaction decisions and 8% less likely to make usufruct decisions.

The more knowledgeable husbands are about their women's legal rights to land and about how the land tenure regularization process includes women, the more likely are their wives to have a say in land-related usufruct and transaction decisions. The improvement is substantial.<sup>4</sup>

Finally, social perceptions of women's land rights security matter considerably. In other words, the more the community believes that women's tenure security is tied to the conditions of their marriages and them being in good terms with their kin, the weaker is women's involvement in making decisions about their households' land. We realize that an indicator based on male perceptions may be affected by a gendered bias. However, men's opinions are likely to shape community norms since field experience and the data presented earlier point to men as influential decision-makers.

It is important to note that, perhaps surprisingly, literacy is not associated with more decision-making power and that a woman's involvement in land-related decisions is not affected by the number of children she has or by their gender, nor does it vary with households' overall wealth or with the amount of land she inherited.

Finally, women's ability to make land inheritance decisions does not follow the same pattern. In fact, except for the fact that women's decision-making sphere is remarkably smaller in polygamous households, the extent to which women can bequeath land does not improve by being legally married, nor

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<sup>4</sup> While we would have liked to also include a proxy for women's knowledge of their rights to land, including the variables for which we do have data biases our estimates. For this reason, we opted for not including these variables. We should note, however, that we found a positive and statistically significant correlation between husbands and wives' knowledge of women's land rights. As such, we could interpret the results as signaling that knowledge of women's land rights is important not just for the husbands but also for the wives.

does not vary with age, education, wealth, her husband's knowledge or even her community perceptions of women's vulnerability.

## **8. Recommendations**

Our findings indicate that women's involvement in land-related decisions at the household level varies considerably depending on their marital status, their age, their husbands' knowledge of women's rights to land, and community-level perceptions of the extent to which women's land rights are mediated by their husbands and kin. The findings also show that women have very limited say when it comes to bequeathing land.

This findings suggest the need for a multi-pronged strategy that ensures women's rights to land are protected under the law, regardless of their marital status, that these rights are implemented and enforced, that communities—regular women and men, as well as service providers, government officials, community leaders, and dispute-resolution bodies—are fully aware of these rights, and that communities engage in processes designed to induce gender-sensitive social change.

More specifically, these interventions should include public campaigns, sensitization and capacity building activities, legal awareness programs, grassroots level behavioral-change campaigns, and community dialogues where government officials, cultural leaders, service and legal-aid providers, dispute resolution authorities, and regular men and women understand that:

- Rwanda's legal framework emphasizes gender equality, that the Organic Land Law prohibits sex-based discrimination in ownership and possession of land, and that its provisions do not consider marital status.
- There is a considerable gap between the provisions of this gender-progressive statutory framework and the situation that most rural women experience in practice.
- That while this gender-gap hurts women directly, it also has negative repercussions on their families and their communities.
- That eliminating this gender-gap is possible and how it can be done.

For successful examples of this type of interventions see the awareness-raising campaign implemented by CARE and local partners in the Musanze district of Rwanda to enhance land tenure regularization efforts with socially-inclusive activities that raise awareness, promote public dialogue, and build local capacity (Santos et al., forthcoming), or a project to improve access to justice in the Mau Forest, in Kenya, by targeting key agents of change in the

community (women, youth, elders and chiefs) and building their capacity through a combination of awareness-raising activities, facilitated community dialogues, and helping elders understand how they fit in and connect with the formal justice system (Santos and McClung, 2013).

However, Rwanda's legal framework still discriminates against traditional marriages by recognizing only civil monogamous marriages. As such, women in cohabiting monogamous relationships or those in a polygamous arrangement are not entitled to the same rights as women who are legally married. A partial way to address this problem would be to require that transfers of land require the consent of cohabiting partners and that both names be recorded in land documents and records. A broader, more sweeping measure, would be to consider amendments to the MRLSL that align with the non-discriminatory spirit and letter of the Constitution and the OLL by providing legal rights to property to partners who have been cohabiting for a certain period of time. Alternatively, the Government of Rwanda could consider ensuring that land-related procedures presume partners' co-ownership of land. Finally, our study is based on data gathered after Rwanda's legal reform but before the land tenure regularization process had been fully completed. It would be helpful to assess what difference the LTR program made and to continue to monitor these indicators over time. Ultimately, the strategic collection of sex-disaggregated data is essential to provide evidence-based guidance to policy and programmatic interventions aimed at reducing the gender gap in land rights and how those rights are implemented in practice.

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## Appendix

**Table A1. Sample distribution**

| Household Type     | Household | Husband | Wife /<br>Senior Wife | Junior<br>Wife |
|--------------------|-----------|---------|-----------------------|----------------|
| Legally monogamous | 85        | 85      | 85                    | n/a            |
| Cohabiting         | 85        | 85      | 85                    | n/a            |
| Polygamous         | 85        | 85      | 85                    | 85             |
| Total              | 255       | 255     | 255                   | 85             |

**Table A2. Descriptive statistics by type of household**

|   | Legally<br>Married<br>Monogamous<br>Households | Cohabiting<br>Monogamous<br>Households | Polygamous<br>Households |
|---|--|--|--------------------------|
| % of households that are very poor          | 0.18   | 0.28                                   | 0.12                     |
| % of husbands who are literate              | 0.72   | 0.70                                   | 0.67                     |
| % of wives or senior wives who are literate | 0.56   | 0.71                                   | 0.20                     |
| % of junior wives who are literate          |  |  | 0.34                     |
| Average age for husbands                    | 42.85  | 30.78                                  | 57.12                    |
| Average age for wives or senior wives       | 40.30  | 27.67                                  | 53.75                    |
| Average age for junior wives                |  |  | 47.54                    |