



Chronic Poverty
Research Centre

Inheritance and the intergenerational transmission of poverty

Workshop Report

*Inheritance and the Intergenerational Transmission of
Poverty*, Overseas Development Institute, London 11
October 2010.



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The **Chronic Poverty Research Centre** (CPRC) is an international partnership of universities, research institutes and NGOs, with the central aim of creating knowledge that contributes to both the speed and quality of poverty reduction, and a focus on assisting those who are trapped in poverty, particularly in sub-Saharan Africa and South Asia.

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Overview¹

This report summarises the contents of a one-day international workshop on inheritance and the intergenerational transmission of poverty which took place at the Overseas Development Institute (ODI) on 11 October 2010 and was co-hosted by ODI and the Chronic Poverty Research Centre (CPRC). The workshop presented new empirical research commissioned by the CPRC to an invited audience of researchers and representatives of civil society and international development agency staff. Its aim was to explore the role of asset inheritance in the intergenerational transmission of differential levels of wealth and poverty, to better understand the mechanisms underpinning transmission and to identify ways in which policy and interventions can support equity in asset inheritance.

Workshop Schedule and Report Contents

Opening Session	
Andrew Shepherd (CPRC Director/ ODI Research Fellow)	Opening Remarks
Kate Bird (CPRC/ ODI Associate)	Asset inheritance and the intergenerational transmission of poverty. (presentation)
Elizabeth Cooper (Oxford University)	A five country study of inheritance policy in Sub-Saharan Africa. (presentation)
Q&A	
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Jessica Espey (Save the Children)	Girls, assets and entitlements. (presentation)
Cheryl Doss (Yale University)	Marital Regimes and Asset Inheritance in Uganda. (presentation)
Ruth Evans and Caroline Day (University of Reading)	Conceptualising stigma, gender and generational inequalities in asset inheritance and the intergenerational transmission of poverty for women with HIV and young people with caring responsibilities in Tanzania and Uganda. (presentation)
Discussant (Andrew Shepherd , CPRC and ODI) and Q&A	
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Amber Peterman (IFPRI)	Widowhood and asset inheritance in Sub-Saharan Africa: evidence from 15 countries. (presentation)
Neha Kumar and Agnes Quisumbing (IFPRI)	Inheritance, Legal Reform, and Gender Differences in Poverty and Well-Being in Rural Ethiopia. (presentation)
Discussant (Steve Wiggins , ODI) and Q&A	
Session 4	
Carolyn Lesorogol and Gina Chowa (Washington University & University of North Carolina, Chapel Hill)	Livestock or the pen: Is education a route out of poverty for pastoralists? (presentation)
Fati Alhassan (Grassroots Sisterhood Foundation)	How Ghana's Grassroots Sisterhood Foundation and the Huairou Commission support equitable inheritance. (presentation)
Robert Miller (Queens University)	Inheritance and poverty exits in Kenya. (presentation)
Discussant (Angela Langenkamp , GTZ) and Q&A	
Closing session	
Meryem Aslan (UNIFEM/UN Women)	Closing remarks
Kate Bird (CPRC/ ODI Associate)	Thanks

¹ Many thanks to Jonathan Hazell for his work in drafting this report.

Introduction: Andrew Shepherd (CPRC Director/ ODI Research Fellow)

The Chronic Poverty Research Centre (CPRC) is in the process of identifying a set of key issues for policymakers on chronic poverty and is exploring issues related to assets and vulnerability, social protection and the way markets function. There is a broad recognition that assets are vital in preventing and escaping poverty, and yet only recently has attention been paid to how assets are transferred within and between generations through inheritance.

This workshop is timely with a growing policy focus on the significance of inheritance. The outcome document from the recent UN General Assembly on the Millennium Development Goals (September, 2010), highlighted the importance of inheritance for achieving gender equality (MDG3) through the promotion and protection of women's equal access to land. "Promoting and protecting women's equal access to adequate housing, property and land, including rights to inheritance, and enabling them to secure access to credit through appropriate constitutional, legislative and administrative measures..." This international policy focus is reflected in emergent national policies but many processes of policy development are happening without research so there is an opportunity and a need to link research with policy in promoting equitable inheritance so as to limit the intergenerational transmission of poverty (IGT).

In some developing countries, inheritance has been included in policy reforms aimed at tackling gender inequality, but not yet in addressing wider the social barriers and structures such as caste and class that keep people poor for generations. The chronically poor need to see processes of social change that loosen and transform social orders. Moreover policy reforms aimed at enhancing asset possession through inheritance must also enable asset utilisation through asset protection/ insurance and participation in markets if they are to be effective.

The CPRC focuses on inheritance from a chronic poverty and poverty dynamics perspective – how does inheritance influence the processes of impoverishment and escape i.e. upward and downward social mobility. These processes are very significantly affected by distribution of resources within households as well as between. To be able to influence this positively, it is important to be able to answer questions like: at what stage do people inherit? Who are the winners and losers from different strategies? This workshop seeks to address some of these questions and thereby explore the link between inheritance and IGT.

Session 1

Chair: Robert Miller (Queens University, Belfast)

Speakers:

Kate Bird, CPRC/ODI Research Fellow, '[Asset Inheritance and the intergenerational transmission of poverty](#)' ([Presentation](#))

Elizabeth Cooper, Oxford University '[Property inheritance: Opportunities and challenges for pro-poor policies and practice in 5 Sub-Saharan African Countries](#)' ([Presentation](#))

Kate Bird's presentation provided an overview of the ways in which inheritance is linked to the intergenerational transmission of poverty (IGT) and argued that more equitable inheritance for women could break some of the cycles that lead to both childhood and lifelong poverty. She discussed policy options that could contribute to developing more equitable female access to assets.

Elizabeth Cooper drew on research carried out in 5 sub-Saharan countries to illustrate the importance of statutory and customary governance systems to determining inheritance outcomes for women. She highlighted that asset inheritances are implicated in many life events, not just death, and that local arbitration is often a significant determinant of the inheritance outcomes of these events. Based on this, she described recent initiatives in Kenya, Ghana, Mozambique, Rwanda and Uganda with potential for actualising pro-poor and gender equitable inheritance outcomes.

The first plenary discussion focused on the incidence of unregistered marriages and the ways in which legal reforms can benefit unregistered wives, what metrics might be used to assess progress towards more equitable inheritance and asset ownership, and whether positive discrimination in land contracts was the only way to address unequal women's inheritance.

[Asset inheritance and the intergenerational transmission of poverty \(presentation\)](#)

Kate Bird's presentation provided an overview of the ways in which inheritance is linked to the intergenerational transmission of poverty (IGT) and argued that more equitable inheritance for women could break some of the cycles that lead to both childhood and lifelong poverty. She discussed policy options that could contribute to developing more equitable female access to assets.

Kate highlighted that asset holdings both within and between groups are marked by inequality. Between group differences are associated with deeply-rooted social structures, while within group differences can be understood in terms of differential inheritance, education, investment, effort and luck. Between group differences can be addressed by land reform (static redistribution) or through dynamic redistribution in the form of taxation and public investment, while within group differences require different policy interventions. This conference and the research presented at it focused on one such policy lever: equitable inheritance. Norms and practices concerning inheritance can reinforce and consolidate within group differences by limiting the resources available at the household level to save, invest, accumulate and recover from shocks, all of which affect the likelihood of the poverty of one generation being passed on to the next.

Kate used the example of resilience and the ability to bounce back from negative events to illustrate this connection, with inherited assets potentially contributing to savings that provide protection in the case of unemployment and reduce the need for asset shedding and negative coping strategies that limit the long-term opportunities of children by (for example) removing them from education. This example also illustrates how the intergenerational transmission of poverty is not just about child poverty, but persistent poverty throughout the life-course. Whilst much of the research on IGT has focused on social factors e.g. education, and how these are related to lifelong poverty, there has been much less research on economic determinants. The research presented at this workshop aims to help fill that gap.

Assets and the inheritance of assets are linked to an individual's poverty trajectory. Life-long wealth and the likelihood of escaping poverty are associated with a household's initial conditions. The link between assets and social mobility is mediated by an individual's agency and their capability to mobilise their assets and realise their potential e.g. using them as collateral for formal sector borrowing. Whilst borrowing is obviously not a panacea, it does enable for income smoothing and investment. There is also an association between assets and improved investment in the next generation.

The most significant assets in the context of this research are land in rural areas and property in urban ones. Many of the papers presented focus on the link between asset inheritance and gender as the norms and practices that surround asset inheritance are often strongly gendered. Despite women being heavily involved in agriculture, only 1-2 % of individually-titled land around the world is owned by women and women rarely inherit or have independent rights to land. Women access land through their fathers, husbands, sons or brothers and their customary land rights have been eroded by changes in customary practice and the increased individualisation of households. Separation, divorce and widowhood are

associated with women losing access to land and women in customary marriages, polygamous marriages, younger women and women without any children (particularly sons) experience a higher risk of losing access rights to land after divorce or widowhood.

Some have argued that a lack of women's land ownership is not a problem as women can access land through male family members, who will meet their needs and those of their children. In fact, evidence shows that resources are often unequally distributed within extended families and women and children can be unfairly marginalised. This can contribute to the IGT of poverty as a woman's limited assets affects her children. The lack of women's independent asset ownership limits women's power within their household and in wider society and reduces their independent decision-making, access to credit, and agricultural productivity. This compromises women's well-being and limits the chances of future generations as women are not able to make the beneficial investment decisions that they would otherwise make - female-headed households have been shown to invest more in their children than male-headed households.

The nexus of norms and customary practices that surrounds women's asset ownership means that seeking to address these inequalities through inheritance law reform is likely to fail without changes to marriage and divorce laws. A lack of land and other assets limits woman's power within marriage and her ability to make decisions for herself and her children throughout married life. Women within customary and polygamous marriages typically have no rights at divorce, which again affects the balance of power within the conjugal contract e.g. women will stay in a marriage if divorce would mean losing her children.

Addressing these issues through policy reform is possible but has to be done carefully as well meaning reforms have had negative impacts e.g. land titling can mean women become worse off. Anti-discrimination legislation needs to take marriage and customary practice into account so as to close loopholes that enable inequitable outcomes. This will not be easy as customary practices are deeply entrenched, but legislative reform such as co-registration of land combined with customary practice reform can produce positive change. Achieving equality in inheritance and asset holding will therefore require multiple simultaneous reforms e.g. gender legislation, judicial change and customary practice reform.

[Property inheritance: Opportunities and challenges for pro-poor policies and practice in 5 Sub-Saharan African countries \(Presentation\)](#)

Elizabeth Cooper presented her research on 5 Sub-Saharan countries to illustrate the importance of statutory and customary governance systems in determining inheritance outcomes for women. She highlighted that asset inheritance is implicated at various points in the lifecourse, not just death, and that local arbitration is often a significant determinant of the outcomes of these events. Based on this, she described recent initiatives in Kenya, Ghana, Mozambique, Rwanda and Uganda with potential for actualising pro-poor and gender equitable outcomes.

Elizabeth's study was based on key informant interviews with non-governmental and governmental representatives as well as review of research and 'grey' literature and domestic laws affecting inheritance in Kenya, Ghana, Mozambique, Rwanda and Uganda. The results of this research are presented in a series of policy briefs published by the Chronic Poverty Research Centre in October 2010.

Inheritance comprises both a key policy opportunity and challenge. At significant life course transitions such as marriage eligibility and formalisation, birth, divorce, retirement and death, an individual's or group's accumulated physical assets - or rights of access to these assets - are distributed according to social conventions, personal preferences and potentially strategic designs. Advantageously, inheritance may be approached as a critical point at which policy can be directed to influence; inheritance events may be used as windows providing empirical vantages on which people are vulnerable, why and how. Difficultly, inheritance should also be conceptualised as a complex in its conflation of layers and contingencies of how rights and processes are rendered legitimate in society.

Inheritance conjures some of the most sensitive political economy questions in many Sub-Saharan African societies, including the status of women, land ownership and control, and the social legitimacy and capacity of statutory and customary systems of governance. This aggregate of divisive issues, as well as the long histories that have infused them, makes inheritance an extremely complicated and contentious public policy issue in many contexts.

While registering conspicuously as a complex issue of political economy, in practice inheritance is most often determined through highly localised and subjective interpersonal relations and processes. In many Sub-Saharan African contexts, inheritance distributions are not commonly done in a formally legalistic way, but rather through immediate and intimate interactions among family members. The personal nature of such distributive practices can easily introduce controversy, in that claims to property rights arise from many different justifications.

Despite important differences across and within this study's five countries, Elizabeth noted that there are several key commonalities in current approaches to inheritance policy and practice. Most commonly, inheritance has policy traction as a problem of women's disinheritance from property – and especially land - rights due to patriarchal customary practices.

A major vulnerability for inheritance rights experienced among the vast majority of women in the five study countries is their insecure recognition as spouses with rights to marital property, either during or after the period of marriage. This is true under customary as well as statutory systems of governance. Key issues related to this insecurity include:

Customary marriages and cohabitating arrangements may be informally entered or exited and therefore spouse status is contestable during inheritance disputes;

Customary marriages are rarely legally registered and therefore women cannot claim spouse status under statutory laws;

Statutory inheritance laws do not recognise cohabitating partners, and often don't make adequate provisions for polygamous wives; and

Statutory laws do not recognise a wife's contributions to the acquisition of marital property.

The gaps between statutory laws and customary practices has resulted in de facto policy making. For instance, in Rwanda, recent land titling exercises have encountered challenges in determining how to account for the rights of women living in cohabitating unions because the law only makes reference to spouses with registered marriages. The land title recorders have improvised, with different outcomes emerging in different places (i.e. some cohabitating women have had their rights to land recorded while others have not). These titles are important to safeguard future potential inheritance because land transfers can only be made with the consent of all individuals with registered interests in the land. Women whose interests in land holdings have not been recorded because they are not legally married will not be able to prevent the potential transfer of this land.

Despite governmental and non-governmental initiatives to raise awareness about the importance of formal marriage and registering marriages, registration rates remain low in the five study countries. Some of this is attributed to social stigma: women who seek to register their marriages may be regarded as mistrustful of, and uncommitted to, the strength of their marriages. Presently, Kenya, Uganda and Ghana are debating proposals for extending legal property rights to people in cohabitating unions without marriage registration. Significant opposition to these proposed laws exists among religious and customary leaders. Mozambique has extended some property rights to women in cohabitating unions that have lasted one year however these are not equal to rights in marriage.

The question of property and inheritance rights of women in polygamous marriages also remains unsatisfactorily treated in statutory laws. For example, in Ghana, where one of every five women aged 15-49 is in a polygamous union, the current inheritance law states the widow and children of the deceased will be tenants in common of one house and chattels. The draft new inheritance law proposes all wives share in equal portions 50% of the estate while all children share in equal portions 40% of the estate. Women's rights advocates are recommending that wives and children have rights to inherit and continue residing in houses with chattels that they lived during the deceased's life. Some are also lobbying for a formula that will provide greater portions of the estate to wives that have been married longer.

Customary systems of land governance are enshrined by the Constitutions of Ghana, Mozambique and Uganda. In these cases, the ideal is that traditional tracts of tribal, clan or lineage land is managed in shared trust, ensuring access to all members of the group. In Ghana, for example, only self-acquired, and not lineage land, is subject to governance by statutory inheritance laws. This underscores the importance to customary governance for safeguarding women's and children's inheritance.

There is much debate over whether customary systems of governance provide adequate protection of property rights of women and children. While local customary law adjudication is often male-dominated, some women have been found to prefer seeking adjudication of their inheritance claims with local leaders who may take extra-legal, personal matters into consideration. Nevertheless, it seems that consideration of extra-legal personal matters can cut either way depending on local circumstances.

Elizabeth summarised recent studies that indicate that specific women may be more vulnerable than others in local inheritance arbitration. A childless widow, and more specifically a widow who does not have a son, may be particularly vulnerable in retaining a claim to family land under customary law. Younger widows are reported to be more vulnerable than older widows to property grabbing by in-laws in some contexts, presumably because of their less well established personal relations. As well, given the personal nature of arbitration, a woman of 'bad character' which might include accusations of practicing witchcraft, being sexually promiscuous, drinking alcohol or being rude or stubborn, particularly toward in-laws, may be vulnerable to disinheritance. Findings like these point to the need to closely examine local contexts of customary governance and community dynamics, including specific local leaders, to understand the kinds of opportunities and challenges individuals face in securing their inheritance.

Given the parallel statutory and customary systems, the policy recommendations made in this presentation focused on building bridges and legitimacy between the two. Elizabeth identified projects that build consensus and capacity among local arbitrators, including community courts in Mozambique and tribal councils in Kenya, Uganda and Ghana, as well as domestic violence units in decentralised police stations across these countries.

Plenary Discussion

The first plenary discussion focused on the incidence of unregistered marriages and the ways in which legal reforms can benefit unregistered wives, what metrics might be used to assess progress towards more equitable inheritance and asset ownership, and whether positive discrimination in land contracts was the only way to address unequal women's inheritance.

The first questioner asked what proportion of marriages were not formally registered and whether wives in un-registered marriages might inherit anything from her parents? Elizabeth Cooper replied that estimates of the proportion of unregistered marriages are quite high although with large variations within and between the case study countries. In Ghana 80% of marriages are estimated to be non-registered, whilst 1 in 5 are polygamous. In Kenya, Uganda and Mozambique, estimates range from 50-60%. What un-registered wives might expect to inherit depends on the social context and customary law. As an example, Elizabeth discussed the controversy of the question of daughters' land inheritance in Kenya. A major issue in past debates about constitutional reform in Kenya has concerned the removal of reference to customary governance for inheritance. There has been opposition among community leaders and politicians to the idea that daughters could inherit family land, marry a man from a different clan or tribe, and consequently alienate traditional clan or tribal lands from the overall authority of her natal group.

Kate Bird added that in much of sub-Saharan Africa, marriage is patrilocal, so brides go to live with their husband's family and rarely inherit from their parents, although this is less the case in urban areas. Husbands see wives as guest in their home so women only have use-rights to rather than ownership of land. This prompted the questioner to describe how the patrilocal tradition in India has been changed through a law instituting equal rights for girls and boys to ancestral property. This law changed parental incentives in terms of investing in their children. Knowing that daughters will inherit increases parental incentive to invest in their human capital so that they are better able to look after the property. This is an interesting example of laws being effective by changing household incentives rather than through their impact on asset distribution, although the questioner recognised that this might be specific to the Indian context.

The second questioner, Jo MacRae from DFID, was interested in metrics to assess improvements in inheritance equity, and the relative contribution of inheritance rights to poverty alleviation. Elizabeth Cooper replied that research was commissioned to provide metrics e.g. demographic survey data on what women are inheriting and to assess what contribution inheritance makes to poverty alleviation (e.g. see Amber Peterman's presentation notes below). As for performance assessment and progress indicators, these could include monitoring e.g. testing whether consent was acquired when formal land rights were transferred. Kate Bird added that no good metrics had been developed yet to assess the relative importance of different policies and programmes in preventing the intergenerational transmission of poverty but that it was hoped that by mapping the life-course and identifying key moments for inheritance, the relative importance of different interventions e.g. investing in child nutrition or teenage literacy, could be determined. That

said, such interventions are not mutually exclusive and there was no hierarchy of interventions. Breaking the cycles of IGT requires investment in infancy and throughout the life-course so as to build resilience. Possible progress indicators for equity in inheritance include co-titling and assessing the proportion of co-titled land together with the proportion of women and girls who inherit. Another metric could be looking at the number of conflicts over inheritance that involve women and children and looking at the proportion of these that are resolved as disputes are often time-consuming, costly and erode plaintiffs social capital.

The final questioner in this session, Sylvia Chant of the London School of Economics asked about the importance of marriage law and contracts: how to begin addressing marriage law and whether marriage law reforms are the best way of inculcating a sense of gender justice? As an alternative, she proposed that all land contracts should solely entitle women to all shared assets as happens in Costa Rica. This reduces women's dependency on finding a husband and increases their choices over lifestyle. In supporting the marriage law reform approach to achieving greater equality, Kate Bird argued that if women knew on divorce they would get some sort of financial support and that they would be able to keep their children (the two are linked as assets are required to support children), then this would mark an important shift in the balance of power within the conjugal contract as it would lead to discussion of what would happen after divorce and could therefore lead to women enjoying multiple rights. Co-titling as an intervention is particularly complicated where customary rights are still strong and land is not held individually. As a first step towards greater women's inheritance and asset holding, it is best to talk to elders about what customary practices operated in previous times so as to reverse the observed shift to less fair contemporary customary practice. That would also provide a positive change to parental incentives although there could never be a one-size-fits-all approach as these changes have to bubble up from below to achieve social legitimacy.

Session 2

Chair: Nehar Kumar (International Food Policy Research Institute (IFPRI))

Speakers:

Jessica Espey, Save the Children, '[Girls, assets, entitlements: building just social institutions](#)' ([Presentation](#))

Cheryl Doss, Yale University, '[Marital regimes and asset inheritance in Uganda](#)' ([Presentation](#))

Ruth Evans and Caroline Day, University of Reading, '[Stigma, gender and generational inequalities in asset inheritance and IGT poverty for women with HIV and young people with caring responsibilities in Tanzania and Uganda](#)' ([Presentation](#))

Jessica Espey provided an overview of the research carried out by the CPRC on gender policy, with a specific focus on girl's asset ownership. This focus reflected growing international attention to the subject, and also the lifelong impairment to women's economic and social resources due to asset deprivation girls and young women. Jessica concluded with examples of successful interventions for girl's empowerment from around the world.

Cheryl Doss' presentation of the results of research into women, marriage and asset inheritance in Uganda analysed both qualitative and quantitative data to understand the patterns of asset inheritance. The findings highlight the importance of taking a context-specific approach to understanding women's asset ownership and inheritance within and between communities.

Ruth Evans' and Caroline Days' research into asset inheritance and the intergenerational transmission of poverty of widows and orphaned young people in families affected by HIV/AIDS found that the impacts of the disease had led to the emergence of new household types with particular patterns of vulnerability. Young people who inherited land at a young age were at risk of having their assets grabbed by relatives or neighbours, were at risk of exploitation and harassment, especially girls, and were more likely to have received a disrupted education due to familial care responsibilities or cultivating inherited land for subsistence.

The second plenary discussion focused on the importance of non-land assets, an issue raised Cheryl Doss' presentation and explored further by discussant Andrew Shepherd. Other issues raised included the impact of climate change on land as an asset, migration of young people with no land or worthless land, land-inheritance amongst widows and the influence of Sharia law on women's inheritance.

[Girls, assets, entitlements: building just social institutions \(Presentation\)](#)

Jessica Espey provided an overview of the research carried out by the CPRC on gender policy, with a specific focus on girl's asset ownership. This focus reflected growing international attention being given to assets, and the lifelong impairment to women's economic and social resources due to the asset deprivation of girls and young women. Jessica concluded with examples of successful interventions for girl's empowerment from around the world.

Jessica's presentation summarised the CPRC's gender policy work as included in their *Stemming girls' chronic poverty: Catalysing development change by building just social institutions* report. She focused on girls' chronic poverty as this was both topical with the issue raised at the October 2010 MDG summit and because girl's empowerment faces some particularly stubborn barriers.

For the purposes of the research, assets were understood in terms of the Social Institutions and Gender Index (SIGI) definition despite its limitations. The definition of ownership was broadened from SIGI's starting point to incorporate customary entitlements. Inheritance was seen as one of several means of asset accumulation, access and control throughout the lifecycle patterned by a number of institutions including the state, the family, the community and market that affect girls' ability to accumulate independent assets that change relationship power dynamics. Other important transfers, when considering girls' resource control, are inter vivos transfers such as the dowry. Social institutions were seen as cultural processes that influence multiple aspects of behaviour and whilst being neither inherently good nor bad, could function in ways that embed inequality.

The focus on girls reflects the potential benefits of early interventions but also the period in which girls are most vulnerable and when deprivation can lead to lifelong deficits. This vulnerability can be compounded by the inability to inherit as this can contribute to early deficits that are hard to recover from e.g. low education, and which in turn can hinder the development of their children. Certain social institutions such as discriminatory family codes, son bias and limited resource rights and entitlements contribute to these processes of vulnerability and deficit lowering the likelihood of investing in girls.

Despite the vulnerabilities girls face, it is important to develop a nuanced picture of the factors contributing to these vulnerabilities rather than adopting over simplistic heuristics that all girls face all vulnerabilities. One such factor is how responsibilities for family support and care can limit girls' access to work. Another is education, deficits in which reduce resilience to other shocks.

There are five primary forms of discrimination that impact upon girls' inheritance or ownership of assets. These are patrilineal inheritance, gendered markets and employment opportunities, lack of support services like childcare, gender disparities in education and early marriage and marriage customs such as relocation. The last of these is of particular relevance to girls and inheritance as not having assets and resources to bring to a marriage influences the conjugal contract as the partner with greater share of resources can dictate

terms. This is particularly relevant for young brides who have not had time to accumulate assets before or during their marriage. Parents do not have an incentive to invest in daughters who are destined to leave the family home and be exchanged for property. The IGT of poverty is intensified when girls marry young and have not inherited any assets beforehand. This is compounded by women's limited rights and access to resources discouraging them from investing in the long term potential of their holdings. This effect was demonstrated by a World Bank study that found that encouraging female investment in land holdings increased output by 20%. Moreover, women's access to resources is intimately linked to marriage and childbearing, which serves to increase both the importance of motherhood to female identity, and the incentive to marry young in a self-perpetuating circle.

Whilst it is hard to find statistics on girl's/young women's asset holding due to a lack of disaggregation in survey research (this constitutes a significant empirical deficit that should be addressed in future research,) extrapolations from more general surveys reveal regional variations in female asset ownership; not just in land but other rural assets such as agricultural inputs and financial capital, which further serves to reduce women's investment in land.

Given the existing inequalities in asset ownership, there are concerns that processes like climate change that increase natural resource pressures and contribute to changing land use practices will disadvantage women further. Such problems are compounded by women's continued exclusion from capital markets with 75% of the world's women estimated to be unable to get access to bank loans, especially in the Middle East and North Africa. Jessica illustrated these statistics with case studies from Nigeria and India which were united by a lack of spare time to invest in employment and lack of access to credit increasing the likelihood of young women being trapped in low-wage employment.

To address these cultural and institutional disadvantages, Jessica's recommendations echoed those of Kate Bird and Elizabeth Cooper in terms of coordinated reforms that harmonised laws within land/ family/ marriage law to promote girls' rights and that sought to build bridges between legislation and customary law.

Specific policy recommendations drew on effective initiatives from around the world: Improving gender rights in statutory law and harmonising these with customary practice by increasing awareness amongst officials and communities of what girls' rights are and when they're entitled to what.

(1) Provide girls with education and skill development scholarships to ensure employment preparedness. Equal access to education has been shown to be vital to improving girls' independent ability to accumulate assets. This can be supported with cash transfers to develop economic empowerment and investment in girls' education, which have been shown to be effective in improving educational outcomes: one such scheme in Bangladesh was found to lead to improved employment, delayed marriage, and social mobility outcomes.

(2) Strengthen girl-sensitive/ accessible microfinance, financial literacy and skills training. Microfinance has been shown to increase ownership of non-land assets although

programmes need to take into account girl-specific vulnerabilities e.g. physical vulnerability or narrow skill sets. The *Nairobi- Daughters United* scheme addressed these vulnerabilities by providing a safe space for girls to meet where they were then provided with financial skills training that enabled independent investment and asset ownership by girls.

(3) Support collective action around resources and assets i.e. through cooperatives, credit and savings groups, self help societies and so forth.

[Women, Marriage and asset inheritance in Uganda \(Presentation\)](#)

Cheryl Doss' presentation of the results of research into asset ownership, marital regimes and inheritance in Uganda provided many thought-provoking details about women's inheritance of land, including some findings that were unexpected and highlighted the importance of taking a context-specific approach to understanding women's asset ownership and inheritance within and between communities.

Cheryl's research was undertaken as part of a wider USAID funded research project on access to land and other assets and prepared in collaboration with two Ugandan colleagues. The Chronic Poverty Research Centre's commission for research on inheritance enabled additional qualitative work on women's life histories that provided a useful context to the asset ownership findings. The study had hoped to analyse how marriage-type was related to asset inheritance and ownership but the predominance of customary marriages amongst respondents prevented this comparison. Similarly, there were insufficient numbers of widows in the sample to do quantitative analysis specifically on widows. Quantitative surveys asked multiple individuals within each household about their ownership, means of acquisition and rights over assets, including land, dwelling, livestock, agricultural equipment, businesses, consumer durables and savings. Information on marriage type, and whether the individual had ever inherited assets was also gathered. Almost no assets other than land were reported as having been obtained through inheritance. For this study, ownership was determined by the responses to the question "who owns the land" and so reflects respondents' understandings of ownership. It was therefore interesting in this context that 46% of men and 36% of women self-identified as owning land jointly with their spouse. Whilst this understanding might not map onto legal ownership, it is significant that this was the most frequent response given.

The data on land ownership by marital status also threw up some interesting results with 67% of widowed women reporting land ownership. This would appear to contradict the popular understanding of widows being disinherited. The explanation is that many widows, especially those without strong claims to land, are often absorbed into other households and may be remarried. Thus, unless they have some access to land, they may not show up in the sample. Similarly the low percentage of widowed men that own land reflects that most men who are widowed, especially those with land, remarry. Given similar patterns of results for divorced men and women, these findings highlight the importance of understanding the limitations of such empirical research and the difficulty of gathering data on things like whether an individual was ever widowed or divorced.

The inheritance data reported in this analysis is only that reported as inherited and does not include land received as a gift or transfer. Of the respondents who had inherited land, 39% were women, which hints at the importance of further research to understand how and why girls do receive land. Women mostly inherited land from their fathers, although some inherited from their husbands and it would be beneficial to understand better the circumstances of this form of inheritance. 20% of women who had inherited land no longer owned it, a much higher proportion than for men. In terms of poverty alleviation, it is hard to quantify the causal relationship between inheriting land and other non-tangible things that they may have inherited. Daughters who inherit land have grown up in a family where girls are seen to be important. Qualitative data can help unpick these correlations to some extent, and one such finding was an increased sense of security amongst women who owned land. This qualitative research also revealed that there may be large differences within communities as to what rights women are believed to have regarding inheritance and land ownership. The quantitative evidence suggested differences in the rights that men and women claim to have over the land that they own. These differences in perception of land ownership and what rights go with it highlight the need to think about what ownership means in different contexts and therefore the need to continuously define it. Joint ownership in particular has different meanings for different people and may confer different rights. Yet, the women interviewed in the life histories who had some independent claims to land said that it gave them an important sense of security.

In terms of increasing women's asset ownership and breaking cycles of poverty being transmitted intergenerationally, it is also important to consider that women's share of assets in Europe and North America grew as land became a less significant part of all assets. Thus, it may be useful for policy to develop equitable distribution frameworks for other types of assets which are less entrenched in custom and social rights, especially as economies develop and new assets emerge. It would certainly be better to focus on this now than in 20 years.

Stigma, gender and generational inequalities in asset inheritance and IGT poverty for women with HIV and young people with caring responsibilities in Tanzania and Uganda ([Presentation](#))

Ruth Evans' and Caroline Day's research into the effects of stigma, gender and generational inequalities on asset inheritance for women with HIV and young people with caring responsibilities in Tanzania and Uganda found that the impacts of HIV and AIDS had led to the emergence of new household types with particular patterns of vulnerability. Young people who inherited land at a young age were at risk of having their assets grabbed by relatives or neighbours, were at risk of exploitation, harassment and sexual violence, especially girls, and were more likely to have received a disrupted education due to familial care responsibilities or cultivating inherited land for subsistence.

Ruth's and Caroline's research focused on children's inheritance rights and the stigma associated with HIV and AIDS, as there has been little research on this subject. In communities most affected by the epidemic, the limited transfer of resources from parents affected by HIV to their children can be seen as fracturing the usual intergeneration contract between children, parents and the older generation. Parental ill-health and mortality has increased children's caring responsibilities for family members and led to the emergence of new household types including 'skipped generation' and 'sibling headed' households. Widows with HIV and their children and young people heading households are particularly vulnerable to asset grabbing and stigma.

The study was commissioned by the Chronic Poverty Research Centre and is based on analysis of two qualitative datasets of interviews and participatory methods. The first study (funded by the UK Economic and Social Research Council) was with women living with HIV, children caring for them and NGOs in rural and urban areas of Tanzania. The second study (funded by the Royal Geographical Society with the IBG and the University of Reading) focused on sibling headed households in Uganda and Tanzania and included a second research phase in which outputs were co-produced with young people through participatory workshops. The heterogeneity of household types in the research sample meant there was a great diversity in terms of access to assets, property ownership and household circumstances. However, vulnerable households where young people had specific caring responsibilities were purposively recruited through their contact with NGOs, so the sample did not seek to be representative, but rather to give qualitative insights into particularly vulnerable households.

The study found that HIV/AIDS was leading to increased individualisation of caring responsibilities and a fracturing of the intergenerational contract, with maternal relatives increasingly supporting widows and orphaned children. Some orphaned young people were gaining access to land earlier than is normally the case and forming sibling-headed households, raising concerns over vulnerability to asset grabbing by relatives or neighbours. Also young land owners relied on subsistence farming and lacked financial and other assets and resources necessary to make the most of their land. Subsistence farming and informal sector work as part of children's caring responsibilities for mothers with HIV and/or younger

siblings were found to reduce children's educational attendance and attainment, which increased the likelihood of poverty being transmitted intergenerationally.

The difficulties facing skipped generation and sibling headed households were compounded by the impacts of stigma, which reinforced existing gender and generational inequalities in access to assets. Young women heading households and those caring for parents with HIV were vulnerable to sexual harassment and exploitation leading to unwanted pregnancy and STIs. Moreover, patriarchal inheritance norms reinforced the vulnerability of households headed by grandparents and young mothers, whilst widows with HIV and their children had inherited few assets and were more likely to have liquidated the few assets they had to meet the costs of chronic illness and hence they often lived in poor quality urban accommodation and experienced chronic poverty. Some women decided to return to their natal homes to access the assets and resources of their family despite the stigma attached to this.

The stigma associated with HIV and AIDS was found to significantly increase the vulnerability of widows and young people heading households to disinheritance and property grabbing, such as the husband's family or paternal relatives appropriating land, property, financial assets and personal belongings. In addition, women with HIV and children with caring responsibilities were at risk of verbal, physical or sexual abuse and intimidation, abandonment, eviction, ostracism and a denial of care and support. These and other stigma effects were found to increase food insecurity and reduce access to assets, affect their health and emotional wellbeing, lead to a weakening of social ties and access to support, and reduce investment in children's education and care, thereby perpetuating the conditions of chronic poverty for younger generations.

Based on these findings, the researchers developed a framework for conceptualising the interacting factors that contributed to an individual's or household's vulnerability or resilience. These factors comprise access to assets and livelihood strategies, health and emotional wellbeing, human and social capital and specific measures to prevent property grabbing and disinheritance. Examples include stigma and harassment which are significant risk factors for disinheritance and asset loss, whereas written records of property ownership serve as an important protective factor.

As part of the co-production of outputs, the young people developed video-recorded drama stories highlighting their vulnerability to asset grabbing. The dramas showed neighbours forging title deeds and foster families seizing orphans' assets. Their research also demonstrated that the ability of young people to defend their assets varies with age, which led them to call for child rights organisations to protect the rights of orphans from family members trying to misappropriate their property.

To conclude, Ruth highlighted how physical assets are crucial to sustainable livelihoods for young women and children in rural areas. Whilst stigma exacerbates gender and generational inequalities in access to assets and inheritance, women's and children's vulnerability to asset grabbing and disinheritance can be reduced through cash transfers to enable investment in education, legal reforms, advocacy and education about women's and children's inheritance rights, and opportunities for participation, peer support and collective

mobilisation such as self-defence peer support clubs for girls and young women, to challenge stigma and enhance emotional wellbeing.

Plenary Discussion

The second plenary discussion focused on the importance of non-land assets, an issue raised Cheryl Doss' presentation and explored further by discussant Andrew Shepherd. Other issues raised included the impact of climate change on land as an asset, migration of young people with no land or worthless land, land-inheritance amongst widows and the influence of Sharia law on women's inheritance.

Andrew Shepherd (Discussant) began the discussion by suggesting the common theme of all three presentations was to highlight the fragility of young women's and children's access to assets, before calling for a research and policy focus on the concepts that could help to understand and change this. Andrew identified marriage status as being critical to actualising rights, which emphasises the importance of written evidence of relationships and land ownership as well as according such status to joint and consensual relationships amongst others. The next question he raised was how to address the issue of stigma and by extension the particular vulnerability of stigmatised households or individuals, which includes widows in some communities.

Considering Cheryl Doss' research, given that land is the most heritable asset but also the most bound up in custom, Andrew picked up on Cheryl's idea of the importance of other assets, especially as economies become more diversified. In agriculture, non land assets are becoming increasingly important in terms of access to markets e.g. irrigation pumps, although land still remains the crucial asset for the poorest households. In this context, Andrew highlighted the finding that purchased land did not carry unambiguous rental rights, especially as the ability to rent land is vital to escaping poverty and ought to be easier. He also picked up on the seemingly low over-all inheritance rates in this sample and the relatively high proportion of land-owning widows before opening the discussion to the floor.

The first contributor described how climate change in Senegal was decreasing the importance of land as a rural asset and how a growing proportion of young women were moving to towns so as not to be tied to unproductive land. In town, these women were finding employment and gaining incomes that were not accessible to men. The contributor therefore argued that in this context, not inheriting land can be advantageous in terms of female opportunity and social mobility.

The second contributor focused on the issue of widows and asset ownership and asked **what proportion of the 25% of women who had inherited land in the Ugandan sample were widows and what proportion of people who had inherited land, but no longer owned it, were widows.**

The third contributor asked whether any of the studies had looked at women's rights within Sharia law, as women can secure substantial rights within Sharia law.

In reply to the third question, Kate Bird answered that the impact of Sharia law had been touched upon in the international literature she had reviewed for her paper, for example in studies on women's inheritance rights in Indonesia and South Asia.

Cheryl Doss addressed the second question by stating that assessing the proportion of inheritance for different population groups was complicated by inter vivos gifts and transfers. Addressing Andrew Shepherd's remarks on the confusion over rights associated with purchased land Cheryl said the data was complicated by issues of rights versus desires e.g. people might be reluctant to rent or sell land despite having the right to do so, with a blurred land line dividing the two. On the high proportion of widows who had inherited, Cheryl repeated the comment from her presentation that that only successful widows (whose assets/ livelihoods had enabled them to remain independent) were identified in the sample as widows. A sample of women who had ever been widowed would be needed to understand the patterns of inheritance and asset ownership among widows. The widows included in the research were necessarily those that still had some level of visibility and independence, which makes it harder to develop a clear picture of what the likely consequences of widowhood are.

Jessica Espey responded to the comment on the impact of climate change in Senegal by saying that the issue of poor land and migration was tackled in Chapter 3 of the CPRC report, and that the comment served to re-emphasise the importance of women's access to financial services to enable people to mobilise and build on assets. On this same issue, Ruth Evans said that some of the young people in Tanzania and Uganda wanted to migrate but were unable to do so due to family caring responsibilities.

Session 3

Chair: Jessica Espey (Save the Children UK)

Speakers:

Amber Peterman, IFPRI, [*Widowhood and Asset inheritance in Sub-Saharan Africa: Evidence from 15 countries*](#) (Presentation)

Neha Kumar and Agnes Quisumbing, IFPRI, [*Inheritance, legal reform and gender differences in poverty and well-being in rural Ethiopia*](#) (Presentation)

Amber Peterman presented an innovative analysis of multiple existing datasets to assess the prevalence of asset inheritance amongst widows in 15 sub-Saharan African countries. This overview was complemented by analysis of a longitudinal survey from Tanzania that illuminated the dynamics and welfare effects of these inheritances. Amber's research revealed the low incidence of asset inheritance by widows across countries, as well as some of the factors that influence the likelihood of inheritance.

Neha Kumar and Agnes Quisumbing's research analysed the importance of inheritance and gender bias in Ethiopia. They found that female headed households (FHH) were less likely to inherit and fared worse on all outcome indicators compared with male headed households (MHH). Their results indicated that the total amount of assets inherited significantly affected women's physical and mental well-being outcomes, and that women's perceptions of their likely rights on divorce also influenced their well-being.

The third plenary discussion focused on clarifying some of the research findings, with issues of spouse's family vs. widow's children and whether women were widowed from customary or Christian marriages in Amber Peterman's study, and whether there was a threshold in the amount of inheritance received that made a difference in Neha Kumar and Agnes Quisumbing's research. Similarly, Steve Wiggins (ODI) acting as discussant raised the issue of what factors contributed to small differences in assets received leading to large differences in outcomes.

[Widowhood and Asset inheritance in Sub-Saharan Africa: Evidence from 15 countries \(Presentation\)](#)

Amber Peterman presented an innovative analysis of multiple existing datasets to assess the prevalence of asset inheritance amongst widows in 15 sub-Saharan African countries. This overview was complemented by analysis of a longitudinal survey from Tanzania that illuminated the dynamics and welfare effects of these inheritances. Amber's research revealed the low incidence of asset inheritance by widows across countries, as well as some of the factors that influence the likelihood of inheritance.

Amber's study focused on widowhood and analysed asset inheritance after the death of the spouse. This research was motivated by an empirical gap on what happens to widows, despite popular perceptions of widespread discrimination in asset inheritance and property grabbing. The research started by reviewing the dynamics of asset dispossession by conducting a review of large-scale panel surveys on consequences of prime-age adult mortality as well as studies focused exclusively on widows. The review found that these studies are limited in terms of their ability to assess dynamics surrounding changes in assets, and in some cases are based on small samples, which do not allow more rigorous analysis.

The first part of Amber's study analysed nationally representative data from 15 Demographic and Health Surveys (DHS) among women ages 15–49. These surveys started collecting data on widows in 2005, and also enable survey results on asset inheritance to be correlated with a limited selection of other factors including religion, ethnicity, and total fertility rate. The results of this research demonstrated that the lowest inheritance rate amongst widows was in Sierra Leone at 22%, the highest Rwanda at 66%, with an average of 47% across countries. Moreover, 5% of women aged 15-49 were ever-widowed, and these widows and their children received the majority of the assets on average 32% of the time, compared with 48% for the spouse's other children/ family, on average. Considering the factors that influence inheritance from these surveys, a picture emerges that older, better-educated widows with more children and wealth and living in urban centres inherit more assets. Within this overview of averages, there were significant regional and ethnic variations, indicating a diversity of inheritance patterns within countries.

To provide a more detailed picture of the dynamics of inheritance, Amber also analysed two rounds (Round 1 (1991) and Round 5 (2004)) of the Kagera Health and Development Survey, a longitudinal survey of approximately 900 households in 51 communities of the Kagera region in north-western Tanzania. This data had been collected to analyse mortality dynamics and included questions on inheritance and asset types. The data was analysed for changes in household welfare in relation to changes in inheritance, controlling for individual and household-level characteristics. Between the two rounds of data collection, Tanzania instituted the Land Acts in 1999 which were thought to improve women's access to land.

The research found that the value of inheritance is significant in determining household per-capita consumption and value of asset stocks. Widowhood was negatively associated with per capita consumption and household asset stocks, indicating that households in which widow's reside are more likely to have poor welfare outcomes on average controlling for

background characteristics. The effect was more significant for household asset stocks as compared to per capita consumption, suggesting that inheritance of assets is important for determining a widow's long-term asset stocks but that women headed households will attempt, nevertheless, to maintain household consumption.

Taken together, the research indicates that across 15 sub-Saharan countries, less than 50% of widows report receiving any assets, with the spouse's family more likely to inherit the majority of assets than the widow and her children although older, more educated widows were more likely to inherit and inherited a greater proportion of assets. In Kagera, land was the most valuable asset inherited. To develop this understanding further, further research and data collection efforts are needed. One immediate gap could be filled by the DHS surveys by collecting data on the timing of spouse's death so as to be able to analyse trends over time, collecting data on divorced and separated women as well as the type of asset inherited.

[Inheritance, legal reform and gender differences in poverty and well-being in rural Ethiopia \(Presentation\)](#)

Neha Kumar and Agnes Quisumbing's research analysed the importance of inheritance and gender bias in Ethiopia. They found that female headed households (FHH) were less likely to inherit and fared worse on all outcome indicators compared with male headed households (MHH). Their results indicated that the total amount of assets inherited significantly affected women's physical and mental well-being outcomes, and that women's perceptions of their likely rights on divorce also influenced their well-being.

Neha and Agnes' research focused on Ethiopia, a poor country with a diversity of ethnic and religious groups. Significantly, although customary inheritance practices disadvantage women, Ethiopian inheritance systems are underpinned by legal frameworks, which include several recent pro-equality reforms including the Land Registration Process and the Family Law, 2000. As the research was carried out using 3 rounds of a longitudinal panel survey, the Ethiopian Rural Household Survey, the impacts of these reforms could be assessed.

The researchers focused on certain outcomes related to poverty and food security, as well qualitative outcomes such as well-being and happiness. They explored the impact of whether women received any inheritance and the amount of inheritance received on these outcomes, so as to be able to discern differences from receiving any inheritance at all. They also examined women's perceptions of the likelihood that they would receive assets on divorce and whether changing expectations of more equal distributions improves outcomes.

Their results showed that women in FHH tend to be older and have smaller households, have smaller plots of land, less livestock and have lower social capital.

Male heads of household were much more likely to inherit assets than female heads, although the total value of assets inherited by female heads was more than male heads due to a few statistical outliers.

Results on the perception of the likely division upon divorce of assets either accumulated by households or brought to marriage found that female spouses in male headed households were much more likely to expect to receive no assets than women in FHH. However, attitudes towards this have changed over time with greater expectations of equal division in 2009 compared with 1997, perhaps reflecting the impact of family law reforms. This is significant as outcome analyses found that women who perceive that they have fewer rights fare worse after divorce. Initial perceptions do therefore affect long term outcomes, although changes in perceptions were found to have no effect on improved outcomes.

Looking at the outcomes of inequalities in inheritance, FHH have on average a food gap 1 month longer than MHH, and fare worse on all other outcome indicators. In terms of well-being, female heads of households seem to have more power over life decisions but are less satisfied with their lives than spouses of male heads. Looking at the impact of the amount inherited, regression analyses that controlled for household asset levels in 1997, social demographic make-up of the household etc. found that simply inheriting has no impact on outcome measures. What matters is the total value or total amount of land inherited, with land the most important asset in terms of positive outcomes.

The researchers concluded that the amounts of inheritance received have profound impacts on the long term well-being of women and that perceptions of the likely division of assets upon any future divorce have important long term implications which are not easily changed by subsequent changes in these perceptions. Based on these findings, the researchers recommended that it is not enough to guarantee that women can inherit property, but that they have rights to inherit *equally* with men. The relation between perceptions and outcomes suggests more work needs to be done on raising awareness of and enforcing the provisions of the Family Law act.

Plenary Discussion

The third plenary discussion focused on disaggregating some of the research findings, with issues of spouse's family versus widow's children and whether women were widowed from customary or Christian marriages in Amber Peterman's study, and whether there was a threshold in the amount of inheritance received that made a difference in Neha Kumar and Agnes Quisumbing's research. Similarly, Steve Wiggins (ODI) acting as discussant raised the issue of what factors contributed to small differences in assets received leading to large differences in outcomes.

Steve Wiggins began the discussion by praising both papers for their innovative use of existing data sets, especially the Demographic and Health Surveys. Whilst he felt the results mostly confirmed expectations, he was particularly interested in slight mismatches between access to assets and certain outcomes. These findings pose big questions for economists as to what are the factors that enable some people to get more out of the assets they've got and what policy levers these factors point to. Steve was also particularly impressed by the well-being and perceptions data as these provide a sense of importance of what matters to people and what is politically important rather than determined by economic efficiency.

Returning to possible policy levers for reform, Steve felt issues like social institutions and how they work are extremely interesting but intangible and so hard to mobilise for implementing change. Institutions for inheritance are too narrow to affect comprehensive changes, which leads to the question of what is the most effective lever. Steve pointed to educational factors, particularly female secondary education, as potentially the most significant and perhaps growing in significance with time, especially as economies diversify.

The first question from the floor focused on the category distinctions between spouses family's versus Widow's children and how the two could be disaggregated. Did this perhaps reflect the impact of polygamy or extended family taking property?

Amber Peterman responded that the categorisations were based on existing response options from the data set so only the data collector could answer what the interpretation is and how this might vary between countries. However, it was clear that there was not an overlap between the widow and her children and her spouse's family. This suggested that the spouse's family was probably made up of brothers and other kin, although it could include other wives and children. Fati Alhassan of Ghana's Grassroots Sisterhood Foundation joined the discussion by suggesting that by African custom, the children of previous marriages are not rejected when a spouse remarries, so you can have a woman looking after children that are not hers and those children have inheritance rights to a man's property. Whilst Kate Bird pointed out that the status of children from previous marriages differ from country to country, Amber suggested that she could test this hypothesis by looking at the difference between remarried widows and unmarried widows.

The second questioner was interested in how much land makes a difference to asset outcomes and whether there was a threshold? Neha Kumar responded that their research had not produced a critical value as the data comes from coefficients from the regression. Whilst these coefficients indicate that greater inheritance increases certain outcomes by a certain level, they cannot determine a threshold.

The third questioner asked whether Amber's research looked at widowhood from customary marriage or formal marriage as the definition of marriage this would affect the data. She also wondered whether there was a difference in outcomes between Christian marriage and customary marriage as they are linked with different marriage rights. Amber replied that the DHS data doesn't differentiate between different marriage regimes and includes both customary and legal. In the Kigera dataset, both types of marriage were included and regression analyses found that religion did have a significant effect on household welfare, but that an interaction term between the two had not been tested

Session 4

Chair: Elizabeth Cooper (Oxford University)

Speakers:

Carolyn Lesorogol & Gina Chowa, Washington University & University of North Carolina, Chapel Hill, [‘Livestock or the pen: Is education a route out of poverty for pastoralists \(Kenya\)’ \(Presentation\)](#)

Fati Alhassan, Grassroots Sisterhood Foundation, *‘How Ghana’s grassroots sisterhood Foundation and the Huairou Commission support equitable inheritance’* [\(Presentation\)](#)

Robert Miller, Queens University, *‘Inheritance and poverty exits in Kenya’* [\(Presentation\)](#)

Carolyn Lesorogol & Gina Chowa addressed the issue of the trade-offs parents make in passing on livestock to their sons and investing in their education in pastoralists communities in northern Kenya. Their research focused on how patterns of inheritance and levels of education impacted upon household income. They found that whilst education was initially resisted due to its perceived impacts on the pastoralist way of life and its drain on capital that would otherwise be invested in livestock. However, education has been increasingly accepted in recent years and is recognised as providing a route out of poverty. Nevertheless, tensions remain over girl’s education.

Fati Alhassan’s presentation provided details of the structural barriers, including discriminatory inheritance practices, that women face in Ghana and across sub-Saharan Africa. She then described the work of the Grassroots Sisterhood Foundation and the Huairou Commission to reverse these structural barriers and increase women’s equality and independence.

Robert Miller presented a study of poverty dynamics in Kenya. The research gathered family histories to explore poverty exits and inheritance practices and the consequences of inheritance, as well as how these were affected by various policy initiatives e.g. land titling. He found that land was the most significant asset inherited, although moves towards individual land ownership raised the risk of insufficient plots of land becoming poverty traps.

Topics raised in the fourth discussion included the issues of more vocational or sector specific school curricula, and how individual land holdings interact with grazing. Discussant Angela Langenkamp raised the issues of how both customary and formal asset ownership frameworks could disadvantage women and the need to be sensitive to this when developing policy.

[Livestock or the pen: Is education a route out of poverty for pastoralists \(Kenya\) \(Presentation\)](#)

Carolyn Lesorogol & Gina Chowa addressed the issue of the trade-offs parents make in passing on livestock to their sons and investing in their education in pastoralists communities in northern Kenya. Their research focused on how patterns of inheritance and levels of education impacted upon household income. They found that whilst education was initially resisted due to its perceived impacts on the pastoralist way of life and its drain on capital that would otherwise be invested in livestock. However, education has been increasingly accepted in recent years and is recognised as providing a route out of poverty. Nevertheless, tensions remain over girl's education.

Carolyn and Gina's research was carried out as part of a long term research project looking at questions of property rights and transfer of property as well as communal resources in the Samburu district of northern Kenya. The study was conducted to help fill an empirical gap on poverty inheritance in this class and region. Poverty in this region is exacerbated by drought and fluctuations in livestock. Formal education only began in the 1950s for boys and after 1963 for girls so very few alternatives to pastoralism. Despite this, anecdotes suggest that that the pen is becoming more important than the spear even amongst pastoralists in this region.

Livestock is the mainstay of the economy in the research communities although in Siambu, land privatisation has led to an increase in agriculture without reversing the reliance on livestock. Livestock inheritance does not vary greatly between communities with individual or communal land holdings, following a patrilineal and patrilocal system in both. Livestock therefore passes from father to son, although at marriage, husbands transfer some of their stock to their wives who fulfil a caretaking role during which they enjoy use-rights of the livestock before passing them on to her sons.

Inheritance in these communities is taken to refer to the livestock a man leaves to his oldest son on death. However, most livestock is transferred before that through inter vivos transfers. A focus on inheritance at death therefore misses most of the picture, especially for younger sons. The pattern of inter vivos inheritance serves to distribute wealth across sons and households but can also be a source of conflict in the case of unequal distributions. Inheritance also entails the transfer of responsibilities, with the youngest son responsible for looking after the mother, whilst the oldest assumes the obligations of male head of household including marriage negotiations for younger siblings, education decisions, father's debts and recovering any moneys owed. The system is therefore linked to many fundamental relationships and interactions between formal and informal systems.

The research presented at the workshop was commissioned by the Chronic Poverty Research Centre and built on previous research by the authors. For this study, 16 in-depth interviews were conducted that explored practices of livestock inheritance and perceived affects of inheritance as well as decision-making regarding enrolling children in school and attitudes about education. Parallel to the interviews a household survey was conducted to sample demographics, income, livestock wealth, education, parental wealth, and livestock

inheritance among other variables. Survey respondents included in this analysis were male head of households.

The research found that although Samburu people initially resisted education it is now widely favoured amidst the hope that it will provide monetary and skills benefits. That said, certain cultural tensions remain especially around girls' education. The regression analyses found that education is negatively associated with livestock holdings but positively associated with income due to paid employment. Livestock holdings are also associated with income as livestock is sold.

In terms of inheritance, parental wealth is positively associated with sons' wealth, although unlike Kumar and Quisumbing's research the amount of wealth inherited was not so important. Instead it seems that there are certain structural advantages associated with wealthy families that contribute to their sons' wealth. Thus, wealthier families are better able to transmit wealth than poorer families.

Based on these findings, the researchers recommended that more attention should be paid to educational access, quality, and especially opportunities following education.

Risk and uncertainty in the environment lead to instability in livestock holdings, so policies should also seek to mitigate risks in appropriate ways.

How Ghana's grassroots sisterhood Foundation and the Huairou Commission support equitable inheritance ([Presentation](#))

Fati Alhassan's presentation provided details of the structural barriers, including discriminatory inheritance practices, that women face in Ghana and across sub-Saharan Africa. She then described the work of the Grassroots Sisterhood Foundation and the Huairou Commission to reverse these structural barriers and increase women's equality and independence.

Fati began with an overview of the Huairou Commission and the Grassroots Sisterhood Foundation (GSF). The Huairou Commission was instituted as part of a UN HABITAT project for creating a space for grassroots organisations. The Commission operates in many sub-Saharan countries, and carries out its own research as well as collaborating with research partners and practitioners. The issues raised in Fati's presentation had been researched in northern Ghana but applied to the whole country. The GSF works directly with women's groups and develops programmes that give space and voice to women so they are more involved in community decision-making. The GSF also carries out advocacy e.g. lobbying for financial support for women having to look after HIV/AIDS sufferers.

The northern Ghanaian economy is dominated by agriculture with many people there working as labourers. This leads to little investment in education, especially for girls. Moreover, Ghanaian women suffer from numerous cultural prejudices, particularly the view that women provide a means for men to increase their asset holdings. This is encouraged by

a dowry system through which men seek to maximise property through marriage. Women have no control over income they generate within a marriage and have no input to decisions on disposing marital assets e.g. selling land. Given the conceptualisation of women as property, they can themselves be inherited which in turn severely limits their eligibility to inherit assets.

Despite these practices, there are numerous legal provisions protecting women's rights, for example the 1992 Constitution which is non-discriminatory. That said, women's statutory rights are rarely enforced with women's entitlements governed by customary practices. Faced with these customary challenges in Ghana and other countries, the Huairou Commission implements strategies across sub-Saharan Africa to reduce disinheritance. These include working with women to map systems of inheritance active in their community, identifying the issues and proposing solutions to the customary practices that disadvantage them. Many customary practices were instituted to protect women and children but have been perverted through greed so the the GSF explores how practices worked in previous periods based on testimony from women, which are then validated through discussion with the community in an effort to resurrect more equal practices.

The GSF also seek to promote women's rights through education and advocacy with customary chiefs, as they are the repositories of customary practices and the ultimate arbiters. Access to chiefs is often mediated by their wives, mothers or daughters, so the GSF works through these women to enable discussions with chiefs on reforming customary law. The media also play an important role in their awareness raising and advocacy strategies. Other practical interventions include capacity building within communities to identify and advise possible victims of disinheritance. The GSF also work with women who have been disinherited through accusations of witchcraft by providing a forum for them to share their experiences and seek redress. The GSF have helped increase women's access to land in 7 communities where they have negotiated with chiefs for a piece of land that can be block farmed by women, the rights to which are passed down to daughters. Fati identified GSF's greatest impact as being raising awareness of women's rights to land, property and inheritance, and enabling women to comment on legislation and have their opinions incorporated into law to redress the power imbalance between men and women.

Inheritance and poverty exits in Kenya ([Presentation](#))

Robert Miller presented a study of poverty dynamics in Kenya. The research gathered family histories to explore poverty exits and inheritance practices and the consequences of inheritance, as well as how these were affected by various policy initiatives e.g. land titling. He found that land was the most significant asset inherited, although moves towards individual land ownership raised the risk of insufficient plots of land becoming poverty traps.

Robert's study was based on interviewing households identified through a panel survey as either exiting or entering into poverty. The research investigated what factors contributed to ascent from or descent into poverty through fieldwork in two sites, one in the North Rift and another east of Nairobi. Robert emphasised that the limited range of fieldwork areas and the diversity of local customs meant that the results were not necessarily generalisable, but could perhaps reveal common factors of poverty dynamics.

The research found that land is the most significant inheritance asset. Livestock was not much discussed. Traditional practices dominate with largely male inheritance although women had some use rights through holding land in trust for their sons until they come of age. As debts are also heritable, there was a role for the clans that are part of the administrative structure in Kenya as they could intervene to prevent the inheritance of debts and so limit the IGT of poverty. Shambas (small farms) enabled subsistence but provided little scope for development and escaping poverty. Without alternative or additional sources of income, inheriting a shamba could become a poverty trap.

This system of inheritance had a complex interaction with the legal reforms to regularise land titles. These reforms led to a scramble for land, with clans deciding who got what, which in turn was a source of intergenerational conflict, although it did help to stop the misappropriation of land by people claiming to be relatives. However, individual titling contributed to the problem of people inheriting sub-marginal plots and promoted nuclearisation between and within families, where as land had previously been communally held and cooperated over.

As well as legal reforms, Robert also discussed how land holdings had changed during periods of instability e.g. at the time of Kenya's independence. The cooperatives that were farmed following the break-up of large white-owned farms were subsequently broken up to form individual holdings. Periods of ethnic tension also led to changes in land holdings, usually to the benefit of the dominant ethnic group.

General discussions on barriers to escaping poverty highlighted school fees and deteriorating infrastructure such as roads as the major obstacles to improvement. Households headed by women due to a husband's infirmity were also identified as facing particular barriers.

Plenary Discussion

Topics raised in the fourth discussion included the issues of more vocational or sector specific curricula, and how individual land holdings interact with grazing. Discussant Angela Langenkamp raised the issues of how both customary and formal asset ownership frameworks could disadvantage women and the need to be sensitive to this when developing policy.

Angela Langenkamp began the discussion by suggesting that livestock inheritance and education were not mutually exclusive, and that education was a particularly important route out of poverty for both girls and boys who were not the oldest sons of a man's first wife. She then raised the issue of the interaction between statutory law and customary laws by highlighting how customary dispute resolving institutions are often solely staffed by men so do not necessarily represent women's rights, opening up an enforcement gap of statutory law at the local level.

Addressing the issue of land titling, Angela raised the concern that land is usually held in the man's name even if it is seen as jointly held. Similarly land regularisation initiatives that divided land into increasingly unviable plots could further disadvantage women. Policy options seeking to formalise women's rights to land must be sensitive to these issues. As for addressing women's disempowerment, Angela echoed the approach set out by Fati Alhassan of identifying and resurrecting traditional practices that were designed to protect women and children.

Addressing the issue raised by Lesorogol & Chowa of education increasing income but not livestock holdings, the first questioner was interested in whether the same curriculum should be used for many different groups or whether curricula should address the specific needs of different groups e.g. making better pastoralists. The same issue was raised by the second questioner who wanted to know what are the existing policies for addressing pastoral issues especially in the education sector for arid and semi-arid areas?

Carolyn Lesorogol responded that ideas of specialised education had been raised before but are complicated by the politics of distinguishing between groups. Policies for addressing problems in semi-arid areas of Kenya do exist, including a new Ministry of Northern Kenya, and there is large World Bank programme working in arid areas, building schools and water infrastructure. However, she emphasised that nice looking policies don't always make much difference on the ground so there is a need to study closely the link between policy and outcomes.

On doing things differently for pastoralists, Fati Alhassan observed that the issue of inheriting land you cannot use and the issue of migration go hand in hand, such that women need to have shock absorbers if they cannot live off the land they inherit. In other words they need to be able to leave unproductive land. There is therefore a need for policies, most probably education programmes, that enable women to do something else other than just work the land they might inherit.

The third questioner wondered whether the presence of fences confound the analysis of pastoralist grazing. She was also interested in parallels drawn out between Kenya in the present and Ireland in the past.

Carolyn Lesorogol responded that most plots were not completely fenced so presence or absence of fences did not affect the analysis of livestock holding. Robert Miller commented that from a social research perspective, the lack of a welfare system in Kenya echoes Ireland from the 1930s.

Closing Discussion

Meryem Aslan (UNIFEM/ UN Women)

Meryem Aslan's pushed those present at the workshop to identify solutions which will empower women and improve equity in asset holdings. She criticised calls for increased coordination of policy delivery, as researchers tend to be insufficiently involved in the world of practice or policy formation. Perhaps stung by these remarks, contributors to the discussion cited a number of examples of effective interventions or joined up research.

Meryem Aslan began her closing remarks by saying that she was less interested in the land size and the viability of land holdings than the way in which women's right to inherit signifies bigger issues such the way a woman is viewed within the family and what rights and entitlements women have as they grow up. Inheritance or disinheritance signifies numerous structural disadvantages e.g. girls are the first to be removed from school, are less looked after in terms of nutrition or healthcare. Inheritance therefore signifies a whole range of entitlements for girls and family attitudes to female rights and entitlements.

Drawing on her experience in Afghanistan, Meryem said she was most disappointed by the vulnerability of girls to violence and other pressures from within their families, and that this was common to many developing countries. Girls suffer not just from a lack of inheritance in developing countries but also the lack of any social protection: no insurance, no welfare state, many people working in informal sector, including 80% of women. Women are therefore neither protected in their families nor by the state. Female disadvantages are both reflected in and caused by social institutions that limit access to redress, education etc.

Raising the question of what to do about this, Meryem linked positive social change with institutional change and echoed the suggestions of positive initiatives made during the course of the conference e.g. comprehensive reform to the legal system, judicial frameworks etc. However, she went on to say that whilst it is very easy to state the problem, make comparisons and say what should be done it is much harder to figure out how to do it. The need for comprehensive policies and harmonised judicial systems has been identified before but no-one has taken responsibility for implementing them. Meryem suggested that initiatives that had been implemented were too fragmented and sometimes consisted of contradictory policies. She went on to criticise calls for coordination when the people making those calls were not coordinated researchers, practitioners, and policymakers themselves and that whilst people were happy to criticise, no-one wanted to take responsibility, neither at family, state or NGO level. Expressing apparent dissatisfaction at the balance between research and interventions, she concluded by asking "When will we have enough data? I think we know what we have to do but we have neither the guts nor the power to achieve change".

Responding to these observations, **Angela Langenkamp** cited Fati Alhassan's presentation as providing examples of progress achieved since 1995 at both macro and micro levels. Communicating change through customary chiefs and the media was a good example of grassroots action. From her own experience in Kenya, Angela described how achieving legal reform as a first step towards women's empowerment from which enforcement could

emerge. Achieving that reform involved a coalition of NGOs and the state and this provided a good example of NGOs using shared knowledge to help develop solutions.

Responding to the Meryem's comment that we know what we need to do, **Zoe Stevenson's** (DFID) comment implied that more work needs to go into sharing and disseminating that information. Motivated by the goal of identifying what works best for women's economic empowerment and what complementary initiatives are required, Zoe had started a forum for knowledge sharing² to identify and promote good practice that could be scaled up. **Fati Alhassan** described initiatives implemented across 5 continents by the Huairou Commission that had increased women's access to and ownership of land. She said that there were lots of organisations in Africa that were developing solutions with communities, and perhaps what is required is greater linkages between grassroots research and organisations like ODI. She also called for greater UN agency engagement with grassroots organisations.

Further examples of positive initiatives included **Widows through Peace and Democracy** (www.widowsforpeace.org) mapping and profiling of widows, something that has helped raise their profile, provide them with a voice and ensured their agenda is heard. **Angela Langenkamp** cited the gender law library³ as a good example of linking experience and action by analysing national laws and looking at provisions for women's rights across 60 countries. This enables the identification of gaps in a country's legal protection of women which can then be used as the basis for advocacy and pressure on countries e.g. via the World Bank's *Doing Business* report's gender index.

Hester Musandu (Southern African AIDS Trust and representing RIATT⁴) picked up on the need for researchers to practice what they preach and asked how often they take the data back to research communities so communities can make their own informed response to the information provided. She said this interaction was too rarely achieved, especially with respect to allowing communities to comment on research findings. **Carolyn Lesorogol** responded to this by saying that she does try to keep participants involved in the research and there are creative ways of achieving this but the incentives in most academic settings for true action research were too low to ensure this happens often. **Andrew Shepherd** identified the benefit of highlighting positive experiences and examples of how these issues can be addressed – giving the positive example of the CPRC's gender report.

The issues of widowhood and action research were drawn together by Lucia da Corta in the context of Tanzania. Lucia observed that in the course of her lifetime, a women could be both divorced and dispossessed and widowed and dispossessed, especially as divorce rates are rising in Tanzania. She emphasised the point that inheritance is relevant to multiple points in the life cycle and raised the question as to why widowhood and female dispossession had

² To sign up, email Zoe Stephenson from DFID: z-stephenson@dfid.gov.uk

³ <http://wbl.worldbank.org/GenderLibrary/elibrary.aspx?libid=1>

⁴ RIATT – the Regional Inter Agency Task Team on Children and AIDS - <http://www.riatt-esa.org>

become such a prominent issue in the last 10 years. Could this be a trend reflecting greater competition for land and other resources? In terms of solutions, she described her positive experience of action research in Tanzania whereby at the end of a focus group or other research exercises, discussions would be initiated on how to address the problems raised. Solutions and empowerments can therefore be developed during research.

The discussion ended with concerns over misguided development trends. **Carolyn Lesorogol** highlighted the policy contradiction between the overall policy development towards a capitalist model of individual property rights and the more collectivist systems embedded in these countries. She felt that this clash was causing systems of collective care (for example for widows) to break down due to the fragmentation of group norms and behaviours. So development strategies are simultaneously promoting individual rights whilst acknowledging the importance of collective action. **Cheryl Doss** felt that it was important not to have the debates over women's rights to property outside of the broader debates about land access for the poor. She discussed this with reference to Liberia where key issues facing women are not necessarily "women's issues" but more general issues e.g. protecting community land rights from private alienation Cheryl felt these debates should not be divided and that discussions of community land rights should incorporate woman's rights as attempting to address women's rights in isolation can obscure conflicts over communal land rights. A less fragmented strategy would therefore be to ensure communities continue to have access to land and that women's rights are enshrined within that and their voices heard in those debates.

Kate Bird brought proceedings to a close by outlining the next steps for the research papers presented. These will be published as CPRC Working Papers and subsequently as part of a journal special issue. Kate will then prepare a policy special briefing before beginning a roadshow talking to NGOs and Government officials in-country.

Kate concluded by thanking participants for attending and for everyone involved in the research and preparing the CPRC report and workshop.