



**Land Administration, Gender Equality and  
Development Cooperation:  
Strengthening women's rights to and control  
over land in Nicaragua**

Rikke Brandt Broegaard

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## ABBREVIATIONS AND ACRONYMS

ADIM	Asociación Alternativa Para el Desarrollo Integral de las Mujeres (Alternative association for intergral development of women)
ATC	Rural Workers Association
ATLMP	Agricultural Technology and Land Management Project (GoN, supported by WB)
CEDAW	United Nations Convention against Discrimination of Women
CENAGRO	Agricultural census, Nicaragua
CENIDH	Nicaraguan Human Rights Centre
CMyDR	Inter-institutional Committee for Women and Rural development
CPC	Citizen Power Council
CSO	Civil Society Organization
Danida	Danish International Development Agency
EMNV2001	National Household Living Standard Survey
EU	European Union
FAO	Food and Agriculture Organisation (UN)
FED	Joint Fund for Gender Equity and Sexual and Reproductive Rights
FIDEG	Fundación Internacional para el Desafío Económico Global, Nicaraguan research NGO
Finnida	Finnish International Development Agency
FSLN	Sandinista Front for National Liberation
GTZ	German Cooperation Agency (now GIZ)
HIVOS	Dutch development organisation
IDB	Inter-American Development Bank
ILANUD	United Nations Latin American Institute for Crime Prevention
INEC	National Institute for Statistics and Censuses, Nicaragua
INIM	Nicaraguan Women's Institute
INRA	National Institute for Land Reform
INTA	National Institute for Agricultural Technology
IPADE	Institute for Development and Democracy (Instituto para el Desarrollo y la Democracia)
MAG-FOR	Ministry of Agriculture and Forestry
MARENA	Ministry of Protected Areas and Natural Resources.

NGO	Non-governmental Organization
NORAD	Norwegian Agency for Development Cooperation
OTR	Rural Titling Office
PNDR	National Rural Development Programme (Nicaragua)
PRODEL	Programme for Local Economic Development (Sweden)
PRODEP	Property Administration Project
Sida	Swedish International Development Cooperation Agency
SIEG	Independent gender indicators (INEC)
SIICAR	Integrated Cadastre and Registry Information System (introduced under PRODEP)
SNV	Netherlands Development Organization
UNAG	National Union of Farmers and Cattle owners
UNFPA	United Nations Population Fund
US-AID	United States Agency for International Development
USD	American Dollars
WB	World Bank

**ABSTRACT**

Nicaragua in Central America is characterised by both high levels of poverty (especially in rural areas) and considerable inequality. Land ownership is still highly concentrated, despite attempts of redistribution of land during past agrarian reforms. Legally, according to the Constitution, women can own property on equal terms with men and most of the legal framework is in place to ensure women's formal rights to land, although marriage and inheritance laws and practices affect women's property rights negatively. In practice, there is a markedly skewed distribution between men and women regarding productive resources such as land and animals. Consequently, Nicaragua is a case that illustrates the importance of other factors for enabling women's actual access to and control over land. It is remarkable that, despite the supposed gender mainstreaming in agricultural policy and the progressive legal framework from the 1980s and 1990s, the state as source of land ownership is much less important for women than for men. There is also a considerable gender-difference regarding access to agricultural extension services and access to credit, as well as regarding education and the labour market. According to the recent OECD Social Institutions and Gender Index (SIGI), Nicaragua has the highest level of gender discrimination in the region of Latin America and the Caribbean.

The civil war and the influx of international development organisations from the 1980s influenced the subsequent Nicaraguan women's movements and the gender balance. International donors have given support to making women's contribution to society and to the economy more visible as well as supported the sensibilisation to gender issues among civil servants and others. It is only

through the work of the women's movement in Nicaragua that the attitude towards violence against women as something natural is gradually being challenged. Donors have both inspired and pushed. With the onset of the Structural Adjustment Programmes during the 1990s, gender-elements became a requirement for access to international development aid programmes. Several international cooperation agencies played a key role in the programmes of individual adjudication of former state land and in the promotion of joint titling in the 1990s. Recently donors have supported a large-scale land administration programme including land titling. Regional organisations have also received donor support to strengthen women's land rights and their access to justice in general. Furthermore, there have been considerable efforts by donors to coordinate their policies and efforts with respect to gender issues, vis-à-vis the Nicaraguan government.

Since the electoral victory of the Sandinista party in 2006, the Nicaraguan authorities object to donor support in the area of democratic governance, viewing it as political interference. The withdrawal of funding by six major Western European cooperation agencies has seriously weakened prominent non-Sandinista Civil Society Organizations (CSOs). Remaining donors work in an adverse political environment with regards to gender issues. The current government has a 'familist' approach, as opposed to 'feminist', and gender-based violence appears to be on the rise. Despite important advances for women's access to education, to land ownership, to voice and awareness about rights during the past three decades, where Nicaragua at times has been referred to as a positive example regarding equal rights and women's liberation, there seems to be a reversal in this positive development since the mid-00s.

## I. INTRODUCTION

This case-study examines transformations in the rights that women have to access and control land in Nicaragua and it analyses the role that donors have played in transforming the gendered distribution of ownership of land between 1980 and 2010. Nicaragua serves as an example of places where most – although not all – of the legal framework ensuring women’s formal rights to land are in place, and as such it illustrates which other factors may be important for enabling women’s actual access to and control over land. Land and access to land includes many other aspects besides the legal framework. The case study focuses on the pacific and central regions of Nicaragua, and excludes processes influencing land rights of indigenous women.<sup>1,2</sup>

<sup>1</sup> This case-study does not look into the land tenure issues of the Autonomous regions of the Atlantic Coast, as they differ profoundly from the political, cultural and social processes regarding land ownership and land access in the rest of the country. For background and analysis on community land rights, demarcation, land conflicts and women’s access to land and natural resources on the Atlantic coast, see Rivas and Broegaard (2006) and Mairena et al. (2012). While Nicaragua is a country of great ethnic and cultural diversity, most of the people outside of the Atlantic coast region are considered mestizos. Indigenous communities in the central and pacific regions of Nicaragua have not preserved their languages, which has caused their indigenous identity to be disputed. For good historical background, see Gould (1997).

<sup>2</sup> Regarding indigenous communities’ rights to land, international donors (including Sida; World Bank (for example through the Indigenous component of the PRODEP), IBIS (Denmark, through funding from Danida) and the international community (e.g. through the Inter-American Court of Human Rights) have been important to push for their recognition, the passing of the law 445, and five years later the first titles of communal property. The pressure to recognize indigenous people’s land rights has had its’ main focus on the Atlantic Coast of Nicaragua, it has had positive ‘spill-over’ effects for smaller indigenous communities in the rest of Nicaragua. The case of the indigenous land rights is an example of how progressive laws, such as the original Autonomy Law (passed 1986) or the Law on Indigenous Ethnic Communities’ Communal Property (Law 445, passed 2003) in themselves are insufficient to change the distribution or actual recognition of rights in practice, without the pressure from civil society groups and the international community.

## 2. NICARAGUA: REVOLUTION, GENDER AND RURAL POVERTY

Nicaragua has undergone radical changes over the past 3-4 decades that began when then hereditary Somoza family dictatorship (1936-1979) was terminated by the triumph of the Sandinista Revolution. The Sandinista Front for National Liberation (FSLN) ruled the country during the 1980s and profoundly changed the country’s social, economic and political life. The revolutionary government rolled out literacy and health programmes and also set out to profoundly change the distribution of land ownership through a redistributive land reform programme. The new constitution that ensued was heavily inspired by progressive thoughts about gender equity. However, it was also a decade characterized by a deep social and economic crisis due to the civil war, in which the counter-revolutionary forces (‘Contras’) were supported by the United States. The electoral defeat of the Sandinistas in 1990 by the US-backed Violeta Chamorro (a woman) marked the beginning of a transition to peace and to market economy, as well as the beginning of a new institutional and legal transformation process. The first constitutional reform hereafter took place in 1995, with opposing constitutional and legal principles at play, but largely respecting the Sandinista social project as a backbone of the Constitution.<sup>3</sup>

Today, Nicaragua is characterized by both high levels of poverty (especially in rural areas) and considerable inequality. For example, Tsegai and Murray (2005) conclude in a gender baseline study for Finnida that in Nicaragua,

<sup>3</sup> According to several analysts, a major challenge is the absence of a legal and political culture recognizing the primacy of the Constitution. Furthermore, although the judicial power is in theory independent, it can best be described as a political battleground (UN-HABITAT 2005:30).

the poor suffer more from gender inequalities than do the better-offs.<sup>4</sup> Agriculture (including mining and forestry) is very important for the national economy, absorbing more than 27 percent of the economically active population and contributing around 19 percent of the country's GNP (World Bank 2008). This notwithstanding, Nicaragua's economy has been highly dependent on overseas development assistance over the past three decades, with foreign aid representing 20 percent of GNI in the period 1998-2006 (or the equivalent to 90 percent of its exports during the period) (DRN 2009, Annex 1, section 3, p. 19). However, recently, international foreign aid has fallen to around 10 percent of GNI.<sup>5</sup>

Furthermore, land ownership is still highly concentrated, despite the distributional character of the past agrarian reforms. The gini coefficient of concentration of property is 0.86 according to a World Bank Study (World Bank 2003a:12), making it one of the most unequal countries in the hemisphere.<sup>6</sup> Property rights issues, as well as the radical changes regarding rights distribution, have been placed high on Nicaragua's political agenda during each of its post-revolution governments. From increasingly concentrated private land ownership during the Somoza regime, the Sandinistas carried out large-scale land confiscations and expropriations, as well as redistributive land reforms, formation of agricultural cooperatives and state farms. After the change to a series of liberal governments – starting in 1990 – a counter-reform was carried out and considerable effort was made not only to compen-

sate former owners who had had their land expropriated or (unjustly) confiscated but also to establish an overview of land owners and their land rights. According to International Property Rights Index, Nicaragua ranks at the bottom of countries regarding the protection of physical property rights.<sup>7</sup> The registration of property is cumbersome and time consuming.<sup>8</sup> The property registries are administered by the Supreme Court, and although efforts have been made to modernize the registry, there are still persistent complaints about its openness to political manipulation and bribes. A politicized and poorly trained judiciary also renders a fragile enforcement of property rights (see also Rose 2011).<sup>9</sup> Corruption indices place Nicaragua among the highly corrupt countries in the world (scoring 29 in Transparency International's Corruption Perception Index (where 0 is totally corrupt and 100 is totally clean)<sup>10</sup> – and a recent evaluation of donors' anti-corruption work concludes that

<sup>7</sup> International Property Rights Index 2012. The IPRI 2012 is a special project of the Property Rights Alliance and Americans for Tax Reform. It is carried out by the organization Property Rights Alliance for the Hernando de Soto Fellowship Program. The Index focuses on three areas: Legal and Political Environment, Physical Property Rights, and Intellectual Property Rights. The current study analyses data for 130 countries around the globe.

<sup>8</sup> Regarding physical protection of property, Nicaragua ranks 123 out of 130 countries. Regarding registration transaction times, Nicaragua ranks 124 out of 130 countries. [www.internationalpropertyrightsindex.org/profile?location=Nicaragua](http://www.internationalpropertyrightsindex.org/profile?location=Nicaragua) (for 2012), visited January 6<sup>th</sup>, 2013.

<sup>9</sup> As in many other Latin American countries, the state has been quite weak and thus hardly present in many parts of the national territory. Consequently, the legal system is not effectively implemented, and often the state cannot guarantee access to justice for its citizens. In a World Bank analysis of governance indicators in 212 countries (1998-2007), Nicaragua comes out far below the average on control of corruption, rule of law and government effectiveness (Kaufmann et al. 2000), and is only close to average regarding "voice and accountability". Source: World Bank: The Worldwide Governance Research Indicators Dataset. [http://info.worldbank.org/governance/wgi/sc\\_country.asp](http://info.worldbank.org/governance/wgi/sc_country.asp) [http://info.worldbank.org/governance/wgi/sc\\_chart.asp](http://info.worldbank.org/governance/wgi/sc_chart.asp) here from Evaluation of EU development interventions in Nicaragua, DRN 2009. See also Kaufmann et al. (2008).

<sup>4</sup> The importance of class for women's access to resources and influence is also mentioned by Byron and Örnemark (2010).

<sup>5</sup> <http://www.oecd.org/dac/aidstatistics/statisticsonresourceflowstodevelopingcountries.htm>.

<sup>6</sup> According to the National Agricultural Census (CENA-GRO) from 2001, the gini coefficient is 0.71.



insufficient attention is given to the way that corruption affects women, in particular (NORAD 2011).

A recent evaluation of EU support to Nicaragua states that *“the agricultural sector faces structural problems such as (i) land tenure conflicts – relics of the unachieved agrarian reform of the 1980s, still unsolved today due to a deficient legislation, an inefficient judicial system and the politicising of the issue – which are an obstacle to private investment, land tax collection and physical planning;[...]*” (DRN 2009, Annex 1, p.4). Another analysis of the state of democracy in Nicaragua comments on the rule of law and gender that *“Legally Nicaragua has rule of law, but this is contradicted in practice, where the lack of protection and security of women is a fact that can also be shown through the national statistics [of violence against women and femicides] which show an increasing trend.”* (IPADE 2007:49, own translation). The Social Institutions and Gender Index (SIGI) launched by the OECD Development Centre points to Nicaragua as having the highest level of gender discrimination in the region of Latin America and the Caribbean (Cerise, Ferrant et al. 2012:33).

There is a wide gender gap regarding education and the labour market. For example, women’s participation in tertiary education is lower than men’s<sup>11</sup> (Freeman, Barahona et al. 2002), as it is in the labour market. Although girls’ enrolment and retention rates in primary and secondary school have exceeded

those of boys in the urban areas, the level of women’s education is still inferior to that of men in the rural areas (NORAD 2011). Some observers raise concerns about the persistent religious influence in schools, despite of formally non-religious public schools, and a recent analysis concludes that these religious influences discriminate against women (Tsegai and Murray 2005; Bohigas 2012).<sup>12</sup> Other indicators also show persistent discrimination against women that includes gender-based violence and inferior income earnings (see also Byron and Örnemark 2010 on evaluation of reproductive health needs). For example, women’s average income is 20 percent inferior to average income for men (Freeman et al. 2002) and violence against women is frequent as is sexual violence (also in marriage) (ibid.). There is also a markedly skewed distribution between men and women regarding productive resources such as land and animals in Nicaragua (NORAD 2011). This is presented in greater detail later (Section 6).<sup>13</sup>

### 3. THE FORMAL ADMINISTRATIVE SET-UP

Since 1858 Nicaragua’s constitution emphasised the inviolability of private property and over the next half century land laws progressively eliminated corporate land rights and established private property as the principal

<sup>10</sup> <http://www.transparency.org/cpi2012/results> (visited 08.03.2013); see also <http://info.worldbank.org/governance/wgi/pdf/cl162.pdf>

<sup>11</sup> A recent evaluation of higher education programmes in Nicaragua supported by the Austrian Development Cooperation (Van den Boom et al. 2010) observes that for university education at the Atlantic Coast of Nicaragua (at the URRANCAN university), despite an apparently equal access to university, with 51 percent of all students in 2009 being female, there are several unsolved issues related to desertion due to pregnancy (at times exceeding 30 percent). A recent evaluation of research cooperation by Sida finds that in the case of Nicaragua, the programme effects on gender issues is generally weak (Boeren et al. 2006:5).

<sup>12</sup> SADEV (2010) quotes Aikman and Unterhalter (2005:4) *“Beyond Access: Transforming Policy and Practice for Gender Equality in Education”* for concluding that *“Putting gender equality in place in the classroom is a key to connecting schooling and citizenship with human rights”*.

<sup>13</sup> Likewise, SADEV 2010 concludes in an evaluation of Sida’s efforts to promote gender equality in and through education that primary education is far from enough to advance women’s empowerment (NB: the evaluation does not include Nicaragua, but other Sida programme countries like Bolivia, Ethiopia, Tanzania and Cambodia).

form of land tenure (Dore 2006:71). Legal provisions in the constitution were inherited from the colonial period, which guaranteed women an equal proportion of both parental- and marital-inherited wealth and property (Dore 2006:55). However, liberal reforms in the late 19<sup>th</sup> century had regressive effects on women in the sense that they undermined these legal provisions in order to diminish the fragmentation of land and wealth (in general, without any gender-focus) imposed by the colonial inheritance system. Although women could own and inherit property, only the man was considered the head of household. Thus, men could administer the household assets, including those properties individually owned by their wives.<sup>14</sup> The Civil Code still uses concepts like ‘the head of household’ regarding the rights, possession and administration of property. For example, article 151 of the Civil Code, which is still valid, establishes that “*The husband is the representative of the family and by consequence also the representative of his wife*” (here from Tijerino, Nordlund et al. 2008:17). This has implications for laws on adjudication and registration of properties, which are written without explicitly mentioning women, but using the ‘head of household’ terminology instead.

<sup>14</sup> Dore (2006:56) spells out how changes to the civil code in 1871 (concurrent with the changes to property law mentioned above) spelled out the terms whereby a husband controlled his wife’s body and sexuality: “*To facilitate the inheritance of property, the law sought to simplify identification of biological parents. To that end it granted a husband legal control over his wife’s womb, and thus by extension over her sexual practices. A wife’s legal rights [...] pertained only if she was “decent”, understood as monogamous and obedient to her husband.[...] State regulation on gender norms went further: Nicaragua’s civil codes guaranteed impunity of uxoricide, or wife killing, if a husband could demonstrate that his wife was an adulteress. However, if he committed adultery, so long as his infidelities were not flagrant, his wife had no legal recourse. Impunity for uxoricide finally was struck from Nicaragua’s new Civil Code in 1904. “However, male adultery was legally sanctioned for another fifty years, which may partly explain why extralegal polygamy long remained widely practiced and tolerated.”*”

After the United Nations Convention against Discrimination of Women (CEDAW) was ratified in 1981, a ‘Women’s Office’ was set up in 1983. This was followed by the INIM (the Nicaraguan Women’s Institute) in 1987. An Inter-institutional Committee for Women and Rural Development (CMyDR) was later established by Presidential Decree No. 57/1997, with the objective to introduce the gender perspective into agricultural strategies, policies, programmes and projects (Ceci 2005:87).<sup>15</sup> Provisions were introduced the same year in agrarian legislation that encouraged allocation and joint titling of land to couples (thereby recognizing married women’s right to land) (Act 209/95, Art 32). Since 1997 the agrarian law of Nicaragua has explicitly recognised the equal rights of men and women, and legislation provides for joint titling as a requirement for the state’s allocation of plots (Act 278/97, Art 49) (UN-HABITAT 2005:15).

Since constitutional changes in 1987 and 1995, article 73 highlights the right to equality between man and woman. While the constitution also recognizes marriage and stable civil unions, to this date no law has been written that regulates stable civil unions (UN-HABITAT 2005:52; Tijerino, Nordlund et al. 2008:11ff; Guido, January 14, 2013, personal communication). In practice, this weakens the position of many women when the common-law-marriages are dissolved, or in the case of inheritance. This is especially true for rural areas where common-law-marriages dominate (Tijerino, Nordlund et al. 2008). Table 1 summarizes key elements of the Nicaraguan legal framework regarding gender and land legislation.

<sup>15</sup> The Inter-institutional Committee on Women and Rural Development (CMyDR) included representatives from INIM, INRA/OTR, INTA, MAG-FOR, MARENA, PNDR (National Rural development programme); as well as one civil society representative.

Table I. Nicaragua, gender and land legislation

<i>UN Convention against discrimination of women, CEDAW, signature?</i>	Yes, ratified 1981, but not yet fully incorporated into domestic legislation. Not ratified optional protocol.
<i>Year of land reform(s)</i>	1979-1990 (Sandinista era) 1990/1995 (liberal governments)
<i>Prohibition of discrimination against women?</i>	Yes, Constitution (reforms of Constitution 1987, Article 109).
<i>Affirmative action in the land legislation?</i>	Legal provision to issue title in name of both spouses as a requirement for the state's allocation of plots since 1995.

In 2007, the CEDAW Committee expressed concern about the persistence and pervasiveness of patriarchal attitudes and stereotypes regarding the roles, responsibilities and identities of women and men in the family and in the wider society. The committee pointed out that patriarchal attitudes and stereotypes normalize discrimination and violence against women and they limit women's economic opportunities and their voice in public life (CEDAW 2007:3).

The Law on equal rights and equal opportunities (Law 648) was passed in 2008 (after five years of stagnation in parliament).<sup>16</sup> However, legal cases testing the ban on gender-based discrimination have been rare. Furthermore, even though women and children are poorly protected against sexual abuse and domestic violence (characterized by some analysts to be 'endemic', e.g. Dye 2010), prosecution for domestic and sexual abuse is rare, despite the new penal code<sup>17</sup>

<sup>16</sup> Approved on February 14, 2008, published in La Gaceta #51, March 12<sup>th</sup>, 2008. <http://www.ilo.org/dyn/travail/docs/2194/Normas%20Jur%C3%ADdicas%20de%20Nicaragua.pdf>

<sup>17</sup> Law 641, published in La Gaceta # 83-87, dated May 5th-9th, 2008. [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/IF-5B59264A8F00F906257540005EF77E?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/IF-5B59264A8F00F906257540005EF77E?OpenDocument)

which identifies intra-family violence as a crime.<sup>18</sup>

### 3.1 Marriage and inheritance laws and practices – affecting women's property rights

Marriage law in Nicaragua defines that by default, both spouses retain their individual ownership of the assets acquired both before and after the marriage (the so-called "separation of property marital regime), unless they agree on another type of marital property regime that they choose to adopt (by means of a legal and written declaration) (UN-HABITAT 2005). In cases of marriage dissolutions within the 'separation of property marital regime', each spouse is automatically entitled only to his/her own property (Tijerino, Nordlund et al. 2008). Inheritance received by either husband or wife during marriage is treat-

<sup>18</sup> Human rights groups call attention to law 648 not being enforced; that discrimination against women and sexual harassment remains strong. Furthermore, the ban on therapeutic abortions (passed in 2006, and incorporated into the penal code in 2007-8) somewhat overshadows the possible gains that Law 648 may eventually lead to for women (Dye 2008). Ironically, Nicaragua's currently most powerful woman, Rosario Murillo, married to the current president, has done little to improve women's rights in Nicaragua.

ed as individual property (Deere and León 2001).<sup>19</sup> As with all Latin American countries, Nicaragua's inheritance regime formally treats male and female children equally.

Regarding spouses and inheritance, Nicaragua's legal framework leaves spouses relatively defenceless if they have been in a marriage with the (default) separation of property regime, as the law provides for a large degree of testamentary freedom. Three quarters of the estate may be inherited (as one quarter – the so-called conjugal portion – is to be reserved as the spouse's share), but for estates that are intestate, children rank higher as heirs than does a spouse in the pecking order of preference. The restriction in the testamentary freedom regarding one quarter of the estate is established in order to ensure so-called 'subsistence proportions' to disabled dependants, minors, elders or the surviving spouse, *but the need for subsistence proportions must be proved*. This requires the involvement of lawyers which implies extra costs. Furthermore, the conjugal portion is a subsidiary right that is obtained *only* if demanded upon the death of the spouse. As such, it requires knowledge of the right and the means by which to claim that right (Tijerino, Nordlund et al. 2008).

Throughout Nicaragua, especially in the rural areas, couples are often 'just' forming stable common-law relationships that are not formalized in any way. While there is a proposed law to legally recognize such stable '*de facto* unions', it has not advanced. As a result, a widow usually cannot inherit property from her deceased (common-law) husband.

<sup>19</sup> Land adjudication (e.g. land reform distribution programmes) is in Nicaragua regulated by the agrarian law, and the plot is not supposed to be subdivided upon death of the beneficiary, and the spouse becomes the legitimate successor. Inheritance cases and marital property cases are dealt with in civil courts, as well as most land cases. However, some land cases that involve property disputes from the 1980s are handled by property courts.

The lack of legal recognition of the most common way that couples in the rural areas organize themselves is highlighted as one of the main barriers for strengthening women's secure access to land (and housing), even at a mature age, by Alejandra Guido, researcher on gender issues at FIDEG (Fundación Internacional para el Desafío Económico Global) (pers. comm., January 14, 2013) (See also Tijerino, Nordlund et al. 2008).

### 3.2 Gender focus and women's representation in the land administration

The exercise of citizenship – using one's rights to speak, vote and be elected – has been a vehicle through which women have achieved formal representation in the political sphere. In 1990 Nicaragua had its first female president and during her Government, the National Institute for Statistics and Censuses (INEC) introduced independent gender indicators (SIEG) and gender-disaggregated information on many issues as part of a more generalized intent to visualise women's contribution to society and economy (Interview with Isolda Esponisa, January 2013; see also Montaña 2005). However, the independent gender indicators have recently stopped being updated (personal comm. Alejandra Guido, FIDEG).

From 1996, a peasant women's unit was created in the central organization of the National Institute for Agrarian Reform (INRA), in order to promote gender issues in all INRA activities.<sup>20</sup> During the same period, the Nicaraguan Women's Institute (INIM) was strengthened. Subsequently, a declaration regarding the principles of gender equality was approved, emphasising the need to in-

<sup>20</sup> By 2000, INRA changed name to OTR, Rural Titling Office, and by 2007 to IP, Property Intendent.

corporate gender perspective in all policies, programmes, projects, strategies and actions plans.<sup>21</sup> In the middle of the 2000s, the Office of Property – a unit within the Ministry of Finance and Public Credit – also had a gender unit in charge of education of technical staff and beneficiaries of titling programmes in gender issues. According to UN-HABITAT (2005), the gender unit had been promoted by the World Bank, and although the Government of Nicaragua recognized the importance of promoting landownership among women, the gender unit lacked the appropriate resources and personnel – actually, it only had one functionary in 2005.

Although there are no quotas for female representation in the land administration, according to the Minister of Family, Ramírez Mercado, (Ramírez Mercado 2011:5), the current government has adopted a policy that supports that women should occupy 50 percent of the public office positions in all state entities. Currently, the Intendant of Property is a woman. The share of women in ministerial positions in 2010 was 39 percent (<http://data.worldbank.org/indicator/SG.GEN.PARL.ZS>). At the national level, women are not equally represented at the decision making level and quotas for female representation in government bodies at the national level does not exist (although it has been adopted by several political parties). However, the share of women in parliament has increased tremendously during the past decades: In 1997 it was 11 percent, in 2010 21 percent, and it increased to 40 percent in late 2011 (<http://data.worldbank.org/indicator/SG.GEN.PARL.ZS>). In March 2012 a reform of the municipal law was approved

<sup>21</sup> Ministerio de Hacienda y Crédito Público (2000): Certificación de acuerdo administrativo de la Dirección General NAC-OTR-007-2000, que aprueba la declaración de principios de equidad de género de la Oficina de Titulación Rural. Managua.

whereby gender quotas were introduced for the first time in municipal elections. The reform requires that 50 percent of each party's municipal government candidates should be women (popularly called Law 50/50<sup>22</sup>).<sup>23</sup> (See also Gosparini, Carter et al. 2006, chapter 2, for an analysis of electoral quotes for women).

#### **4. LAND REFORM IMPLEMENTATION: SANDINISTA ERA, POST-REVOLUTIONARY ERA AND SECOND FSLN ERA.**

The transformative strength of the Sandinista Revolution profoundly changed the distribution of rights, resources and many laws that existed during the dictatorship characterized by high levels of inequality. Consequently, this section analyses the land reform implementation experiences in Nicaragua in three eras: The Sandinista era (1979-1990); the post-revolutionary era (1990-2006), characterized by conservative and liberal governments returning the country to a market economy; and the recent era, starting in 2006 when the Sandinista party won the presidential elections and came back to power.<sup>24</sup>

<sup>22</sup> Law of reforms to the Law #40, "Law of Municipalities", Law # 792, approved May 31st, 2012, published in La Gaceta # 109, June 12th, 2012. <http://legislacion.asamblea.gob.ni/Normaweb.nsf/9e314815a08d4a6206257265005d21f9/c47cb-5909fbd1c2506257a2a00757707?OpenDocument>

<sup>23</sup> See for example Prado, S. Envío #374, September 2012. <http://www.envio.org.ni/articulo/4589>

<sup>24</sup> Nicaragua experienced agrarian reforms with donor support already in the 1960s and 1970s under Somoza (dynasty/dictatorship), where the reforms were promoted by the United States through the Alliance for Progress programme (UN-HABITAT 2005:29). It focused on advancing the agricultural frontier instead of distributing the available land. It assumed the traditional, patriarchal family unit with male head of household and a gendered distribution of labour, responsibilities as well as obligations; thus implicitly assumed that distribution of land to a farmer would also benefit his family-members.



#### 4.1 Sandinista agrarian reform, 1979-1990

The 1981 Agrarian Reform Act is generally recognized for being very progressive for its time and for representing an important step towards equal rights or full integration of women. Equal rights and equal access of women and men in agrarian issues was made a political priority through legal, institutional, and organizational changes. As mentioned in the introduction, large-scale confiscations of large estates were carried out during the Sandinista revolution, creating both state farms and agricultural cooperatives. Roughly a fifth of the land affected by the confiscations and expropriations was distributed to individuals. In those cases where the individually distributed land plots were titled, titles were typically issued only in the name of heads of households (thus, typically males). Despite the stated political priority given to equal rights for women and men, roughly only 8 percent of the individual beneficiaries of the land reform were women (Galán 1998; Ceci 2005; see also Agurto et al. 2008). While women could also be members of agricultural cooperatives, it was mainly unmarried women or female heads of households who became registered members.<sup>25</sup> According to Ceci (2005), although by 1982 44 percent of cooperatives had women members, they only made up a very small percentage of the total membership. In her analysis of legal aspects of women's access to land in Nicaragua, Galán (1998) calculates that only 11 percent of women received land through agricultural cooperatives during the 1980s. Thus, despite of the principles of equal rights for men and women, implementation and cultural values did not follow suit. Interviews with research-

<sup>25</sup> Furthermore, the fact that the agricultural cooperatives also served as local defence units during the war also made it less attractive for women to become members.

ers and professionals working with women's land rights highlighted the deep-rooted patriarchal ideology and the associated gendered division of labour as the main reasons for the discrimination against women (interviews, fieldwork, January 2013).

This notwithstanding, a characteristic of the societal development in the 1980s, during the Sandinista government, was the growing number of women joining social organizations, grassroots organizations, as well as political parties, unions and production cooperatives. Many rural women (as well as men) learned to read during the literacy campaign in 1980, as well as in subsequent popular education efforts and schooling improvements. The onset of the war meant that many men were absent from their homes and workplaces for long periods – if they ever returned from the battlefields. This left women with both the needs and the opportunities to undertake tasks they had not previously carried out or been responsible for. Thus, the decade of war also produced women who had leadership experience and became accustomed to voice their opinions. Yet, several of the professionals interviewed during fieldwork in January 2013 stress the *utilitarian* character of the approach to women's increased participation in society outside of the household employed during the Sandinista ear. Isolda Espinosa, UN-Women, presented the hypothesis that a combination of the FLSN discourse on equal rights and historical necessity led to the promotion of women in national life during the war, not because of preoccupations with equal rights, but because it was needed to reconstruct the country. Women were encouraged to take on new posts and challenges “*for the Fatherland and for your sons*”. As such, it was still part of the traditional patriarchal focus. Furthermore, women were generally expected to leave these posts for the men re-

turning from the war, and then go back to their household ‘duties’. As the end of the decade approached, several women’s organizations formed – often breaking away from existing FSLN-based organizations in search for a space of their own. Many women felt that they were only accepted as ‘honorary men’ within the FSLN-associated organizations such as UNAG (Farmers union) and ATC (Rural workers association), rather than as female subjects, despite of the rhetoric of equal rights within the FSLN.<sup>26</sup>

Asking about important moments and actors, the interviewees mentioned conversations with international development workers – from volunteers to female ambassadors – especially Europeans and mostly from the Nordic countries, because these women had a different perception of womanhood and women’s rights. Furthermore, the interviewees highlighted a handful of international feminist researchers as being pioneers in introducing women’s land rights issue on the national agenda and posing questions regarding workloads, responsibilities, rights and obligations. This started a process of reflection and change. Although the ensuing changes may have seen small at the time, they laid an important ground for the subsequent development towards more women’s empowerment, even if it was at first mainly absorbed by the intellectuals (see also Tsegai and Murray 2005 on the gender equality in perspective of poverty and class).

According to Isolda Espinosa, the fact that women took conscience regarding their disadvantaged position was a neither expected

nor a hoped-for result of their experiences during the 1980’s. Nevertheless, it influenced the subsequent Nicaraguan women’s movements and gender balance. The result of this development can still be felt in the Nicaraguan society and in the ‘landscape of professionals’. Also in the rural areas the influence can still be seen with a high level of economically active rural women (27 percent of rural women, according to Katz and Chamorro 2002) (, with roughly a third of them being employed in agriculture, which is high for Central American standards (ibid.). According to the UNDP Gender Inequality Index,<sup>27</sup> Nicaragua’s gender inequality ranks number 101 out of 146 countries, and it is estimated that the country loses 50 percent of its potential human development due to inequality between female and male achievements. This is only slightly higher than the global average (<http://hdr.undp.org/en/statistics/gii/>).

## 4.2 Counter-reform and emerging land markets 1990-2006

Property rights issues were at the heart of the political debate after the FSLN electoral defeat in 1990. According to Dore (2006) *“Owners of large properties clashed with small farmers as both endeavoured to establish their rights to land. Property disputes perpetuated violent struggles*

<sup>26</sup> Sylvia Torres, former UNAG and INRA-employee and former head of gender issues at the Millennium Challenge Corporation and currently working with gender issues for Oxfam, stresses the conflicts and tensions that this produced, and that feminists were accused of being counter-revolutionary and thus traitors.

<sup>27</sup> The Gender Inequality Index reflects gender-based disadvantage in three dimensions – reproductive health, empowerment and the labour market – for as many countries as data of reasonable quality allow. The index shows the loss in potential human development due to inequality between female and male achievements in these dimensions. It varies between 0 – when women and men fare equally – and 1, where one gender fares as poorly as possible in all measured dimensions. It faces major data limitations, which constrains the choice of indicators. The Index misses other important dimensions, such as time use – the fact that many women have the additional burden of care giving and housekeeping, which cut into leisure time and increase stress and physical exhaustion. Asset ownership, gender-based violence and participation in community decision-making are also not captured in the Index, mainly due to limited data availability.

*in the countryside for more than a decade*” (see also de Groot and Spoor 1994). At the start of the 1990s, some land was returned to its previous owners. As part of the peace agreement, land was also distributed to former (demobilized) soldiers – but only 6 percent to women, even though women accounted for 10-15 percent of soldiers (Ceci 2005; see also Katz and Chamorro 2002). In a later period (1992-1994) women accounted for 16 percent of land beneficiaries (Ceci 2005).

The late 1980s and the early 1990s experienced an important growth in Women’s organizations and much work regarding visibilisation of women’s contribution to society and economy, as well as sensibilisation to gender issues among civil servants (supported by international donors such as for example FAO and NORAD). Interviewees met during fieldwork in January 2013 highlighted Christina Chamorro, the daughter of the female President 1990-1996, as someone who was able and willing to push the gender-sensitivity-agenda. She strengthened the Nicaraguan Women’s Institute, and represented a different role model as a young, prepared woman with a different mentality. Many such young, well-prepared professionals held important posts in the Chamorro government, and were open towards many of the arguments presented by CSOs, including those regarding strengthening of women’s rights and space. In an evaluation of gender mainstreaming within Sida interventions, INIM is highlighted from this era as being open to dialogue with donors (Freeman, Barahona et al. 2002). From 1993, the government introduced institutional and legislative changes and implemented programmes designed to raise gender-awareness of officials in the agricultural sector (mainly in INRA). The promotions of joint-titling to couples, as well as the introduction of gender-disaggregated statistics, were two initiatives pushed by INIM

and supported by international donors (personal comm. Isolda Espinosa).

The new liberal government and the return to market economy coincided with radical cut-backs in the state apparatus as a consequence of the Structural Adjustment Programme conditions posed by multinational donors. As part of this, state-financed extension services and the provision of credit for small-scale producers and cooperatives experienced severe cuts, and a wave of land sales of former cooperative-plots swelled – also as a reaction to severe insecurity of tenure, due to the legal reform processes and strong rhetoric that threatened the beneficiaries of the former land reform programme (Broegaard 2005). During President Alemán’s administration (1996-2000) several laws were implemented to create an institutional framework for dealing with property issues (and conflicts) originating from the Sandinista land reforms/confiscations. According to the UN-HABITAT (2005:35), *“the Alemán government was able to make the institutions dealing with property issues more efficient in processing claims of people whose land had been confiscated during the Sandinista administration, especially if they were U.S. citizens. [...] However, the performance of those same institutions was very poor when it came to the clarification of property rights of low-income families who were beneficiaries of the urban and agrarian reform.”* An evaluation of gender mainstreaming by Sida (Freeman et al. 2002) comments that the arrival of the Alemán government marked a strengthening of conservative tendencies to reduce the focus on equality, especially regarding gender, and subordinating of INIM to the Ministry of the Family (Freeman, Barahona et al. 2002; Tsegai and Murray 2005).<sup>28</sup>

<sup>28</sup> The evaluation also quotes a staff person from the Swedish Embassy in Managua for characterizing the formal communications with the central decision-making bodies of the Government of Nicaragua regarding gender equality as *“a monologue in which we express our interests and priorities and the GoN goes its own way”*.



Land sales from the reformed sector typically included individual plots, for example given to ex-soldiers with non-agricultural backgrounds (with or without land titles), as well as plots of land in subdivided or dissolved cooperatives. However, few women benefited from the cheap land deals that were available, largely because rural women typically lack access to credit or resources that enable them to purchase land through the land market (Broegaard 2008).

During the same period (1990-2001) many of the state-owned enterprises and cooperatives were privatized and parts of the properties were divided among members of workers. Given that female workers often held only temporary positions, many did not receive a plot of land (Alejandra Guido, interview, January 2013). Regarding the subdivision of agricultural cooperatives, Ceci (2005) comments that women typically received the smaller plots having poorer quality of soils, mainly due to their weaker bargaining position. Patricia Aguirre, researcher on gender issues at FIDEG, confirmed this skewed gender imbalance following the (mainly *de facto*) individualization of former cooperative lands and explains it with reference to a still-perpetuating patriarchal culture (interview, January 2013). “*The male members of the cooperatives served themselves with the big spoons, arguing that they were responsible for providing food for the entire family, while women were – at best – given a small plot of land close to her patio*”, says Sylvia Torres (interview, January 2013) (See also Agurto and Guido 2009).

Based in INRA records for 1990-92, 25 percent of more than 35,000 titles issued by INRA during that period were extended to women, mostly as joint titles (Galán 1998:45). Yet, for subsequent periods, figures on female beneficiaries of property titling projects are uncertain because they vary considerably among sources. For example, one author cal-

culated that between 1993 and 1996, women represented 31 percent of the beneficiaries of government-issued property titles. This is considerably higher than for the Sandinista period (Ceci 2005; see also Galán 1998 who mentions that a third of the beneficiaries in a FAO titling project were women). Another study reported that the percentage of titles issued to women by the state (or with women as co-owners) increased from 13 in 1992 to 43 in 1999 (Katz and Chamorro 2002:19, based on data from OTR 1999). Yet, other authors found considerably lower figures, as explained below.

Starting in 1995, legal changes were introduced to change titling requirements for land allocated to land reform beneficiaries by the state, making joint titling a requisite for state land allocation to couples. Not only did international organizations like the FAO and the World Bank push for this legal change to strengthen the land rights of women, but so did national organizations like the INIM (personal comm., Alejandra Guido, FIDEG). However, when a second phase of FAO and World Bank supported joint titling started in 1997, it was found that no gender disaggregated information existed and that joint titling had hereunto been given more frequently in the name of two or more relatives, than to couples (joint family titling represented 25 percent of all titles 1992-2000, while joint couple titling represented less than 8 percent of all titles (see Agurto and Guido 2003:18, based on data from OTR)). After the discovery in 1997 that the way data-bases on titling was set up did not disaggregate information regarding gender, informatics technicians received training to allow them to understand the importance of entering gender-disaggregated data. Additional training courses were offered to technicians and beneficiaries. The following quote underscores the decisive nature of donor influences on the implemen-

tation of the more gender-progressive land policies. “Furthermore a certain “pressure” was exercised by the financing organisation, the World Bank, in order to obtain the goal of the gender-disaggregated data base, and the technicians were oriented that joint titles should be issued to couples, because this was an order, a demand by the gender program that the same organisation carried out” (Agurto and Guido 2003:18, own translation).<sup>29</sup> However, field observations in the first part of the 2000s reveal that in practice the state still issues titles where only the husband’s name is on the title (participant observation, fieldwork 2003-6, Broegaard, unpublished data).

A long-term panel study by FIDEG from 1995/6 to 2000 shows that the share of women who obtained titles in their own name increased from 13 to 15 percent (Agurto and Guido 2003). A subsequent study of the same panel shows that while the percentage of female owners of land increased to almost 21 in 1998, it has subsequently decreased to under 14 in 2006 (last year of the panel study by FIDEG (Agurto, Guido et al. 2008)).

Patricia Aguido, one of the authors behind the panel study, explains that the decrease in landownership among women with the economic crisis that has forced many poor families to sell their land due to economic emergencies. She also highlights a tendency for men to sell land without the consent of the women, even though their names are on the title deeds. In fact, lawyers let it happen or support it<sup>30</sup> (personal

comm., interview). The low commercial value of agrarian reform titles makes it attractive to convert them into certificates provided by a public notary and this also works against efforts to strengthen women’s rights because the woman’s name sometimes gets excluded from the resulting document during the legal process. Furthermore, based on focus group discussions with women, Patricia Aguido concludes that women do not want titles jointly with their husbands. They want titles in their own name – individually and inscribed in the registry. This way, they have more decision-making power and can ensure that their children will inherit their property. Additionally, these women do not run the risk that the man will sell the land without their consent. Finally, Patricia Aguido comments that women who have obtained land will generally go a long way to keep the land, because they want to make sure that their children can inherit land. This is confirmed by recent econometric data analysed by Rodríguez et al (2011). One of the national NGOs that has been very active in promoting women’s rights to land is the National Union for Farmers (UNAG), which in the administrative department of Estelí had an exceptionally active and strong women’s section. During the beginning of the 2000s, the UNAG women’s section had obtained international funding for providing long-term credit (3 years) to women for the purchase of land and the subsequent titling and registration of rights. Many women, who were previously landless, were able to obtain a plot of land of their own (Broegaard 2008). However, the women’s section of UNAG-Estelí also presents a case where organized women became so strong and vocal, that they were considered a threat by the men in the organization. As a result, they were excluded

<sup>29</sup> According to Patricia Hernández (responsible for the Gender unit at INRA/OTR, here quoted from Agurto and Guido 2003:19), the decisive change in the technicians’ and civil servants’ attitude towards joint titles only came after the ministerial orientation that those joint titles that were not between couples, would be rejected.

<sup>30</sup> Some lawyers have even claimed that joint titling represents a violation of the rights of the individual, because the land reform beneficiary is obliged to involve his (!) spouse in the land sale (Agurto and Guido, 2003).

ed. In response, the former president of the women's section of UNAG-Estelí withdrew from UNAG and formed her own women's development organization, where she continues to work for women's land rights and their access to means of production. Following this, the women's section in UNAG-Estelí has had frequent turnovers of the head of section and they no longer run any projects (Sayda Flores, UNAG-Estelí, interview, January 2013).

### 4.3 New Sandinista era (2006-present)

Since 2006, civil society organizations and non-Sandinista NGOs have lost influence during the current government, and the recent withdrawal of funding by six major Western European cooperation agencies has seriously weakened prominent non-Sandinista CSOs.<sup>31</sup> The remaining donors seem largely to avoid funding groups or projects in the area of democratic governance because the authorities object to such efforts, viewing them as political interference (Salinas 2011). A recent evaluation of Finnida's country programme in Nicaragua (Caldecott, Van Sluijs et al. 2012) commented that especially for gender issues, it is perceived to be important that Finnish involvement in Nicaragua continues. It also describes the dilemma created for Finnida in terms of how best to promote gender issues – namely, whether to stay and work in an adverse political environment, or to leave (p.85). At the local level, many CSOs

<sup>31</sup> The Danish withdrawal was related to the FSLN government refusal to allow previously authorized Danish assistance to Ethics and Transparency and other civic groups planning to monitor the 2011 elections. It seems that the massive economic support from Venezuela makes the FSLN government less dependent on western donors and thus less likely to respond to pressure from them (e.g. Pereira 2011).

have been absorbed into the Citizen Power Councils (CPCs) which have almost entirely displaced pre-existing local development committees and are dominated by FSLN party secretariats (Pereira 2011; Freedom House 2012).

Already in 2007, IPADE noted that there was very low confidence among Nicaraguans that a court proceeding would treat them fairly, according to a survey on democratic development (IPADE 2007:33). The survey also revealed that citizens perceive that the effective defence of rights is related to the socioeconomic and political group to which a person belongs. Thus, the rich and the politicians are perceived always to be able to make their rights heard and respected, while women and youth are perceived only rarely to be able to ensure that their rights are enforced. Indigenous people and elderly people are perceived never to be able to ensure that their rights are enforced (ibid.) *“It is difficult to speak of democracy in a country where gender is a distributor of unequal opportunities that places women and children, by virtue of gender and age, at a disadvantaged position to access to economic and social resources and opportunities, as well as to application of justice.”* (IPADE 2007:51, own translation). According to several analysts and interviewees, the judiciary's lack of independence from political influence is one of Nicaragua's most severe governance problems (Santisteban and Pineda 2008).<sup>32</sup>

Although the new penal code (2007) criminalizes discrimination based on gender and ethnicity, the necessary mechanisms for enforcing women's equal rights are lacking. Furthermore, the Nicaraguan Women's

<sup>32</sup> Since 2007, Sandinistas have almost completely dominated court proceedings and administration (Freedom House 2012).

Institute (INIM), has suffered budget cuts (Freedom House 2012).<sup>33</sup> 60 percent of women report having experienced violence (IPADE 2007).<sup>34</sup> In addition to this, the ban of abortions, including therapeutic abortion (decided by the Nicaraguan National Assembly in 2007), is a strong set-back regarding women's effective control over their own body (see for example Asociación de Mujeres Profesionales por el Desarrollo Integral 2006). In the current adverse political environment it can have personal and professional costs to defend rights of women. There have been cases where women's organizations have been harassed by the government, for example through issuing of arrest orders for leaders of women's organizations, and carrying out office searches, including seizing of computers.<sup>35</sup>

Sylvia Torres, who has been working for more than three decades with women's rights, including women's land rights, highlights the *de facto* impunity for violence and other crimes against women as the main barrier for strengthening women's rights to land, to authority and to deciding over their own bodies (Interview, January 2013). She points out that despite of the establishment of the Women's Commissariat at the Police (which was supported by international donor cooperation), the police and the courts are still dominated

by men and a machista culture.<sup>36</sup> She sees the fact that for the last 80 femicides, only 9 judicial sentences have been issued,<sup>37</sup> as highlighting the severity of 'machista' dominance.<sup>38</sup> The annual report from the Nicaraguan Human Rights Centre also laments administrative decisions that strengthen violence and impunity, and it observes that there is a lack of access to justice for victims of gender-based violence and discrimination (CENIDH 2012:146). According to a study on women's landownership and intra-household violence, the relatively low percentage of women landowners "*reflects the reality that social constructions of gender, combined with cultural practices of restricting women's access to land, have prohibited women from realizing their legal rights*" (Grabe 2010:153). Grabe (2010) further notes that domestic violence is recognized as a public health problem in Nicaragua.

Along the same line, the Nicaraguan Human Rights Centre (CENIDH 2012:142) states that the violence against women form part of a cultural pattern that is deeply rooted in the Nicaraguan society as in the rest of Latin America. A gender baseline study for Finnida (under the previous government) ob-

<sup>33</sup> "The new Criminal Procedure Code is sold as a form of modernization of the judicial system, but at the same time it has suffered setbacks, as the implementing procedures give monopoly for initiating criminal cases to a new institution, the Attorney General, which in practice lacks human resources and cannot adequately represent all [female] victims of crime." (Network of Women against Violence, here quoted from IPADE 2007:51).

<sup>34</sup> According to Grabe (2010), national prevalence of domestic violence is estimated to affect between 28 and 69 percent of women.

<sup>35</sup> See for example <http://www.amnesty.org/es/library/asset/AMR43/011/2009/es/0e8c922d-a3ee-4a75-ba1a-37332dd1cf3a/amr430112009spa.html> (page visited March 31, 2013).

<sup>36</sup> Sida has funded and evaluated Support to the Policy Academy and National Police Program as part of their gender mainstreaming efforts, and found that it produced significant changes through its targeting of a major cultural and organizational change in gender equality within an institution (Mikkelsen et al. 2002:151). See also Jubb et al. (2008).

<sup>37</sup> – Which means that in more than 70 cases the criminal is free, having paid a fee to leave or been protected by someone.

<sup>38</sup> According to Harrendorf, Heiskanen et al. (2010) 86 percent of recorded offenders for homicide in Nicaragua are persecuted. No data were found on conviction rates for homicides (Table 7, page 106). However, Orozco Anrade (2006:2) concludes that in about a third of the femicides in Nicaragua between 2003 and 2004 no sanction was obtained against the supposed murders. At the same time, she points out that the National Police experienced an increase in announcements of violence against women, but that only 18 percent of these lead to a judicial accusation. Jubb et al. (2008:40) conclude, based on qualitative data, that the proportion of women in situations of violence who begin the judicial process to access justice is rather small.



serves that “efforts to advance gender equality in the country was described by the stakeholders as less than optimal. Broadly speaking, two critical forces of the society were mentioned to hold up further advances, namely the church and the political players.” (Tsegai and Murray 2005:128) Furthermore, country notes on Nicaragua from the same baseline study comments that “Presently the government resources and aims do not appear to promote gender equality in a proactive manner. What is particularly problematic from a development point of view in the Nicaraguan situation is that the poor people suffer more from inequality rather than the better-off ones.” (Ibid.:128).

The Women, Gender, and Justice Program of United Nations Latin American Institute for Crime Prevention (ILANUD) undertakes training of judges and other legal administrators in Latin America on state obligation under CEDAW, with economic support from multiple international donors.<sup>39</sup> Since 1991, ILANUD has trained judges in every country in Central America, as well as people involved in the administration of justice. In addition to training front-line personnel, ILANUD has also been engaged in training trainers so that the trainings can reach even more people (Facio 2010). However, there is still a long way to go, and according to the Nicaraguan Human Rights Centre (supported by multiple donors), “the access to justice is one of the principle problems for the protection of women’s human rights, despite of the fact that there exists a high number of women in powerful positions in the justice administration, despite of the investments that the international cooperation has made to capacitate and implement gender policies in different governmental institutions,

<sup>39</sup> Female Supreme Court Justices of the Spanish Speaking Americas and Spain have since 2000 held annual meetings to discuss the application of CEDAW. In 2000, only 13 women judges participated, but in 2008, 74 participated – both because of increased interest and because more female judges hold office as a result of this group’s work (Facio 2010).

especially within the justice sector” (CENIDH 2012:141, own translation). Likewise, Agurto and Guido (2003) conclude in their study on women’s land rights in Nicaragua that the judicial power is the least sensitive to the challenges that women face in accessing land.<sup>40</sup>

Several development programmes carried out by the FSLN government have women as target groups, as for example the “Hambre Zero”-programme. In the first phase of the programme, productive bonds were only given to women with land (or co-owner of land). This was expected to create incentives for fathers or husbands to give women a title for land. However, in the name of gender equality, both men and women are now eligible recipients of the programme (personal comm., Isolda Espinosa). Adult literacy programmes are carried out by the government also in the rural areas. In addition to this, several women’s groups also address literacy as well as legal literacy, as these two elements are identified as being of strategic importance for women’s empowerment (see also AECI 2005:102). A law was passed in 2010 for the creation of a fund for the purchase of land for poor rural women.<sup>41</sup> The women have to be heads of their household, and can obtain up to 5 *manzanas* (3.5 ha). The law has been regulated (Gobierno de Nicaragua 2010),<sup>42</sup> but no information was avail-

<sup>40</sup> Sida and Danida have supported gender mainstreaming and capacitation within the national police. See for example Freeman et al. 2002 as well as NORAD 2011 on anti-corruption efforts.

<sup>41</sup> Law # 717, Ley Creadora del Fondo para Compra de Tierras con Equidad de Género para Mujeres Rurales. Published in La Gaceta # 111, June 14, 2010. <http://legislacion.asamblea.gob.ni/SILEG/Gacetas.nsf/5eea6480fc3d3d90062576e300504635/492813d-0716199980625774300758f1b?OpenDocument>

<sup>42</sup> Decree # 52-2010, approved August 12, 2010, published in La Gaceta #169, September 3rd, 2010. [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/6F6247AE196A5849062577C9005F4860?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/6F6247AE196A5849062577C9005F4860?OpenDocument)

able about the financing and functioning of the fund (fieldwork, January 2013), and according to Isolda Espinosa, the deciding commission has yet to be formed. The law is a result of a proposal by the umbrella organization for women's organizations, *La Coordinadora*. While the objective is to increase land ownership among the poorest women in rural areas, several of the interviewees doubted the actual effectiveness of the law due to difficulties in administration and implementation – and maybe also to a lack of political will to make it work.

Several of the interviewees comment that the current government has a 'familist' approach, as opposed to 'feminist'. For example, the government makes reference to the bible in many of its statements, and the family is presented as a place of love and peace. While there is nothing wrong with having such an ideal for a family life, the interviewees highlighted the importance of recognizing the high level of intra-family violence and dealing with this reality (see also Bohigas 2012). In addition to the strategic alliance that the FSLN made with the Catholic church in order to get its blessing prior to the presidential elections, the patriarch view inherent among many FSLN leaders produced a situation where the Citizen Power Councils promote the argument that intra-family problems should be solved at home, *without* the involvement of the authorities or mediation by women's organizations (Sylvia Torres, personal comm.)

Information on the actual implementation of current projects and results thereof are hard to come by for both international and national researchers because the government keeps a tight control on the data, and lower-ranking officials are not given the authority to answer questions (see also Santisteban and Pineda 2008:28).

## 5. SUPPORT TO WOMEN'S RIGHTS TO LAND – FOCUS ON THE IMPACT OF DONORS

According to both the literature and interviews conducted in January 2013, CSOs and Women's organizations (usually with donor support) have been extremely important in strengthening female ownership of land, female literacy and women's organization. Only through the work of the women's movement in Nicaragua, a view of life was introduced where violence against women was no longer seen as something natural and a part of life (Sayda Flores, head of the Women's section in UNAG-Esteli, interview, January 2013).<sup>43</sup> Donors have both inspired and pushed. With the onset of the Structural Adjustment Programmes during the 1990s, gender-elements were introduced as a requirement for access to international development aid programmes.

Several international cooperation agencies (including NORAD and UN agencies such as FAO) played a key role in the programmes of individual adjudication of state farming companies (1990-1995 and 1996-2000). Joint titling became a key objective that was promoted by several international agencies such as FAO and the World Bank as part of the agrarian reform during the Chamorro administration (including a process of privatization of state farming companies) (1990-1995). Women's movements supported this only to a lesser degree, as they opposed the privatization process of which the individual adjudication was part. From 1992, FAO also began to support an institutional support programme for the Nicaraguan Institute of Women's Affairs (INIM) with funds from the Norwegian government in order to raise gender awareness among

<sup>43</sup> - Although CEDAW (2007) still finds it necessary to criticize the normalization of discrimination and violence against women through patriarchal attitudes and stereotypes (see above).

state officials dealing with the farming sector (UN-HABITAT 2005:54).<sup>44</sup> A second phase of joint titling started in 1997 with support from FAO and the World Bank. Additionally, several regional and international organizations have received support from donors such as Danida, Finnida, GTZ, Sida, NORAD, SNV, HIVOS, Oxfam, UNFPA (including support from the UK), and Austrian and Luxembourg development agencies to strengthen women's land rights and their access to justice (Caldecott, Van Sluijs et al. 2012).<sup>45</sup> In 2005 the above-mentioned donors established the Joint Fund for Gender Equity and Sexual and Reproductive Rights (FED), to support the work of relevant CSOs. Furthermore, there have been considerable efforts by donors to coordinate their policies and efforts with respect to gender issues, *vis-à-vis* the Nicaraguan government (Freeman, Barahona et al. 2002; Gosparini, Carter et al. 2006; NORAD 2011; Caldecott, Van Sluijs et al. 2012).

Regarding support modes, a recent evaluation of the European Commission cooperation with Nicaragua suggests that it is important to maintain project support as a support mechanism because it produces more concrete results in improving gender-aspects than does general budget support (DRN 2009).<sup>46</sup> How-

<sup>44</sup> FAO proyecto GCP/NIC/020/NOR "Fortalecimiento de la gestión de la mujer en las unidades de producción campesina". Support through NORAD. 1992 (preparatory; execution from 1994).

<sup>45</sup> An example of support to CSOs with a more specific focus on land, NORAD has supported legal empowerment of women in Latin America through the International Land Coalition (ILC).

<sup>46</sup> "Gender was taken into account in EC interventions both through small specific interventions and through widespread transversal inclusion ("mainstreaming"). Women's empowerment was explicitly mentioned as an objective of many interventions. Nevertheless at implementation level the majority of interventions focused more on women's participation (selection of beneficiaries) than on promoting gender equality. Support through women's organizations, combining inclusion of women in income-generating activities with an attention to distribution of roles between men and women and advocacy of gender equality, was an exception in this respect and offered visible and tangible results. Overall the EC's efforts, even if significant, could not reverse the recent dete-

ver, Aasen (2006) refers to other evaluations (by NORAD, Sida and the World Bank) which find that local or micro-level projects fail to have an impact at the national level as they alter neither legislation, procedures nor strategic elements that will improve the situation of women in the longer term.<sup>47</sup>

The EU has been active in supporting land tenure issues, including development of indicators aiming to measure tenure security through the MAG-FOR land policy unit (see also Gobierno de Nicaragua 2004; European Commission 2007). USAID has also been actively involved in securing land rights, with a special focus on women's land rights. The Millennium Challenge Corporation program and the USAID highlight the importance of strengthening women's land tenure security in their country profile on property rights and resource governance (USAID 2011). However, looking at quantifications of development funds or interventions destined to gender issues, it is obvious that practice is far behind policy statements on the importance of gender-equality. The above-mentioned evaluation of the European community finds that only 13 of 178 interventions supported in Nicaragua were gender-specific (9 percent) and only account for 2.1 percent of commitments (DRN 2009:203).

Isolda Espinosa and Sylvia Torres agree that the multilateral donors often have a utilitarian approach in which increased profita-

*rioration of Nicaraguan trends in respect of gender equality, as illustrated by the abolition of legal therapeutic abortion and the conflict between GoN and certain women's organisations.*" (p. 71)

<sup>47</sup> However, an evaluation of General Budget Support (Gosparini et al. 2006) observes that while the performance assessment matrix of the joint financing arrangement foresees gender disaggregation in the application of the new public service law, in health and education and in access to justice, areas such as land property rights, microcredit, security and citizen security do not include gender specificity (p. 89), and concludes that it is too early to see an effect of the partnership regarding General Budget support.

bility of projects targeting women is a main motivating factor for focusing on women. Both also argue that the current (FSLN) government employs a utilitarian approach to gender aspects. In contrast hereto, they highlight the donors from the Nordic countries as targeting women's rights and women's empowerment in their own right.<sup>48</sup> While starting from a rights-based approach, an evaluation of gender mainstreaming within Sida's activities in Nicaragua observed that stronger highlighting of the synergies between profitability and gender mainstreaming would have strengthened the focus on gender issues and equal rights (Freeman, Barahona et al. 2002), thus pointing to the ability for utilitarian arguments to help strengthen gender mainstreaming. UN-Women works with Nicaraguan government institutes despite their utilitarian approach to gender. UN-Women helps train civil servants, thereby hoping to influence them with their empowerment and rights approach. Isolda Espinosa's experiences are that there is an emerging demand from below to know more about rights and distribution of wealth. She recons that this new demand has to do with active use of citizenship, as opposed to clientelism, which has previously dominated the political arenas in Nicaragua.

Isolda Espinosa and Sylvia Torres both lament the lack of a specific focus on gender issues in evaluations. They are not alone in this observation which even Nordic donors themselves have started to recognize (see for example Freeman, Barahona et al. 2002;

<sup>48</sup> See also SADEV 2012, which concludes that the Nordic countries have been successful in achieving a common policy stance with respect to gender equality in development operations, and that they exerted significant influence on the World Bank, among other agencies. Gosparini et al. (2006:89) find in their evaluation of General Budget Support in Nicaragua that very limited attention is given to empowerment by the Nicaraguan government.

Gosparini, Carter et al. 2006 and Byron and Örnemark 2010).

## 5.1 Land administration projects

The World Bank has been an important player in land administration projects in Nicaragua. From 1993 to 2000 it disbursed 58 million USD on the "Agricultural Technology and Land Management Project" (ATLMP) (World Bank 2001; World Bank 2002). During this period, gender-elements were required as part of the Structural Adjustment Process and the associated conditions placed on adjustment target countries. One of the priorities was to resolve the tenure situation of those parcels that were redistributed as part of the agrarian reform in the 1980s. However, many of the early efforts were hindered by competing land policies attempting to protect the rights of current beneficiaries and simultaneously recognize the rights of former landowners. For this reason, it became necessary to establish a suitable land administration framework prior to launching a massive national land regularization programme.

The Land Administration Project (PRODEP) was prepared to bridge the efforts between the ATLMP and the future National Land Program. This project has been financed mainly by a World Bank loan, but also by some Nordic Development Fund grant money, totalling more than 33 million USD. Later, additional funds were added by USAID through the Millennium Challenge program and the Inter-American Development Bank (IDB) (World Bank 2003a; World Bank 2003b). PRODEP started in 2003 and has been prolonged several times.

The long-term development objective of PRODEP was to improve the security of land tenure and thereby boost investment in agriculture, contribute to social fairness,



promote the sustainable use of natural resources, increase revenue collection and facilitate planning at the municipal level. From the start of the project, a gender policy and a Gender Action Plan were elaborated.<sup>49</sup> The gender policy identifies the end goal that “*at least 40% of new titles are provided directly to women and/or jointly with their spouse/partner*” (Ocón Núñez 2005).

According to the latest PRODEP progress report (World Bank 2013) (dated January 10, 2013, accessed February 05, 2013), the World Bank states that regarding gender, the target has been met, based on preliminary data from the on-going evaluation of the project. An earlier report is a bit wordier when it explains that “*The original project has a Gender Strategy, implementation manuals and indicators to monitor the strategy. The Project recognized that despite progress, women faced disadvantages in accessing land and obtaining legal recognition of their land rights. Moreover, that although progress had been made in the legal framework related to women’s land rights, cultural resistance and women’s lack of awareness often constrained its effective implementation. Overall, the Gender Analysis carried out as part of the AF [Additional Funding] preparation found that through the Gender Strategy the project has helped promote the gender focus across the main co-executing agencies and that, in the pilot departments, the number of rural women receiving titles has increased significantly*”. (World Bank, Report No: 52036-NI, January 2010, p.43) (see also Giovarelli, Lastarria-Cornhiel et al. 2005; Millennium Challenge Corporation 2009; Procuraduría General 2012) .

Long negotiation processes took place during the implementation of PRODEP, and this illustrates some of the political differences between donors and the Government

of Nicaragua. One of the severely contested themes was the integration of registry and cadastral information (SIICAR, Integrated Cadastre and Registry Information System). Unofficial sources have speculated that this is due to the transparency that this integration will produce regarding land transactions and concentration of land ownership. However, after more than five years of negotiation, the SIICAR was permitted to start as a pilot test of the system within the project area. A new Public Registry law was signed in 2009<sup>50</sup> after more than five years of debates, and with the active engagement of the World Bank, US-AID and Inter-American Development Bank in the loan-supported Land Administration Project. For the first time the pilot-test of SIICAR combined registral information with cadastral information in three departments, with plans to extend it to the entire country and later also introduce it at municipal level (including the fiscal registry which the municipal governments are in charge of). SIICAR is supposed to be open, transparent, and easily accessible for all registered parties allowed to conduct land transactions.<sup>51</sup> However, registration of property is still slow and cumbersome. The fact that the property registration in most of the departments of the country depends on often outdated techniques and the fact that it is administered by the Supreme Court, which is subject to political manipulation and bribes, substantially exacerbates the problem (see also footnote 3).

<sup>49</sup> <http://siteresources.worldbank.org/EXTPREMNET/Resources/Results2011-PREM-SB-new-Gender-LandTitling.pdf>

<sup>50</sup> General Law of the public registries, Law # 698, Approved August 27, 2009, published in La Gaceta # 239, December 17, 2009. [http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/B7DC51A42178E98C062576B20079A671?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/B7DC51A42178E98C062576B20079A671?OpenDocument)

<sup>51</sup> <http://webserver2.ineter.gob.ni/Direcciones/Catastrofisico/siicar/index.html>, as well as <http://www.worldbank.org/projects/P121152/second-land-administration-project-support-nicaragua-land-program-prodep?lang=en>, visited January 12, 2013.

Recently, PRODEP was extended into a second phase of the project for another 40 million dollars (interview, IP office, Estelí, see also <http://www.worldbank.org/projects/P121152/second-land-administration-project-support-nicaragua-land-program-prodep?lang=en>), leading towards national coverage of the project in a future phase. The objective of this second phase is to strengthen the property rights of the population in the selected departments that the project will cover through improved regularization, titling, and registry services. The project is expected to “result in a more transparent, accountable, effective, and coordinated land administration sector, which in turn would contribute to improving the investment climate and expanding economic opportunities for the population of Nicaragua. The strengthening of property rights will contribute to secure land access for the poor and other vulnerable populations, as well as contribute to environmental sustainability.” (World Bank 2012:4). The project has a gender equality strategy, of which the project coordination unit is responsible for monitoring its implementation. One of the core result indicators is the total number of direct project beneficiaries, including the number of female beneficiaries (although the number has not been specified yet). It has been specified that at least 40 percent of 80,000 new titles should be issued to women. Another core result indicator is a considerable reduction of the time for registration transactions in SIICAR.

Interviewees highlighted some donor interventions as having positively challenging cultural practices by providing incentives for giving women ownership to land. The Millennium Challenge Program by the US-AID is a good example where potential beneficiaries had to bid for project support, and projects with female ownership of the productive resources were guaranteed 10 points extra in the scoring process. While female ownership of resources

in these cases may primarily be provided to obtain access to development projects, it does provide women with experiences of economic and personal room for manoeuvre, which is likely to change patterns of power and negotiations in the families involved (Millennium Challenge Corporation 2009; GENDERNET 2001 on “rights versus ‘smart economics’”). As one of the professionals working with women’s rights commented: “*When a woman realizes that she is the owner of resource – then she gets a different position towards husband and family.*” (Isolda Espinosa, UN-Women).

However, Patricia Aguido considers that in Nicaragua’s recent history there have been several “lost opportunities”, where major transformations of women’s rights could – but did not – happen. She mentions the land reform during the 1980s as being one such “lost opportunity” and she comments that the fact that PRODEP has not strongly focused on information on women’s rights prior to the cadastral and titling process could be seen as another such “lost opportunity” for the State and the international donor community to strengthen and increase women’s rights over property and their access to it (interview, January 2013).

## **6. GENDERED DISTRIBUTION OF LAND AND OTHER FORMS OF WEALTH IN NICARAGUA**

The analysis of the gendered distribution of wealth (in ownership of assets) can be an interesting part in understanding the gender-in-equality puzzle. This is because ownership of economic assets is an important indicator for economic autonomy of women and an important determining factor in the fall-back position of a woman, and consequently of

her wellbeing, especially when a household is dissolved (Deere, Alvarado et al. 2012). Katz and Chamorro (2002) find in a study of Nicaragua (and Honduras) that the amount of land owned by women has a significant and positive impact on food expenditure, as well as the education levels that children attain. Therefore, the gendered distribution of land can be expected to have important implications for poverty reduction, social wellbeing, and educational level of coming generations.

This notwithstanding, there is still a high degree of landlessness in the countryside in Nicaragua. A survey of a representative sample of rural households from 1995 show that only 32 percent of more than 3,000 interviewed households owned land (FIDEG rural sample of households, 1995, here from Deere and Leon 2003). While 18 percent of owners of agricultural production units are reported to be women (CENAGRO, INEC 2001b), they only own 12 percent of the area (INEC 2001b).<sup>52</sup> Furthermore, Rodríguez et al. (2011) show that men own a large majority of land with water sources. There is also a considerable gender-difference regarding access to agricultural extension service (Agurto, Guido et al 2008; Tijerino, Nordlund et al. 2008; Torres 2008). The National Institute for Agricultural Technology only reaches 2 percent of female-headed farms, versus almost 6 percent of the male-headed farms (Torres 2008). Regarding the level of technology used at the farms, female-headed farms show an even lower use of irrigation and improved seeds, than do the male-headed farms (Torres 2008). According to the agricultural census, many more male farmers receive extension services compared to female farmers (a ratio

around 7:1) (CENAGRO 2001; INEC 2001 and Tijerino, Nordlund et al 2008).

Nicaragua stands out as the first Latin-American country to have data on the gender-gap in wealth, provided by national surveys that include gender-disaggregated data on ownership of animals and consumer goods in addition to land and houses. Data from recent national surveys of living standards (EMNV), as well as from the FIDEG rural household panel survey, show that ownership of the most important productive resources such as land and larger animals are strongly skewed towards men, while women typically own less important productive resources such as pigs, poultry and electro domestics (Freeman and Mikkelsen 2003; NORAD 2011). Deere, Alvarado and Twyman (2012) conclude that gender inequality in asset ownership varies by the type of asset, and that the gender asset gap is largest in terms of land ownership, to the detriment of women. Compared to other Latin American countries, the gendered data on asset ownership show a high degree of individual ownership and a marked gender differentiation for different types of livestock and consumer durables. This is consistent with the individual property rights associated with the separation of property marital regime. Furthermore, Deere, Alvarado and Twyman (2012) point out that the disaggregated data on asset ownership within households suggest that the distribution of property by gender is more equitable than a headship analysis alone would imply. This is due to the fact that women in male-headed households often own property – either individually or as joint property with their spouses.<sup>53</sup>

<sup>52</sup> Figures are confirmed by the National Household Living Standard Survey (EMNV) which found that 16 percent of farms were owned by women and 0.6 percent by couples (INEC 2001a).

<sup>53</sup> Furthermore, the authors argue that there is a need to move beyond the male- versus female-headed household dichotomy, towards an empirical basis that allows for an analysis of the relative position of men and women within households where adults of both sexes are present, in addition to the households where only a man or a woman is present.

Despite showing a positive development in women's land rights, the figures on land ownership by women in Nicaragua are surprisingly low considering the considerable legislation that positioned Nicaragua in the fore-front in mainstreaming gender in agricultural policy from the 1980s, the level of land titling efforts in general (including titling to women) throughout the 1990s, and the fact that joint titling of land to couples became mandatory in titling programmes in 1995. According to the national surveys of Living Standard Measurement Studies, the share of women landowners have only increased from 16.0 percent in 1998 to 19.9 percent of the landowners in 2005 (Deere, Alvarado and Twyman 2012), but as mentioned above, panel data from FIDEG suggest that the current number is lower (Agurto, Guido et al. 2008). An econometric analysis for the rural area of Macizo de Peñas Blancas in northern Nicaragua documents that while women have had less access to buying land than have men, the female landowners have sold land less frequently than households where the man or the couple together control the land (Rodríguez, Gómez et al. 2011).

For women, inheritance is the single most important way to acquire land, whereas men predominantly access land through the mar-

ket (see Table 2). It is remarkable that, despite of the supposed gender mainstreaming in agricultural policy and the progressive legal framework from the 1980s and 1990s, the state as source of land ownership is much less important for women than for men (Deere and León 2003:929). The long-term panel data from FIDEG confirms the trend with inheritance being the most important access mechanism to land for women (Agurto, Guido et al. 2008).

The way land is acquired often influences the type of land tenure document (if any) that the current owner has. Land that is inherited frequently lacks formal documentation of ownership (38 percent of inherited land, INEC 2001b (CENAGRO), see also Broegaard 2008). As women depend more on inheritance for their access to land than do men, this lack of formal tenure documents affects women disproportionately hard.

Considerably fewer female farmers are able to access credit than their male 'colleagues'. According to the national agricultural census from 2001 (CENAGRO), women receive 13 percent of the loans given to individual farmers. However, according to the national survey of Living Standard Measurement Studies, the discrepancy is even bigger, in that the data show that

**Table 2. Form of acquisition of land ownership (for individual land owners only) by gender (%)**

*	Inheritance	State	Market	N	Source
<i>Women</i>	57.0	10.0	33.0	125	Deere and León 2003:929, from Renzi and Agurto 1997.
<i>Men</i>	32.0	16.0	52.0	656	

\*) The distribution of gender is statistically significant at 99% level of confidence.

women only receive 5 percent of the loans (Table 9.5.a, INEC 2001a; see also Agurto, Guido et al 2008; Tijerino, Nordlund et al, 2008 and Torres 2008). Furthermore, these data may give the impression that women have more resources than they actually control, because focus group discussions have shown that while women may obtain the credit and be responsible for the debt, many give the money to the husband to control or administer (Patricia Aguido; Patricia Padilla, ADIM, interviews January 2013).

ADIM is one of the organizations that in the literature is praised for their work to strengthen women's access to productive resources (including credit) and who actively engage in women's empowerment.<sup>54</sup> Patricia Padilla, Director of ADIM, highlights the cultural barriers for women's empowerment, based on her own work that indicates that it is hard to convince women to challenge their current situation. Women often fear (and experience) social punishment and in order to prevent this, they often impose self-restrictions. Alejandra Guido also comments that women do not identify themselves as work-

<sup>54</sup> ADIM has been handling a housing-credit programme (financed by PRODEL, Sweden) that was intended to only benefit female owners or situations where women were co-owners. However, ADIM experienced that there was not sufficient demand on this credit! Patricia Padilla explains that women often live on plots or in houses that belong to someone else and thus limits their access to credit. Often, women live in houses placed on plots that belong to their parents. Culturally, it is difficult for the women to ask for pre-inheritance, and such a request may cause trouble with parents and with brothers. Another frequent situation is that it is the husband who owns the plot and the house and that he will not transfer (part of) the ownership to his wife. A third common situation that restricts women's access to the above-mentioned credit, concerns situations where the house plot may be in the name of the woman, but based on a municipal "constancy", a document that is not sufficiently strong to be inscribed in the registry. As a consequence, ADIM had to flexibilise the conditions for accessing the housing credit and start giving credit to house improvements for houses that were not in the name of women, but where the house improvements will be in the name of the female borrower.

ers and income earners, although they may economically maintain the family, especially during the dry season, which is the off-season for rain-fed agriculture.<sup>55</sup> For many women it is hard to realize that they work, that they contribute, and that their work has a value in itself. In the countryside, the traditional distribution of labour re-confirms the typical female construct: Careful, close to home and patient – and this makes women's work invisible. Their work is often simply referred to as "patio economy", and it is seen as an extension of the house work, which is viewed as being reproductive, not productive, and therefore, having no value.<sup>56</sup> Several evaluations point to the fact that despite having received so much education and capacity building, results regarding empowerment and visibilisation of women's important contributions to households and society in Nicaragua are not promising (Freeman, Barahona et al. 2002; Tsegai and Murray 2005; Caldecott, Van Sluijs et al. 2012). Several of the evaluations also point to the fact that these relatively meagre results compared to efforts are related to the resistance by the current government, as well as the Catholic Church.

Grabe (2010) argues in a study that investigates the role of landownership in female subordination, and thus women's risk of gender-based violence in Nicaragua that landownership for women is associated with situations in which less intra-household violence is observed. She therefore concludes that land ownership is an important sign of improved well-being, a stronger bargaining

<sup>55</sup> Isolda Espinoza agrees, and refers to a study made by the School of Agricultural Economics at the National Autonomy University, that shows that the patio economy is indeed very important in the dry season.

<sup>56</sup> See also review of a "patio economy" component of value chain intervention by Sida in Nicaragua in Riisgaard et al. 2010.



position, and a more resourceful and powerful position.<sup>57</sup>

## 7. CONCLUDING NOTE

Nicaragua has over the past three decades sometimes been praised as a country where the legal framework is progressive with regards to gender-issues, and where most legal barriers against women's rights to own and inherit land have been removed. Therefore, the analysis of the development in women's land rights and their actual access to and control over land over the past three decades, and the influence of donors, illustrates all the other conditions or factors that have to be taken into account in order to ensure that women and men get a more equal access to land and to control the benefits from that land.

Cultural norms are highlighted as being the most important barriers to strengthening women's rights, including land rights. These norms are rooted in the patriarchal culture schemes in Nicaragua – related to both male citizens as husbands, brothers and fathers, as well as women who reproduce the patriarchal patterns. Technicians in charge of the titling process, law professionals, politicians and civil servants may also reinforce the barriers.

Looking a bit cynically at the statistics, with downward trends of donor funds, especially for CSO's, and the increase of violence against women, one might wonder, whether the international cooperation has just "cut open the hornets' nest, and left", as one interviewee expressed it. Yet, all of the interview-

ees agree that the international cooperation has been tremendously important in placing the issue of women's rights on the agenda, and to a large extent in pushing certain gender-issues, such as the joint-titling and women's awareness of their rights, to the forefront. However, some of the interviewees highlighted the symbolic power that the international organizations possess *vis-à-vis* poor countries and poor farmers, and they questioned whether the donors have done enough to advance gender equality? One laments the fact that gender-focused evaluations are not carried out separately from general project or programme evaluations, as gender-disaggregated data on evaluative issues would visualize the imbalance that exists between donor policies on gender equity and the results that they produce in developing countries (see also Byron and Örnemark 2010).<sup>58</sup>

All of the sources and experts consulted agreed that the cultural barriers are the most important barriers to strengthening women's rights to land – and that therefore changes must be expected to take time, long time. Several of the experts interviewed during fieldwork highlighted that a conscientization of both men and women is needed; as well as of civil servants, from highest to lowest. Gender issues are not just resolved through law, because many professionals, judges, and politicians continue actions and thinking that is based on a patriarchal foundation, namely that women have to be subordinated, and that men are the owners of everything. However, some are optimistic in that they observe changes that go in the right direction. For example inheritance practices are changing so

<sup>57</sup> It is based on a two-group design, with 124 female landowners and 114 female non-landowners, in the same geographical location, randomly selected within two sampling universes of 380 recipients of support in facilitating land ownership in the early 1990es, and a control group from neighbouring villages not being active in the same organization.

<sup>58</sup> An important exception is a general study of the impact of rural roads in Nicaragua, which analyses the effect of rural roads on male-headed households as well as female-headed households, and finds that female-headed households benefit even more than other households from paved rural roads (COWI 2008:35).

that more daughters inherit land because the fathers have become conscientious about the disadvantaged situation their daughters may end up in if their husband leaves them. Others fear that it will go backward without the strong women's organizations and the CSOs.

Some donor interventions are highlighted for actually challenging cultural practices by providing incentives to give women ownership to land, thereby creating experiences of economic and personal room for manoeuvre, which is likely to change patterns of power and negotiations in the families involved.

Factors identified in the case study of women's access to land in Nicaragua as being crucial to address in order to strengthen women's continued or increased access to and control over land are: Matrimonial frameworks that make sure that stable *de facto* relationships are recognized as being equal to marriage; Inheritance laws that ensure that widows are placed as the first in the order of succession; this is especially important as women predominantly obtain land through inheritance. Strengthen literacy in general, especially women's, and their legal literacy in particular, so they know and can demand their rights. Recognize the existence of intra-household violence. Public institutions sensitive to the women's situation and their need for change. While important steps have been achieved with the establishment of the women's commissariat at the police, for example, it lacks resources and fights an uphill battle. The judicial system is highlighted unanimously as the most problematic sector regarding sensitivity towards gender equity. Implementation of public policies that favour gender-equity (for example regarding housing, landownership and access to loans as well as to technical assistance);

The collection of gender-disaggregated data is an important element in raising awareness among men and women about women's

disadvantaged position as well as their importance for wellbeing and development. This not only relates to household and wellbeing data, but also to evaluations of development interventions. An interesting evaluation of Sida's efforts to strengthen gender equality in Swedish development cooperation concludes that despite successful efforts encouraging the integration of gender in the planning of programmes, gender is particularly absent in programme monitoring and evaluation (Byron and Örnemark 2010; see also Woodford-Berger 2000; Freeman and Mikkelsen 2003).

The culturally rooted barriers, as well as their 'institutionalization' in the way that institutions such as police and courts work, means that for example activities focusing on titling land that women already own, will have limited effect, if the larger context still discriminates women. The legal framework is generally not considered to be the largest barrier to a strengthening of women's rights and land rights, with the exception of the lack of legal recognition of common-law marriages. All of the sources and experts consulted highlighted that implementation of the legal framework is what is missing. Strengthening of legal literacy is highlighted to be an important part of changing this picture.

The analysis shows that both Nicaraguan NGOs, technical staff and development donors in addition to working for a legal framework that give women formal rights that are equal to those of men to some extent have identified and worked with the many factors that are important to ensure women's rights to and control over land, as well as to have other rights and control their own body. The analysis also shows that the struggle for strengthening women's rights to have rights and to control their own lives require many aspects to be taken into account. In Nica-

ragua, the strengthening of women's rights have been approached through pressuring for legal reforms as well as joint titling and titling for female-headed households, better access to formal education for women, legal literacy programmes, Women's Commissariat at the Police and education of police officers and judges, as well as through support to women's organizations. In order to work with such a diverse approach to strengthening women's rights, donor support is needed to government institutions as well as NGOs and regional networks. The multiplicity of actors at different levels seems necessary in order to be able to address gender equality in the diverse settings where strengthening is needed. And even with a legal framework for land tenure that has sometimes been praised as progressive with regards to gender-issues, and where most legal barriers against women's rights to own and inherit land have been removed, the support to strengthening women's rights remains acutely necessary.



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