

A LEGAL EMPOWERMENT PROGRAM: WOMEN AND CUSTOMARY LAND IN LIBERIA



INTRODUCTION

Female empowerment and gender equality are urgent goals associated with prosperity and inclusive governments. One striking gender disparity that negatively impacts the capacity of women to freely determine their life outcomes is the lack of female access to control over land, especially in rural contexts in developing countries. Although rigorous data on gendered land ownership are limited, the best available data show 12% sole female landownership globally and 36% sole or joint ownership in Sub-Saharan Africa (Campos, Warring, Brunelli et al., 2015). Studies have also demonstrated that lack of secure land tenure for women can lead to lower agricultural investment (Goldstein and Udry, 2008; Dillon and Voena, 2017), missing potentially significant opportunities for economic growth.

Yet in practice it is difficult to promote women's rights to land and natural resource management in customary tenure contexts. In these cases, land is often stewarded by local leaders that are predominantly male. As the Landesa Center for Women's Land Rights and Women Deliver's *Deliver for Good* Campaign states, "Nearly 80% of land in Africa is held under customary tenure, governed by practices and rules that often discriminate against women in inheritance, access and control over land (Women Deliver, n.d.)." On the other hand, sometimes changing norms regarding women's rights are not documented in rural and remote contexts where surveys are rarely conducted.

This policy brief on gender and land, drawn from a rigorous evaluation in Liberia, presents findings to help understand whether it is possible to work with customary land tenure systems and promote women's economic empowerment and still reduce gender disparities. It showcases the Sustainable **"Female empowerment** is achieved when women and girls acquire the power to act freely, exercise their rights, and fulfill their potential as full and equal members of society. While empowerment often comes from within and individuals empower themselves, cultures, societies, and institutions create conditions that facilitate or undermine the possibilities for empowerment."

"Gender equality concerns women and men, and it involves working with men and boys, women and girls to bring about changes in attitudes, behaviors, roles, and responsibilities at home, in the workplace, and in the community. Genuine equality means more than parity in numbers or laws on the books; it means expanding freedoms and improving overall quality of life so that equality is achieved without sacrificing gains for males or females."

(USAID, 2012)

Development Institute's and Namati's Community Land Protection Program (CLPP), which provided legal empowerment aimed at helping rural Liberian communities secure communal land tenure while also improving women's land rights and participation in governance. Results include some surprisingly positive perceptions of women's rights by both men and women across treatment and control communities, as well as signs of positive change across all communities. Yet the study findings are that overall women's empowerment results were mixed, despite evidence that the treatment affected gendered work allocations. A survey experiment on gender helps explain these results by revealing hidden gender biases.

This brief opens with main policy takeaway points, and after an overview of the situation for rural Liberian women and the Community Land Protection Program, delves more deeply into findings related to participation, gendered perceptions of land rights, changing use of land and survey experiment results.

PROJECT POLICY POINT TAKEAWAYS

- The Community Land Protection Program successfully improved women's participation in some areas. Women in treatment groups as compared to control groups were more likely to report taking part in creating rules about land use and management as well as helping to resolve land conflicts. Participation was overall high, with (depending on the question) at least 45%, and sometimes 88%, of women agreeing that they were involved in some aspect of land resource management.
- Women, compared to men, were on average less likely to feel that they had various rights over land use. Perceptions of lower rights to plant cash tree crops has economic consequences, as these are usually worth more than subsistence crops. In line with their beliefs that they have fewer land use rights, female household heads planted fewer tree crops. This result is stronger for married women, who may feel more pressure from husbands not to plant such crops.
- Although women felt they had fewer land rights than men, the gap in responses about rights between men and women was smaller than expected and both male and female acknowledgment of women's land rights was overall relatively high. For example, 91% of women and 85% of men agreed that a widow can inherit land without marrying her deceased husband's brother.
- Fewer men invested time on communal farmland¹, while some women invested more time. This finding demonstrates that it is possible to change gendered behavior. Why the change occurred is unclear. It could indicate that men are no longer encroaching on communal land or that communities decided upon increased conservation behavior, diminishing the amount of cash crop tree planting on those lands. It could suggest that women were empowered to make use of communal lands on which they previously had less access.
- Land reform programs in Liberia may provide a powerful tool for shifting gender norms, as most respondents to a survey experiment supported land reform even when placed in the context of gender equality. Eighty-seven percent of respondents to a survey experiment were positive about land reform with gender equality mentioned, compared to ninety-five percent without that mention.
- Women were reluctant to speak about land and natural resource management topics that the local cultural context considers within the domain of male decision-making authority. Women also answered the survey experiment (see prior bullet point) similarly to men, showing lower support for reform when the survey mentioned gender equality. Women's support for inequality indicates how difficult it will be to move norms.
- Midline data is particularly useful for tracking gender progress while there is still enough time to make corrections. In this case, the midline found that women's participation in land governance lagged men's. This is key evidence to help the program adjust to address this issue going forward. An implementation condition that may have factored into this and other weak gender findings to date is that the field team implementing the fieldwork was all male. A female field staffer has since started working in one of the

I The land categories used in the evaluation (communal townland, individual townland, forest land, communal farmland, and individual farmland) are intended to reflect a continuum of rights from mostly or wholly private to used and managed more collectively. The term 'communal farmland' seeks to describe land used for cultivation that is understood to be more shared than wholly private. Based on survey data, qualitative data and post-study validation data this includes collective farming projects, areas cultivated to provide food on long walks to individual plots, and unregulated farming.

three study counties, and it is possible that gender outcomes could be improved in the future by employing more female field staffers.

• Promoting women's empowerment likely requires extending expected timelines for program goals; longer term and more detailed data would show how relevant trends continue to develop. This is true even in the context of slow moving but progressive legal transformation.

Currently, the data on key indicators of women's empowerment and tenure security—such as perceived threat of encroachment—remain inconclusive. More specifics on land use would enable a deeper understanding of gendered changes to farming practices. Only after the intervention finishes will we fully understand these effects.

LIBERIAN BACKGROUND: WOMEN HAVE FEWER LAND RIGHTS

Successful land reform is a key issue for Liberia's post-war, democratically-elected government. The government has made several reforms to the country's land tenure system since passing the Communal Rights Law in 2009, which returned resources back to communities from state control, with some qualifications. (USAID, 2010). Since 2013 the government has been discussing a draft Land Rights Act that will protect communal property. The Act also "aims to give equal protection to the land rights of men and women (Land Rights Bill, 2013)."²

Under customary law rural women are usually provided land for subsistence farming through male relatives by blood or marriage, as land rights are based on patrilineal descent. Married women receive land from their husbands. Upon a husband's death, a wife may be allowed to continue using a portion of the land, sometimes only if she marries the man's brother; she may instead be asked to return to her family's village and receive land through her father. Children raised in a widow's home community must ask for land to use from their father's community.

The overwhelming majority of both men and women were positive about land reform, although both reduced support when reform was explicitly tied to gender equality.

People seem willing to overcome biased gender norms to achieve goals related to land reform. Formal regulations regarding women's land rights are often unclear. Currently in Liberia different laws apply to women depending on whether they are in a civil or customary marriage, live in a consensual union, or choose to use Islamic law to regulate their property (Scalise & Hannay, 2013). In customary marriages wives, at least in theory, jointly receive one-third of a deceased husband's property if they do not remarry. It is unclear who owns land acquired during civil marriage but in customary marriage most consider land the husband's even if wives helped to purchase it.³ Generally, women in civil marriages can keep property they brought into the marriage, do not need a husband's consent to buy more property and receive half of their spouse's property if widowed (Scalise & Hannay, 2013).

² Note that the Act strongly implies, but does not specifically guarantee, equality in land use, access or ownership to women (Ndjebet, n.d.).

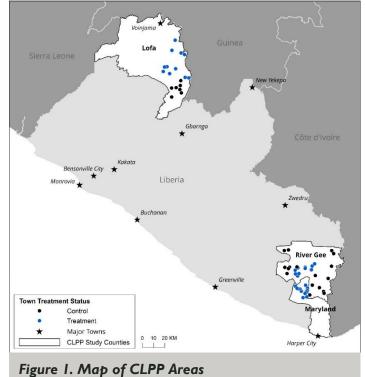
³ Relevant laws are in the Constitution, Domestic Relations Law and Decedent Estates Law. Property rights within customary marriages are covered by the 1998 Equal Rights of the Customary Marriage Law (approved in 2003).

THE COMMUNITY LAND PROTECTION PROGRAM AND BEST PRACTICES FOR REDUCING DISPARITIES BETWEEN MEN'S AND WOMEN'S AND RIGHTS

OVERVIEW OF THE COMMUNITY LAND PROTECTION PROGRAM

The Community Land Protection Program in Liberia is part of a global land rights program developed by the international organization Namati, which supports communities to protect their land by mapping and documenting the entire community according to its outer boundaries, then drafting and adopting by-laws

ensure good governance that and sustainable natural resource management of community lands. The program focuses on community land rather than individual land rights or household decision making about family land use. An essential component of the Community Land Protection Program is the extended, highly participatory by-laws drafting process, in which community members must list all their existing customary rules for land governance, then amend them to align with national laws and the community's future goals. As part of this process, field staff facilitate the community critically addressing inequities and injustices in local norms relating to women's and minorities' land rights, then draft new rules to protect their land rights. In Liberia, the Sustainable Development Institute (SDI) implemented the program in Lofa, River Gee and Maryland counties (Figure 1).



The Community Land Protection Program in Liberia included:

- Community empowerment, including provision of legal education regarding rights and responsibilities in the context of decentralized land management; Discussing and adopting rules for community land and natural resource management and electing a diverse, permanent, accountable governing body to manage community lands and natural resources with emphasis on strengthening the rights of women and marginalized groups.
- 2. Boundary harmonization and conflict resolution, including comprehensive mapping of community land, negotiation with neighbors, and boundary demarcation;

The Community Land Protection Program considers meaningful participation by all community members, including women and members of minority groups, during all program stages essential to reach the foundational goal of empowering communities to protect their land resources: "The entire community must take part in the community land protection process for it to be successful. All community members, including women, men, youth, elders, traditional leaders, seasonal users and members of minority groups

should be invited to all meetings and encouraged to participate and speak their minds" (Namati CLP Program Facilitator's Guide).

The program also encouraged communities to include women in leadership roles such as in the interim committees that led program activities, and the program expected women to be active leaders and participants at community meetings.

RESEARCH METHODOLOGY

SDI delivered the interventions at the community level in rural Lofa, Maryland and River Gee counties in Liberia over the course of 12–18 months from 2016–2017. The evaluation included a panel survey dataset of household heads at the baseline, prior to the program's start, and at midline, approximately ten months later. This panel had 683 household observations across 36 clans living in 50 towns.⁴ At midline, the sample expanded to 818 household observations across 43 clans living in 57 towns. There were 52 focus group discussions with women. Thirty percent of household survey respondents were female household heads. Female household heads also differed in marital status to men. Of male household heads, 75% were monogamously married, 12% were polygamously married, 4% were cohabiting and 4% were never married. Of female household heads, 49% were monogamously married, 2% were polygamously married, 11% were cohabiting and 8% were never married. While 19% of women were widowed, very few men were widowed.

The data collection activities also attempted to use best practices with respect to gender mainstreaming within the parameters of the research budget. Rather than post-hoc considering the effect of the program on women, the research team planned for a sample size of women sufficient to provide sex disaggregated quantitative program results. However, the implementers and research team reduced the overall sample size due to an Ebola outbreak and other unforeseen difficulties, which means the sample may be too small to be entirely certain of the results for women. The Ebola outbreak paused the program activities and so delayed the research schedule. Consequently, the anticipated endline became a midline data collection. Also, due to these difficulties the field team included fewer female field staff than intended.

For qualitative work, a gender-balanced field team conducted focus group discussions of women in every town. Each focus group discussion included six to eight participants preselected with assistance from community leaders. As part of a leader's survey from each town, a female leader was also interviewed separately. In addition, the



A qualitative researcher conducts a focus group discussion in Lofa county, Liberia.

⁴ A key factor in both the program design and the evaluation is working with the correct community land governance unit. The term "town" is synonymous with "village" in Liberian English. In some cases, a single town has historically managed and used communal land and natural resources on its own. In other cases, several towns in a cluster share that responsibility, according to mapping exercises with community leaders. Land governance units generally correspond to the governance unit of a clan. The evaluation considered results from an average of the towns in a town cluster.

field team was gender balanced and trained rigorously on all issues related to women's rights in Liberia. The research team trained the qualitative field team and team supervisors on best practices for qualitative data collection, the ethics of research with human subjects, the focus group discussion instrument and objectives, respondent recruitment, respondent selection and qualitative data management. Each field team planned to include female enumerators to lead the women's focus groups.

THE FINDINGS: MIXED EVIDENCE OF CHANGE

The Community Land Protection Program collected information on participation in natural resource management, farming practices and perspectives of women in remote, rural regions of Liberia where data are scarce. The discussion below shows that women participated in community meetings less than men, although more participated in treatment than in control towns. Women also felt they have fewer land rights than men and farmed accordingly. The survey experiment results and focus group discussions indicate that, despite general forward progress in Liberia, underlying patriarchal norms still make forward movement on women's land rights difficult. The evaluation also demonstrated that even in a short time the program produced gendered changes in farming practices. Note that although the program did not aim to effect changes in farming practices specifically, it included a programmatic focus on supporting local livelihoods and visioning for the future that could possibly change work allocations. The program did not result in other marked forms of progress toward reducing gender gaps at midline, likely due to the short time frame (approximately two thirds of the way through implementation). For example, the following outcomes were true across both treatment and control communities, despite expectations that treatment would impact them:

- women were statistically significantly less likely than men to have a land conflict over their fields⁵;
- there were no significant differences in how men and women perceived tenure security;
- both men and women reported better understanding of the formal laws related to woman's inheritance (that widows with children can inherit without marrying their husband's brother).

WOMEN'S PARTICIPATION

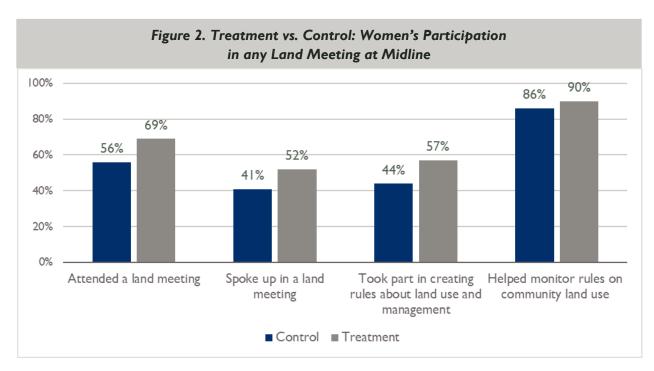
Overall, the Community Land Protection Program trended toward increased women's participation. Women in treatment groups were more likely to report attending and speaking up in any land related meeting about land and natural resources⁶ although these results were not significant. They were significantly more likely to report taking part in creating rules about land use and management (an increase from 44% to 57%) and helping resolve conflicts. See Figure 2⁷.

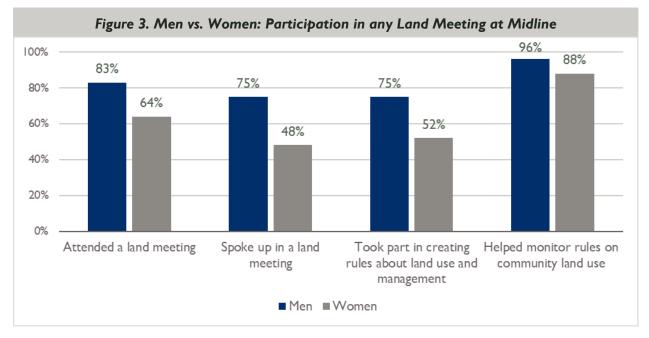
⁵ At the p<0.05 significance level. Statistical significance is related to the likelihood that results are not due to noisy data, where smaller significance levels are better.

⁶ The survey also asked about meetings held by the implementing organization SDI specifically, rather than any land meeting in general. Seventy-seven percent of treatment respondents affirm SDI held at least I meeting. Of those 77%, almost all men and women (94%) reported SDI attended meetings. However, men were more likely to report they "nearly always attended when such meetings were held" (24%), as opposed to women (6%).

⁷ These results compare 82 women in control and 154 women in treatment for the speaking in meetings outcome, and 103 women in the control to 157 women in the treatment for the others. For more information on controls used and other result details, see the CLPP Midline Report (2017).

Despite these positive trends, women were overall less involved than men (see Figure 3⁸). Women were statistically significantly less likely to report speaking at a land meeting compared to men (75% of men reported speaking compared to 48% of women) at midline.⁹ They were also less likely to attend a land meeting, and create rules about land use and management.





⁸ These results are based on comparing 260 women to 558 men except for speaking in meetings, which compares 236 women to 507 men.

⁹ At a statistical significance level of p<0.001.

GENDERED PERCEPTIONS OF LAND RIGHTS

Female household heads compared to male household heads, across treatment and control communities, perceive themselves to have fewer land rights. More specifically, female household heads, compared to male household heads, were on average 16 percentage points less likely to report that they have the right to plant rubber trees, 12 percentage points less likely to report having the right to map their land or decide who inherits, and 10 percentage points less likely to report that they can use their household's farmland as collateral for a loan. For inheritance, female household heads were six percentage points more likely to agree that a widow can inherit without marrying her deceased husband's brother. See Table 1.¹⁰

	Male Household Heads	Female Household Heads	Difference
You or your household have the right to plant rubber trees	88%	72%	-16 percentage points
You or your household have the right to map the land	77%	65%	-12 percentage points
You or your household can use household's farmland as collateral for a loan	20%	10%	-10 percentage points
You can decide who inherits household's land	84%	63%	-21 percentage points
A widow with multiple children can inherit land without marrying the husband's brother	85%	91%	+6 percentage points

Table 1: Perception of Gender Inequality on Land Rights at Midline Across Treatment and Control

LAND RIGHTS TO FARMING PRACTICES: LESS INVESTMENT BY WOMEN

That female household heads on average felt less secure about their rights to use their property likely translated into their choices over farming practices. Women were statistically significantly less likely to report planting any type of tree than men (15% versus 19%)¹¹. This likely reflects women's belief that they do not have the right to plant trees. See Figure 4 for more details. Note that the figure captures crops grown but not time spent on them, which may have important differences by sex that may also be related to the size and security of landholding.

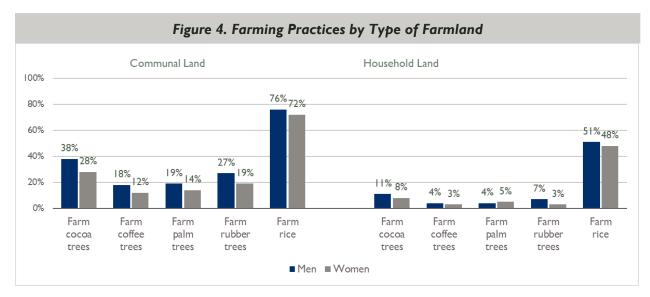
This survey focused on female household heads. It is possible that differences in crops grown may be larger for women who are not household heads. One indication that results might depend on marital status is that married female household heads are statistically significantly less likely than non-married ones (mostly widows) to plant cocoa, coffee, and rubber trees on communal farmland¹². Married women (at least, the majority of them, who are not household heads) might plant fewer trees than female household heads because of norms around division of property. Husbands often have more say in who inherits or retain more assets upon divorce, which likely makes long term investments more risky for their wives. Or it may be that intrahousehold dynamics not present for female headed household are a factor;

¹⁰ These results illustrate trends and were not tested for statistical significance.

II At a statistical significance level of p<0.05.

¹² At a statistical significance level of p<0.05.

husbands, wanting to keep more profit for themselves, may retain control over planting trees. Another survey round would enable deeper understanding of the distinctions between women based on marital status and household head status.¹³



CHANGING USE OF COMMUNAL FARMLAND

It is encouraging that after the Community Land Protection Program farming patterns changed, as it is rarer to observe behavioral rather than attitudinal changes. Overall, treatment versus control communities report farming statistically significantly less on communal farmland¹⁴. This result is driven by men in treatment versus control communities, fewer of whom reported planting rice or trees. Women's participation on communal farmland, on the other hand, increased. The increase was mainly due to rice planting, which increased for women in treatment communities compared to control communities by 6 percentage points (from 38% to 44% of women). This result is statistically significant; see Table 2 for a breakdown of work by gender on communal farmland.

		Control	Treatment	Difference
Overall Work	Men	75%	68%	-7 percentage points
	Women	67%	65%	-2 percentage points
Rice	Men	47%	38%	-9 percentage points
	Women	38%	44%	+6 percentage points
Rubber	Men	10%	5%	-5 percentage points
	Women	4%	3%	-l percentage points

Table 2: Gendered Work on Communal Farmland at Midline, Treatment vs Control

¹³ As an interesting note, not all women seemed to attribute the differences in land rights or farming practices to formal land laws. Around 55% of women and 65% of men disagreed that women have been disadvantaged by formal land laws, while around 34% of women and men agreed that women have been disadvantaged by land laws.

¹⁴ At a statistical significance level of p<0.05.

These findings show that it is possible for the Community Land Protection Program to change the gendered allocation of work, and suggests women may possibly have reallocated work between communal and household farmland. That said, it is unclear what drove this change in farming practices. Qualitative interviews suggest that some communities decided to reserve some communal land for conservation purposes, banning tree planting, which may be one reason why in treatment areas men planted fewer trees while women planted more rice.

Another explanation for the male shift away from planting on communal farmland may be that the program makes salient that communal land is not only for private gain, making men concerned that the gains of their labor might eventually go to someone else. Some support for this possibility is that men reported a higher level of agreement than women that communal land cannot be used privately (85% of men versus 79% of women). Men may receive this message more than woman based on their higher participation in the program or it may simply impact their behavior more because they were more involved in tree planting prior to the intervention; tree planting would require men to use communal land for their private use for an extended time to see profits. It may also be that spouses are working in complementary ways, with women planting more rice on communal farmland while men plant more trees on household plots. Evidence for this option is that married women in treatment communities were more likely to spend time on communal farmland as compared to married women in the control communities¹⁵ while the same comparison is not statistically significant for unmarried women.

DIRECTLY TESTING FOR EVIDENCE OF COMMUNITY NORMS CONCERNING WOMEN'S RIGHTS

An innovative empirical test, along with qualitative evidence, helps us understand the norms that might drive women to feel they have fewer land rights and to farm accordingly, focusing on rice over the potentially more financially rewarding trees. The survey included a survey experiment to directly test patriarchal gender norms. In one version, land reform programs mentioned that the land reform gave women equal rights to men to inherit, own, use and sell land. The other version did not.¹⁶

Although overall both men and women were positive about land reforms even when the survey mentioned gender equality, respondents who received the treatment version of the survey mentioning women's equal land rights were significantly less likely¹⁷ to report positive feelings about the reform. Overall, 95% of all people without the gender prompt were positive about land reform while 88% of all people with the gender prompt answered positively. These results were almost identical for men and women.



¹⁵ At a statistical significance level of p<0.05.

¹⁶ Respondents were randomly divided into two groups and each given a different version of a survey. For this survey, 422 household survey respondents (52%) received the treatment version that mentioned gender equality, while 396 (48%) did not. Of the treatment respondents, 299 were male (71%) and 123 were female (29%).

¹⁷ At a statistical significance level of p<0.05.

Meanwhile, the qualitative interviews also show underlying norms of gender inequality. Many local leaders expressed initial support for women's rights in interviews but then qualified those rights. One Town Chief in a treatment community in Maryland explained: "Woman that [has a] man can have a land but not a woman [alone]." It was also common to support a widow's rights to use land—but only if the woman had children or married her deceased husband's brother. Female focus group participants often mentioned that they are hesitant or unable to comment on land issues. One group of women in a treatment town in Lofa said, "It's not our topic, it's our fathers' and our grandfathers'... Woman can't talk about land business [land issues] here so much."

There were some signs of increasing women's participation in land issues in treatment communities, often on behalf of their children. A women's leader in Lofa stated: "We the women, we can take part too [in land governance]. This land business here, for over one year now we're on it. ... We don't want to go sit down and close our mouths and say, 'I will just leave it with the

"Of course, women have the right [to land], **but men [have the right] more than women**."

—Female Leader in River Gee County

men.' We the women, we can take that power for our children." A focus group explained that, "When it come for land business like that, the women them we can play our part but in the gathering now, the women them they can call everybody they equal sitting down."

CONCLUSIONS

In sum, there are encouraging findings that reflect the potential for further improvement based on the Community Land Protection Program. There are trends toward increasing participation in land rights by women both generally and due to the program. Women in treatment towns trend toward participating in land meetings more than women in control and are more likely to help make new land rules. Both women and men show surprisingly high agreement across all the communities that women have certain land and inheritance rights. That 87% of people were positive about land reform even when gender equality was mentioned in a survey experiment suggests that people are willing to overcome biased gender norms to achieve land reform goals, such as tenure security and improved livelihoods.

Despite signs of changing norms, men and women still believe women have fewer land rights than men. An innovative survey experiment shows that although support for land reform is always high, both men and women support land reform less when it is explicitly tied to gender equality. These patriarchal norms are aligned with women's responses to the survey saying that they have fewer land rights than men. And likely related to these beliefs, women plant fewer cash crops than men.

The Community Land Protection Program in Liberia is an excellent example of a creative legal empowerment program for community land rights. The project incorporated many best practices for gender mainstreaming to the extent possible at the time, and succeeded at changing the gendered allocation of work on communal farmland. Yet long-term engagement is necessary to overcome entrenched gender biases in customary communities (Meinzen-Dick et al., 2017). At midline, women's empowerment and gender equality outcomes remain elusive.

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