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NEED FOR LEGAL RESOURCES TO ENSURE WOMEN'S ACCESS TO PRODUCTIVE RESOURCES: The Problem of the Woman-Headed Household in African Society*

Nadia H. Youssef**

INTRODUCTION

It is dysfunctional in general to separate women from men in poverty. However, experience in development has shown that help given to poor men does not always trickle down to poor women. In many contexts, women constitute the layer of the poorest among the poor. This is why this article focuses on women.

Rural women who are heads of household constitute a particularly vulnerable group. Focus on the economics of such households indicates that the income dimension is often irrelevant as a measure in rural economies where the cash economy is restricted. Instead, a critical indicator of the structural position of the female-headed household in rural society is the access such household heads have to productive resources.

Recent efforts on the part of the United Nations Food and Agricultural Organization and the Statistical Office have expanded to identify indicators for measurement purposes that will yield information on the *question of access* to productive resources. These indicators should now become part

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of the data collection system, particularly when integrated into rural household surveys and thus they may enable us to obtain more precise information as to the extent to which such access is restricted to the rural poor and the manner that such restriction differs by sex and marital status.

Land, credit, cattle and technical know-how are the principal productive resources to which rural women in parts of Africa lack access. The focus of this paper regarding such lack of access centers around Africa because documentation for this region is better than that for any other, but this should in no way suggest that the problems described here do not exist in other parts of the developing world. Indeed they do.

The critical issue that to my knowledge has not been investigated is whether or not and how African rural women have organized or can organize themselves to confront these discriminatory practices. Legislative changes and measures to reform rural bureaucracies have in most cases been detrimental in guaranteeing women's access to productive resources. Unfortunately, the focus of my research has been to document restricted access and not to explore those legal resources available to African women that uphold the objective of developing self-reliance, participatory decisionmaking and bases for power among grassroots groups.

Women's organizations and support groups exist in Africa, but rarely if at all are they of the kind through which women can become empowered to use law or to effect changes in law to secure their rights and interests. It is hoped that the information presented here will entice others to explore and identify what kinds of legal resources must be developed in rural areas and by external groups to help poor women mobilize and act collectively.

The kinds of activities reported in the literature regarding legal resources have serious implications for the kinds of action to be taken on behalf of women. First, there is an obvious need to include women in the different kinds of movements that are emerging for collective self-reliance. Two principal issues need to be raised: The first of these concerns the potential of existing activist movements in Africa to address the question of women's legal access to productive resources. Is there a need to create new activist movements; further, how can Africans be encouraged to do this? The second is to mobilize the social consciousness of international funding agencies to extend support primarily to those activist movements that, in fact, encourage women to develop self-reliance, promote participatory decisions and lay the groundwork for power among grassroot groups.

This is not an easy task to do given the nature of most women's organizations. On the one hand, many such organizations promote a "welfare approach" and are run by elitist groups. On the other hand, if and when grassroot organizations do exist, funding agencies give preferential treatment to those organizations which address women's concerns that are of a social and cultural nature—i.e., the "safe" issues related to women's lives.

THE RELATIONSHIP OF WOMEN TO LAND

In Africa, women's legal and customary rights to land through usufruct or ownership clearly affect the ability of rural woman heads of households to provide for themselves and their dependents by means of agricultural production. Rural systems of land tenure and inheritance are undergoing the stresses of modernization that all too often restrict women's former customary rights of access to tribal or "public" land under usufruct systems. Civil law reform, on the other hand, has all too often imposed European laws that elaborate individual rights and remedies as opposed to public rights and duties. The "victims" of the resulting legal pluralism have almost always been women, whose position has remained ambiguous, at best, with respect of access to and ownership of land.

Under customary law, land was "owned" collectively in the limited sense that a group of people had a certain right to its use and were responsible for its care. Usually some land always remained for collective use and was never identified with an individual, e.g., common pastures, village common areas and certain water and forest areas were available to all. Individuals who used the land for raising specific food crops and sometimes animals, had rights to use specific plots of land, and when the individual ceased to use those plots, the land returned to the collective group for use by someone else.

In practice, decisions regarding the use of the land were controlled by men. Women indirectly gained access to land through their ties to men by either blood or marriage. Today, both customary and religious laws continue to limit women's direct access to land and these laws still reflect old assumptions that women's need for land will be provided by their male kin. As land has increased in value as a marketable commodity in itself, women's traditional rights of access to land have diminished. Even when kinsmen continue to grant women land to cultivate, the quality and size of plots have been reduced. Overcropping, soil erosion and overgrazing have further diminished soil fertility, and without adequate fertilizer, women farmers have been forced to let some of the little land they do

have lie fallow for extended periods. The justification for such restrictions on women engaged in farming is that women do not produce crops for cash or export sales. In the context of economic development priorities, women farmers have no ecological or economic niche.

Agrarian Reform Laws

In many instances land reform laws have discriminated against women. Similarly, resettlement programmes have also failed to include women, except as wives and daughters. This process of excluding women from the basis of rural productivity has been done by: 1) excluding women from land ownership; 2) stipulating "exceptions" for women in cases where full ownership of land is granted irrespective of sex; and, most importantly, 3) "masculinizing" the head of household concept on the premise that all families contain an adult male economically responsible for maintaining women and children.

Outright exclusion of women from land ownership is evident in the land ownership statutes of Kenya, Eritrea and Nigeria. Even those land reform programmes that are based on the principle of collectivization (Mozambique, Tanzania and Ethiopia) fail to institutionalize sex equality.

Exclusion from property rights deprives women from access to credit and membership in cooperatives. Land ownership continues to be the most important collateral for credit and a prerequisite for participation in cooperative organizations—both those that are income generating and those that are producer oriented.

Recommendations on Land

No one list of suggestions to reform existing land ownership laws is possible, not only because of the heterogeneity of conditions, but also because the application of some suggestions might raise the need for others. Overall there is need to find common points of articulation between land reform legislation and civil/religious inheritance and property laws. Changes in the former—which can be more easily effected—can be effective only if and when they are coupled with legislation and effective enforcement procedures stemming from the executive and the judicial system. International endorsement of land ownership rights for women and a call for necessary legislation occurred in the World Conference on Agrarian Reform and Rural Development, UN/FAO, 1979, in which strong recommendations on female and joint access to land ownership were approved.

Based on her thorough review of those aspects of legal status that limit the economic participation of women in rural development,¹ Lisa Bennett made the following suggestions for legislative action:

1. That women, both married and single, have full legal capacity to own, administer and convey both real and personal property.
2. That the laws of intestate succession treat female and male heirs equally.
3. That legislation be enacted to protect widows against disinheritance by their deceased husbands' estates.
4. That married women have equal rights with their husbands to administer joint property of the marriage.
5. That the legal definition of the head of household/head of family be changed to a concept of co-heads of family, whereby both partners in monogamous marriages and partners in common-law unions have equal rights and responsibilities.
6. That, based on the degree of female participation in agriculture in the particular society, land reform legislation require that women receive a certain percentage of land distributed by the State.
7. That legal obstacles related to land ownership for women's full membership and voting rights in cooperatives and other collective organizations be removed.
8. That legislation be enacted which prohibits both public and private lending institutions from discriminating against credit applications on the basis of land ownership. Because land ownership is in almost all cases the only collateral accepted by formal credit lending institutions, women are, in the majority of cases, automatically excluded.

In addition to Bennett's recommendations there is an urgent need for legislative action that would specifically address the rights of women who are heads of household. It is recommended here:

1. That the legal definition of head of household specify *women* as well as men; that the woman head of household be recognized as a legal entity in all agrarian reform and agrarian resettlement programmes.
2. That special legislation be adopted to protect widows against easy removal from guardianship of land because male relatives fear they will transfer the land to their parents or future husbands.
3. That women who divorce are recognized as legal entities to

1. For an excellent review on the legal aspects of women's restricted access to land, see Lisa Bennett, *The Legal Status of Rural Women: A Review of Those Aspects of Legal Status Which Limit the Economic Participation of Women in Rural Development* (1979) (Published by the Food and Agricultural Organization, Human Resource Institutions and Agrarian Reform Division, Rome) (mimeo).

be given equitable rights to receive at the time of divorce all property that they brought into the marriage and any contributions made by them during the marriage to their husbands' wealth.

LACK OF LIVESTOCK FOR CASH AND DRAFT POWER

Very little research has been done on sex differences in the ownership of cattle. The general impression is that cattle ownership for women is as restricted as land. It is difficult to quantify the actual access dimension because statistics register ownership/holdership, concepts which can have very loose interpretation in societies where women may claim the use of cattle which they do not own by virtue of kinship ties.

The significance of access to ownership of cattle may vary from one setting to another, for not all arable agriculture is equally suited for livestock or as strongly dependent upon it. In certain circumstances, lack of livestock has been shown to have serious consequences for women's productivity and ability to purchase services. Cattle are not only critical in the use of draft power; they also represent a capital asset with potential for conversion to cash.

Detailed data on cattle ownership by sex of head of household are available for Botswana, where agriculture is a very high-risk occupation and cattle ownership is of strategic importance. In rural Botswana, 50 percent of all women surveyed who are heads of households owned cattle; the average herd size was below that considered necessary to make up a team of oxen. Using the measure of access to *draft power instead of ownership*, surveys found that 59 percent of women household heads surveyed had no access to draft power compared to 28 percent of the males. Of those who had access, only 29 percent had the necessary number of oxen (seven and over) needed for plowing. Effectively, *71 percent of women heads of household surveyed did not have access to draft power.*²

Lack of access to cattle ownership was shown to be a major constraint to women's successful arable production; without owning cattle they are unable to take advantage of rainfall patterns and plow at the optimal time. It is cattle ownership and not sex that determines who can plow and when to plow. Those women who own draft power are not only the

2. F.M. Bettles, *Women's Access to Agricultural Extension Services in Botswana* (1980) (Paper prepared for the Ford Foundation Workshop on Women in Agricultural Production in Eastern and Southern Africa, Nairobi, Kenya, April 9-11, 1980).

first to plow; they plow more than women who borrow, exchange or hire draft power.

The fact that women own less cattle than men do also reduces their profit-making potential compared with men who are household heads, because they are forced to incur cash expenditures, which they are ill equipped to afford, to hire draft power, including tractors. When such costs are subtracted from their gross profits, their net gains are considerably reduced because of expenses incurred in plowing services which are not incurred by men who are household heads, although in some instances women are known to manage plowing operations their husbands had started before migrating.

Cattle ownership also represents one of the few sources available to rural women through which cash income can be raised. This is a particularly crucial point for woman-headed households because their cash expenditures for labour and draft power are often greater than those of male-headed households; at the same time their income-earning potential via work and assets is considerably lower relative to men. The assumption that cash remittances received from male relatives who are migrant labourers outside Botswana compensate for women's lack of access to productive resources in the village has not been borne out.

LACK OF ACCESS TO CREDIT

The Problem

Due to conventional collateral requirements, rural commercial banks have in the past typically catered to the requirements of landowners and larger lenders allowing them to improve further their position over the small farmer; the latter was dependent for his credit needs upon money-lenders and small traders. This situation has been somewhat rectified in that formal institutions have begun to extend credit to small farmers for farm activities and increasingly so for off-farm activities. Yet, in general, poor groups still face restrictions on access to formal financial institutions that hinder their potential productivity. Institutional credit continues to be biased in that it is based on security and property rights. In many countries small holders, tenants and sharefarmers who have no registered title to land are mostly barred from access to cheap credit. Further steps in the direction of making credit available to the poor have tended to single out men as beneficiaries. Meanwhile, poor women continue to have little access to financial markets, both because of the class position and their sex. Such a situation can be rectified if committed governments and

certainly international multilateral agencies through their extension of credit programmes make provisions to insure the loans. (This indeed has been done in Bangladesh and Indonesia, among other countries.)

Women small farmers, particularly those heading independent households, desperately need access to credit. They are, however, subject to more obstacles than male farmers in obtaining loans because of sex-specific constraints which inhibit their participation in the formal lending system. These constraints have been identified as follows:

1. High levels of illiteracy which not only deprive women of information but also make it impossible for them to deal with papers that need to be processed or to know for certain what those papers contain.
2. Lack of information about the availability of loans because the information is generally channelled through informal male communication networks and by agricultural cooperatives that usually include only male members.
3. Lack of collateral or surety for loans. Where credit is available principally to those who hold title to land, and where such titles are held almost exclusively by men, women who are heads of household—particularly the divorced and abandoned—are at a severe disadvantage. (Even where widows can have title deed transferred to their names, the process is very complicated and costly.) Types of assets to which women typically have access are often not accepted as collateral.
4. Constraints on women's time and mobility, which make it difficult for them to complete banking procedures and/or travel long distances to bank offices.
5. Unwillingness of many credit institutions to deal with new or small-scale borrowers, who in many cases are women applying for loans for the first time. Such loans are more likely to be rejected if the applicant is a woman.
6. Deliberate efforts on the part of male kin, moneylenders and others, for their own interests, to mislead women about the requirements for and potential benefits of using formal credit institutions.

Cooperatives

Because of the obstacles inhibiting women's access to formal banks, cooperatives can perform an essential intermediary function in facilitating women's access to credit. Cooperatives 1) reduce transaction costs for both lenders and borrowers, 2) perform important functions by removing the obstacles of inexperience and lack of credit worthiness faced by women borrowers, and 3) provide the vehicle for eventual direct contact with formal banks.

In general, women's experience with rural cooperatives has not always been successful. Even as members, women often find themselves without

equal access to credit resources. Males dominate opportunities for agricultural credit, and the cooperative organizations through which such credit is channelled seem to be largely male-controlled. In Africa, the cooperative movement has often failed to involve women because woman's multiple economic roles as farm producer/manager and head of household do not carry institutional recognition. The attribute associated with the terms producer and cultivator is ownership of land and this - in legal terms - is reserved to men. The result has been an all-male cooperative membership; only widows of deceased members can join cooperatives as administrators of their husbands' land.

Although membership in agricultural cooperatives is open to women in Lesotho, Sierra Leone and Tanzania, their credit and income-generation needs are not addressed appropriately. In Lesotho, rural women who are heads of households are often not found to be members of cooperatives. Savings and credit cooperatives in Sierra Leone are almost exclusively women's groups. These cooperatives, however, are not efficient (in terms of training, management, accreditation in accounting and marketing skills) and do not meet the criteria required to obtain credit except from cooperative banks which dispense small, short-term loans.

A seminar held in Africa in 1980 by the African Cooperative Savings and Credit Association, which has strongly supported the increased participation of women in new and existing credit unions and in cooperatives that are formed with women as the common bond for membership, has characterized the relationship between credit and women as follows:

1. Women's access to capital is typically restricted to informal sources due to such obstacles as collateral requirements, inappropriate repayment schedules and terms or size of loans.
2. Women's active use of informal borrowing/savings systems demonstrates their experience as borrowers, willingness to save when it is a requirement of credit and ability to use credit for investment in productive activities.
3. Informal systems do not fully meet women's needs for credit, primarily because of the generally high interest rates and the limited amounts of capital available.
4. Women's cooperatives and banks play an important intermediary role between women without access to credit and traditional systems by providing them with a credit record they can later take to banks.
5. Lending to groups has proven an effective way of providing credit to women; women-specific credit programmes have been effective in overcoming obstacles encountered in mixed credit programmes.
6. Provision of credit to women has proven an effective means of transferring productive activities from the non-market to the market economy.

It is hoped that recent branches of the Women's Banking Association established in some countries in Africa will be sufficiently forceful to strengthen access to formal credit by women in poverty.

NEGLECT OF WOMEN IN DELIVERY OF TECHNICAL KNOW-HOW

Most agricultural and rural extension programmes with a technical component are almost entirely directed at men, as though rural women had little part to play in agricultural production and farm management.

Sex Bias in the Delivery System. Several priorities established within most agricultural delivery systems coalesce to exclude a female clientele. Foremost is the fact that such services are delivered by a male staff who make definite assumptions about the sexual division of labour on the farm; these male staff accordingly structure the flow of information toward men. Second, innovations in agricultural methods are directed toward cash crops (which excluded women as they are less often involved in cash crop farming). Third, extension curricula omit activities in which women play an important role, (e.g., the harvest). Last, contact and exchange of information between extension agents and farmers tend to be selective of the more wealthy and influential class of farmers. Women agriculturists are associated with traditional subsistence and low-yield food crops, poverty, lack of influence and inability to adopt crop and husbandry innovations. Even wealthy and innovative women farm managers experience bias in the receipt of agricultural services relative to men. It is erroneously presumed that what information women might need about crop production will be communicated to them either by their husbands, other males or informally by other women. The situation is most critical for women who assume family headship and/or are managers of farms. The absence of an adult resident male in the household cancels the presence of a link or buffer between the extension agent and the woman who runs her own farm. In some cases, widows of former cooperative members are contacted by extension agents, but others, such as women farm managers, are most likely to be excluded from the mainstream of agricultural delivery services. In some regions of Kenya, for example, where one-third of all farms are managed by women, extension agents candidly expressed their preference to deal with farms jointly managed or managed by men alone.

Underlying the basic inequity in service delivery are the assumptions among extension workers that 1) all households are intact and are headed by resident males; 2) men are the main agricultural productive agents, and they are interested and fully involved in farm work; 3) information

and benefits derived by men from the delivery system will trickle down to women within the household; and 4) women will necessarily adopt the practices transmitted to them by male kin. Such assumptions are untenable when one considers: (a) the increasing number of farm households with no resident male in which women assume the major responsibility, whether on a permanent or temporary basis, and (b) the resistance among resident males in the household to share such information with their women.

Built into the structure of the agricultural extension system is a sex-segregated division of labour under which male extension workers deliver technical knowledge to a male clientele while female home economists concentrate on teaching women to perfect domestic roles.

WOMEN'S ACCESS TO SKILLS TRAINING

The potentially limiting factors that operate to "exclude" or "discourage" women from access to productive skills training have to do with the content of training programmes made available to them and with the different conditions surrounding the training programmes that discourage women from using and/or investing in the limited opportunities that are made available to them. These factors can be seen as explicit and implicit exclusion. All three are closely interrelated in the planning, design and implementation process.

Women's exclusion from technically-oriented training programmes is taking place across regions and independently of international funds. In Africa, where women's major responsibilities for agricultural production and animal husbandry are acknowledged, non-formal rural education programmes pertaining to agricultural techniques have managed virtually to exclude women from attendance. Rural training programmes running under the banner of "Small Industry Development Training" teach women sewing, embroidery and handicrafts—low in marketability and profit—instead of carpentry, electrical wiring, bicycle/home appliance repair, machine maintenance, animal husbandry, accounting, etc. This is very frustrating for women who desire or need to compete effectively in the marketplace. Not only will women who attend courses for which there is no market outlet have invested time and resources unproductively, but also planners will believe that training for women is *not* cost effective.

Implicit Exclusion. Rural training programmes often exclude women simply by neglecting to consider some of the constraints they face that are not confronted by men with respect to transportation, freedom of movement, time availability and level of education. Implicit exclusion in the design and planning of programmes occurs when no account is taken

of women's added responsibilities and schedules are not modified accordingly.

In other cases, women are left out of training programmes because of traditional views about the segregation of the sexes. Community organizations in rural areas have often been selected as locations for training, resulting in de facto exclusion of women where membership in such organizations is exclusively male. Some cooperative organizations that provide such training are run separately for men and women and serve single-sex interests; in others, membership is based on land ownership and may exclude women who do not have title to land. The latter restriction can hurt women heads of households, most particularly those who are divorced, separated or abandoned and who will most likely not have title to land.

RECOMMENDATIONS

To ensure programme access to women, the following are recommended to programme designers, funders and operators:

1. Emphasize (through financial support, recognition, etc.) training programmes that promote the organization of rural women into women's cooperatives and association or that facilitate the integration of women into mixed organizations, such as labour unions and community councils.
2. Encourage the creation of "training groups" at the local level.
3. Utilize both formal and informal channels of information operating among women, encouraging organizations that act as "self advocates" in articulating training priorities.
4. Develop methods and programmes that minimize the need for certain levels of literacy, knowledge of arithmetic and other such skills and build on the existing knowledge, skills and experience of women.
5. Use training methods that promote active participation by women, develop the potential leadership skills of women and clarify the links between offering skills and providing work opportunities.
6. Establish training centers in locations that are readily accessible to women and that require only a minimum of travel for participants.
7. Create and strengthen community-level associations, cooperatives and unions to increase women's collective access to productive resources.

To ensure the promotion of marketable skills, the following are recommended:

1. Ensure that the training areas provided are responsive to current and future rural labour market *demands* and realistic income-generation possibilities.
2. Train women in the operation and maintenance of diverse commercial technologies and equipment, so as to open new opportunities

in production sectors into which they can be integrated.

3. Train rural women who participate in the informal labour market to enhance their entrepreneurial skills within the modern sector.

4. Ensure that "opportunity building" is integrated into training programmes by developing information channels for hiring women into the formal sector, encouraging contacts between employers and training programmes for hiring trainees, and providing access to credit and technology for entrepreneurial and self-employment projects.

5. Introduce skills that will enable women to re-orient traditional activities (e.g., poultry raising, food processing, animal breeding, weaving and spinning) to the marketplace. Provide training in marketing, storage and process techniques and in basic managerial, investment and accounting skills to support this re-orientation.

6. Train rural women to increase their productive activities in rural off-farm employment sectors and ensure the availability of complementary resources.

CONCLUSION

Until recently, few people were "socially aware" of the phenomenon of the rural woman-headed household in the developing world and there was little more than a generalized notion of the far-reaching social and economic impact that this form of family organization had upon rural life. Over the last several years, however, the prevalence of such households is finally gaining recognition among governments and development agencies. This recognition needs now to be translated into action.

Within the development research and policy-planning community it is imperative that programmatic emphasis be directed toward a more cohesive improvement of such data not only on the prevalence of rural woman-headed households but also on the size, structure and daily living conditions that characterize such households. We should not have to wait, however, for the completion of an exhaustive research agenda before development planners begin to incorporate the existence of the rural woman-headed household into their economic forecasts and development interventions. Overall development strategies that seek to improve the level of living of the rural poor by increasing the productivity and income generation of households must recognize the existence of woman-headed households in project design and evaluation. Development agencies and national planners must be made aware of the facts that rural woman-headed households constitute a substantial proportion of the rural poor, and that these households require specific policies to reach them. Attention should also be given to reviewing the ways in which current policies of economic development and assistance may inadvertently work to the

disadvantage of woman-headed households among the rural poor either by simply failing to include such households or by imposing requirements that, on the basis of their structure, they cannot meet.

At the national level in developing nations it is essential that national planners begin to give explicit consideration in their project portfolios and data collection efforts to quantifying the prevalence of woman-headed households and to assess the relative income of these households. At this juncture, the lack of detailed and reliable national-level data acts as a serious constraint to the designation of priority groups among poor, rural woman-headed households. In order for efforts to be extended to meet their special problems and needs, clear specification is needed of their prevalence, size and structure.

Formalization of policies at both the national and international development agency levels needs to be oriented toward identification of woman-headed households in poverty as a discrete social category among the poor. Such a formalization requires the following: first, the identification of relative income levels among all woman-headed households; second, the identification of special characteristics of poor woman-headed households; and, third, the articulation of policy on behalf of woman-headed households appropriate to specific country situations. Operating from such a framework, we could use the baseline data to target groups, and thus the preparation and implementation of appropriate programmes and policies could proceed. The data could also be used to evaluate the success of projects in reaching particular subgroups of the poor.

Strategies focused on behalf of rural woman-headed households in poverty should take into account the fact that the problems faced by this group are but an acute manifestation of deep-seated problems of rural poverty, in general, and of a discriminatory patriarchal structure, in particular.

Equitable solutions to the fundamental problems faced by poor women require structural changes with far-reaching implications. The changes involved touch at the cornerstone of: 1) agrarian reform laws; 2) family law; 3) the distribution of access to productive resources (land, credit, technology, training); 4) rural employment strategies in the public sector; 5) explicit promotion of labour-intensive modes of production; and, not the least, 6) a deep-rooted patriarchal ideology.

At a more basic level, a certain redirection in development "thinking" and planning is required to rectify legal discriminatory practices against women, one that may be difficult to internalize. There must be the recognition that a critical component of motherhood among the poor consists not only in the woman being the nurturer but in her being the

economic provider as well. This means that rural women have to be perceived not only as food/subsistence cultivators, but as economic beings and wage-earners who are in need of employment and income-generation opportunities that yield cash incomes. In facing this reality planners will become more sensitized to the fact that women as well as men are affected by rural conditions of restricted employment opportunities, low labor incomes, crop failures, crop diversification policies and negligible non-agricultural income sources.

