



A Combined Qualitative and Quantitative Approach to Address Gender Issues in the *Doing Business* Project

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Abstract

Taking off from findings that discrimination hindering women's economic participation originate at the level of traditions, norms and beliefs and perpetuate at the level of regulations, this paper discusses a methodology on how to address the gender issue in the Doing Business project. After reviewing the way gender has been dealt with in the Doing Business project so far, we present our suggestion for an alternative approach. We suggest to combine a qualitative case study method that evaluates discrimination at the level of traditions with either one of two quantitative methodological options that measure gender sensitivity at the regulatory level.

1. Introduction

Barriers to women's productivity and economic participation were found to take root at two social levels that closely interrelate with each other (Hampel-Milagrosa, 2008). *First*, at the level of traditions, norms and beliefs, the practice of biased resource allocation between genders has resulted in an overall reduction of economic opportunities for women. *Second*, at the regulatory level, legal instruments translate discriminatory practices into policies that institutionalise existing gender disparities. The overarching result are women's lack of access to productive resources, their weak participation in economic processes, and less than optimal economic growth (see e.g. a compilation of work by the International Food Policy Research Institute, 2006 and Alderman et al., 2003).

To stimulate economic growth and increase opportunities for women, the World Bank's Doing Business (DB) project suggests the simplification of regulations affecting ten stages of a businesses' life. Our research indicates that four out of ten regulatory areas covered by the DB indicators are especially relevant for women entrepreneurs. The four areas are: Obtaining Credit, Registering Property, Starting a Business and Employing Workers. We observed that reforms of these areas recommended by the DB project are generally positive for women entrepreneurs although in some cases, they could bring potentially negative results (see section 2¹). Moreover, the DB project does not manage to address all of the important issues but rather only a sub-set of the regulatory issues confronting women entrepreneurs and definitely not their most binding constraints. Thus, reforms

¹ For more details cf. Hampel-Milagrosa (2008).

inspired in the DB reports (in what follows "DB reforms") do not seem to be sufficient to overcome barriers to the start-up, expansion and formalisation of women-led enterprises.

The rest of the paper is structured as follows. Section 2 will present our previous findings on the interaction between traditions, regulations and DB reforms in the context of women entrepreneurs. This is followed by section 3 that gives an assessment of what has been done so far to address the gender issue in the DB project. In section 4 we present our combined qualitative and quantitative approach as an alternative to the current method and wrap up the discussion with conclusions in section 5.

2. Interaction between traditions, regulations and gender impact of DB reforms

The present section exemplifies the interaction between traditions and regulations with respect to the four regulatory areas identified as most relevant for women's business activities. It becomes evident that several regulatory barriers to women entrepreneurs, namely, in areas of obtaining credit, registering property, starting a business and employment lie outside the scope of DB reforms.

With regard to reforms on Obtaining Credit: The DB recommends, among other things, reforms that expand information availability in credit registries, reforms that allow all types of assets to be accepted as collateral and reforms that allow out-of-court enforcement of collateral (World Bank, 2007). We argue that these reforms might not have an impact on the majority of women who do not have credit histories or traditionally are not allowed to own material things (see Hilton, 2008, Mayoux, 1997 and Niethammer et al., 2007). Allowing collateral to be enforced out-of-court might create especially negative repercussions for women in countries where they are considered minors. Moreover, customs that limit women's ownership rights and public mobility in relation to credit access are important discrimination issues that could not be mitigated by DB reforms alone.

With regard to reforms on Registering Property: The DB recommends reforms that make land titling simpler, faster, and cheaper, through lowered fees, fast track procedures and online registration (World Bank, 2007). However, we argue that more often, it is strong traditions, norms and beliefs in rural areas that explicitly prohibit women from owning property, even if legislation favouring female property ownership exists (see Dowuona-Hammond, 2008 and Bortei-Doku, 2002). Experience shows that when individual property titles are introduced in areas where tradition allows only secondary land rights for women, or where women are explicitly not allowed to inherit land, males tend to possess land titles and women's remaining common rights deteriorate (see Toulmin, 2005 and Akua Duncan and Brants, 2004).

With regard to reforms on Starting a Business: The DB recommends reforms that make it easier, quicker and cheaper for businesses to take-off, such as allowing for the possibility of online registry. We raise the question of how online registries will jumpstart registrations for illiterate women and those without access to computers. Also, we argue that women tend to experience more obstacles in starting or formalising businesses due to their gender. The choice to start businesses is more complex for women than for men and women tend to be more sensitive than men to a variety of non-monetary incentives (Burke et al., 2002). For women than for men, the choice to start a new business is often linked to necessity or to time and location flexibility (Minniti, 2008). This creates significantly different start-up scenarios for men and women (see Richardson et al., 2004, Davidsson, 1999 and Verheul et al., 2006), which might not be bridged by DB reforms alone.

With regard to reforms on Employing Workers: The DB recommends several reforms, one of which refers to lowering dismissal costs. We argue that definite political and academic conclusion have yet to be reached on matters of dismissal costs. One school of thought opines that lowered dismissal costs would allow flexibility for businesses to respond to a changing economy, increase job opportunities and spur growth in the formal sector. The contention against this is that, caution

needs to be practiced in reforming the labour market because making dismissals easier could easily override sensitive worker's rights and imbalance an already "non-level" playing field (see Khotkina, 2005). Moreover, we argue that because women's employment is influenced by economic and non-economic factors, de-regulation and simplification of labour rules alone might not be enough to improve women's employment. Examples of non-economic factors at the level of traditions that hinder women's employment are: women's domestication, lack of human capital and negative social perceptions of working women in relation to their role at home (see Jütting and Morrisson, 2005 and Huffman, 2007).

To sum up, the examples given show that, in general, there is no level playing field for women entrepreneurs. In order to overcome women's discrimination in the business world an approach focusing on deregulation of business activities alone will not suffice. Rather, the analysis suggests an affirmative action approach that would e.g. include pro-women business regulations and supportive policies that give incentives for women to engage in business activities.

3. Assessment of what has been done so far to address gender issues in the DB Project

3.1 Gender incorporated as crosscutting theme *WITHOUT* influence on the indicators / rankings

It was only with the 2008 DB edition that gender gained a relatively prominent position in topic chapters. In each indicator, an attempt was made to incorporate gender as a crosscutting theme across the current ten indicators.

However, the opportunity to further explore gender was missed in the recently released *Doing Business 2009*. The edition's extent of focus on gender remains relatively unchanged as compared to the previous year, despite plans to include preliminary findings of the DB Gender project into the DB 2009. Aside from identifying legal and regulatory obstacles to doing business for women in six areas of a business' life, plans were to take account of reforms that have the largest impact on opportunities for women. The Gender project had provided several country examples for this purpose. For instance, Swaziland and Zambia seem to be difficult places for female entrepreneurs because of provisions that restrict them to conduct businesses, the need for male consent in legal undertakings, and the lack of full legal capacity in the administration of personal properties acquired during marriage (Ellis and Cutura, 2007).

However, an analysis of such critical and important legal impediments to women entrepreneurs seems to be lacking in the most recent *Doing Business* report 2009. Rather, what is noticeable at the beginning of topic chapters are examples about women's problems with regards to business regulations or their positive experiences due to reforms in selected areas of *Doing Business*; most of which were lifted from the report "*Doing Business: Women in Africa*".

This approach that deals with gender issues within each topic chapter of the DB reports is clearly feasible. However, the procedure suffers from the disadvantage that countries ranked high in one DB indicator (or in the aggregated DB index) might not rank high in the egalitarian treatment of women, as in the case of Maldives and Saudi Arabia². Sending conflicting signals in the balance between the general ease of doing business and the state of affairs for female entrepreneurs is one of the disadvantages of using a gender impact analysis for each indicator in the DB project. For instance, in *Starting a Business*, *Doing Business 2009* hailed Yemen as one of the top reformers in aspects of simplifying registration formalities, and creating / improving their one-stop-shop (World

² In the Maldives, lower values are assigned to women's court testimonies. However, Maldives ranked world No. 1, No. 7 and No. 8 in DB 2008 for Employing Workers, ease of Paying Taxes and ease of Dealing with Licenses, respectively. Saudi Arabia were cited in the Gender Project for not allowing women to carry out legal undertakings without written consent forms from husbands or male relatives but ranked world No. 23 and No. 40 in ease of Doing Business and in Employing Workers respectively (see World Bank, 2007)

Bank, 2008). Note that Yemen was criticized by the DB Gender project as one of the countries that restrict women's mobility in public spheres as well as inhibit women's engagement in legal undertakings without the written consent of the husband or male relative (Ellis and Cutura, 2007).

Another disadvantage of the approach is that it fails to capture gender-based barriers to females' economic productivity beyond the scope of the current indicators. This weakness could possibly be tackled through the incorporation of an indicator measuring the extent of women's "Equal Legal Rights"³, which is a good example of a gender-specific indicator that may comprise other regulatory elements that are not included among the ten existing indicators. How the DB project will tackle such issues in the current approach remains to be seen.

In sum, although topical chapter introductions in the DB 2009 report showed how women benefited from reforms inspired by the DB, **what is missing is an analysis of the root of discrimination of female entrepreneurs stemming from tradition, norms and beliefs as well as an analysis of how women benefited from reforms inspired by the DB, in the particular context of eliminating legally embedded female bias.**

3.2 "Women in Africa" Report

One of the outputs of the DB Gender Project was a report entitled "Doing Business: Women in Africa" which was released in April 2008.

The "Doing Business: Women in Africa" is an interesting exercise that portrays a picture of the regulatory barriers to women entrepreneurs in one of the poorest regions of the world. However, the report fails to directly address tradition, norms and beliefs as equally important obstacles to entrepreneurship particularly among African women. Moreover, the "Doing Business: Women in Africa" so far is a stand-alone regional report that manages to take only a snapshot of the business regulatory environment for African women entrepreneurs.

4. Suggestions on how to address Gender Issues in the Doing Business

Since the current DB Gender Project as well as the "Doing Business: Women in Africa" evaluates the level of regulations alone, one critical issue that could not be resolved by this approach is how to trace and confront female discrimination at its root – at the level of tradition, norms and beliefs.

Tradition structures behaviour not only through the mind but also through the ways in which our norms and beliefs shape practices. Deep values in norms and beliefs become institutionalised in the form of practices (the way things are done) and into rules governing practices (laws and regulations) (Elam and Terjesen, 2008). Therefore, local level practices, where cultural notions and actions towards female discrimination take shape are overlooked when the analytical view focuses only on the legal level. For that reason, a methodological approach that deals with both levels is suggested, in order for researchers and policymakers to properly identify reforms that could decrease gender bias.

The suggested approach closely follows so-called "Q-Squared" research approaches that adhere to a mix of qualitative and quantitative methods in analysing specific policy issues in development. So far, Q-squared approaches have been widely used to bridge the gap between economics and social science in the context of poverty and development studies (Kanbur, 2002 and Kanbur and Shaffer, 2007).

³ The DB Gender Project used "Equal Legal Rights" as an indicator in the context of access to finance. For more details on how to incorporate the extent of women's equal legal rights into the DB indicators, see 4.2.2.

What follows is a description of how a Q-Squared methodology could be applied to address the gender issue in the DB. The first suggestion is to conduct qualitative case studies that would address gender discrimination at the level of tradition, norms and beliefs. The second suggestion is to create quantitative indicator-based measures of gender discrimination at the level of regulations. There are two ways to approach the indicator-based method. Either measures of gender-specific regulation could be included within each index/indicator or a Gender Index could be created that could be used as an 11th DB indicator. The suggested methodology would look as follows:

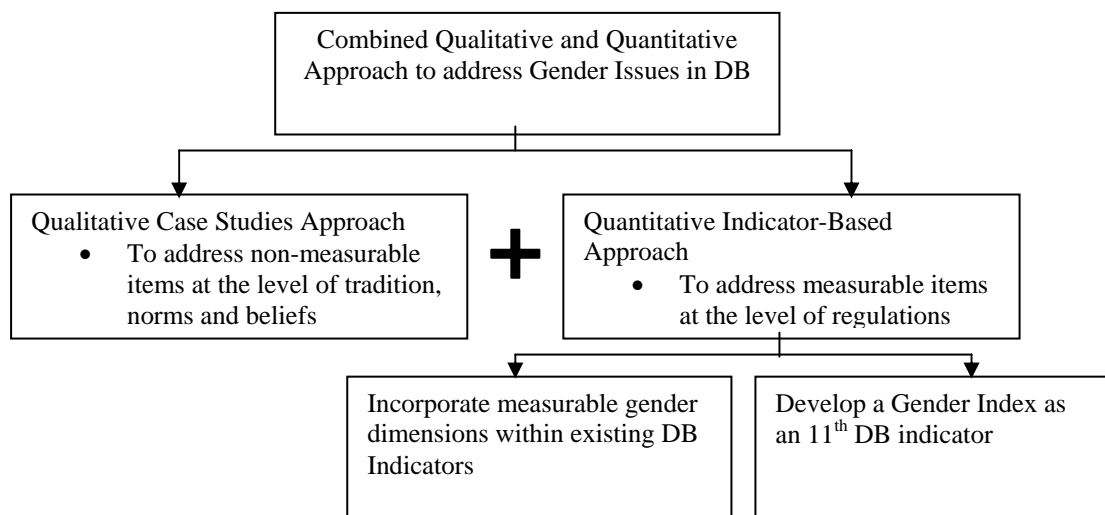


Figure 1. Combined Qualitative and Quantitative Approach to addressing Gender Issues in the Doing Business

4.1 "Case Studies" Approach

Since female discrimination originates at the level of tradition, norms, and beliefs, it is imperative that an approach capturing this "non-regulatory enabling environment" for female entrepreneurs should also be used. For this approach, we suggest conducting case studies of women entrepreneurs similar to the "Doing Business: Women in Africa" report.

However, the difference to the "Doing Business: Women in Africa" report is the broader focus that also takes into account constraints rooted in culture that hinder women's productivity and economic participation. This approach will allow us to adequately identify barriers to women's economic participation that take root at the level of tradition, norms and beliefs which are reflected only indirectly at the level of laws and regulations.

We point out that the suggested approach also recognizes the fact that in some economies, women entrepreneurs have better standings at both social and regulatory levels. It is for this reason that we recommend that the case studies approach be conducted across regions of the world. This is to facilitate comparison and create a comprehensive picture of social impediments that female entrepreneurs deal with. This effort is suggested to be regular and continuous in order to be able to monitor improvements or decline of regulatory environments affecting women.

We then suggest that results from regional/worldwide case studies be put together to create an overarching report to be able to paint a comprehensive picture of the barriers for women entrepreneurs all over the world and at the same time facilitate comparison of women's business environments across regions. To prevent that only a snapshot of women's conditions is taken, a further suggestion is to make the case studies as well as the overarching reports into a series.

Making the process continuous allows for monitoring of progress (or deterioration) of business enabling environments for women entrepreneurs worldwide. A regular schedule for publication, for example once every two to five years, is recommended.

4.2 "Indicator-Based" Approach

4.2.1 Gender incorporated as crosscutting theme WITH influence on the indicators / rankings

The first suggestion in the indicator-based approach is similar to the current approach used by the *Doing Business*. However, instead of mere textual discussions of gender impacts of reforms, we suggest the inclusion and measurement of gender-specific regulations within indicators that have profound correlation to female entrepreneurship.

For instance, in the indicator "**Getting Credit**", regulations that specifically pertain to the authorization of women to independently open a bank account and obtain loans as well as laws that allow the use of immovable property as collateral could be included among items used to create the "Strength of Legal Rights" subindex. A higher score could be given for more regulation in this regard. On the other hand, lower scores could be given for laws that hinder the ability of single/married/separated/widowed women to autonomously administer land and other property for credit purposes.

In the indicator "**Registering Property**", regulation that influence the number of procedures required for single / married / separated /widowed women to register, own, use or rent land and other immovable property could be included under the sub-indicator that measures "Procedures to legally transfer title on immovable property". If women need their husband's or male relatives' consent in this regard, this will naturally reflect longer processes which will bear negatively on the total number of procedures and automatically negatively influence the "Registering Property" indicator and the overall ranking.

The same holds true for regulations that influence the number of procedures required from women to "**Start a Business**". Relative to men, more documentary requirements mandatory for women lengthens the business registration process and correspondingly increases the time required to get their enterprises underway. These could be reflected in the number of "Procedures to legally start and operate a company"

For the indicator "**Employing Workers**", laws and regulation specifically pertaining to female working time restrictions, maternity / paternity leaves, female retirement and part-time work could be included under the "Rigidity of hours index". The index could give lower score for laws that restrict women's working time or regulations that reduce the length of paid vacation days for new parents. Similarly, lower scores could be given for laws that require women's early retirement relative to men's, or regulations that make it more difficult for women to return to the labour force after childbirth.

Further research is needed to identify which among the 10 DB indicators could absorb additional regulatory elements that specifically tackle legal obstacles for women. Also, the methodological feasibility of such an inclusion, as well as how the addition of gender variables could dramatically change country rankings should be looked at. The methodological advantage of this approach if accepted, is that it will fundamentally integrate gender issues embedded at the legal level within each indicator.

4.2.2 Developing a Gender Index

Another possibility is to develop an additional gender index that reflects the degree of discrimination of female entrepreneurs in doing business. The Gender Index could measure the regulatory ease of doing business of women entrepreneurs, beginning by using the four indicators analyzed earlier: Obtaining Credit, Registering Property, Starting a Business and Employing Workers. In addition, one cross cutting indicator is suggested, the Extent of Women's Equal Legal Rights.

Akin to the methodologies employed for other existing indicators, this new index will allow countries worldwide to be ranked according to how their governments manage and safeguard the rights of economically active women. Ranking countries according to their Gender Index in the DB will not only bring gender-issues to the forefront but also enable governments to be more proactive in elevating the status of women in their societies.

The first indicator on **Obtaining Credit** could focus on laws that allow the creation and exchange of public credit information about women, or laws that explicitly allow women to graduate from microfinance towards commercial credit sources. Laws and regulation that allow women to independently open a bank account, obtain loans and promote women's savings could be included. Laws that allow the use of immovable property as collateral, laws that hinder the ability of single/married/separated/widowed women to use land as collateral, and regulations that call for banks to have gender-appropriate loan procedures and flexible repayment schedules for women are possible variables for this indicator. The **Registering Property** indicator could reflect legal restrictions on single/married/separated/widowed women's rights to register, own, use or rent land and other immovable property as well as laws and regulations that acknowledge the legality of secondary /communal/ usufruct rights of women. The indicator **Starting a Business** could include laws and regulations that explicitly hinder women from starting and expanding businesses whereas **Female Employment** indicator could include laws and regulation that address equal wages/income for men and women, laws and regulation specifically pertaining to employing female workers, female working time restrictions, maternity / paternity leaves, female retirement and part-time work. Regulation regarding state financial support during maternity / paternity leaves, and for childcare upon returning to work after childbirth could also be looked at.

Finally, the **Extent of Women's Equal Legal Rights** would measure explicit provisions for legal equality (or inequality) between men and women in the constitution and in legislation, international treaty obligations on equality of women, laws and regulation that directly confront/challenge local customary laws that are discriminatory towards women. Laws that guarantee equal representation of women in parliament, in community, regional and national levels (quota) could be included.

Following the DB style of presentation, the Gender Index could assume the following format:

Where is it easy for women to be economically productive - and where not?

Easiest	Rank	Most difficult	Rank
Country A	1	Country X	176
Country B	2	Country Y	177
Country C	3	Country Z	178

With regards to the specific indicators under the Gender Index, they could be presented in DB style as follows:

Obtaining Credit

Easiest		Most Difficult	
Country A	value	Country X	value
Country B	value	Country Y	value
Country C	value	Country Z	value

And so on, for the rest of the indicators.

In the style of the DB project, table 1 is an elaboration of the items that could be measured by the Gender Index (first column). On the second column are possible sources of information. An important concern would be the sources of information for the variables that measure the indicators, as shown in table 1. DB-style would be to disseminate a questionnaire to be answered by local experts, tax officers, labor and financial lawyers, judges and consultants from the countries included in the reports. However, there is some important information such as regulations that directly confront/challenge discriminatory local customs that might be better resolved by civic organizations, women's groups or research institutes who specialize in women's issues. In many countries, law interpretation and implementation are widely varying, therefore laws and regulation specifically pertaining to employing female workers, female working time restrictions, maternity / paternity leaves, female retirement and part-time work might be better gauged by research consultants, women's rights advocates or lawyers for women's rights.

Table 1. What could the Gender Index measure and where could we obtain data?	
Obtaining Credit	Sources of Information
Laws that allow the creation and exchange of public credit information about women, or that explicitly allows women to graduate from microfinance towards commercial credit sources	DB Style
Laws and regulation that allow women to independently open a bank account, obtain loans and promote women's savings	DB Style/ Gender experts
Laws that allow the use of immovable property as collateral	DB Style
Regulations that call for banks to have gender-appropriate loan procedures and flexible repayment schedules for women	DB Style/ Gender experts
Laws that hinder the ability of single/married/separated/widowed women to use land as collateral	Gender experts
Registering Property	
Legal restrictions on single/married/separated/widowed women's rights to register, own, use or rent land and other immovable property	DB Style
Laws and regulations that acknowledge the legality of secondary /communal/ usufruct rights of women	DB Style
Starting A Business	
Laws and regulations that explicitly hinder women from starting and expanding businesses	Gender experts
Female Employment	
Laws and regulation that address equal wages/income for men and women	DB Style
Laws and regulation specifically pertaining to employing female workers, female working time restrictions, maternity / paternity leaves, female retirement and part-time work	Gender experts
Regulation regarding state financial support during maternity / paternity leaves, and for childcare upon returning to work after childbirth	DB Style
Extent of Women's Equal Legal Rights	
Explicit provisions for legal equality (or inequality) between men and women in the constitution and in legislation	DB Style
International Treaty obligations on equality of women	DB Style
Laws and regulations that directly confront/challenge local customary laws that are discriminatory towards women	Gender experts
Laws that guarantee equal representation of women in parliament, in community, regional and national levels	DB Style

The feasibility and ease of operationalisation of a Gender Index should be investigated. More research is needed to determine which of the gender indicators properly reflect and measure the regulatory business environment for female entrepreneurs. A pilot phase could be conducted to determine if the Gender Index properly reflects the ways the institutional environment hinders female economic participation.

4.2.3 Putting it together

The combined qualitative and quantitative approach would allow the DB project to address gender issues that arise from the level of tradition, norms and beliefs as well as from the level of laws and regulations. Therefore, presenting results of the approach requires combining findings of the case studies with the results of the indicator-based method.

Country level findings, whether based on the incorporation of gender-specific regulations within existing indicators or the aggregation of sub-indicators to form the Gender Index could be corroborated with real life examples of experiences of female entrepreneurs in the relevant countries or regions. In this way, the project will be able to tackle both sources of discrimination, and provide advice on policies that could effectively allay female biases. Moreover, since the approach takes account of traditional and legal origins of discrimination, the project will be well-equipped to advise countries on which reforms are necessary to improve business environments for women entrepreneurs.

5. Conclusions

The paper argued that although reforms arising from the DB project are generally positive for women entrepreneurs, potentially negative results could arise in some cases. The DB project does not manage to address all of the issues but rather only a sub-set of the regulatory issues confronting women entrepreneurs and definitely not their most binding constraints. Thus, DB reforms do not seem to be sufficient to overcome barriers to the start-up, expansion and formalisation of women-led enterprises.

We also discussed the way gender issues are currently being addressed in the DB project: through inputs of results of the Gender Project in the DB reports as well as with the publication of "Doing Business: Women in Africa". Aside from the possibility of creating only a snapshot of women's conditions, we raised concern on how the approach will balance results in cases of countries with high rankings in individual and aggregated indicators but poor legal conditions for women. We also argued that this approach tends to overlook, first, the barriers to women entrepreneurs located at the level of traditions, beliefs and norms, and second, other regulatory barriers to women entrepreneurs that are not encompassed by the ten areas covered by current indicators.

To address gender issues in the Doing Business we suggest an Q-Squared approach that combines analysis at the social level with analysis at the legal level. To address discrimination at the level of traditions, norms and beliefs, we suggest conducting case studies to create a qualitative picture of the ease of doing business for women entrepreneurs. To address discrimination at the level of regulations, two quantitative techniques are possible. The first technique requires the inclusion and measurement of gender-relevant regulations within existing DB indicators. In this manner, gender issues will be fundamentally integrated within each indicator and will be reflected in global rankings. However, further research is needed to identify which of the 10 indicators could absorb regulatory elements that reflect obstacles for women. The second technique requires the creation of a Gender Index as an 11th indicator within the DB. In presenting overall results, case studies are to be used to substantiate findings from either of the two indicator-based approaches. A pilot phase is recommended in order to determine if the combined qualitative and quantitative approach appropriately captures the ways the social and institutional environment hinders or promotes women's entrepreneurship.

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