A training package

Improving gender equality and grassroots participation through good land governance

A Training Package: Improving gender equality and grassroots participation through good land governance

Disclaimer

Cover Photos: Britta Uhlig, Solomon Haile, UN-HABITAT

A training package
Improving gender equality and grassroots participation through good land governance

Volume 1: Trainees handbook - readings and references

UN@HABITAT
FOR A BETTER URBAN FUTURE

GLOBAL
LAND
TOOL
NETWORK

CONTENTS

BOXES

HANDOUTS

> "One is not born a woman, but becomes one"
> Simone de Beauvoir

Introduction

The world today faces many complex challenges, including climate change; rapid urbanisation; increased demand for natural resources; food, water and energy insecurity; increased natural disasters; and addressing conflict. Many of these challenges have a clear land dimension including: unequal access to land; insecurity of tenure; unsustainable land-use; weak institutions for dispute and conflict resolution.

Land is the single greatest resource in most countries. Access to land and other natural resources and the associated security of tenure have significant implications for development. However, these rights are being increasingly undermined by weak governance, climate change, conflicts and natural disasters, population growth and urbanization and demands for new energy resources such as bio-fuels. The poor and the vulnerable bear the heavier brunt in regard to degradation of land and property rights.

Globally, only some 30 percent of land is formally registered, 70 percent remains unregistered. Only some 2 percent of women have formally registered land rights. Conventional technical approaches to land will not be adequate to address these issues. Part of the reason why technical solution are inadequate is that existing land administration tools are not able to cope with current, let alone future challenges. They are not attuned to the needs of the poor either due to technical complexities or prohibitive costs.

The other part of the reason is that the nature of the problems is simply too complex for traditional linear analysis and sectoral approaches. Issues such as informal settlements, landlessness and hunger and food insecurity have been intractable land problems for many decades. Land reform and urban upgrading, for example, have been implemented in numerous countries in different ways, yet landlessness persists and informal settlements are expanding. Climate change further poses new challenges for land management. The above points signal the need for a new perspective and approach to land issues since changes in analysis and practice are key to improving land governance.

This training package is designed for professionals, working in the field of land, governance, grassroots participation and gender in public institutions or civil society organizations. It is one initiative of many, being taken by GLTN/TCBB-UN-HABITAT to further the agenda for improved land governance. This training package provides an introduction to the important, complex, and sometimes daunting theme of improving land governance as a means to, among other things, enhance gender equality and grassroots participation in land matters.

The overarching goal of the training is to improve women's land and property rights and promote the participation of grassroots communities in land processes. The focus is obviously on gender equality and grassroots participation as key dimensions of good land governance. This is in sync with the concept of 'good enough governance' in that it allows zooming in on and making a difference in select but arguably the most decisive elements of good land governance.

The training package is prepared in two volumes: 'Trainee's Handbook: Readers and References' and; 'Trainer's Guide and Training Tools'. The volume you are about read is the training toolkit which provides the content part of the package. Training providers and other stakeholders interested in carrying out the training course are encouraged to fully utilize the package and implement it as set out in this and the accompanying volume. This is vitally important for coherence and attaining training objectives. Partial use of the package is also possible. But, the message could be incomplete and learning outcomes might not be realized.

["You can only govern men
by serving them"
Victor Cousin]

Introduction to the Training Package

The Global Land Tool Network (GLTN)/UN-HABITAT and its partners have been involved in the development and dissemination of land tools to assist stakeholders involved in improving access to land and securing tenure to better understand and incorporate the new land governance centred thinking in their practice. A key area of global consensus for improving land governance is that pro-poor gender responsive analysis is essential to changing relations of land governance. Improved grassroots participation is another area that can benefit from good land governance as well as in turn improve land governance.

This training package provides an introduction to improving land governance in which pro-poor, gender-sensitive approaches and grassroots participation are front and centre. It identifies some of the competencies needed to address the complex yet day-to-day issues of land management and administration.

Target group of the training

The target group of this training includes professionals and leaders working in public institutions and civil society organizations who deal with land, governance, grassroots participation and gender issues. Examples of such professionals include surveyors, administrators, planners, policy makers, community workers, and staff of NGO's involved in advocacy and development workers.

Objectives

The objectives of this training are to:

- Facilitate better understanding of concepts of land governance and its pivotal role in improving access to land and security of tenure for poor women and men.
- Demonstrate how good land governance could lead to improved land rights for both women and men and increased participation of grassroots communities in land matters.
- Define and explore competencies that can contribute to improving land governance.

Expected training outcomes

Participants will be able to:

- identify and explain concepts involved in improving land governance.
- differentiate, assess and develop mechanisms and processes for improving land rights of women and grassroots communities.
- point out and analyse competencies for improving land management and administration with a view to making them gender sensitive and participatory.

Overview of sessions

Session	Activity
1	Activity 1.1 Introductory game – Where is everyone from? Who are they? Activity 1.2 Introductions, expectations, training objectives and outcomes Activity 1.3 "Governing ourselves" – ground rules
2	Activity 2.1 Building a common understanding of land concepts with emphasis on land governance Activity 2.2 Land governance today: the challenges Activity 2.3 Understanding and promoting principles of good land governance
3	Activity 3.1 Grassroots participation Activity 3.2 Criteria for assessing and promoting grassroots participation Activity 3.3 Grassroots participation strategy for Las Flores Activity 3.4 Introducing gender Activity 3.5 Gender equality and land Activity 3.6 The tribulations of Madam Abiba Suleiman Activity 3.7 Competencies for improving land governance
4	Activity 4.1 Understanding discrimination Activity 4.2 Exploring the negotiating territory Activity 4.3 Reducing land conflicts – your experiences Activity 4.4 Role play – conflict resolution in the case of multiple sales of peri-urban land in Accra, Ghana Activity 4.5 Web-mapping land stakeholders Activity 4.6 Partnerships for producing housing Activity 4.7 Lowering communication barriers
5	Activity 5.1 Improving land governance – my action plan

SESSION 1

INTRODUCTIONS AND EXPECTATIONS

[*"A small key opens big doors"*
Turkish proverb]

SESSION 1:

Introductions and expectations

Introduction

This first session consists of three distinct, but related activities. It starts off with an introductory game that entails walking around, meeting participants and asking them where they are from, and who they are. There will afterwards be a more formal self-presentation of training participants including their expectations. These will be followed by a time when a facilitator will briefly present training objectives and outcomes and lead participants to set up ground rules.

The trainers' guide outlines detailed facilitation notes and provides process maps on the ways in which this session is to be managed.

Objectives

- To enable participants and facilitators to get to know each other.
- To clarify training objectives and outcomes.

Outcome

- Participants will be able to know each other and point out what the training intends to achieve.

Handout 1 Where is everyone from? Who are they?
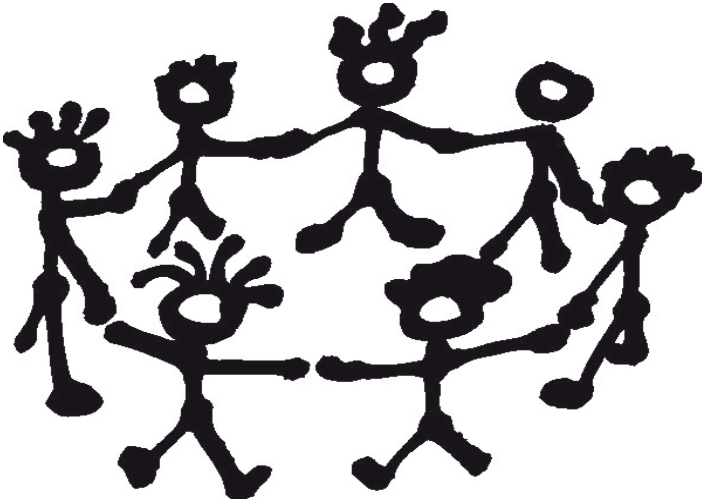
1. Who has travelled from Asia?_____

2. Who is an elected official? _____

3. Is there a surveyor in the house? _____

4. Who is happy to be here? _____

5. Who likes spicy food? _____

6. Who represents a grassroots women's group? _____

7. Who travelled more than 12 hours? _____

8. Is there a representative of a civil society organization here? _____

9. Who is from GLTN? _____

10. Does anyone speak Spanish? _____

11. Is there a farmer in the room? _____

12 Who speaks more than 3 languages? _____

SESSION 2
UNDERSTANDING NEW CONCEPTS IN LAND GOVERNANCE

[
"The need for change bulldozed a
road down the centre of my mind"
Maya Angelou
]

SESSION 2:

Understanding new concepts in land governance

Introduction

Session 2 introduces participants to some of the new concepts informing improved land governance. It provides an opportunity to discuss them in the context of land management. Additionally, the Session enables the exploration of the sources and implications of weak land governance. Finally, it presents principles of good land governance including gender equity and participation.

Activity 2.1 Building a common understanding of land concepts with emphasis on land governance

The thematic content below focuses mainly on introducing land governance. It also allows a brief discussion of selected land concepts with a view to establishing a common understanding of terms and concepts.

Objectives

- To explore some concepts associated with the new global thinking on improving land governance.
- To highlight and share the knowledge and experience of different participants working in the land sector.
- To come to a common understanding of the key concepts for improving land governance.

Learning outcomes

Participants will be able to:

- Identify new perspectives in land and explain land concepts.
- Discuss and use equity considerations in relation to land and land management.

Thematic content

People require land and related resources such as forests and water for food. Land provides a place for housing and cities, and is a basic factor of economic production as well as a basis for social, cultural and religious values and practices. Land and its resources are central to a wide range of development objectives including social development (food security, poverty reduction, social stability), economic development (economic growth, investment, public revenues through taxation), and sustainable management of natural resources.

Land is also a point of major conflict and inequity around the world. Not only have differences in land access and ownership triggered wars and massive destruction of lives and livelihoods; conflicts and inequity in land distribution, access, and ownership also cause poverty and hunger. Additionally, today we are faced with other complex challenges such as climate change, increasing and rapid urbanization, an increasing demand for natural resources.

Witness that fact that even though land reform and urban upgrading have been implemented in different ways in numerous countries, landlessness persists and

informal settlements continue to expand. There is a need for reform in the land sector. The *process* of reform is as important as the *content* of the reform. Many excellent land policies, laws and technical reforms have been developed, yet, in many cases, implementation has slipped, stalled or has even been reversed. An understanding of land issues and the reform process from a governance and political economy perspective offers insights that can not only improve the design of reforms, but can also offer tools to support implementation. Changes in land governance are long overdue.

The last fifteen years have seen new global thinking and initiatives to improve land governance. Riding on the principles of transparency, accountability, subsidiarity, equity, justice, and rule of law, new global thinking recognizes that a pro-poor, gender-sensitive approach to land management and administration is not only the bedrock for improving land governance, but also cross-cutting to the above mentioned principles.

New paradigm: A land governance approach

A land governance approach offers insights that can not only improve our understanding of contemporary land-related challenges, but also offers tools to support the implementation of reforms. Improved land governance is critical to the achievement of a wide range of development outcomes, including the achievement of the Millennium Development Goals (MDGs).

Secure rights to land and the Millennium Development Goals (MDGs)

MDG1: Eradicating poverty and hunger: secure land rights and greater equity in land access provide a secure foundation for livelihoods, economic opportunities, and in rural areas, for household food production.

MDG3: Gender equality and the empowerment of women: in September 2005 the UN Summit resolved to promote gender equality by guaranteeing women's right to own property, ensuring their security of tenure and equal access to productive resources including land.

MDG 7: Environmental Sustainability: includes a target to improve the lives of 100 million slum dwellers, (including through secure land rights).

MDG 8: Development partnerships: secure land rights now have a significant place in development partnerships in many countries.[1]

---

1   Source: World Summit 2005 Outcome, article 58. Available at: http://www.sarpn.org.za/documents/d0001607/P1957-UN-Summit_Sept2005.pdf

Good land governance can ensure that rights in land and natural resources are recognised and protected. By doing so, it helps to reduce hunger and poverty, promotes social and economic development and contributes to more sustainable urbanisation.

Weak governance, in contrast, has adverse consequences for society regardless of whether it arises from State capture (where the powerful acquire land resources on a grand scale for their own benefit) or administrative corruption (where government officials use their power for self-enrichment rather than to execute the tasks for which they are appointed). Weak governance is found in formal statutory land administration as well as in informal and customary tenure arrangements.

The poor are particularly vulnerable to the effects of weak governance as they lack the ability to protect their rights to land and other natural resources. In many cities, the poor live under the constant fear of evictions, or more common today, development-based evictions. Weak governance promotes gender inequality as poor women tend to be less able to secure their rights. It fosters social inequality with potentially destabilizing consequences as the rich are able to benefit from opportunities to acquire land and the poor lose their rights to land and common property resources such as grazing lands and forests. In addition, weak governance leads to environmental degradation as corrupt public officials and private interests collude to ignore controls on land use, the extraction of water and minerals, and the clearing of forests. The degradation of public land, including national parks, and its illegal appropriation are therefore direct results of weak governance. Further, the evasion of property taxes reduces municipal revenues that could be used to extend infrastructure and provide basic services. The arbitrary application of the rule of law discourages investment and constrains economic development. These entrenched problems indicate the need for a new approach in land governance.

How the lack of secure land rights undermines development

Excluding a significant proportion of urban and rural populations from legal shelter and secure land rights undermines prospects for economic development, as it reduces incentives for investment and imposes significant costs on government when addressing the consequences:

- People who fear eviction are not likely to operate to their maximum potential, or invest in improving their homes, farms, villages or neighbourhoods.

- Tenure insecurity in rural areas undermines farm productivity, food production and the sustainable utilisation of natural resources that people rely on for subsistence and livelihoods.

- Uncertainty and unclear land rights associated with insecure tenure may hinder local and inward investment in both urban and rural areas.

- Local and central governments are denied revenues from property taxes and service charges, which could help improve urban living environments and the provision of essential services.

- Poor living conditions have adverse impacts on people's health, with possible impacts on the wider community.

Improved land governance recognizes the incorporation of a pro-poor and gender equality approach as cross-cutting to the principles of good governance such as the rule of law, transparency, accountability, subsidiarity, equity and justice and has the potential to improve land management and administration and lead to sustainable solutions. Furthermore, improved land governance will also facilitate other United Nations and governmental commitments such as: i) the right to adequate housing as laid down in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights; ii) the Universal Declaration on Human Rights (General Assembly Resolution 217 A (III) adopted 1948); iii) All human rights apply equally to women and men and discrimination on the basis of sex is prohibited by the International Bill of Human Rights and other international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women; iv) the Habitat Agenda which outlines international responsibilities for land and shelter.

Improving governance can ensure that rights to land and natural resources are recognised and protected. By doing so, it helps to reduce hunger and poverty, promotes social and economic development and contributes to sustainable communities and countries.

Land governance is…

Land governance concerns the rules, processes and structures through which decisions are made about access to and use of land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed. It encompasses statutory, customary and religious institutions. It includes state structures such as land agencies, courts and ministries responsible for land, as well as non-statutory actors such as traditional bodies and informal agents. It covers both the legal and policy framework for land as well as traditional and informal practices that enjoy social legitimacy.

Land governance is the process of governing. More fundamentally, however, land governance is about power and the political economy of land. The power structure of society is, among other things, reflected in the rules of land tenure; at the same time, the quality of governance can affect the distribution of power in society. Tenure is the relationship among people with respect to land and its resources. These rules define how access is granted to rights to use, control and transfer land, as well as associated responsibilities and restrictions. They develop in a manner that entrenches the power relations between and among individuals and social groups. It is no surprise, therefore, that the elites and even the middle classes have stronger forms of land tenure, while the poor and vulnerable groups have weaker, more insecure forms of tenure.

Who benefits from the current legal, institutional and policy framework for land? How does this framework interact with traditional authorities and informal systems? What are the incentive structures for, and what are the constraints on, the diverse land stakeholders? Who has what influence on the way that decisions about land use are made? Who benefits and how? How are the decisions enforced? What recourse exists for managing grievances?

The answers to these questions will vary from country to country and from issue to issue within a given country. Nonetheless, they highlight either the consequences of weak land governance or the potential contribution of improved land governance.

When land governance is effective, equitable access to land and security of tenure can contribute to improvements in social, economic and environmental conditions. It can ensure that benefits from land and natural resources are responsibly managed and equitably distributed. Decision-making can be made more transparent and participatory. Rule of law can apply equally to all and disputes are resolved before they degenerate into conflict. Land administration can be simplified and made more accessible and effective.

Improving land governance is not easy. Reforms to address inequalities are more complex when they have to overcome vested interests or entrenched corruption. Changes bring winners and losers, and improvements to governance alter the power structure. Those with power are often unwilling to relinquish it. But it is possible to improve governance.

Changing landscape of land governance

Important areas where good land governance needs to be realized are the areas of equality between women and men and grassroots participation in land issues. Without specific affirmative measures to rectify the discriminatory practices of the past, recognition of equal rights between men and women remains a theory for the many women who cannot afford to buy land or housing.

The attainment of gender equity with regard to land rights consequently depends not only on legal recognition of those rights but also on overcoming social and cultural constraints. Some useful instruments include regulations for implementing formal land, property, and family legislation in ways that address gender bias with regard to land access and land rights, legal education programs for women and men, legal assistance programs, gender training for program implementers and program beneficiaries, and, last (but most important), participation by women in designing, planning, and implementing programs. Customary biases often mean that women will not have the ability to exercise their land rights until there is a shift in the thinking, attitudes, and understanding of men and women as well as officials and local authorities.

Gender issues should be addressed in all phases of programs that deal with land rights and natural resource management: (1) conceptualization of the problem(s) that the program addresses, program design, and objectives; (2) implementation and program activities; and (3) monitoring and evaluation of project activities and objectives. Although legislative reform programs, land distribution, or titling programs have a more direct impact on land ownership by women, other programs, such as community resource management, agricultural production and marketing development, and enterprise and credit development, need to use a specific gender lens to improve land ownership and access for women. That change is possible is indicated by the example of land regularization in Brazil below.

Box 1 Land regularization in Brazil

Brazil offers a variety of innovative tenure forms which can be used by women in informal settlements. The Zone of Special Social Interest (ZEIS) is one of the instruments for land ownership regularisation that had been prescribed in the country's 'Statute of the City'. ZEIS allows variable rules to be applied to the use and occupation of land in projects of urban land ownership regularisation, and women have priority rights. Under ZEIS urban adverse possession rules, any individual or a group may acquire ownership of small private property if they have continuously occupied the property for a minimum of five years, without legal intervention of the owner. As for the Special Concession for Use of Public Land for Housing Purposes, its objective is to help reduce the social vulnerability of women and to avoid prejudices against them in the case of legal or *de facto* separation. Thus, women who are irregular occupants of public lands and who qualify under this new law may obtain possession title in their own names. Concession of Real Right to Use is another instrument for regularising public land in Brazil. For the purposes of housing programmes and projects of social interest, the concession documents that are issued must be accepted as guarantees for housing finance loans. Preference is given to single women with children who are heads of households.

Source: UN-HABITAT. (2007). Policy Makers Guide to Women's Land, Property and Housing Rights Across the World. Nairobi, Kenya. p. 33.

In Box 2, Mozambique is trying a different approach to securing land rights but also enabling investment simultaneously.

Box 2 Facilitating investment, securing land rights in Mozambique

After the civil war ended in 1992, the shift to a market economy resulted in steadily increasing competition over land. Large areas of land appeared to be vacant, having been abandoned during the war, and many areas were allocated by the State to national and foreign investors. These areas were not vacant, however, but were used by women and men who maintained their customary rights and reasserted those rights when they returned. As a result of the 1997 Land Act, potential investors are required to consult with the local communities that hold rights in the area being sought for the investment project. The consultation is intended to ascertain that the land has no occupants, and to facilitate the negotiation of mutually beneficial agreements between communities and investors applying for the land. Experience has shown, however, that communities require strong support in order to be able to negotiate effectively with investors. The process can be time-consuming and create transaction costs that may discourage investors.

Source: Towards Improved Land Governance, Land Tenure Working Paper 11 (FAO and UN-HABITAT, 2009)

Activity 2.2 Land governance today: the challenges

The foregoing introduction has briefly shown the link between good land governance and improved gender equality and grassroots participation. Notwithstanding this symbiotic relationship, land governance in many countries doesn't often work as well as it should. When this happens, it leads to dire consequences including marginalization of women and disempowerment of grassroots communities. This activity aims to highlight issues related to these challenges.

Objectives

- To discuss and define weak land governance.
- To identify the different sources and impacts of weak land governance.
- To highlight the implications of weak land governance.

Learning outcome

- Participants will be able to distinguish and analyse the relationship between the causes and impacts of weak land governance.

Thematic content

Weak governance, whether in formal land administration or customary tenure arrangements, affects poor women and men and other grassroots communities in particular and may leave them marginalized and outside the law. Often their land rights are not protected. Weak governance may also mean that land is not used appropriately to create wealth for the benefit of the whole society or country. Lack of competence in land administration, the lack of sufficient capacity, insufficient resources, underpaid staff, and weak legislation and policies can all contribute to weak land governance.[2]

Weak governance in land tenure tends to flourish where the law is complex, inconsistent or obsolete, where people who work in land agencies lack motivation and are poorly trained and paid or where decision-making processes are opaque and civil society is weak. Policy reforms to strengthen governance require the political will to overcome opposition from those who benefit from non-transparent decision-making and corruption. It demands the strong commitment of the people involved, and the development of capacity in order to make changes possible.

The following section elaborates the relationship of weak land governance and State capture, administrative corruption and lack of capacity.

Weak land governance and State capture

- Agencies are controlled by the powerful for the purposes of exploiting the State's power for their own purposes.
- The courts give decisions in land conflicts that favour the powerful, often men, irrespective of the merits of the case.
- Actions are taken with impunity as there is no one to hold the decision-makers to account. The organs of the State, such as the police and judiciary that should be responsible, instead serve the interests of the group that has captured the state.

---

2   Adapted from: FAO, 2007. Land Governance in Land Tenure and Administration. Land Tenure Series 9. Rome, Italy.

- Powerful groups take the land of the poor through illegal forced evictions.

- Compulsory purchase is used to acquire the land of individuals and groups at a low value. This land is then redeveloped for private gain.

- The land of the powerful, usually men, is rezoned for a higher value use without regard to principles of land use planning.

- State-owned land is transferred to men in power without payment or for a small fee.

- State-owned land is privatized and transferred to third parties for informal payments.

- Mining or logging rights are allocated to the powerful politicians, local and international companies without regard to existing customary or other tenure rights or to the environment.

Weak land governance and administrative corruption

Bribery. Payment is extracted by corrupt officials to perform a free service, to prevent the enforcement of regulations, to secure a favourable decision or to speed up a process. Examples include bribes to process land registration, not to enforce building regulations and to secure favourable land use planning decisions. Violations go unpunished if payments are made to officials. Queues can be bypassed on payment.

Employment of "facilitators". In order to overcome frictions in the system, agents are employed. They offer benefits to officials to act in the interests of their clients. Sometimes threats or blackmail are used. Such agents earn fees from their clients, though they may cooperate with corrupt officials to enrich both at the expense of clients.

Theft. State property is stolen and sold for private advantage. Government contractors may work on private projects, e.g. construction for officials and politicians using materials and labour paid for by the government.

Fraud. False claims for payments are made. Valuations of land are understated to minimize the tax payments or overstated to support mortgage fraud. False invoices and non-existent staff members on the payroll are used.

Extortion and blackmail. Citizens pay officials to prevent unfavourable treatment such as the enforcement of unreasonable or inconsistent regulations or tax demands. Businesses may be threatened when an inefficient administration and unclear practices act as a barrier to behaving legally.

Nepotism and favouritism. Officials use their influence in favour of family, political associates and friends. Official posts are obtained through purchase or influence, and not through open and competitive recruitment based on merit.

Misconduct in public office. Officials misuse their position for private gain. Confidential information obtained through employment is used for private gain, through the buying or selling of shares or land, e.g. before news of a proposed government development is made public. Facilities provided for use in employment, e.g. official cars, are used for private purposes.

Weak land governance and a lack of capacity

Lack of resources. Governance can be poor because there are limited technical resources to ensure good governance. Land use planning can be ineffective because of a lack of offices and resources for field work. Informality of tenure and a backlog of cases may exist because there is not enough capacity to deal with them.

Lack of qualified or competent staff. Those responsible for achieving good governance may lack qualifications, skills or experience. Sufficient qualified staff may not be available. Regulations may not be translated into local languages or those responsible for land administration may have a poor command of the local languages.

Lack of institutional capacity. In post-conflict settings in particular, land administration institutions may have been totally destroyed. The institutional memory, capacity and culture of work are lost thus creating a perfect environment for a decline into weak governance. Similarly, a society can lose its capacity to manage land in communal settings.

Negligence. A negligent act is the result of a lack of care rather than capability. Negligence also occurs when things that should have been done are not. These include anticipating problems that could reasonably be expected or supporting specific vulnerable groups, such as poor women, to defend their legal rights. If negligence is routine, this indicates that there is a failure to make officials accountable for their actions.

Mismanagement. Failings in administration are not acknowledged or rectified.[3]

---

3   Adapted from FAO. 2007. *Land Governance in Land Tenure and Administration. Land Tenure Series 9.* Rome, Italy. p. 15-17.

However, as the case of Botswana below illustrates, change is possible with political will, the reform of land administration and the strengthening of monitoring mechanisms.

It is sometimes claimed that political and administrative corruption as consequences of weak land governance affects all sections of society as a whole. This is however not true. Poor women and men in particular bear the brunt of failed governance more than anybody else as they have far less resources to pay their way to equitable access and secure land tenure. Likewise, grassroots communities suffer the most because they are either far away from centers of decision making or local leaders subscribe to the notion of upward accountability.

Box 3 Directorate on corruption and economic crime, Botswana

After the enactment of the Corruption and Economic Crime Act on 19 August 1994, the Directorate on Corruption and Economic Crime (DCEC) was established on 5 September 1994. The Act sets out its functions, prescribes the powers and duties of the director, states the procedures to be followed in handling a suspect, and specifies the offences involving public officers, employees of public bodies, agents and those in the private sector. The Government of Botswana saw that significant results had been achieved by implementing what has become known as the "three-pronged attack" of detailed investigation, corruption prevention and public education. The Corruption Prevention Group examines the practices and procedures of public bodies, and the private sector if so requested, in order to identify corrupt practices and to secure the revision of methods of work or procedures that may be conducive to corrupt practices. For example, abuse of land board procedures and allegations of corrupt allocations of state land were received by the DCEC in 2001. The DCEC conducted a detailed study of the procedures involved in the allocation of lands with a view to eliminating opportunities for corruption and making the allocation processes fully transparent. Being a scarce resource, land is a very contentious issue. Thus, one of the recommendations was to have land board members adequately trained and fully conversant with applicable policies and legislation. In a few cases, land board members and public officers were sentenced for issuing false documents involving the allocation of land.

Source: www.gov.bw/government/dcec

Activity 2.3 Understanding and promoting principles of good governance

A combination of a mini presentation by a resource person together with group work on principles of good land governance is meant to demonstrate how gender equality and participation are intertwined with land governance. Understanding the principles that this section introduces is key to realizing the objectives of the training as these are the 'tools' with which improved land governance can be promoted.

Objectives

◆ To provide a framework whereby land systems circumvent weak land governance.

◆ To demonstrate how gender equality and grassroots participation underpin the concepts and practices of good land governance.

Learning outcome

◆ Participants will be able to recognize and explain principles that should guide legal reform and policy development, improve land governance and ensure better gender and grassroots outcomes.

Thematic content

The principles set out below (See handout 2) have certain characteristics. Some are generic (e.g., rule of law, accountability) while others are specific (tenure security). Moreover, gender equity and participation, which are the object of the training, form part of a longer list of principles. This means the link between good land governance principles in general and the object of the training – improving gender equity and grassroots participation – is two-way.

Likewise, it needs to be noted that the principles of land governance are not just grand ideas or notions, but practical concepts with a range of applications. These principles can guide policy and legislative processes and outcomes. Also, they have operational dimensions that can turn around delivery of services to citizens. For example, Citizens' Charters, wherever they are properly designed and rigorously applied, are known to improve service delivery and thereby improve efficiency and effectiveness.

Some features of good governance, realized through the application of principles of good land governance, in land tenure and administration include:

- The legitimacy of land agencies and land administrators is widely recognized by female and male as well as rich and poor citizens.

- Land agencies serve all citizens, including women, the marginalized as well as the strong.

- Land agencies provide services that respond to the needs of *all* their customers, e.g. in the nature of the services and accessibility to them.

- The results of the services are consistent, predictable and impartial.

- The services are provided efficiently, effectively and competently.

- The services are provided with integrity, transparency and accountability.[4]

The adoption of the points identified above and more importantly adherence to principles of good land governance by land professionals and technicians, as well as the relevant land institutions and organizations is critical to begin making the change to improving land governance.

---

4 Adapted from FAO. 2007. *Land Tenure Studies 9. Good Governance in Land Tenure and Administration. Food and Agriculture Organization of the United Nations, Rome, Italy. p. 57.*

Handout 2 Principles of good land governance

◆ Access to land and natural resources should be equitable. Given the importance of land for a wide range of economic, social and environmental objectives, no group within society should be legally or politically excluded from being able to access land or related natural resources.

◆ Security of tenure should be provided to all members of society. Good governance ensures the legal recognition and protection of a range of land rights, including customary and traditional rights as well as intermediate forms of tenure. Evictions should be avoided wherever possible; where absolutely necessary, they should be carried out according to national law and international standards related to due process and fair and just compensation.

◆ Specific measures must be taken to ensure access to land for, and the security of land and property rights of women. A gender perspective on land and property rights must be incorporated at all stages of reform analysis, design, and implementation. Data regarding access to land and security of tenure should be disaggregated by sex.

◆ Decision-making regarding land and natural resources should be transparent and the processes to participate should be open to all members of society. Good governance places all decisions on land upon respect for fundamental human rights and ensures that all relevant stakeholders are enabled to effectively participate, particularly women and marginalized groups.

◆ Land management should be decentralized based on the principle of subsidiarity, that is, decisions taken at the lowest appropriate level and based on accountability. It should build on traditional and informal practices, but strengthened to ensure consistency with other governance principles. Inclusive processes are required to ensure the equitable distribution of benefits from land and related natural resources.

◆ Good governance requires that no one stands above the law, and that politicians, officials, land professionals and other actors are accountable for their actions. It ensures that rules and procedures are clear, consistent, well understood and applied in a transparent manner. It requires that conflicts are managed effectively and efficiently, including through traditional institutions and through alternative dispute resolution methods so long as they do not contravene other laws such as those for women's rights and poverty reduction.

◆ Effective and efficient land administration should be provided to all members of society. Services should be responsive to the needs of women and men, including poor women and men and other marginalized communities such as indigenous peoples. Costs of acquiring services should be affordable; procedures clear and simple. Technical solutions should be based on available capacity and technology should be gender-sensitive and pro-poor.

◆ Sustainability should be ensured by taking a long-term perspective. Good governance requires institutional and financial sustainability. Policy decisions and administrative action should not compromise the social, economic and environmental needs of future generations.

SESSION 3

GENDER EQUALITY AND GRASSROOTS PARTICIPATION AS KEY DIMENSIONS OF LAND GOVERNANCE

[
"Be the change you want to see
in the world"
Mahatma Gandhi
]

SESSION 3:

Gender equality and grassroots participation as key dimensions of land governance

Introduction

Session 3 introduces participants to grassroots women and men and their organizations and to gender equality in land, as two important constituencies for improving land governance. It enables an understanding of women and grassroots and their relationship to the land sector. Participants will deepen their understanding of meaningful grassroots participation strategies that incorporate the principles of good land governance. The Session concludes with an activity on the identification of values and competencies for improved land governance.

Activity 3.1 What is grassroots participation?

The Thematic Content section below draws heavily on GLTN's publication entitled *Not about us without us: working with grassroots organizations in the land field* and introduces major elements of grassroots participation in the context of land governance.

Objectives

- To enable participants to elaborate the context of grassroots women and men in the land sector.
- To identify challenges faced by grassroots women and men and their organizations.
- To identify possible options to resolves these challenges.

Learning outcomes

Participants will be able to:

- outline challenges faced by grassroots communities in land tenure and property.
- discover possible solutions to the challenges faced by grassroots communities.

Thematic content

Introduction to grassroots participation

There are few more contentious and complex problems in the world than those dealing with land and secure tenure. Many religions have firm rules on land and inheritance, most communities have deeply ingrained cultural traditions, and every government faces the challenge of land differently with its own vast array of laws and with varying degrees of political will. In many countries, the rules work against women owning land for a range of reasons from poverty to custom. In wealthy countries, land records cover most of the territory and are generally well maintained. However, few developing countries have more than 30 percent of their land accounted for by land records. Land records are also often linked to the middle and commercial classes which can exclude up to 85 percent of the population in some countries, the majority of whom are often people living at the grassroots. In many countries, there is large-scale corruption associated with land. In post conflict societies, land is a key issue as it is often closely associated with the conflict. Sound land governance approaches, based on the principles of equity and human rights, are primary in building peace.

The involvement of the grassroots is crucial at all stages of land-related processes since local and affected people often understand the myriad ways in which illegal and unfair land practices take place. Many pro-poor land policies have been, and are being, developed and implemented with weak grassroots participation. This has often led to project failure or outcomes that do not assist women or people living in poverty. At the same time, many planners and officials are unsure or uneasy about the inclusion of grassroots women and men in large-scale projects. Often, they are wary of community land solutions that might be the exception rather than with replicability potential.

It is important to emphasise that this challenge is not simply confined to developing, transitional or post-conflict countries. Land and planning systems in wealthier countries have generally excluded people living in poverty, except during surges of pro-poor reforms. The main vehicle of participation in land administration and management (the right to lodge concerns and complaints about developments) has often adversely affected poorer members of communities as they do not necessarily have the knowledge of the legal processes and/or the resources needed to pursue such channels.

Most conventional land administrations have failed to reach the vast majority of people; thus, there is a need to understand and rectify weaknesses in contemporary processes of land delivery. This is one of the key challenges of improving land governance. Without a conscious and deliberate strategy to engage the excluded, it will not be possible to create just, inclusive and sustainable land management systems and it will also limit the success of other initiatives such as poverty-reduction strategies and environmental rehabilitation. Insecurity of land tenure is causing further impoverishment of rural communities and increasing slums in urban centres. Additionally, the many intractable land problems can only be solved in a multi-stakeholder process where women and the poor are also recognized as legitimate and key actors in improving land governance.

Box 4 Obstacles to women's participation in land reform

Why do land systems fail women? Several complications serve to impede women's access, control and ownership over land and housing. These include patriarchal colonially imposed systems of land ownership, dual legal systems that allow for discriminatory provisions of customary law to prevail; HIV/AIDS which deprives women of their livelihoods and often forces them off land and housing and lastly, women's ignorance of their own rights, and their lack of power which leads to their silence in demanding them. In order to successfully create land systems that protect women's land, property and housing rights, such obstacles which are unique to women must be taken into consideration. Yet the lack of women's interests and needs in land laws, policies and other processes has also been attributed to the lack of women's participation in their formulation and implementation. Traditionally, the involvement of men in land processes was viewed as sufficient - it was assumed that women and children would equally enjoy the benefits as dependents. Now, it has been increasingly recognised that women's priorities and concerns in land are separate from those of men, and that land reform and other land processes have often had detrimental effects on women. Traditionally held communal land rights are diminished when individual land holding is introduced. Limited rights such as the right to pick fruit or gather wood on another's property may be eliminated by the introduction of formal land systems.

Source: Brite Scholz, Case Study: Women's Participation in Land Processes (COHRE, 2007)

Who constitutes the grassroots?

In urban areas, grassroots includes residents of informal settlements, low-income tenants, low-income owners in slum conditions, internally displaced peoples and marginalised groups affected by urbanisation such as indigenous peoples and small farmers. In rural areas, grassroots would cover small farmers (tenants, freehold, informal), small and nomadic pastoralists, landless labourers, indigenous peoples, other informal settlements, refugees and internally displaced peoples.

What is grassroots participation?

Grassroots participation can be defined as 'a planned process whereby local groups clarify and express their own needs and objectives and take collective action to meet them.' This definition indicates that grassroots communities have a role beyond simply giving their views, to being directly included in land policy reform, land management and administration, in how land-related services are provided, and in how security of land tenure and housing is established. The chart below provides a quick overview of degrees of participation.

Activity 3.2 Practical aspects of grassroots participation

Grassroots participation comes in many shapes and colors. What some consider as a genuine participation is a mere consultation for others. The divergence of views on processes and outcomes of participation emanates from widespread misunderstanding of the concept, socio-cultural norms of those who speak about or practice participation as well as a lack of a common yardstick to assess the quality of grassroots participation and its relevance to the empowerment of communities is ascertained.

Cognizant of this, drawing on case studies, as well as many other experiences and stories, GLTN has documented some lessons learned which could be used as criteria to assess grassroots participation in land policy, administration and management. It is important to highlight that these lessons are not rules (UN-HABITAT, 2009). Nonetheless, these criteria together with the "the degree of participation" (see Box 5) which provides a framework to characterize modalities of engagement with grassroots communities can help practitioners understand the dos and don'ts of grassroots participation.

Objectives

- To highlight and impart the intricacies of grassroots participation.
- To provide tools whereby the quality of grassroots participation can be assessed and ascertained.

Learning outcome

- Participants will be able to assess and analyse the linkages between the quality of grassroots participation and the degree of people's empowerment and sustainability of outcomes.

Criteria for assessing and promoting grassroots participation

1. **Give sufficient control to participants:** the greater the stake grassroots people have in a land process or in land management and administration, the more likely it will be successful. In regard to achieving this, it is important to note that there are different degrees of participation (see Box 5) which show a range (a continuum) of involvement by grassroots people, with each type increasing their control over the process.

2. **Build on existing networks, community processes, customs and norms:** participation processes should respect and aim to build on existing networks, community processes, local customs and norms.

3. **Initiate new networks to include marginalised groups,** because existing networks and community participation mechanisms sometimes exclude the least powerful members of a community. It has been said that, "Male dominated NGOs, trade unions and professional associations are unlikely to prioritize the gender interests of poor women."

4. **Focus on community strengths and land systems:** good participatory mechanisms highlight what all the stakeholders see as their strengths and opportunities, rather than just highlighting their problems. In this way, the process inherently moves people forward in thinking and action, building confidence and enthusiasm, and by assuming that there are actions that the community can take to address their concerns.

5. **Use representative mechanisms as processes are scaled up:** it is sometimes impossible to involve every person in all the processes. Special care must then be taken to design mechanisms by which the diverse groups likely to be affected by the process can be represented at key stages of decision-making. Ideally, the process of designing and controlling the setting up of the representation mechanisms should be driven by people at the grassroots whose views and interests are to be represented.

6. **Be clear on objectives:** if people are participating in a process, they should have clarity about why they are there, and what the process aims to achieve. Clear objectives are essential to planning methods of putting ideas into action, achieving real change.

Otherwise "purposeless involvement through unplanned and unfocused meetings has led to damaging encounters of accusations, recriminations and counter recriminations leading to polarization between a council and its citizenry."

7. **Create effective information strategies:** information is a key to ensure that concerns are identified at the grassroots level and benefits shared. Some countries have had for example rather unfortunate experiences where slum upgrading projects have not provided information in any language to the supposed beneficiaries despite apparent development of an elaborate communications and information strategy. The use of technical, foreign language in national and international development processes has been widely criticised. Using plain language is not the end of the effective communication story. Some communication methods are passive (pamphlets, booklets, posters, lectures, manuals), while others improve participation (workshops, discussion groups, role plays, case studies). Participatory communication methods should be used where ever possible, enabling people to build on their existing knowledge, share their own stories.

8. **Meet immediate needs and resources to avoid participation fatigue:** Better participation is achieved when it is directed towards meeting people's immediate needs even when the process has longer term objectives. A range of activities to support immediate needs can be used to help build the endurance for long term and sustained action, such as security of tenure, land reform.

9. **Invest early in capacity of grassroots participation:** If people are to have control and responsibility over processes, skills training and capacity strengthening processes will need to be developed. What skills do they have? What skills do they need to develop? The process should enable one to identify training needs to develop essential skills for participation. Many of the successful case studies ensured time was spent in training grassroots participants in various skills. This might be enumeration and mapping, skills for developing an alternative city or rural master plan, understanding different tenure types and tenure laws.

10. **Address the need for political support and social transformation:** securing political support for innovation and new ideas is an important strategy for effective implementation and reform. Where the desired programme is not driven by government, political will can be fostered through a variety of steps. These includes fostering key relationships with government, placing pressure on governments through elections, advocacy and courts or being successful in achieving things without government support, which can produce greater interest by government and wider popular support. Providing ways for government authorities to participate in grassroots processes may also be useful. Multilateral and donor agencies may be useful in mediating political support.

11. **Adopt minimum standards for process:** adopting minimum standards is necessary in order to evaluate the quality of a participation process but it is rarely done. Many in the participation processes have been limited to information sharing or consultation. These processes were generally viewed by groups as superficial, many seeing it merely as a ploy to engineer legitimacy. Minimum standards should address who is entitled to participate, rights to access information and how decisions will be made. Consideration should also be given to whether grassroots groups have the right to veto certain decisions.

12. **Accountability for participation and inclusion of conflict resolution systems:** it is best to work out how the process will be monitored and evaluated at the same time as the objectives are determined. In accordance with a rights-based approach, there should be a mechanism by which communities can make complaints about a process, including concerns about the participatory approach. Such a pro-active approach to accountability ensures that the process can learn and improve over time. Land processes inevitably create conflict. While legislation and policies may shift the balance of power in theory (and possibly create protective behaviour by those whose interests are threatened), it is at the implementation stage that conflict usually erupts. For example, progressive slum upgrading, land reform, planning processes, or land taxes will often provoke reaction. However, conflict resolution systems often exist in many formal and informal land administration systems but they are generally confined to questions of occupation and ownership and need to be extended to all land tools covered by GLTN.

Box 5 Degrees of participation

The following participation methods show the continuum of involvement of grassroots people. However, it should be noted that none of these methods are necessarily inclusive of grassroots women. Only an explicit focus on gender equity will ensure that the views of grassroots women are solicited and acted upon.

Passive involvement - greatest dependence on outsiders. Grassroots people are present but they only receive information. They do not have an opportunity to express their own views.

Information giving - Grassroots people answer questions from outsiders, but they have no opportunity to decide what those questions are, nor do they influence later decisions because the information gathered is not shared with them.

Consultation - The views of grassroots people are taken into account, but decisions are made by others who are under no obligation to accept their viewpoints.

Functional participation - Grassroots people are involved in groups brought together by outsiders to meet their objectives; however, they are only involved *after* the planning phase of that process.

Interactive participation - Grassroots people are closely involved in the planning, needs analysis, information gathering, and decision-making phases of the process. The outsider respects their viewpoints, giving them an incentive to stay actively involved.

Self-mobilization - greatest control by people at the grassroots. Grassroots people take the initiative in planning, needs assessment and information gathering, setting of objectives, and taking collective action. Outsiders provide technical support and play a facilitating or catalytic role, rather than directing the activities. Grassroots people take the initiative in planning, needs assessment and information gathering, setting of objectives, and taking collective action. Outsiders provide technical support and play a facilitating role.

Source: Adapted from Dr Rodney Jackson, 'Community Participation: Tools and Examples ' (Paper presented at the Management Planning Workshop for the Trans-Himalayan Protected Areas, Leh, Ladakh, 25-29 August 2000).

Consulting the grassroots – the men and women who are most affected by scarcity of land or land conflict - can and does provide avenues for new and different approaches to intractable land issues. See the case from Voi, Kenya below.

Box 6 Upgrading in Voi, Kenya

The upgrading of the Tanzania-Bondeni settlement in Voi is often cited as one of Kenya's best examples of slum upgrading. Although the project took 12 years to complete, it has been noted that the participatory approach ensured the upgrading was sustainable. The settlement, with a population of 5,000 residents, was chosen as a pilot project. The majority of the residents were resident structure-owners but the settlement was situated on Government land – and land owned by the Kenya Railways Corporation and private interests. The community was represented through the Residents Committee, which was elected by residents and the process allowed the various stakeholders to negotiate secure tenure for the beneficiaries. The eventual tenure form was a community land trust, which was chosen from a number of options through a referendum. The trust restricted the residents' ability to sell their units, which meant that they were less susceptible to land speculation and the pressure to sell their shares. A management committee of 13 members runs the trust. Sponsored by GTZ, the project was multi-sectoral from the outset and involved a wide range of stakeholders.

According to Syagga, some aspects were overlooked, such as the need to go beyond shelter to include nutrition, children's health care and family planning, as well as active monitoring and evaluation. Critics also point out that the trust deed has still not been obtained which is undermining security of tenure and undermines the case for both replicability and scalability. Residents have indicated that the Kenya Railways Corporation is threatening to evict some residents. At the same time, Voi is generally used as a model by communities to show that community-driven upgrading with a sufficient number of supportive stakeholders is possible even if the legal and institutional framework is not ideal. A new campaign has emerged to reform national policy and law to better facilitate slum upgrading.

Source: Syagga, Paul. 2001. Integrated Multi-Sectoral and Sectoral Urban Development Initiatives in Kenya. Report prepared for ITGD East Africa; and Bassett, Ellen. (n.d.) The Persistence of the Commons: Economic Theory and Community Decision Making on Land Tenure in Voi, Kenya.

Activity 3.3 Developing a community participation strategy in Las Flores

This is a group activity based on the case study entitled 'Las Flores' with the following objectives and learning outcomes. The facilitator will guide the exercise using the process map and facilitation notes outlined in the Trainer's Guide.

Objective

◆ To apply the principles of good land governance and concepts of grassroots participation to the development of a grassroots participation strategy.

Learning outcomes

◆ Participants will be able to work out processes and develop strategies to promote meaningful participation with grassroots communities.

Handout 3 The Las Flores scenario

Las Flores is a high density slum of approximately 40,000 residents. Roughly 35% of households are headed by single mothers. Youth and children make up 55% of the population. It is situated on one bank of a river that flows through the community. Once upon a time it was a village well outside the colonial town. Over the years it has grown to accommodate many more people due to rural to urban migration as well as due to natural population growth. Today, the following features define Las Flores:

Land tenure

It is not precisely clear who owns the land where the slum is today. There are many conflicting claims to land ownership. Some residents land claims are based on customary land rights. Others claim they bought land from a previous owner. Yet others claim they are managers of land for absentee landlords and many only claim to rent land or structures from others. Either way, renters are paying high rent for small pieces of land and homes.

Services

The municipal council does not officially provide water, sewerage, electricity or solid waste removal services to Las Flores. However, engineers from the Water Department did put stand pipes along the main road that goes through the slum. They have set up a few kiosks where residents pay for water. The remaining services are organized by the residents themselves and/or provided by small private sector providers and some NGOs, CBOs and faith-based organizations.

Housing stock is varied, ranging from houses made of brick and concrete to shacks. Rents are high.

Economic activities

Women's paid work outside Las Flores includes: domestic work, restaurant work, retail work, service sector work, factory work and prostitution. Women's work that generates income inside Las Flores covers a range of services such as sewing, child minding, selling cooked food, selling homemade liquor, running informal restaurants, retailing of essential items, and prostitution.

Men's paid work outside Las Flores includes: domestic work, restaurant work, retail work and service sector work, factory work, daily labour on demand, transportation.Men's work that generates income inside Las Flores includes, metal fabricating, tool and die making, general repairs, cooking, selling of drugs, sale of second hand clothes. Nevertheless, unemployment is high and there is high unemployment of young women and men as well.

Your task

The municipality, with support from the national government, has created a stakeholder group that includes city planners and engineers as well as social workers, health workers, activists, researchers, land surveyors, academics, journalists, politicians, and representatives from the commercial and industrial sector of the city. You represent this stakeholder group. You have been given a clean slate to come up with a model for grassroots participation for resolving the land tenure situation in the slum so that over time Las Flores can be upgraded, get services, and become a vibrant and 'official' part of the urban fabric of the city. You need to provide community participation strategy for tenure security. How would you do this?

A grassroots participation strategy includes:

1. Objective (what do you want to get out of the process?)

2. What is your message and what type of input do you expect and need?

3. Target group of the strategy (who do you want to reach and what are the different roles of the stakeholders and actors?)

4. How can you reach your target group (what consultation forms are comfortable for them?)

5. How much time do you have for the participation strategy?

6. Can you include a feedback mechanism?

Note: Your task is not to resolve all the land tenure issues, but rather, to develop an inclusive and transparent community participation strategy which will then inform a process to deal with the land tenure situation in Las Flores.

Your work has to be informed by the principles of good land governance:

Pro-poor and gender-sensitive, Gender equity, Inclusiveness, Transparency, Accountability, Justice, Rule of Law, Equity

Activity 3.4 Introducing gender

The activity starts off with a presentation and concludes with a break-out group work for which Handout 4 'How do we learn to be gendered?' is used along with the corresponding process map and facilitation note presented in the Trainers' Guide.

Objective

◆ To clarify the meaning of gender.

◆ To put forward ways in which gender values and identities are learnt.

◆ To appreciate ways in which gender identities and expectations change over time.

Learning outcomes

◆ Participants will be able to identify and describe key concepts related to gender

Thematic content

Phrases such as gender equality, gender equity and equality between women and men, along with issues like empowerment of women, quotas and the election of women to political offices, are now widespread and frequently used by media, governments, international bodies and non governmental organizations and community based organizations as well as professional bodies.

However, despite the frequent use of these words, the meanings of 'gender' and 'women' are often not well understood. Most often the term 'gender' is interchangeably used with 'women'. And 'gender' is also confused with 'sex'. Because gender seems to be a central organizing principle of society, we cannot fully understand human society and cultures if we do not understand gender.

Gender refers to social interpretations and values assigned to being a woman, a man, a boy or a girl. Gender is about social relationships. Gender is an analytical concept. It is socially determined and not based on sex of the individual. Sex refers to the biological differences between women and men. The sex of the individual is determined by biology (we are born with it and usually cannot change our sex unless we have a lot of money).

Gender is socially constructed. We grow up with it and it can, and does, change over time and across societies. Cultural norms and values have changed over the centuries, as have men and women, and they continue to do so today. The one common factor seems to be that different cultures and societies assign different and unequal power to different genders. However, in most countries the female gender is defined as having less power and fewer privileges and rights than the male gender. It is not our physical differences that define our unequal conditions, but our social norms and values.

The characteristics of gender

Relational: Gender is relational because it refers not to women and men in isolation, but to the relationships between them and the way these relationships are socially constructed.

Hierarchical: It is hierarchical because the differences established between women and men tend to attribute greater importance and value to the characteristics and activities associated with what is masculine and therewith produce unequal power relationships.

Changes over time: The roles and relations between women and men have changed over time, continue to change and thus have the potential to change and to enable greater equality between women and men.

Context-specific: There are variations in gender roles and gender relations depending on the context, i.e. ethnic groups, race, socio-economic groups, culture, etc. Therefore, gender analysis must incorporate a perspective of diversity.

Institutional: Gender is institutionally structured because it refers not only to the relations between women and men at the personal and private level, but also to a social system of patriarchy that is supported by values, legislation, religion.[5]

However, since women are the category that is devoid of power, it is often women who are at the forefront of the struggle for **gender equality**; that is equality between women and men. Above all, because women are more disadvantaged than men in society at all levels, action for gender equality both numerically and substantively tends to pay more attention to women than men in order to address gender imbalances. **Promoting gender equality** means ensuring that

5   Adopted from: Pan American Health Organization. 1997. *Workshop on Gender, Health and Development. Facilitator's Guide.*

similar opportunities are available to both women and men. Gender equality means that women and men have equal conditions for realizing their full human rights and potential, to engage in and contribute to political, economic, social and cultural development, and to benefit from the outcomes. In this sense gender equality means that society places the same values on both the similarities and differences between women and men and the different functions of each. For this to be effective, specific actions or positive discrimination may be required. Gender equality means more than **gender balance**, that is, equal numbers of women and men on, for Iinstance, local councils (even though this is very important); rather, it refers to individuals' capabilities to participate as equal citizens.

Working towards gender equality does not necessarily imply treating women and men in the same way. This is where gender equity comes in. **Gender equity** refers to the process of being fair to women and men. The goal of gender equity looks beyond equality of opportunity as it requires transformative change. Gender equity recognizes that different measures might be needed for women and men where they reflect different needs and priorities or where their existing situation means that some groups of women or men need special or additional supportive measures to ensure that all are on a 'level playing field'. This may require specific actions to enable equality of opportunity between women and women, or men and men, or women and men. While women are subject to the vast majority of gender inequalities, in some specific contexts or sectors males can also find themselves marginalized in development processes. For example, in some countries a disproportionate number of boys drop out of secondary education, and in some cities it is primarily young men who are involved in urban crime and violence – meaning that, in such specific contexts, these categories of men and boys must be targeted by development interventions.

Gender mainstreaming gained popularity as a concept, theory and practice since the 1985 United Nations World Conference on Women. Gender mainstreaming assesses the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. As a strategy gender mainstreaming makes women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that both sexes benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Gender analysis is a research and planning method for a better understanding of the realities of being a woman, a man, a boy or a girl. Gender analysis is an effective method of promoting equality. Gender analysis also includes the intersection of gender with other social relations such as race, ethnicity, age, caste, class, sexuality, language, ability/disability, and religion. For example, gender analysis can assist in organizing data and information in a municipality in a way that recognizes these different realities, so that the impacts of any policy, programme, project or activity on *all* urban residents can be assessed. Gender analysis is critical for inclusive and democratic decision-making.

Sex-disaggregated data is data that are collected and presented separately on women, men, boys and girls. Sex-disaggregated data is a fundamental pre-requisite for gender analysis.

Handout 4 How do we learn to be gendered?

1. As you were growing up, what influences shaped your behaviour as expected of a boy/girl, man/woman? Can you give specific examples?

2. Think about your grandmothers and grandfathers. Do people of your generation have different expectations and experiences of their gender responsibilities and values? Are there differences in gender roles and expectations between your grand parents' generation and your own? Please list them.

3. Are there differences between your children's generation and your own in terms of gender values and expectations? What are they? Please identify them.

4. What factors have brought about the changes in successive generations?

Source: Adapted from Gender in Local Government. A Sourcebook for Trainers, UN-HABITAT 2008

Activity 3.5 Gender equality and land

The core of this activity is a substantive presentation focusing on the thematic content below. This will essentially build on the previous generic and introductory activity and group work on gender concepts. However, the presentation here is more explicit in that it aims to bring out issues and challenges in accessing land and ensuring tenure security.

Objectives

- To enable participants to elaborate the state of women and gender in the land sector.
- To identify challenges faced by women in securing land and property.
- To identify possible options to resolve these challenges.

Learning outcomes

Participants will be able to:

- recognize and explain the difficulties faced by women in securing land and property.
- propose and specify possible solutions to the challenges faced by women.

Gender equity and land

Introduction

Equal property rights of women and men are fundamental to social and economic equity. However, women often face discrimination in formal, informal and customary systems of land tenure. Around the world, women encounter larger barriers due to social customs or patriarchal tenure systems which prevent them from obtaining and holding rights to land. The commoditization of land and the impact of globalization through unrestricted land markets also disproportionately affect women's land rights. Bringing poor urban women into the urban economy remains a big challenge. One source of low status and economic vulnerability of women is their limited access to property rights.

Women suffer from discrimination and injustice regarding land rights for numerous reasons. War in some countries and HIV/AIDS has disproportionately affected women's land rights. Women in informal settlements and slums, indigenous women, the disabled, elderly and widows and refugees are among the various categories of women who are further marginalized. Culture and tradition, as well as statutory laws, tend to discriminate against women's right to own and/or inherit land and property. For example, the table below shows limitations on married woman's capacity with respect to property in the civil codes of some Latin American countries.

Box 7 How marital authority is represented in Latin American civil codes

In Chile: The husband is the administrator and representative of the conjugal property under the community property regime.

Ecuador: Unless agreed otherwise in the marriage contract, the husband administers the conjugal property.

El Salvador: The husband administers his wife's assets if she is a minor.

Guatemala: The husband administers the property under both the community property and the property of conjugal partnership regimes.

Mexico: (States of Aguas Calientes, Oaxaca and Sonora) The husband administers the conjugal property under the community property regime.

Nicaragua: The husband is the family's representative or, in his absence, the wife (Civil Code, Art. 151). In practice, however, this does not appear to have any economic consequences.

Paraguay: Unless otherwise stated in the marriage contract, the husband is the administrator of the property.

Dominican Republic: The husband administers the property, even under the separate property regime.

Source: The data in this table were taken from the case-studies and papers presented at the Round Table on "Legal Mechanisms to facilitate Women's Participation in Rural Development". FAO. http://www.fao.org/focus/E/Women/tenure-e.htm

While there has been some progress towards greater acceptance of women's equal rights to land in laws and policy, their effectiveness runs into significant obstacles, ranging from patriarchal attitudes and cultural practices to a general lack of political will and resources. The following example provides a glimpse of this.

"Among the Mandinka … of Gambia both common and individual property rights are recognized: family-cleared land designated maruo collectively farmed by the family but under the control of the male household head; and individually cleared land designated kamanyango which if cleared by a woman gives her access to land with partial autonomy, controlling the profits and able to transfer land to daughters. In the late 1940s and early 1950s women sought to establish kamanyango rights of new rice lands by clearing former mangrove swamps. In 1984, the Jahaly Pacharr irrigation project, designed to increase productivity of the rice paddies by enabling year-round cultivation, recognizing that women were the key farmers on this land, sought to title the land to women. Household heads (generally male) registered the land in women's names but then designated it as maruo land."[6]

The myriad forms of exclusion that women are exposed to have created a complex web of institutional barriers preventing women's equal access to land and property. See Figure 1 on the following page.

Providing secure land rights for women makes economic sense and is critical in fighting poverty. There is a strong correlation between improving women's land rights and reducing poverty. When women control land assets, we see a rise in women's cash incomes, spending on food, children's health and education and household welfare in general.

Women farmers

Fifty percent of the world's resource-poor farmers are women who also have primary responsibility for food security. Their success in meeting daily household needs depends on how well they manage and supplement a limited and delicately balanced set of resources: cropland, pasture and forest. Without land and secure tenure a woman cannot access credit and membership in agricultural associations, particularly those responsible for processing and marketing. If tenure is secure, a woman can invest in, rather than exploit, the land's productive potential and she is more likely to adopt

6   Lastarria-Cornhiel, S. 1997. "Impact of privatization on gender and property rights in Africa." World Development, Vol. 25. No. 8. p. 1317-1333.

environmentally sustainable farming practices. Female-headed households, a significant proportion of the poor, can benefit enormously from the security, status and income-earning opportunities which secure rights to even a small plot of land can provide.

Box 8 Small land plots, South Asia

In India, the proportion between landless people and the limited number of available land plots makes large plot distribution schemes financially and politically impractical. West Bengal's distribution of 1.04 million acres to 2.54 million land-poor households has had a positive impact on livelihood opportunities, even though many received only 0.07 to 0.38 acre. In Pakistan and Bangladesh, ownership of even relatively small plots of land is associated with significant reductions in poverty. Data for 1999-2000 show that in India, small improvements in land ownership were associated with five to nine per cent reductions in the incidence of poverty. This is because small plots provide a supplementary source of income and food to the poor, as part of diversified livelihood strategies that also include work as wage labourers, trade or cottage industries, and remittances. Small plots can also function as sources of credit, social status and security in times of crisis. The larger the house-and-garden plots, the greater the scope for non-housing benefits. Typical household plots (1,700 to 2,600 sq. ft.) can supply enough vegetables, fruit and milk to meet agricultural labouring households' own needs, on top of generating annual incomes of around 11,000 rupees (or about US$268) from comemrcial sales. For women, house-and-garden plots are readily accessible and easily tended, with fresh produce available directly, resulting in improved welfare for children and for families as a whole.

Source: Hanstad T, Nielsen R, Brown J. 2004. *Lands and livelihoods: making land rights real for India's rural poor* FAO Livelihood Systems Programme Paper, RDI Settle/ FAO Rome; and Srivastava RS 2004. *Land reforms and the poor in India: an overvoew of isues and recent evidence* in Gazdar H and Quan J 2004. *Poverty and Access to Land in South Asia: a study for the Pakistan Rural Support*

Flexible tenure options for women

The dominant approach to property rights prevailing in many developing countries has been the focus on individual property rights. For the vast majority of women, shared tenure - formal and informal - is their lived reality. There is a need for land management to focus on flexible tenure options for women. Shared tenure forms a continuum of land rights from informal to formal. It includes *de facto* recognition of an informal or illegal settlement, political protection against forced eviction, co-occupancy rights, shared user rights, collective adverse possession, special concessions and customary communal tenure, co-ownership and leases. Shared tenure also includes land and/or housing which is owned, leased or occupied in shares by larger groups, such as through family tenure, community titling, women's groups and co-operatives, or by couples who each hold a portion of property together, but which do not necessarily constitute equal shares to this property.

What is important for women's security of tenure in shared tenure regimes is a formal recognition of their usufructuary or co-ownership rights, legal protection for these rights, ease of access to information and related land registration procedures and services, and outreach, education and gender equality trainings for women's land rights for all stakeholders in land management.

A democracy deficit

A major reason for marginalisation of women's property rights has been top-down land policies representing vested interests, with limited participation opportunities for women in urban land governance to exert choices and articulate preferences. While participation of local organizations in the design and implementation of State programmes is necessary, it does not automatically reflect gender perspectives. Experience shows that community and grassroots organizations often reflect the discriminatory biases of local ways of working which are often based on gender, ethnicity/caste, religion, and class. Local organizations, even elected ones, generally consist of men, and decisions are made based on men's discussion of local issues. Women may have little, if any, input into these discussions. Even where collective forms of tenure are meant to include women, the decision-making processes are often dominated by men, in effect excluding women from the important decisions regarding land and housing. This is reflective of global statistics, which show that women only hold a small

proportion of decision making positions at many levels, particularly in land governance structures.

This democratic deficit is a consequence of women's generally inferior social status, as well as an absence of opportunities. For example, women are severely under-represented in the political as well as the professional sectors. Access to training and professional qualification is difficult and, as a consequence, a majority of women are over-represented in casual labour in the informal sector. Few countries specifically address affirmative action in land governance. A good example is Namibia's Communal Land Reform Act of 2002, which guarantees minimum representation for women on district level land management bodies and is applicable to areas under customary law. Also, the Land Tenure Regularization (LTR) program of Rwanda which was implemented in 2007 is recognized for having allocated 50% of positions in the land committees for women. This process in the end contributed to a higher level of tenure security.

Civil society partnerships for women's rights

Despite the odds, women themselves are often the ones to fight for their rights and to bring about change in land ownership regimes. In Latin America several movements or projects are aimed at resisting forced evictions, promoting the right to shelter and facilitating cooperatives or upgrading informal settlements; they include the Occupiers and Tenants movement (Argentina), Villa El Salvador (Peru), the Uruguayan Federation of Self-Management Co-Operatives (FUCVAM), and the Feminist Centre for Information and Action (CEFEMINA) in Costa Rica. In Costa Rica, mobilisation and land invasions of State-held land by CEFEMINA and the National Patriotic Committee have prompted the government to declare a national emergency with regard to the housing situation in the country and triggered the creation of alternatives, such as multi-stakeholder, self-construction housing projects for the urban poor. In Honduras and thanks to NGO activism, the number of titles issued to women has more than doubled in comparison to the period before 2000 when NGOs were not involved. In Peru, NGO networks organised a series of events in the mid-1990s to influence the methodology and procedures of the rural titling programme in favour of recognising women's legal property rights.

Various newer initiatives, with a clear mind to equality and equity for women rights to land are being tried and implemented in numerous countries. An example from Namibia is provided in Box 9.

Figure 1. Institutional barriers preventing women's equal access to land and property

Source: FAO. 2002. Gender and Access to Land. Land Tenure Series 4. Rome, Italy.
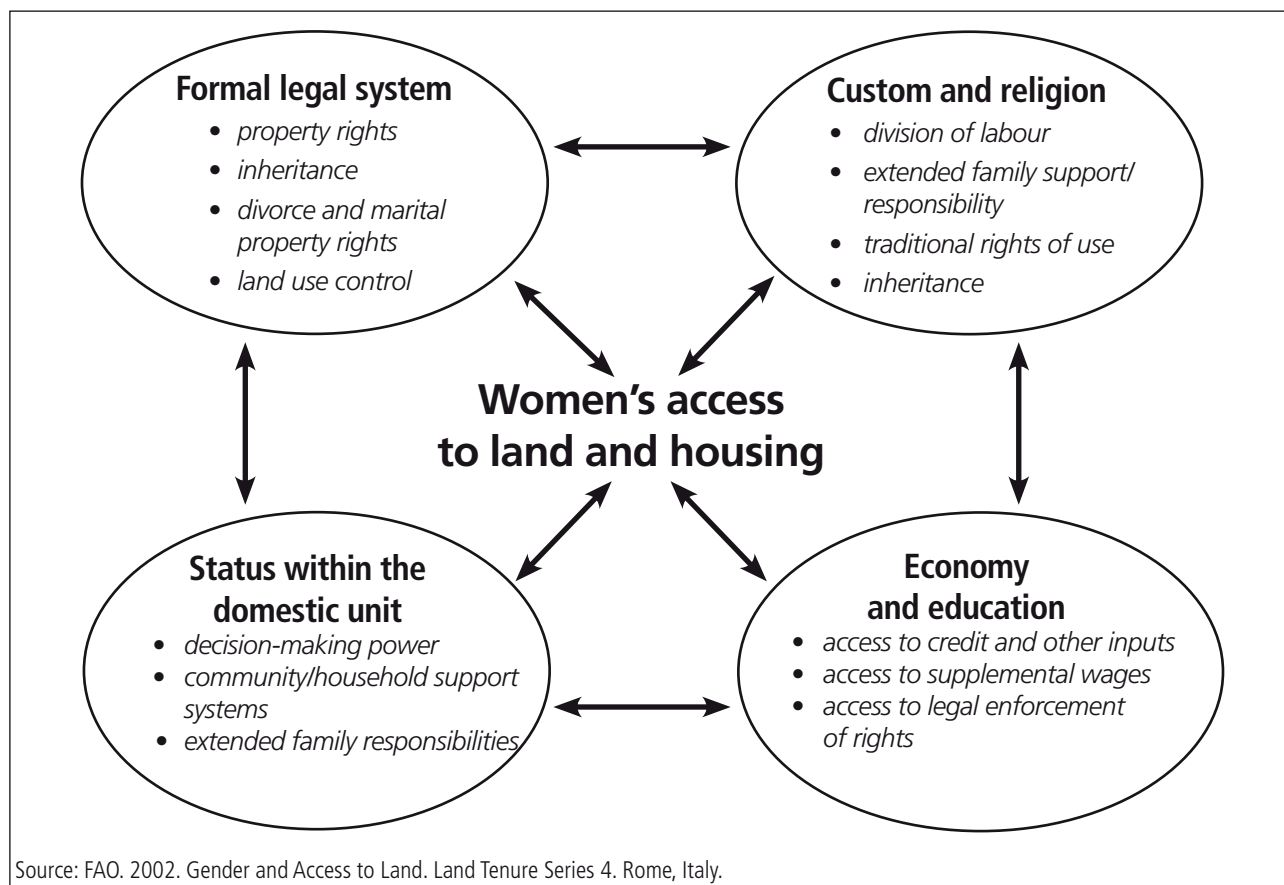
Box 9 Community-based natural resource management, Namibia

Initiated in 1993, a project in Namibia sought to devolve rights over wildlife and tourism to local communities. One of the project's main objectives was initially to increase benefits to Namibians from sustainable local management of natural resources. One of its specific objectives was to increase the number of women participating in officially recognized management bodies over natural resources. By 1998, 22 percent of the members of these management bodies were women. Social surveys, as well as organization and training provided by community resource monitors, provided a mechanism to integrate women into community-based management. Income generation activities based on the use of renewable natural resources also benefited women. Unfortunately, the project lacked tools for participatory development and socioeconomic and gender analysis. As a result, gender and social equity objectives were not sustained. A midterm review found these deficiencies and recommended steps to remedy them through research and training. A gender assessment in 2005 found that great strides were made in the program's gender balance at the national level, with a greater number of women standing for election in the conservancy management committees, as well as in women's benefits from capacity development and training.

Source: Hanstad T, Nielsen R, Bown J. 2004. *Lands and livelihoods: making land rights real for India's rural poor* FAO Livelihood Systems Programme Paper, RDI, Seattle / FAO Rome; and Srivastava RS 2004 *Land reforms and the poor in India: an overview of issues and recent evidence* in Gazdar H and Quan J 2004 *Poverty and Access to Land in South Asia: a study for the Pakistan Rural Support Programmes Network* NRI Chatham.

Activity 3.6 The tribulations of Madam Abiba Suleiman

It is now widely recognized that depriving women of land and property rights is imprudent in socio-political terms. As well, it doesn't make economic sense. The following group activity, that focuses on the experience of a woman, Madam Abiba, provides a scenario in which the many dimensions of discrimination are captured. Also, the scenario amply demonstrates the challenges that women in many communities face every day.

Objectives

- To understand the multiple ways that discrimination against women operates in the land sector.
- To consider the changes in governance that are needed to secure women's rights to land and property.

Learning outcomes

Participants will be able to:

- discuss the nature and depth of discrimination against women's rights in land and property.
- list and explain structural changes needed for gender equality in land and the role of improving land governance in this.

Handout 5 Scenario: The tribulations of Madam Abiba Suleiman

Madam Abiba Suleiman is of the Temne tribe in Sierra Leone and has four brothers and a sister. As a young lady she received land every farming season from her family head, like all the young men and women in the village. She understood that by the custom of the tribe she was entitled to the use of the land for the farming season only. She was not allowed to cultivate perennial crops and she cultivated vegetables on the lowlands that she was always given because the men planted rice on the highlands. When she realized, after the civil war, that women from nearby Guinea sold a lot of vegetables like tomatoes in Freetown because they cultivated on large scales, she decided to expand her farming activities to enable her sell her produce in the market. When she approached her family head with her plans, she was told that she could not do that as the men needed the land in the main season to cultivate rice. About six months after she was refused permission to cultivate the land on a more permanent basis, one of her brothers approached the family head for land to cultivate mangos and the family head granted his request. Madam Abiba could not complain because the beneficiary was her own brother.

Not long after that she got married to a man from the Mende tribe and moved with her husband to his village. Her husband's family welcomed her nicely and was extremely nice to her. Her husband was very hard working and they were able to cultivate two large plantations of cola nuts. Additionally, her husband planted rice on the highlands during the main farming season and she cultivated vegetables and legumes during the minor rainy season. They were also able to build a modern house in the village where they lived. After about 15 years their marriage was not blessed with a child and this created some disaffection among her husband's family members towards her. Her husband's sisters encouraged him to take another wife but he refused. In the midst of this confusion, her husband died suddenly. Madam Abiba was shocked beyond belief. The family buried her husband and the funeral rights were held. On the fortieth day after the death of her husband, her husband's family had a meeting and invited her. She was informed that the family had decided to give her to her late husband's younger brother to marry. Madam Abiba asked to be allowed to think about it and she was given one month to do this. At the end of the one month period the family called her again

for an answer. She was emphatic that she would not marry her late husband's brother. The family head then informed her that in that case the family could no longer keep her and she could not continue to work on the family's land. She enquired about the cash crop farms and whether she had any claim on the revenues accruing from them. The reply was in the negative; since the farms were on the family's land and since she no longer belonged to the family she had no claims on the farms. Madam Abiba after a few weeks packed her personal belongings and left for her own village.

While she was away with her late husband in his village, her father had died and she had attended the funeral and done all that was expected of her as a daughter so returning to her village was not a problem. She however found out on arrival that all her father's lands had been distributed among her brothers who were actively farming. When she requested for a portion of her father's land for her use she was informed that since her brothers had appropriated her father's lands she could only be entitled to the land the family head shared at the beginning of each farming season and then she could only cultivate vegetables. She was devastated. She had come back to where she started from. After staying in the village for about three months she decided to go Freetown to seek her fortune.

In Freetown, she settled in Gloucester Village which lies on a hill beyond Fourah Bay College. The area is quite hilly with a lot of vacant lands used for agriculture but with a potential for real estate development under the right economic environment. Without money and without any skills, Madam Abiba had few options for survival. She teamed up with about 30 other women some of who were married into polygamous marriages and had the responsibility of caring for their children, to form a farming group. The Group negotiated for land from a local Creole landowner and obtained about an acre of land. The land sloped into a small stream at the foot of the hill. In the rainy season, the Group farmed the slopes of the hill and farmed the valley in the dry season and paid a rent of Le 100,000.00 in each season. The Group cultivated vegetables like carrots, cabbage, Chinese cabbage, thyme and lettuce, as the landowner did not permit rice cultivation. The Group sold the produce of the farm and shared part of the proceeds among themselves. They also gave themselves loans out of the income from the farm

produce at an interest rate of 25%. The Group had no title to their land and operated at the pleasure of the landlord. This meant that the Group could not make any improvements to the land as their tenancy was virtually from farming season to farming season. After about five years of uninterrupted cultivation of the land the landlord called the leadership of the Group one day to inform them that he needed the land for his personal use, thus terminating their tenancy. The Group could do nothing but leave the land. It turned out later that another Group had offered the landlord a higher rent for the land.

Madam Abiba had by this time accumulated a little capital and decided to re-locate to Bo in the eastern part of the country to seek her fortunes. At Bo she decided not to work on land again and started a little trading business with the little money she had. She was lucky and soon established herself as a businesswoman in the city. As her wealth increased she decided to build a house for herself and purchased a piece of land for the purpose. This created some problems for her. Coming from Freetown, she was viewed as a Creole as she spoke the Creole language very well. This created an impediment as the Paramount Chief refused to acquiesce in the sale of the land to her. Eventually, however, it became clear that she was a Temne and the chief agreed to sell her the land. The title conveyed in this transaction was not clear. A document was prepared which was signed by the family head from who she acquired the land and was witnessed by the Paramount Chief. The document did not give the duration of the grant and referred to the grantor as *the Giver* while the grantee was referred to as *the Taker.* Again, while the interest being conveyed was not expressly stated in the agreement, Madam Abiba as the grantee was to hold the land "for himself/herself, heirs and assigns". She was enjoined to "observe all customary laws, obey the Chiefdom Administration Laws and the Township Council Laws." Again, she was not to "dispose of the demised land unknown to any of the landholding family or any of the Chiefdom Councillors." She was confused; the interest being conveyed to her was not leasehold as it did not have a term of years and did not provide the annual payment of ground rents and yet she found that the conditions attached to the grant derogated substantially from the qualities of a freehold interest as she knew it in Freetown.

After she constructed her house she decided to expand her business by buying foodstuffs from neighbouring Guinea and Liberia to sell in Freetown. She needed some capital to enable her do this and approached a bank in Freetown for a loan. The bank required some collateral and she offered her house to be used as such. The bank was happy with the quality of the property and its location and was quite keen on giving her the loan. The bank requested for the documents on her land; the bank was not happy with the document she produced and asked her to obtain either a lease or a freehold interest. The family head and Paramount Chief refused to give her a new document for either a leasehold interest or a freehold on the basis that she was a stranger. The bank would not budge on the demand for the document which they insisted should be registered in the Registrar-General's Department. As a result of the impasse, Madam Abiba had to give up her desire to expand her business.

Source: UN-HABITAT, Transparency in Land Administration Trainers' Package

Box 10 UN-HABITAT recommendations for policy makers for the mplementation of women's security of tenure

1. Review laws: Women's land, housing and property rights are undermined by gaps in law (for example housing), unclear provisions and discriminatory laws. Land, housing and family (or personal) laws that deal with inheritance, marriage, and marital property need harmonisation and a gender dimension. Legal remedies through improved access to information and legal support should be available for women.

2. Study tenure reform: Promote legal rights and forms of (shared) tenure – such as joint titling – as well other flexible and innovative tenure types that women consider valuable to them. Policy makers should consider pursuing pioneering concepts in land tenure and reform and enhance shared learning. Where formal, informal and customary tenures overlap, the legal basis for women's tenure must be addressed.

3. Integrate / harmonize policies: Governments should take on a more proactive role in land matters and in addressing obstacles that women have to face. In particular, there is an urgent need to integrate / harmonize poverty, land, housing, and property and gender policies. Governments should focus especially on the more vulnerable among women, such as household heads, those in informal settlements, those from minorities, those displaced and those affected by HIV/AIDS.

4. Involve women: Top-down policies have failed. Affirmative action is required to ensure that women are supported in their access to training, skills and participation in decision making. Gendered participation must be promoted at all levels – family, community, local, national and international – if women's experiences, priorities and voices are to be reflected in policies and practice.

5. Support partnerships: The more successful initiatives consist of collaborations between various stakeholders. There is a need to strengthen social movements, NGOs and women's groups involved in the urban land and housing sector. In addition to this, land professionals, development agencies, analysts and researchers should be encouraged to participate more actively in the planning, implementation, monitoring and evaluation of women's security of tenure.

6. Develop gendered tools: Several well-devised laws and policies have failed to deliver security of tenure to women due to a paucity of innovative, pro-poor, scalable, affordable and gendered land, property and housing tools. Successful initiatives should be seen as local testing grounds for good practice and these gendered tools should be replicated on a wider scale.

Activity 3.7 Competencies for improved land governance

Good land governance is not just a set of high-sounding concepts and principles. It is also a practical notion that ropes in knowledge and skills (competency) which can be realized in legislative and land administration endeavours. This brainstorming activity gives an opportunity to ponder over the concept of competency and should allow training participants to, first on their own, identify competencies required to improve land governance. They will then be prompted to zoom in on and consider selected competencies that are deemed to be useful.

Objectives

* To identify competencies needed for improved land governance.

* To introduce competencies that are considered useful in regard to good land governance.

* To briefly explore what the competencies entail in regard to dealing with intractable land issues.

Learning outcomes

* Participants will be able to specify and analyse competencies needed to improve land governance.

Thematic content

The use of the term competencies in this package is a reference to the, knowledge skills and attitudes needed (both personal and professional) for improving land governance. As noted above, while there may be a long list of competencies that can improve land governance, this session zooms in on some competencies which are identified on the basis of their relevance to enhancing gender equality and grassroots participation. The elaborated competencies and values are:

* Valuing inclusiveness

* Enabling competency

* Negotiating competency

* Conflict resolution competency

* Communicating competency

A competency is not just a technical skill or a talent; it is the combination of knowledge, skills and attitudes that can be translated into actions and behaviour that are crucial for achieving e.g. good governance. Competencies can be developed and improved, by a combination of training and real-life experience.

Recognition of the need for new competencies or competencies that need to be strengthened comes from a change in the global understanding of land governance as it has been practiced previously. New thinking emerging over the last fifteen years recognizes that the failure of various innovative development policy reforms and initiatives has been a failure of governance and not necessarily a 'fault' in the development policies in and of themselves. (Though, that said, some of those policies too needed re-evaluation, especially since many of them were not sufficiently gender-inclusive and pro-poor. Likewise, most of them came into being through top-down or elite-driven processes). This has brought a sea change in thinking about relations of ruling, i.e. governance, and to the institutions, rules, and practices that determine how we live. It is now commonly accepted that relations of governance need to change so that we may indeed reduce poverty, have equality and equity between women and men, sustain the integrity of the environment, end conflicts, and create and live in just, safe, equitable and sustainable human settlements and societies. To change relations of ruling means we have to change the values that we live by to reflect the different and more equitable societies that we want. We also need to be equipped with new competencies that will help us understand and promote principles of good land governance.

SESSION 4

VALUES AND COMPETENCIES TO IMPROVE LAND GOVERNANCE

[
"One cannot think crooked
and walk straight"
Anonymous
]

SESSION 4

Values and competencies to improve land governance

Introduction

Session 4 enables a deeper discussion about the inclusiveness value and the competencies of negotiating, conflict resolution, enabling and communication and their relationship to improving land governance for equity of women and grassroots communities in land matters.

As noted in the introductory section of activity 3.7, the training is now getting to the stage where imparting competencies has become necessary. The purpose in doing so is to beef up the 'take-home' messages of the training. More importantly, the goal is to link the concepts and principles presented thus far with specific knowledge and skills. The competencies in this section are supposed to provide these. However, they are far from comprehensive and the information presented under each is concise. Thus, the knowledge and skills, as is always the case, need to be sharpened through further reading and continual practice (e.g., communication, negotiation).

A. Valuing inclusiveness

Introduction

In recent times, the word 'inclusion' has come to signify an acknowledgement of discrimination and marginalization and the need to change the status quo. The need for inclusive approaches and practices is an acknowledgement that many people such as women, religious, ethnic, or sexual minorities, indigenous peoples, racialized communities, young women and men, poor women and men, people with disabilities, etc. do not have equal rights to the resources and benefits of society. In fact, they are actively prevented from enjoying their human rights fully. This is especially so if a woman or a man has multiple identities that experience discrimination and exclusion. For example, if you are a poor indigenous woman, you are likely to be more marginalized from being able to exercise your full rights in society than a rich man from the dominant group.

Furthermore, the acknowledgement of the need for 'inclusiveness' concedes a democracy and equality deficit in society. It recognizes that discrimination has caused poverty, disfranchisement from land and livelihoods, unemployment, homelessness, sexual abuse, destruction of culture, loss of lives, sickness, disease, pain and suffering. The costs to individual women, men and children are incalculable. To act to defend the human rights of millions of people facing discrimination is not only a moral imperative or a personal issue; it is an obligation under international law.

Thus, the introduction of the principle or value of inclusiveness to the discussion on land issues is an acknowledgement that millions of women and poor women and men living with insecure land tenure and with insecure property rights have faced discrimination and inequity in land governance. It also requires accountability from the land sector to change this reality. It requires institutional change and a change in the culture of doing business as usual. Other principles of improving land governance such as subsidiarity, rule of law, justice, equity, transparency and accountability, all are part of the change needed for inclusiveness in the land sector.

In the context of this discussion, the land sector can be regarded as having some major constituencies (major in terms of numbers and priority) that need to be the focus of the practice of inclusion. These include women – of all socio-economic backgrounds – and poor women and men and other marginalized communities such asindigenous peoples, women and men of 'lower' castes and *dalits*, landless peasants, landless or land insecure urban slum dwellers, displaced peoples. Additionally,

Box 11 Inclusion and the human rights framework

A socially inclusive society is one in which all people are able to claim all their rights. The principle of equality of all rights for all people forms the basis of the definition of social inclusion agreed at the 1995 Social Development Summit in Copenhagen. This definition is based on the first and second articles of the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The human rights framework acknowledges that some people suffer particular rights deficits through reference to specific forms of discrimination. The Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child take account of forms of discrimination on the basis of gender, race and age. International standards for upholding the rights of people with disabilities are set out in the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. Human rights which are of particular concern to indigenous and minority peoples include rights to land, cultural integrity, participation in decision-making, health and a healthy environment. The UN instruments which define these rights include the International Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Labour Organisation Convention No 169 concerning Indigenous and Tribal People in Independent Countries.

Source: DFID. 2002. Realising human rights for poor people. Strategies for achieving the international development targets. p. 14.

Box 12 Hills Leasehold Forestry Development Project, Nepal

In Nepal, the Hills Leasehold Forestry Development Project, supported by the International Fund for Agricultural Development (IFAD) was premised on transferring assets directly to landless women and men. The project's objectives are to raise living standards among poor women and men and to regenerate degraded forest land. To qualify as poor for the project, a household had to have less than half a hectare of land or none, and an annual income below the poverty line. The project was also explicitly designed to integrate gender and disadvantaged ethnic groups. Working in groups of 5-10 poor households, household members were responsible for rehabilitation of land and entitled to use the forest products. The project enabled groups to lease users' rights to forest land which had become degraded through common access. Leases are renewable after 40 years. Communities and women specifically, were also supported in self-organization for the mobilizing of savings and access to credit as well as with inputs for forest rehabilitation. Additionally, training on gender equality and the integration of a gender analysis were key components through the years of the project. Technical staff managing the project was mostly male and was trained in gender analysis. Poor women benefited from skills trainings for forest rehabilitation and income generation from security of livelihoods due to user rights to goat keeping. The project expanded to include 2,040 leasehold groups of 14,600 poor households to restore 13,000 hectares of degraded forest. Currently, about 20% of women have titles registered in their names. The project has had significant positive impacts on intra-household relations and poverty alleviation and the restoration of the forests.

Source: For the full case study see: The World Bank, FAO and IFAD. 2009. Gender in Agriculture Sourcebook. Washington, USA. p.159-61.

another 'constituency' needs to be added to the list above. It is the constituency that does not have a 'voice'.

The rate and extent of land degradation and environmental destruction is also a challenge to improving land governance and this is most notably affecting the constituencies alluded to above. Many in the land industry treat land as a commodity or economic resource; however, it is also an inalienable part of the natural environment and people's heritage.

Against such backdrops, inclusion can make tremendous positive changes for livelihoods of poor women and men and the environment.

There are numerous ways to foster equality and equity in the land sector. Two examples from India and Pakistan are provided below.

Box 13 Leasing under-used private land in Andhra Pradesh, India

In India, the Deccan Development Society has been leasing out under-used private land in Andhra Pradesh for use by *dalit* women on a tenancy basis. The scheme has improved food security and has been replicated under the country's Scheduled Caste Development Corporation programme. This was in the face of Andhra Pradesh State restrictions on land leases. In Bihar, NGOs have acted as guarantors for collective sharecropping arrangements for women's groups, along with training as well as production and marketing support.

In Pakistan, community-based organizations backed by NGO rural support programmes now go beyond credit and service provision for the rural poor. They lease out large areas from landlords at favourable rates, offering guaranteed rental incomes over a number of years and sub-lease to community groups.

Sources: Government of India 2004, 10th National Plan. Hanstad T, Nielsen R, Brown J 2004 Lands and livelihoods: making land rights real for India's rural poor FAO Livelihood Support Programme Paper, RDI, Seattle / FAO Rome; and Srivastava RS 2004 Land reforms and the poor in India: an overview of issues and recent evidence in Gazdar H and Quan J 2004 Poverty and Access to Land in South Asia: a study for the Pakistan Rural Support Programmes Network NRI Chatham.

Thailand's Community Organizations Development Institute (CODI) provides another example of an approach in improving land governance and assisting poor women and men in Thailand's towns and cities.

Box 14 Thailand's initiative on public land for slum upgrading

An interesting example of the use of public land for low-income housing is the Baan Mankong Community Upgrading Programme. The programme is based on strong cooperation between government land-owning departments to help poor women and men to regularize their land rights under long-term land lease contracts to their community cooperatives, as part of projects designed to upgrade their houses, infrastructure and living environments. Implemented by the Community Organizations Development Institute (CODI), public land upon which hundreds of informal settlements have been built is being transformed into "developed land" which generates a modest rental income, without relying on financing from any of the country's key public land-owning agencies.

These public landlords in Thailand with whom long-term community lease contracts are being negotiated (mostly for a 30-year renewable term, and with very nominal rental rates), were not always so cooperative or friendly towards the poor. Like many other Asian countries, Thailand has had serious problems of "stiff" public land-owning agencies, reluctant to allow their land to be used for poor people's housing, even though in so many Thai cities, most slums are already on public land. In the past, this attitude made it extremely difficult to negotiate upgrading and secure tenure arrangements on any significant scale. These public landlords had to be convinced along the way, through long efforts of creative diplomacy and negotiation by the communities, CODI, local governments and NGOs.

But two things were necessary for breakthroughs with these public landlords: the upgrading process had to happen on a huge scale (in over 220 cities around the country), and communities had to have access to flexible, affordable finance (in the form of infrastructure development subsidies and soft housing loans through CODI) to achieve this scale. As of September 2007, some 957 community housing projects in 226 towns and cities have benefited 52,776 households.

Source: CODI cited in UN-HABITAT/UNESCAP. 2008. Not about us without us: working with grassroots organizations in the land field (UN-HABITAT, 2009)..

Activity 4.1 Understanding discrimination

Discrimination is the antithesis of inclusiveness. This two part exercise brings out experiences of discrimination in order to once again demonstrate the importance of the value referred to above as inclusiveness. This means this section revisits similar issues as the previous activity, but from another standpoint which is discrimination.

Objectives

* To understand discrimination and how it operates in the land sector and against whom.

* To see the links between discrimination and improved land governance.

Learning outcomes

Participants will be able to:

* identify who faces the most discrimination in land issues.

* explain the implications of discrimination to improved land governance.

* propose ways and means whereby inclusive practices in the land sector can be created and developed.

B. The negotiating competency

Introduction

Negotiating is a skill that is used daily by almost everyone whether in their families or with their colleagues in their places of work. It is a process of decision making to avoid or resolve disagreements and conflicts. However, negotiating approaches and styles are not the same everywhere. They are specific to different cultures and genders. While recognizing the diversity in any culture, it is important that negotiating for dispute resolution in land issues is especially cognizant of the complexity of not only land issues but also cultural issues and especially where the dominant cultural frame excludes some individuals or groups of individuals from equality in access to land and housing due to their poverty, caste, ethnicity, age, marital status or gender.

In the case of improving land governance, the negotiating competency is a critical skill for both land professionals and for advocacy groups in civil society. It is an important skill whose recognition and adoption as a professional code for land management and administration can offer much to change the culture of land management that has been compromised by corruption and institutional inefficiencies.

What is negotiation?

Negotiation is a process. It is a means to an end. It is the journey to reach the destination. This does not undervalue the destination, but rather, focuses attention on the journey. Negotiation should not be mistaken as a compromise. It is not a half way point between two positions. In the land sector, there are many intractable land issues that could benefit from changes in land governance. Negotiations with transparency, skill and knowledge offer a mechanism to bring about that change.

The value of the negotiating competency in land issues

Evictions and relocations

Evictions and relocations are typical land sector phenomena that would benefit immensely from an inclusive and transparent negotiation process. Development-linked evictions include evictions that are planned or carried out in the 'public interest.' This includes evictions linked to development and infrastructure projects (highways, dams, large-scale energy projects, mining or extractive industry investments, etc.); activities associated with urban renewal, slum upgrading, city beautification; major international business or sporting events; and measures deemed necessary to reduce the risks associated with natural hazards. Internationally-funded projects are also included in this group.

Development-linked evictions raise fundamental governance and political economy questions. Who determines what is in the 'public interest'? Through what process? According to what rules? Have all alternatives been exhausted? According to whose judgement? Who benefits and how from an eviction? Who receives compensation; how is this compensation calculated; is it fair and just; according to whom? Who monitors the process? What scope is there for appeals and grievances? Too often, the answers to these questions reveal a perversion of the 'public interest' for private or other non-disclosed interests.

Land resources management

Access and security of tenure have rightfully dominated land debates. Equally important, however, is the issue of conserving and protecting land resources. Empirical research has abundantly made clear that this is elusive with out ensuring and safeguarding people's rights.

In fact, another area where protracted and often lop-sided negotiations take place is natural resources management. Recent years have witnessed billions of dollars of investments in natural resources in developing countries. With the new investment flow there are increased concerns regarding how deals are being made, by whom, for whose benefit, with what impact on the existing land rights on the ground, and with what impact on related communities and natural resources? How will conflicts between competing uses be resolved? While there are no simple answers to these questions, a land governance process that is transparent, operates under the rule of law, is decentralized and inclusive and equitable, can offer much to answer these questions. Different countries are attempting various models for improving land governance.

In Papua New Guinea, where some 97 percent of land is vested in customary rights holders, the government plays a mediator role between investors and communities. Under its 'lease, lease-back' system, the government identifies the 'legitimate' land rights holders and brokers an agreement with the investor. In some cases, however, local communities may be unaware of these agreements or may not understand the implications and negotiations may have to be re-opened. In Nepal, for example, some 20 percent of forest resources (1.1 million hectares) are managed through Community Forestry User Groups (CFUGs) who prepare operational plans that include conservation, management and use rules, fix prices for selling forest products and define sanctions if rules are broken. Co-management or joint management of natural resources would not be effective and fair without negotiating skills.

Likewise, negotiating is vital where land management practices involve land sharing as for example, between inner city slum dwellers and land owners / developers. See the case study on land sharing in Thailand below.

Box 15 Land sharing in Thailand

During the 1980s, the concept of land sharing emerged and was successfully implemented in various low-income settlements in the city of Bangkok, Thailand. The approach initially evolved as a result of negotiations between organized slum-dwellers facing the threat of eviction and their counterpart - a private landowner. After a prolonged struggle, both sides agreed in many cases that part of the disputed territory was to be permanently and legally assigned to its occupants, whereas the remaining part was to be vacated for the owner's further development. Families originally living on the landlord's share of land were to be re-housed on the other side.

This innovative approach to resolving conflicts between informal dwellers and landlords shows how evictions can be avoided in favour of respectful cooperation. It does not, however, provide answers to the problems that arise during the process of slum upgrading that follows.

Land sharing depends greatly on strong community organizations with the leadership and commitment to represent their own interests in the face of authority and the ability to acquire support from other outside organizations. Since settlers, as opposed to landlords, have no legal claims to the land, government agencies rarely grant them outright support and will at most act as arbiter in the negotiation process. If communities do not persistently oppose eviction, the landlord will have no reason to give in. However, it is the government's obligation not only to ensure the planned and orderly development of cities and to promote real estate investments; governments must also see to meeting the housing needs of the poor. Land sharing is a compromise which allows governments to remain neutral, where the land is not owned directly by the government and yet provides them with a solution to the conflict. Land sharing is only a pre-requisite for the urban upgrading process that follows. Once a binding land sharing agreement has been signed entitling residents to their land legally and permanently, urban improvement schemes must still be developed. Increased residential densities and the need to clear part of the site usually require reconstruction measures. This often involves a considerable logistical and financial effort and can include new forms of housing such as multistory buildings.

Source: COHRE. 2005. Human Rights and Slum Upgrading: Introductions and Compilation of Case Studies. p. 13.

Most land management and administration processes require negotiating skills. Negotiating skills are useful and important not only for the implementation of existing land laws and procedures, but also for the clarification of mis-understood or mis-applied laws and regulations. Land reform through either new land policies or land laws often requires considerable negotiation and consensus building. Negotiating is a major competency for many civil society organizations dealing with land issues. See the case from Namibia below.

Box 16 Women's participation in land law reform, Namibia

Civil society in Namibia plays an active role in a variety of levels having to do with land. In informal settlements, it provides development and management; it conducts lobbying activities on behalf of vulnerable groups; and it provides financial skills and offers legal aid. The Legal Assistance Centre (LAC) is particularly strong in the latter, providing direct legal aid and lobbying for informal settlers, and for women in particularl. The LAC has initiated the Community Paralegal Volunteer Project, which seeks to establish a paralegal resource base in most parts of the country to give free legal advice to all who need it, in particular on land and housing issues. Their priority focus is on the neediest areas. They play a mediatory role as well, providing mediation on all issues, in particular related to property disputes. Additionally, Women's Actions for Development establishes 'Women's Voice Bodies' throughout communities in Namibia. 'Women's Voice Bodies' consist of seven members per region, and address social problems found in their community, though active engagement with decision makers, community leaders and traditional authorities. They also take up membership in various development committees and encourage women to stand as candidates in elections.

Source: Birte Scholz, on behalf of LAC Namibia

The process of negotiation

There are numerous schools of negotiating approaches and techniques.[7] They offer different emphasis in the process of negotiating. However, two approaches presented in UN-HABITAT's *Key Competencies for* *Improving Local Governance, Vol. 3* include the following definition of Ellen Raider and Susan Coleman who conduct skill training in collaborative negotiation as a four-step process as follows:

Step 1:

Ritual sharing: This is the stage of checking each other out. What are some of the values and views that might influence the negotiation process? What's the climate for possible collaboration? In other words, with whom are we negotiating?

Step 2:

Defining the issues: What are the initial positions, demands, requests, needs, interests, even accusations that have brought the parties together to negotiate?

Step 3:

Reframing and prioritising issues: The parties in negotiation get past their positions or demands and agree on opportunities to help each other achieve gains from the process.

Step 4:

Problem solving and decision making. This is the productive stage, when the parties come together to create an agreement. [8]

Design Learning, an organization that offers training in managing conflict through negotiation, offers the following:

1. Prepare yourself (what do you want, how much room for negotiation do you have?)

2. Clearly state your wants.

3. Hear and understand the other's wants.

4. Identify areas of agreement and differences and acknowledge both.

5. Agree on solutions that meet as many of each other's needs as possible, the real negotiation stage.

6. After implementation of the agreement, review the results to see if they still meet each other's needs.[9]

---

7   For an extended discussion of the different schools of negotiation see: UN-HABITAT. (2005) Key Competencies for Improving Local Governance. Volume 3: Concepts and Strategies. The Local Elected Leadership Series. Nairobi, Kenya. p. 270-292.

8   Raider, Ellen, and Susan Coleman.   1992. Collaborative Negotiation: Skills Training, New Platz, NY. Ellen Raider International, p. 2-7.

9   Block, Peter, Tony Petrella and Marvin Weisbord. 1995. Managing Differences and Agreements, Plainfield, NJ: Designed learning, p. 122-3.

Activity 4.2 Exploring the negotiating territory[10]

In line with the widely held principle of adult learning, namely, 'learning takes place when learners take the most responsibility for their own learning', the activity aims to impart the negotiating competency through individual reflections with a view to learning from one another and reporting back to plenary.

Objective

◆ To give participants a chance to explore their own experiences with the negotiating competency.

Learning outcomes

◆ Participants will be able to explain processes of negotiation and analyse issues that facilitates or hinders successful negotiations.

---

10 *Adapted from: UN-HABITAT. 2005. Key Competencies for Improving Local Governance. Volume 4: Training Tools. p. 223-5. Nairobi, Kenya.*

Handout 6 Negotiating experience worksheet

Recall an experience in which you were engaged as a negotiating party or as an observer (in land issues). It should be an experience where the outcome was not satisfactory for you and your colleagues. In the space below, briefly describe the situation including who was involved, the outcome of the negotiation, and why you saw it then, or see it now, as unsatisfactory.

_____
_____
_____
_____
_____
_____
_____
_____
_____

What did the parties do or did not do that led to the unsatisfactory outcome?

_____
_____
_____
_____
_____
_____
_____
_____
_____

What do you think a satisfactory outcome would look like in this situation?

_____
_____
_____
_____
_____
_____
_____
_____
_____

What might have been done differently to achieve a satisfactory outcome?

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

C. The conflict resolution competency

Introduction

Conflicts or disputes over land are common throughout the world and have been with humanity throughout history. Conflicts or disputes can occur between neighbours over the boundaries of their plots, or between two or more parties disagreeing over ownership of land, or between landlords and tenants, or in the context of privatization of common property resources. They occur between individuals, families, clans, communities, the state, and the private sector.

According to Zartman (1991:299):

> "Conflict is an inevitable aspect of human interaction, a concomitant of choices and decisions. […] Conflict can be prevented on some occasions and managed on others, but resolved only when the term is taken to mean the satisfaction of apparent demands rather than the total eradication of underlying sentiments, memories, and interests. Only time really resolves conflicts, and even the wounds it heals leave their scars for future reference. But short of such ultimate healing, much can be done to reduce conflict and thereby release needed energies for more productive tasks."[11]

Just as conflicts have occurred through the ages, so have there been attempts to create and institutionalize mechanisms for conflict resolution. These mechanisms span both the formal and informal sector. Land administrators and different levels of governments are also called in to resolve disputes. Negotiation can be considered as a preliminary step in the process of conflict resolution. If negotiation does not lead to a resolution or is not applied in an early stage of a potential conflict, it may be necessary to resort to conflict resolution. Today, conflict resolution is a professional discipline in its own right. In addition to lawyers, numerous individuals, organizations, and companies can be hired as mediators and arbitrators for dispute resolution. The land sector too has developed numerous formal mechanisms for disputes in land to enforce the rule of law.

---

[11] *According to Zartman, I. M.: Conflict Reduction: Prevention, Management, and Resolution. In: Deng, F. M. und I. W. Zartman (ed.): Conflict Resolution in Africa. Washington 1991, pp. 299-319 as quoted in Wehrmann, B. 2008. Land Conflicts. A practical guide to dealing with land disputes. GTZ. p. 14-15.*

Box 17 Conflicts and control over natural resources in Brazil

In January 2008, the Reuters news agency reported that Brazil's tribal Indians were being killed at the fastest rate in at least two decades. The clashes were with the police, farmers and others over scarce land and natural resources. At least 76 indigenous people were killed in 2007 and many of them were killed defending their ancestral lands, others for denouncing human rights abuses or corruption, and some due to drug-related conflicts. According to Daniel Vasques, a Kaiowa Indian in Mato Grosso do Sul, landowners were trying to stop Indians from claiming farms they considered part of their ancestral lands. He claimed landlords hired gunmen in Paraguay who disappeared across the border after a hit. Conflicts are also increasing due to access and control over natural resources. In 2004, 150 warriors of the Cintas Largas (Long Belts) tribe in south-western Amazon killed 29 wildcat miners prospecting for diamonds on their reservation.

Adapted from: http://www.alertnet.org/thenews/newsdesk/N23617840.htm.

Box 18 Impacts of land conflicts can be worse for women, Nakuru, Kenya

In Nakuru District, Kenya, thousands of families have been internally displaced as a result of land conflicts during the past ten years. The families who settle in urban areas also contribute to land conflicts there. They must find new sources of income as most Kenyan families are headed by women who mainly depend on farming. Although women discovered other ways to earn a livelihood, such as hawking, farming on rented land, domestic help or prostitution, and were more innovative in dealing with the changed circumstances than men, they were not satisfied. For them, owning land (even if only indirectly through their husband or another male relative) is very important and they would prefer farming their own land to what they are doing today. Land is of great importance to family welfare and the women value it, not for the wealth accumulation, but as a social commodity. Therefore, despite being more capable than most men in dealing with the post-conflict situation (many men become alcoholics), women feel more vulnerable in land conflicts as they are less socially or financially independent than they have been before.

Source: Kariuki 2005, quoted in Wehrmann, B. 2008. Land Conflicts. A practical guide to dealing with land disputes. GTZ.

Causes of land conflicts[12]

Causes	Examples
Political causes	◆ Change in the political and economic system, including nationalisation or privatisation of land ◆ Lack of political stability and continuity, lack of predictability ◆ Introduction of (foreign, external) institutions that are not popularly accepted ◆ War/post-war situation, including a high number of former (now unemployed) military, para-military, or guerrilla fighters – all accustomed to the use of violence ◆ Political corruption, state capture and land grabbing ◆ Political (and economic) support for big farmers to the disadvantage of poorer peasants
Economic causes	◆ Evolution of land markets ◆ Increasing land prices ◆ Limited capital markets
Socio-economic causes	◆ Poverty and poverty-related marginalisation/exclusion ◆ Extremely unequal distribution of power and resources (including land) ◆ Lack of micro-finance options for the poor
Socio-cultural causes	◆ Destroyed or deteriorated traditional values and structures ◆ Rejection of formal institutions (new, foreign, external) ◆ Low level of education and lack of information on institutions and mechanisms of land markets ◆ High potential for violence ◆ Abuse of power ◆ Strong mistrust ◆ Helplessness of those disadvantaged ◆ Unregistered land transactions ◆ Fraud by governmental administration and/or individuals ◆ Patronage-system or clientelism ◆ Strong hierarchical structure of society ◆ Heterogeneous society, weak sense of community or lack of identification with society as a whole
Demographic causes	◆ Strong population growth and rural exodus ◆ New and returning refugees
Legal and juridical causes	◆ Legislative loopholes ◆ Contradictory legislation ◆ Legal pluralism ◆ Traditional land law without written records or clearly defined plot and village boundaries ◆ Formal law which is not sufficiently disseminated or known ◆ Limited/no access to law enforcement and jurisdiction by the poor/disadvantaged ◆ Insufficient establishment of rule-of-law-principles (e.g. lack of independent courts) ◆ Insufficient implementation of legislation ◆ Missing or inactive mechanisms for sanctions

---

12 *Wehrmann, B. 2005. Landkonflikte im urbanen und peri-urbanen Raum von Großstädten in Entwicklungsländern. Mit Beispielen aus Accra und Phnom Penh. Urban and Peri-urban Land Conflicts in Developing Countries. Research Reports on Urban and Regional Geography 2. Berlin, Germany.*

Administrative causes	◆ Lack of communication, co-operation, and co-ordination within and between different government agencies as well as between public and private sector (if existent at all) ◆ Lack of responsibility/accountability ◆ Limited access to land administration, especially for the poor and rural population (distance, illiteracy, costs etc.) ◆ Insufficient information to the public ◆ Limited/nonexistent public participation, especially in land use planning and demarcation of concession land ◆ Insufficient staff and technical/financial equipment at public agencies ◆ Very low wages in the public sector ◆ Low qualifications of public employees ◆ Missing code of conduct ◆ Lack of transparency
Technical causes	◆ Missing or inaccurate surveying ◆ Missing land register (e.g. destroyed) or one that does not meet modern requirements ◆ Missing, outdated or only sporadic land use planning or planning not adapted to local conditions ◆ Insufficient provision of construction land ◆ Missing housing programs
Ecological causes	◆ Erosion/drought/floods leading to urban migration ◆ Floods and storms in squatter settlements
Psychological causes	◆ Fear for one's existence ◆ Lack of self-esteem ◆ Loss of identity ◆ Collective suffering ◆ Desire for revenge ◆ Thirst for power

Clearly, the causes of land conflicts vary greatly. For example, the struggles of indigenous peoples around the world are one example of land disputes that have continued for centuries up to today.

Additionally, it is common knowledge to most urban land administrators, elected officials, developers and urban civil society organizations that many thousands of poor urban women, men and children are under daily threat of eviction for 'illegal' land occupation, or changes in land-use designations, or illegal re-selling of state owned land. Often, the impacts of land conflicts are worse for women.

As the examples above illustrate, the institutional and social complexity of land disputes presents significant governance challenges. The critical governance issue regarding conflicts and disputes, however, is not whether there are conflicts, but rather what rules, processes and mechanisms are in place to address grievances, manage disputes and to enforce agreements. Is the rule of law applied consistently and with transparency? Is the rule of law accessible to all citizens and is it applied equally to all women and men, rich and poor? Have community-based alternative dispute resolution mechanisms been considered as legitimate options to resolving land conflicts? As the example from Brazil demonstrates, failure of these systems can turn disputes into violent conflict. When these systems fail at a national level, the result can be internal conflict, insurgency and civil war.

However, effective mechanisms for conflict resolution cannot be created or implemented without understanding and identifying the underlying causes of conflicts, i.e. causes that go beyond the overt and obvious actors and results.

Land conflict resolution mechanisms

In most countries, a number of formal and informal mechanisms are used for land conflict resolution. These include; the judiciary, special land courts, administration, political institutions, party system, customary institutions, religious institutions, civil society and private mediators. Each of these mechanisms can be and have been effective in resolving land disputes. However, they are not equally accessible to all and often powerful elites such as politicians, landlords, developers or the corporate sector 'win' cases by 'exerting pressure' or bribing court and land officials. More often than not, the poor lose their claims to land use and ownership. Additionally, women often do not 'win' their cases even if they have legal rights as for example, due to social and cultural pressures they are not able to take their family to court. In many countries, women's access to courts is severely limited because it might be considered improper for them to go to court, or they do not have the money for lawyers and court fees, or sometimes the judiciary has prejudices about the credibility of women witnesses. Improving land governance with effective institutions, regulations, education, and enforcement will enable greater access and equity in dispute resolution.

Some positive experiences of conflict resolution

Experience from different countries suggests that strengthening security of tenure is essential to reducing land disputes. Ethiopia's large-scale certification process, for example, has significantly reduced conflict, according to some 80 percent of the respondents to a recent large-scale household survey. In Botswana, where some 70% of land is held under customary forms of tenure, a Tribal Lands Information Management System (TLIMS) was implemented in 2005 and has significantly reduced the number of ownership disputes.

Rebuilding institutions for dispute and conflict resolution is also critical from a peace-building perspective. This may take different forms. In Rwanda, land and property disputes have been handled through local *Gacaca* courts, a traditional institution that was restored in the aftermath of the genocide. Specialized land courts can also have a role; however, they often suffer from a lack of capacity, procedural complexity, high costs and coordination issues. In Afghanistan, for example, a special Land Dispute Court was established to deal with cases involving the loss of private property

since 1978. Since its establishment in 2003, it has dealt with only 5 percent of the registered cases before it. Moreover, these cases tend to involve claims made by wealthier people.

The use of traditional and alternative dispute resolution techniques has proven effective in a number of countries. Two common challenges, however, concern women's ability to access justice through such mechanisms and ensuring that these mechanisms are clearly linked to State systems for both appeal and enforcement. This does not always occur, creating a permissive environment for forum shopping.

In Tajikistan, Third Party Arbitration Courts (TPACs) have made an important contribution to reducing the incidence of land-related disputes. The TPAC system also includes a provision for parties to appoint female mediators or arbitrators, one of the common weaknesses of alternative dispute mechanisms around the world. It has also established formal linkages between decisions made through these courts and the formal enforcement mechanisms of the state. What remains, however, is to enact special legislation to institutionalise the TPACs within the broader legal framework.

Activity 4.3 Reducing land conflicts – your experiences

This is a facilitator guided group work and entails using the chart below. The chart caters for capturing at least three cases / experiences that all can learn from. However, this can be extended or shortened depending on time, availability of cases, interest of training participants, attainment of learning outcomes.

Objectives

- To understand the nature of land conflicts.
- To identify and assess some conflict resolution approaches.

Learning outcomes

- Participants will be able to clearly establish the link between land conflicts and weak land governance and analyse methods of conflict resolution.

Conflict resolution case summary

What was the conflict about?	What mechanism was used to resolve the conflict? -Formal mechanism? -Informal mechanism?	How was the conflict resolved?	What are the land governance implications of this conflict, if any? Everyone participates in this question.
Case 1			
Case 2			
Case 3			

Activity 4.4 Conflict resolution in the case of multiple sales of peri-urban land in Accra, Ghana[13]

The core element of the activity is providing a near 'hands-on' experience on conflict resolution in land matters through an exercise that mimics reality.

Objectives

 To understand the complexity of land conflicts.
 To explore different options for resolving conflicts.

Learning outcomes

 Participants will be able to demonstrate how improved land governance can reduce some land conflicts.

13 This activity has been developed from the work of Wehrmann, B. 2008. Land Conflicts. A practical guide to dealing with land disputes. GTZ. p. 4, 39-41.

Handout 7 Scenario: multiple sales of peri-urban land in Accra, Ghana

In Accra, many plots are sold by different people to different clients. While one buyer starts constructing, another buyer appears or sends land-guards to destroy the already built-up structures, sometimes even attacking the caretakers who are supposed to protect the property for the other person.

Some years ago, the Katamanso chief gave some of his land temporarily to the Anwahia chief and his people for farming. He, however, sold that land to a real estate agent who recently found out that part of it had also been sold to someone else. The real estate agent went to court. What had happened was that the Anwahia chief had died and his son had sold the land again, either not knowing that it had already been given away or thinking that it would not be developed by the real estate agent. Both father and son sold the same piece of land, which belongs to the neighbouring clan.[14]

The actors

The Katamanso chief

The Anwahia chief

The new owner – a developer

The old owner – the real estate agent

The local people

The judge

The local land administrator

The various actors and their positions, interests, needs, desires and fears

The conflict party	Positions	Interest	Needs	Desires and fears
The Katamanso chief	It's my land.	To get land back for his people.	Material need: the land for his people. Emotional need - the land belongs to his ancestors.	Fear of loss of the love and respect of his people.
The Anwahia chief (junior)	I am no longer in my business.	To not be bothered.	Material need: money	Desire for wealth and status
The new owner - the Developer	It's my land.	Want to build housing and commercial space.	Material need: to make money, to do business	Fear for his existence and his company if money is lost. Desire for wealth and possible election to political office.
The old owner – the real estate agent.	It's my land.	Wants to settle the dispute as soon as possible so he can sell the land and get his money and profit.	Material need: money and profit.	Fear of losing his money. Desire for wealth.
The local people	The land belongs to the Katamanso tribe but everyone has rights to access.	Want to keep land in the chief's hands so they can continue to use it for forest products.	Material need: forest products.	Fear of loss of raw materials for food and medicines.
The judge	Let us resolve this conflict soon.	Maybe I can make some money here.	Material need: wants to buy land in his village.	Desire: to retire soon and become a farmer.
The local land administrator	Who has papers for this land?	To find a just solution to the conflict.	Legal Need: to have some precedents for such land conflicts.	Desire: to look credible and gain respect in the eyes of the public.

14 Wehrmann, B. *The Easiest Way to Make Money is to Sell Land. Land Conflicts in the Peri-urban Areas of Accra, Ghana.* In: Trialog 74/2002, pp. 26-32.

D. The enabling competency

Introduction

The enabling competency has many aspects to it and competency in 'enabling' can serve to improve land governance and deepen democracy in a number of areas. It is a competency that is relevant to all professions and personnel in the land sector. Simply put, enabling is providing the means for others to get things done. The range of possibilities in the concept 'enabling' is perhaps best explained by its functions.

Enabling can increase and deepen participation, as in the enabling of women and men in society to engage more meaningfully in and with land institutions, processes and procedures. This enabling also encourages different analysis, relationships and perspectives on land to inform decisions and actions. This would add legitimacy to and increase the efficiency of the land sector.

Enabling also includes creating an environment for capacity development for grassroots communities and organizations to become active agents in determining and defending their rights to land and shelter.

Enabling organizing and capacity development

Many organizations use peer learning and community exchanges as a means of horizontal learning and sharing of strategies. For example, many members of Shack/Slum Dwellers International (SDI) have been involved in such exchanges for many years. Among other issues they address housing, security of tenure, land reform, livelihoods as well as innovative schemes for financing and capacity development. A strategy often used by some groups is that government officials accompany residents of informal settlements on trips to visit projects in other countries. For additional information on the work of Shack/Slum Dwellers see: http://www.sdinet.co.za/

Following from the above, **enabling can be a systematic process for participation as in building partnerships with the many stakeholders implicated in land issues**. Partnerships can be between different governments, different government agencies, between government, civil society and the private sector, and various combinations of the above. Partnerships can

be enabled by land administrators, other government officials, or civil society for numerous functions such as policy reform, changes in land-use, changes in regulations for land registration, changes in land tenure arrangements, in land adjudication processes, etc. to bring equity and efficiencies to land management. Enabling partnerships will also enable shared decision making; another cornerstone of improving land governance.

Enabling can assist in bringing much needed coherence and rationalization to the sometimes vast maze of land management institutions in any one country. Land bureaucracies cost the citizens, the economy and the country's development time, money, equity and efficiency. They are also an impediment for poor women and men, who with their limited resources can ill-afford to be shunted from one land office to another. See the case below from the context of slum upgrading.

Box 19 Institutional fragmentation

In all four Slum Upgrading Facility countries, responsibilities for land management are fragmented. In Sri Lanka, for example, the Asian Development Bank (2000, pg 15) found that "there is little consistency and reference between cadastres, land title registration and land registration for taxation purposes. Land title deeds are not officially registered." The absence of a functional land registry has several consequences for Sri Lanka. It "complicates the task of compiling precise land tenure data on a municipal or regional basis and it acts as a constraint on the land market; the lack of a clear title constitutes a barrier to market entry for many landowners, as it prevents them from using their land as collateral for a mortgage loan. Title insurance is required to mortgage land without a perfect title; the premium is substantial."

In Ghana, the land administration system remains complex, with traditional (customary) and statutory practices operating simultaneously. The Government, with support from the World Bank, has initiated measures to streamline the land administration system. However, it is relatively easier to undertake housing upgrading in the areas where the traditional land ownership and administration system exists.

The Land Administration Pilot Project, a 15-year initiative, financed by the World Bank, under the

Ministry of Lands and Forestry, is attempting to streamline the land titling and registration under the Land Title Registration Law of 1986. Currently, there is a proposal to merge all seven land bodies into one unit. The complexity of the land issue in Ghana is said to be one of the main hindrances for deepening and broadening the housing finance market in the country. (Ghana CPIP, 2007).

In Tanzania, one of the main institutional challenges for slum upgrading and prevention is the complicated relationship between central and local authorities regarding land issues. The Ministry of Land, through the Commissioner, is responsible for mapping, surveying, planning and land administration within municipalities. Municipalities may allocate land, give leases and prepare detailed plans, but only with the consent of the Ministry. This can be cumbersome and in the worst cases may actually undermine efforts to guide urban growth. For example, if a municipality wishes to declare an area for a detailed plan, Ministry approval can take up to three years, by which time the area is likely to be occupied by informal settlements.

Source: Excerpted from "Land and Slum Upgrading"
SlumUpgrading Facility Working Paper 10, UN-HABITAT, 2009.

Or to put it another way:

Box 20 Bureaucratic procedures inhibit legal land development

In many countries, administrative procedures for registering a land parcel, obtaining planning and building approvals, or effecting property transfers are so cumbersome, expensive and confusing that they actually encourage the very unauthorized development they seek to prevent. Addressing this important issue will require political and administrative leadership. In Egypt, acquiring and legally registering a plot on State-owned vacant land involves at least 77 bureaucratic procedures at 31 public and private agencies. In Peru, building a home on State-owned land requires 207 procedural steps at 52 government offices... In the Philippines, establishing legal ownership takes 168 steps and between 13 and 25 years. In Haiti, obtaining a lease on government land – a prerequisite for buying – takes 65 steps.

Source: World Bank 2001 Cited in the Challenges of Slums, UN-HABITAT 2003

Enabling also serves a communication function. Enabling facilitates communication as in the sharing of information, innovation, creativity, networking between different stakeholders for informed and inclusive decision making.

Activity 4.5 Web-mapping land stakeholders

This is a facilitator-guided group activity. One of the thrusts of the enabling competency, as set out in the thematic content above, is building partnerships and alliances. These are best accomplished when stakeholders and their interests (also known as actors) – in both formal and informal contexts – are known and factored in land governance processes. This and the subsequent activity build on this theme.

Objectives

- To identify land stakeholders, i.e. individuals, institutions and organizations implicated in land issues.

- To reveal the wide range of individuals, institutions and organizations implicated in the land sector including an overview of their interests.

- To highlight the role of formal and informal institutions and relations in land governance.

Learning outcome

- Participants will be able to identify and list actors and stakeholders in the land sector, explain their interests and analyse the role they play.

Activity 4.6 Partnerships for producing housing

This is a facilitator guided and case study based group work.

Objectives

- To explore the complexity of partnerships or stakeholder platforms.
- To appreciate the complexity of partnerships and the interests of different stakeholders.

Learning outcome

- Participants will be able to explain the complexity of partnerships and methods of creating and building the same.

Handout 8 Scenario: partnership for producing housing

The International Federation of Surveyors (FIG) and UN-HABITAT state that standards must be lowered in order to *reduce the production costs* of habitable serviced land for housing, to avoid rendering informal land and housing production processes illegal, and to *reduce procedures* which have discriminatory effects or those that lead to segregation. The amount of regulation relative to land development should be reduced. Emphasis should be laid on the design of minimum standards and the supply of guidelines in relation to the level of urban infrastructure, services and urban layouts. All this should be at minimum initial cost, while allowing for subsequent incremental improvements.

FIG and UN-HABITAT also state that a variety of factors combine to make any revision in standards difficult, with the strongest resistance to change typically found in public administrations, professionals, urban management technicians and a large section of the middle class. This is why all stakeholders should be involved when a national regulatory framework comes under scrutiny and subsequent reforms come up for implementation and coordination. Stakeholders include interest groups and/or dependent groups, i.e. categories of people or institutions who share a common interest in a piece of land, be it an individual site or plot, the territory of a community, a natural conservation area, a region or a country.

Source: FIG/UNCHS. 1998. Informal settlements, Security of Tenure, Urban Land Management and Local Governance. Experiences in Implementing the Habitat Agenda, Draft Report of the Durban Conference, August 1997. p.13.

E. The communicating competency

Most land activities are communication-intensive as are many activities that involve more than one person. In fact, it can be argued that competency in inter-personal communication is one of the most important skills for land professionals and land stakeholders and indeed, everyone else. Our ability to speak clearly, articulate our thoughts, clarify our positions and concerns, open channels to build relationships and trust, facilitate partnerships, etc. are all dependent on our ability to be effective communicators. This is even more so when society deals with land issues at community and national level.

Communication is about reducing uncertainty and ambiguity in a situation through exchange of information and knowledge. The underlying reasons for working on communication as a competency include:

- Lack of information and knowledge: information is everywhere, knowledge isn't; relevant and useful information is obscured by noise.

- Deceit (dishonest communication) and

- Perception of deceit

The above are among the major sources of acrimony and misunderstanding in many developmental endeavours including land. Issues such as land reform through land policy development or new land laws, adjudication, land transfers15, all require a fine tuned competency in communication. Ineffective or insufficient communication on these issues causes numerous problems that impact on the efficiency and effectiveness of the land sector. Poor communication can undermine land policy and programme implementation. For example, it could be that your message to the public was not clear so no one received it. Or, it could be that the messenger was inappropriate, so the message was never delivered. Such a situation can derail what might otherwise be an inclusive and innovative initiative. In view of this, one cannot overstate the importance of communication, especially the role of awareness raising or public education. Public communication (John W. Bruce, 2009):

- Is not a single stage process, but runs from policy reform through implementation.

- Creates and informs demand for reforms.

- Creates and moderates expectations.

- Reassures anticipating and correcting distortions.

- Teaches reform beneficiaries how to access benefits and enforce rights.

- Keeps implementers on track.

The case from Laos below is a good example of the importance of communications strategies and their link to a desired outcome in land registration.

Box 21 Land registration in Laos

Laos has gone through numerous land registration systems, both formal and informal, which have consistently been detrimental to women. The official Laos Women's Union and a gender research centre have exposed female under-representation in rural land allocation and urban titling programmes. In particular, they found that the names on land documents did not always reflect the actual landholder. They launched an information campaign, including about land titles. It was reported that *village information meetings were the most important and effective way* of reaching beneficiaries. As a result, the number of land titles issued to women doubled within the project area, and the number of joint titles increased significantly.

Source: Birte Scholz. 2007. Case study: Women's Participation in Land Processes. COHRE, Geneva.

Good land governance and communication

The UN-HABITAT publication, *Key Competencies for Improving Local Governance,* a rich resource for women and men with responsibilities and corresponding accountability in the civil service, makes some key links between communication and the principles of good governance. These points are equally pertinent to land professionals and civil society organizations working on land issues.

Civic engagement involves multi-directional communicating processes and is your most important communicating skill when interacting with individuals, civic groups, business leaders, and indeed, all factions that make up your community, as well as active listening.

---

15 *In fact, in many countries land laws oblige land officials to declare each and every transfer as public notice on widely distributed and accessible mass media.*

Respect for the rule of law is fundamental to good governance. And, it's not just land professionals and others implicated in land issues who need to respect the rule of law. It is also the responsibility of every man and women and collection of citizens operating under some organizing format to respect the rule of law. Dishonest communications, or public pronouncements that pump so much fog into the air that citizens are never sure what the intentions are behind the foggy message, are sure to erode public confidence and therewith respect for the rule of law.

Transparency and accountability should be at the heart of what land officials communicate and how they communicate. They are the touchstones on which trust is built between land officials and diverse constituencies.

Equity and inclusiveness are too often forgotten in the communication that goes on between public officials and citizens. It is easy to fall into the trap of communicating with those with whom you feel most aligned or have long term relationships. Some of us find it difficult to communicate directly with those individuals and groups that represent different values, norms, religious beliefs, ethnic differences, economic status, or gender. The metaphor "good ole boys", used to describe those who ran many small towns in the western world, wasn't the figment of someone's imagination. How equitable and inclusive are you as land professionals? Do you tend to talk to the same people even though you may represent a wide diversity of constituents?

The good governance principles of **effectiveness and efficiency** are often defined as doing the right things (effectiveness) and doing things right, achieving the maximum result with minimum inputs (efficiency). Efficiency is badly damaged, for example, when land professionals send out mixed messages about how citizens should respond to new land policies or programmes. Effectiveness suffers when inconsistencies exist between what an elected or government official says and does. Even the perception of deceit in public discourse diminishes the effectiveness of those who govern.[16]

An understanding of barriers to communication – listening, learning, respecting, sharing - is key to developing effective communication skills in land management and administration. Engaging your partners in jointly working with you to develop

effective communications methods is one way to break the barriers between you and particularly women and grassroots communities. Both women and grassroots communities have different ways of communicating that is a result of their particular situation and experience in society. Their methods of communication are not what you will necessarily learn at 'communication school' or by hiring expensive media and advertising firms. Sometimes honesty, trust and partnerships is a better route to effective communication and results.

When speaking about communication and women and grassroots communities as two important constituencies for improving land governance, communication is not only critical as an inter-personal and professional competency for land professionals; it is also important as a discipline and as a strategic tool. Its effectiveness or lack of it can have very serious consequences for others. The following comment from an e-discussion on gender and disasters provides crucial insights about learning to communicate with women.

"[A] colleague's research in a Peruvian fishing village focused on forecasting methods and impacts from climate variability, specifically an El Niño-Southern Oscillation [ENSO] warm event. After a strong El Niño event, it was discovered that the fishermen (all male) had been warned about the upcoming event, and knew that the fishing would be poor to non-existent for the next several months. The women in the village did not receive any warnings about the upcoming conditions, because the climate forecasters issued warnings to those who would be directly impacted. The result of the ENSO warm event was increased poverty, unemployment, and harsh economic conditions. The women in the village manage the household budgets. Had they known about the onset of ENSO, they would have saved more household funds and budgeted expenses differently to prepare for the event. For some reason (socio-cultural), the men never discussed the warnings with their wives and continued to "blow their money in bars" without regard to their future situation... One of the problems with [male-dominated networks of information] is that women are primarily responsible for gardening/agriculture, securing land-based food resources, and budgeting water resources for household consumption and gardening in these places. Without access to information, they cannot minimize risks associated with their regular activities" *Cheryl Anderson, Social Science Research Institute, University of Hawaii.[17]*

---

16 *Adapted from: UN-HABITAT. 2005. Key Competencies for Improving Local Governance. Volume 3: Concepts and Strategies. P78-9. Nairobi, Kenya.*

17 *UN/ISDR. 2002. Gender Mainstreaming in Disaster Reduction. Panel Presentation by Sávano Briceño. Commission on the Status of Women. March 6th 2002. New York. p10-11.*

Some women farmers, as mentioned below, prefer a different way of communication than men farmers.

"We're finding that women farmers (particularly those who are not the head of the household) prefer seasonal climate forecast information to be made available through the extension officer or school, rather than the radio (preferred by male interviewees). The farmers state that in attempting to balance farming, child care and other domestic responsibilities, they are less able to schedule a fixed time to listen to the radio. They also prefer information to be provided on site, in an environment where queries can be handled immediately, and discussion can take place. This confirms a growing sense in the climate impacts and applications community that women are a crucially under-served clientele." *Emma Archer, IRI/PSU/NOAA, USA/South Africa[18]*

Activity 4.7 Lowering communication barriers[19]

The exercise is about identifying communication barriers and devising strategies whereby they can be eliminated. Three cases of typical interactions (relationships) involving land professionals and other sections of society are used to think through issues of strained communication and what can be done about it.

Objectives

- To identify barriers to communication between land professionals and women and grassroots communities; between land professionals and civil society organizations; and between land professionals and technicians themselves.

- To reduce communication barriers.

Learning outcomes

Participants will be able to:

- explain barriers to communication between land professionals and women, grassroots communities and other land professionals.

- identify and propose methods whereby barriers to communication can be reduced.

---

18 Ibid.

Handout 9 Lowering communication barriers

Relationships: check one of the following relationships (boxes) and proceed to the exercise:

☐ Land professionals with grassroots community (identify a community you would focus on.)

☐ Land professionals with women (Identify a community or communities you would focus on.)

☐ Land professionals and technicians with one another.

We have identified these barriers to communication:

1..

2..

3..

4..

5..

The following are ways of recognizing the existence of these barriers:

1..

2..

3..

4..

5..

Shown below are strategies for eliminating or alleviating these communication barriers:

1..

2..

3..

4..

5..

Other observations:

....

....

....

....

SESSION 5
ACTION PLANNING

["Better to light one small candle than to curse the darkness" Chinese proverb]

Session 5:
Action planning

Introduction

Apparently, this training is not a one-off event. It needs to facilitate achieving meaningful results and impact the way land governance is practiced at various levels. Also, it should enable notable contributions to be made in improving gender equality and grassroots participation in the land sector.

This session is therefore designed to give participants an opportunity to translate the learning from the training and apply it in their daily functions and responsibilities. Applying the knowledge and skills acquired from the training can be realized through various post training activities.

The kind of post training activities that can be considered are numerous and can include the following: conducting similar training at community level / place of work or to members of professional associations (e.g., land professionals associations), to training providers whose thinking for the most part could be very conventional; undertaking advocacy for legislative reform or rigorous implementation of existing laws through public communication (e.g., campaigns on mass media, special purpose newsletters, popular web sites and blogs).

Activity 5.1 From training to action

Handout 10 Improving land governance – my action plan

1) There are three key things that I can do to improve land governance with women and grassroots communities. They are:

_____
_____
_____
_____
_____
_____
_____
_____

2) I need the support/involvement of the following people/organizations to do this.

_____
_____
_____
_____
_____
_____

3) I expect to have the following challenges in implementing my plan.

_____
_____
_____
_____
_____
_____

4) I will address the challenges in the following manner.

_____
_____
_____
_____
_____
_____
_____

5) I will know I have been successful in my activities when the following things take place.

_____
_____
_____
_____
_____

ANNEX 1.

UN-HABITAT and The Global Land Tool Network (GLTN)

The United Nations Human Settlements Programme, UN-HABITAT, is the United Nations agency for human settlements. It is mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all.

Towns and cities are growing today at unprecedented rates setting the social, political, cultural and environmental trends of the world, both good and bad. In 1950, one-third of the world's people lived in cities. Just 50 years later, this rose to one-half and will continue to grow to two-thirds, or 6 billion people, by 2050. *Cities are now home to half of humankind*.

Cities are the hubs of much national production and consumption - economic and social processes that generate wealth and opportunity. But they also create disease, crime, pollution, poverty and social unrest. In many cities, especially in developing countries, slum dwellers number more than 50 per cent of the population and have little or no access to adequate shelter, water, and sanitation, education or health services. It is essential that policymakers understand the power of the city as a catalyst for national development. Sustainable urbanisation is one of the most pressing challenges facing the global community in the 21st century.

UN-HABITAT's programmes are designed to help policy-makers and local communities get to grips with the human settlements and urban issues and find workable, lasting solutions. UN-HABITAT's work is directly related to the United Nations Millennium Declaration, particularly the goals of member States to improve the lives of at least 100 million slum dwellers by the year 2020, (Target 11, Millennium Development Goal No. 7), and Target 10 which calls for the reduction by half of the number without sustainable access to safe drinking water.

UN-HABITAT's strategic vision is anchored in a four-pillar strategy aimed at attaining the goal of *Cities without Slums*. This strategy consists of *advocacy of global norms, analysis of information, field-testing of solutions* and *financing*. These fall under the four core functions assigned to the agency by world governments - monitoring and research, policy development, capacity building and financing for housing and urban development. For additional information go to: http://www.unhabitat.org

The Global Land Tool Network

The Global Land Tool Network's main objective is to contribute to poverty alleviation and the Millennium Development Goals through land reform, improved land management and security of tenure. The GLTN originates from requests made by Member States and local communities world-wide to UN-HABITAT, who initiated the network in cooperation with the Swedish International Development Cooperation Agency (Sida), the Norwegian Ministry of Foreign Affairs and the World Bank, in 2006.

The GLTN has developed a global partnership on land issues pulling together global partners, as well as many individual members. These partners include international networks of civil society, International finance Institutions, international research and training institutions, donors and professional bodies. It aims to take a more holistic approach to land issues by improving global coordination on land; through the establishment of a continuum of land rights, rather than just focus on individual land titling; through improving and developing pro-poor land management, as well as land tenure tools; by unblocking existing initiatives; assisting in strengthening existing land networks; assisting in the development of gendered land tools which are affordable and useful to the grassroots; and improving the general dissemination of knowledge about how to implement security of tenure.

To reach the overall goal of poverty alleviation through land reform, improved land management and security of tenure, the GLTN partners have identified and agreed upon 18 key land tools which need to be addressed in order to deal with poverty and land issues at the country level, across all regions. The partners of GLTN argue that the existing lack of these tools, as well as land governance issues, are the main cause of failed

implementation at scale of land policies worldwide.

GLTN Land Tools

1. Land rights, records and registration

    1a. Enumerations for tenure security

    1b. Continuum of land rights

    1c. Deeds or titles

    1d. Socially appropriate adjudication

    1e. Statutory and customary

    1f. Co-management approaches (government and communities)

    1g. Land record management for transactability

    1h. Family and group rights

2. Land use planning

    2a. Citywide slum upgrading

    2b. Citywide spatial planning

    2c. Regional land use planning

    2d. Land readjustment (slum upgrading and/or post crisis)

3. Land management, administration and information

    3a. Spatial units

    3b. Modernising of the costing and financing of land administration services

4. Land law and enforcement

    4a. Regulatory framework for private sector

    4b. Legal allocation of the assets of a deceased person (Estates administration, HIV/AIDS areas)

    4c. Expropriation, eviction and compensation

5. Land value taxation

    5a. Land tax for financial and land management

The Global Land Tool Network aims to:

- Establish a continuum of land rights, rather than just focus on individual land titling;

- Improve and develop pro-poor land management as well as land tenure tools;

- Unblock existing initiatives; assist in strengthening existing land networks;

- Improve global coordination on land; assist in the development of gendered tools which are affordable and useful to the grassroots; and

- Improve the general dissemination of knowledge about how to implement security of tenure.

The GLTN is a demand driven network where many individuals and groups have come together to address this global problem. For further information go to the website at: http://www.gltn.net

ANNEX 2.
Recommended reading

Improving land governance

Borras, Saturnino. M. and Jennifer C. Franco. 2008. Democratic Land Governance and some Policy Recommendations. Discussion Paper 1. UNDP Oslo Governance Centre, Democratic Governance Group. Bureau for Development Policy, Oslo, Norway. http://www.undp.org/oslocentre/docs08/land_governance/Discussion%20Paper%20-%201%20-%20Final.pdf

FAO and UN-HABITAT. 2009. Towards Improved Land Governance, Land Tenure Working Paper 11.

http://www.gltn.net/en/home/land-law-and-enforcement/towards-improved-land-governance/details.html

FAO. 2007. Land Governance in Land Tenure and Administration. Land Tenure Series 9. Rome, Italy. http://www.fao.org/nr/lten/abst/lten_071101_en.htm

FAO. 2006. Land Tenure Alternative Conflict Management.

This training manual focuses on how to manage and resolve conflicts over land tenure rights, security of tenure and land access in the field of rural development. It results from complementary activities undertaken within FAO's Livelihood Support Programme (LSP) and the Land Tenure and Management Unit and with the International Land Coalition. It addresses the specific issues of land tenure identified in the volume Negotiation and Mediation Techniques for Natural Resource Management published by the LSP. It is available in English, French and Spanish.

http://www.fao.org/nr/tenure/infores/ltmanuals/en/

Manji, Ambreena. 2008. Gender, Land Rights and Democratic Governance. Discussion Paper 2. UNDP Oslo Governance Centre, Democratic Governance Group. Bureau for Development Policy, Oslo, Norway.

http://www.undp.org/oslocentre/docs08/land_governance/Discussion%20Paper%20-%202%20-%20Final.pdf

UN-HABITAT. 2005. The Local Elected Leadership series - Key Competencies for Improving Local Governance. Vol. 1. Quick Guide, Vol. 2. Key Competencies for Improving Local Governance, Vol. 3. Concepts and Strategies, Vol. 4. Training Tools.

The Local Elected Leadership (LEL) series presents two roles and ten competencies essential for every elected official to effectively perform their job when serving local communities. The manuals are primarily designed for training purposes but can be used independently as handbooks and reference materials by managers, professionals, and community leaders. The series contains many training exercises and tools that can be used as practical on-the-job guide long after the leadership training workshop has ended.

http://www.unhabitat.org/content.asp?typeid=19&catid=533&cid=4472&activeid=4471

Wehrmann, Babette. 2008. Land Conflicts. A Practical Guide to Dealing with Land Disputes. GTZ, Land Management.

This book aims to broaden the understanding of the complexity of causes that lead to land conflicts and achieve better-targeted ways of addressing such conflicts. It also outlines a number of tools with which to analyse land conflicts.

http://www.landcoalition.org/pdf/08_GTZ_land_conflicts.pdf

Grassroots Participation and Gender Equality in Land, Property and Housing

Benschop, Marjolein. 2004. Women's Right to Land and Housing. Paper for the Commission for Sustainable Development (CSD) April 2004. UN-HABITAT. http://www.gltn.net/en/e-library/gender/womens-rights-to-land-and-property/details.html

FAO. 2005. Gender and Land. Compendium of Country Studies. Rome, Italy.

The compendium presents different country experiences in relation to land rights and their gender equity considerations. It examines changing legal and customary institutions in Brazil, Burkina Faso, Nicaragua and Senegal including a comparative look at the multiple lessons learned from various relevant country interventions over the last 20 years. The different studies assert that despite the efforts made in most countries to promote women's equal rights to land,

as part of the development agenda, many institutional, social, cultural and above all economic obstacles persist that prevent rural families, and women in particular, from having adequate access to and secure tenure of land.

http://www.fao.org/docrep/008/a0297e/a0297e00.htm

FAO. 2002. Gender and Access to Land. Land Tenure Series 4. Rome, Italy. ftp://ftp.fao.org/docrep/fao/005/y4308e/y4308e00.pdf

GLTN and UN-HABITAT. 2008. Gendering Land Tools. Achieving secure tenure for women and men. Nairobi, Kenya.

This publication presents a mechanism for effective inclusion of women and men in land tool development and outlines methodologies and strategies for systematically developing land tools that are responsive to both women and men's needs. The report provides a conceptual outline answering questions such as why gender responsive land tools are necessary. The second part provides an overview of the components required for large scale gender responsive tool development. The third part deals with strategies necessary for the implementation of this mechanism. Taken together, these aspects define how the GLTN Gender Mechanism operates. The report will assist programme planners and decision makers at different levels of the land sector—with or without gender expertise—in identifying practical ways to make land tools more effective for both women and men.

http://www.gltn.net/en/home/gender/gendering-land-tools-achieving-secure-tenure-for-women-and-men/details.html

GLTN publications on gender, land, property and housing.

http://www.gltn.net/en/e-library/gender/index.php

GLTN publications on grassroots and land

http://www.gltn.net/en/e-library/grassroots/index.php

Huchzermeyer, Marie. 2007. Enumeration as a grassroots tool towards securing tenure in slums: An initial assessment of the Kisumu experience. Working Paper. GLTN, Nairobi, Kenya.

The paper examines the idea of global land tools and the origins of the particular enumeration approach that was envisaged for Kisumu. The paper contextualises the enumeration exercise within the city of Kisumu, its slums, the slum upgrading initiative, and the governance and coordination challenges that the initiative faced. It covers aspects of mobilisation, tensions experienced in carrying out the enumeration, changes in landlord-tenant relations and challenges of data verification.

http://www.gltn.net/en/e-library/grassroots/enumeration-as-a-grassroot-tool-towards-securing-tenure-in-slums-br-an-initial-assessment-of-the-kisumu-experience/details.html

Mitlin, Diana. and Sheela Patel. 2005. Re-interpreting the rights-based approach – a grassroots perspective on rights and development. Global Poverty Research Group.

http://www.gprg.org/pubs/workingpapers/pdfs/gprg-wps-022.pdf

Mukhopadhyay, Maitrayee. (Ed.) 2001. Gender Perspectives on Property and Inheritance: A Global Sourcebook. OXFAM and KIT, Amsterdam, Netherlands.

http://www.kit.nl/net/KIT_Publicaties_output/ShowFile2.aspx?e=529

Payne, Geoffrey., Alain Durand-Lasserve and Carole Rakodi. 2008. Gender Sensitive and Pro-Poor Principles When Regularising Informal Land Settlements in Urban and Peri-Urban Areas. Discussion Paper 10. Oslo Governance Centre, Democratic Governance Group. Bureau for Development Policy, Oslo, Norway.

http://www.undp.org/oslocentre/docs08/DP-10.pdf

Razavi, Shahra. 2005. Land Tenure Reform and Gender Equality. UNRISD Research and Policy Brief 4. UNRISD, Geneva, Switzerland.

UNRISD research finds that the new generation of land tenure reforms introduced in the 1990s is not necessarily more gender equitable than earlier efforts, even though women's ability to gain independent access to land is increasingly on the statutes.

http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/64FF792CAE6DF527C1257108003F59AA/$file/RPB4e.pdf

UN-HABITAT. 2004. Pro-Poor Land Management. Integrating slums into city planning approaches. Nairobi, Kenya.

http://www.gltn.net/en/e-library/land-information-management/pro-poor-land-management-integrating-slums-into-city-planning-approaches-/details.html

UN-HABITAT. 2005. Design of Global Network to Develop Pro-Poor Land Tools.

UN-HABITAT. 2005. Secure Tenure Options for Women

In most countries, a range of land rights and tenure types exists, which forms a continuum (from informal to formal). Whether tenure is informal or formal, it is usually understood, recorded and/or registered in the name of men, leaving women's secure tenure often dependent on their relations with their in-laws. As women's access to land and housing is often through their husbands or fathers, they may lose such access after widowhood, divorce, desertion, or male migration. While collective forms of tenure also include women, the decision-making processes are often dominated by men, excluding women from the important decisions regarding the land and housing.

http://www.gltn.net/en/search-publication/gender/shared-tenure-options-for-women-/details.html

UN-HABITAT and GLTN. 2008. Land Registration in Ethiopia: Early Impacts on Women.

This study focuses on how Ethiopian land law has been implemented in practice. In particular, it examines how the position of women, in cases of divorce or death of their husbands, may have changed and whether the new laws have impacted on the empowerment of women. Gender impacts are also captured by comparing the situation of the female headed households with other households. The complete report as well as a summary is available at the URL below.

http://www.gltn.net/en/newspage/land-registration-in-ethiopia-early-impacts-on-women.html

UN-HABITAT and GTLN. 2008. Grassroots Mechanism. GTLN Strategies for building on local experience and local demand. Summary Version. http://www.hakijamii.net/grassroots.pdf

UN-HABITAT. 2009. Not about us without us: Working with Grassroots Organizations in the Land Field.

The publication suggests twelve criteria for ensuring and assessing quality grassroots participation, which are distilled from various case studies and lessons learned by partners. It then sets out four ways in which grassroots participation can be integrated in land tool development: (1) development of large-scale land tools by any stakeholder; (2) scaling up of community-led land initiatives; (3) strengthening the capacity of the grassroots to engage in land administration and management; and (4) promoting grassroots participation amongst GLTN partners.

http://www.gltn.net/index.php?option=com_docman&gid=212&task=doc_details&Itemid=24

World Bank, FAO and IFAD. 2009. Gender in Agriculture Sourcebook. Washington, USA. p.159-61.

http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTARD/EXTGENAGRLIVSOUBOOK/0,,contentMDK:21923715~pagePK:64168445~piPK:64168309~theSitePK:3817359,00.html

ANNEX 3.
Glossary

Cadastre can refer to an organization involved in land administration, but often pertains to a specific type of land information system. It is normally a **parcel-based** land information system containing a record of interests in land (e.g. rights, restrictions and responsibilities). It invariably holds geometric description of land parcels linked to other records describing the nature of the interests, the ownership or control of those interests, and often the value of the parcel and its improvements. The geometric descriptions are made using spatial data or coordinates which are obtained through **cadastral surveying** – a special type of land surveying aimed at obtaining information about land and land based properties (e.g., buildings). The data is then processed to produce cadastral maps. Cadastre may be established for fiscal purposes (e.g. valuation and equitable taxation), legal purposes (conveyancing), to assist in the management of land and land use (e.g., for planning and other administrative purposes), and enables sustainable development and environmental protection (FIG 1995).

Discrimination is the treatment of particular individuals or groups less favourably than those of dominant groups, whether it be in private or public spheres of people's lives.

Evictions are the permanent or temporary removal of individuals, families or communities against their will from homes and/or land which they occupy without the provision of and access to legal or other protection.

Gender is the culturally specific set of characteristics (not biological) that identifies the social behaviour of women and men and the **relationship** between them. Gender is socially constructed. Because it is a relational term, gender must include women and men and not only women. Gender relations between and within cultures change over time. Like the concepts of class, race and ethnicity, gender is an analytical tool for understanding social processes.

Gender analysis is an examination of the power relations between men and women, the diversity of women, and their circumstances as well as their respective responsibilities, needs and interests as they impact on women's access to land, as sets and decision making power. A gender analysis is essential for ensuring equity in land, property and housing.

Gender equality Explicit recognition that women and men have equal rights, equal treatment before the law and therefore predicated on the achievement of equal – not same – outcomes for both women and men. Gender equality is enshrined in international human rights instruments.

GLTN Gender Mechanism is a set of instruments, strategies or processes by which interested parties can assess to what extent the gender dimension is addressed in policies, programmes and projects. The main purpose of a gender mechanism is to ensure that the gender dimension is systematically mainstreamed in the land tool development, implementation and dissemination. The objective of the mechanism is to promote more effective, efficient and equitable land governance models that are driven by gender sensitivity as core principles.

Gender relations constitute and are constructed by a range of institutions such as the family, legal systems, or the market. Gender relations are hierarchical relations of power between women and men and tend to disadvantage women. These hierarchies are often accepted as "natural" but are socially determined relations, culturally-based, and are subject to change over time.

Gender mainstreaming is the process of integration of gender equality concerns into analysis and operational activities, policies, programmes and projects of organizations.

Gender-sensitive – refers to ideas, initiatives, actions that take into account the particularities pertaining to the lives of both women and men, while aiming at eliminating inequalities and promoting an equal distribution of resources, benefits, burdens, rights and obligations to both men and women.

Gendering tools refers to the modification of tools so that they can be used in response to obstacles women face in using tools, recognizing the differential impact of a tool on women and men. It is a process of ensuring that tools can deliver on women's rights to land, property and housing.

Grassroots usually refers to women and men and/or their organizations that do not have significant political or economic power. In the context of land, grassroots refers to women and men experiencing land-poverty, exclusion and/or marginalization.

GLTN's Grassroots Mechanism is a set of instruments, strategies and processes with a focus on pro-poor and gender-sensitive approaches to land governance. Grassroots is understood to include; women and men experiencing land poverty, users or potential users of land systems and civil society organizations and social movements – a focus on the disempowered. Its objective is to develop methodologies, strategies and processes that will ensure the criticality of the role of poor women and men in decision making for tools development and implementation and for equitable access and ownership of land and its resources.

Land administration "is the process of determining, processing and disseminating information regarding land [rights], value and use, when implementing land management" (UNECE 1996). It "is an instrument for implementing and monitoring specific policies with regard to land. It has also been described as the operational component of land tenure which provides the mechanisms for allocating and enforcing rights and restrictions concerning land" (Dale and McLaughlin 1988).

Land governance: Governance is the process of governing. It is the way in which society is managed and how the competing priorities and interests of different groups are reconciled. It includes the formal institutions of government but also informal arrangements. Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced and the way competing interests in land are managed. Ultimately, land governance is about power and the political economy of land.

Land information system is a system for acquiring, processing, storing and distributing information about land. This is sometimes called **land information management system** and it often emphasizes the information management aspect as opposed to a mere focus on information capture and storage.

Land management "is the art or science of making informed decisions about the allocation, use and development of the earth's natural and built resources. Land management includes resource management, land administration arrangements, land policy and land information management."[20]

"It extends from the making of fundamental policy decisions by politicians and governments to routine operational decisions made each day by land administrators such as land surveyors, valuers and land registrars." Land management "..is both the science and art that is concerned with technology, the people who use it, and the organizational and administrative structures that support them."[21]

Land market refers to process and systems whereby land is transferred through sale or lease. It doesn't include inheritance and it is therefore not the same as land transfer. When land transactions take place without the knowledge / consent of public authorities or property lawyers designated to mediate such transactions, the transfers give rise to informal land market.

Land reform: usually refers to agrarian reform implicated in legal processes to change the distribution of land ownership and rights in favour of those who are land-poor. However, land reform in almost all countries of the world has not been equitable to women who are land-poor.

Land tenure: the way in which individuals, groups and societal interests relate to land and its resources. It is about the relationships among individuals and their behaviour relative to one another, in relation to their interest in land, to spatial units and to the resources they contain. A land tenure system does not have to be formal and/ or contain registered titles or be written. "Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats" (CESCR 1991). Therefore, land tenure includes sets of formal or informal rules and institutions which determine access to, and control over, land and natural resources.

Land tenure security can be defined in various ways:

The degree of confidence that land users will not be arbitrarily deprived of the rights they enjoy over land and the economic benefits that flow from it.

The certainty that an individual's rights to land will be recognized by others and protected in cases of specific challenges; or, more specifically:

---

20   Jeyanandan, D., Williamson, I.P. and Hunter, G.J., (1990). Appropriate Land Information for Developing Countries, Canberra, Aurisa 90, Urpis 18.

21   Dale P.F. and J. D. McLaughlin. 1988. Land Information Management. Oxford, UK. Clarendon Press.

The right of all individuals and groups to effective government protection against forced evictions (GLTN 2008 p. 5).

Put another way, security of tenure includes protection against eviction, transferable rights (through inheritance, sale and lease) and the possibility of having a mortgage and access to credit. Conversely, insecure tenure refers to a situation with a perceived or real possibility of eviction or a loss of use or other forms of land rights.

A Mechanism is a framework of methodologies and strategies for the systematic development of a specific area, such as gendering land tools.

Participation is the articulation by stakeholders – women and men – of their needs and interests, which are to be taken into account in the planning, implementation and evaluation of land policies. Meaningful participation presupposes direct involvement and influence in decision making.

Patriarchy refers to the systemic societal structures that institutionalise male physical, social and economic power over women and children. It implies that men, generally speaking, hold power in all the important institutions of society and that women are deprived of access to such power. Additionally, these institutions and cultures are designed to support and benefit men. Patriarchy is culturally specific and also influenced by changing socio-economic relations in societies. It does not imply that women are either totally powerless or totally deprived of rights, influence, and resources.

Poverty reduction (or poverty alleviation) is any process which seeks to reduce the level of poverty in a community, or amongst a group of people. It is a process that gives priority to analyzing, designing, and implementing responses which aim to protect the most vulnerable women, men, and children by taking into account their particular situations and countries.

'Pro-poor' refers to processes and programmes that focus on the most deprived women, men and children in a given location or context as the principal beneficiaries of that process or programme. A pro-poor focus is a means to addressing social, political, economic, cultural and governance inequities in any given country.

Sex-disaggregated data also referred to as 'gender-disaggregated data', is the collection and separation of statistics and data by sex in order to make comparisons between them. It assists in understanding, for example, what and how much land women and men own, rent or work on. Access to sex-disaggregated data is essential for gender-responsive land administration and management.

Shelter means more than a 'roof over one's head'. Shelter also means adequate privacy and space; physical accessibility; security and freedom from violence; security of tenure; structural stability and durability; adequate and affordable basic services such as water, sanitation, solid waste management, health, education; a healthy living environment.

Slums, according to UN-HABITAT, are defined by lacking one or more of the following five conditions – access to water, access to sanitation, security of tenure, durable housing quality, and sufficient living area.

Tools are the converters of objectives in legislation, policy or principles into implementation. They bring together the knowledge, skill and ability on how to practically deliver results.

Women's land rights refers to women's access to, control over and ownership of land and resources.

A training package

Improving gender equality and grassroots participation through good land governance

Volume 2: Trainers' guide and training tools

UN@HABITAT
FOR A BETTER URBAN FUTURE

GLOBAL
LAND
TOOL
NETWORK

CONTENTS

HANDOUTS

["One is not born a woman, but becomes one"
Simone de Beauvoir]

Introduction

This training package provides an introduction to the important, complex, and sometimes daunting theme of improving land governance as a means to, among other things, enhance gender equality and grassroots participation in land matters. New global thinking on access to land and tenure security indicates that changes in analysis and practice are key to improving land governance. The package is designed for professionals, working in the field of land, governance, grassroots participation and gender in public institutions or civil society organisations.

The world today faces many complex challenges, including climate change; rapid urbanisation; increased demand for natural resources; food, water and energy insecurity; increased natural disasters; and addressing conflict. Many of these challenges have a clear land dimension such as: unequal access to land; insecurity of tenure; unsustainable land-use; weak institutions for dispute and conflict resolution.

Land is the single greatest resource in most countries. Access to land and other natural resources and the associated security of tenure have significant implications for development. Secure rights of access for the poor and vulnerable are increasingly affected by climate change, conflicts and natural disasters, population growth and urbanization, and demands for new energy sources such as bio-fuels.

Conventional technical approaches to land will not be adequate to address these issues. Part of the reason is that existing land administration tools are not able to cope with current, let alone future challenges. Globally, only some 30 percent of land is formally registered, 70 percent remains unregistered. Only two percent of women have formally registered land rights.

The other part of the reason is that the nature of the problems is simply too complex for traditional linear analysis and sectoral approaches. Issues such as informal settlements, landlessness and hunger and food insecurity have been intractable land problems for

many decades. Land reform and urban upgrading, for example, have been implemented in numerous countries in different ways, yet landlessness persists and informal settlements are expanding. Now climate change poses new challenges for land management. The above points signal the need for a new perspective and approach to land issues.

This training module is one initiative of many, being taken by GLTN/UN-HABITAT to further the agenda for improved land governance. The overarching goal of the training is to improve women's land and property rights and promote the participation of grassroots communities in land processes. The focus is obviously on gender equality and grassroots participation as key dimensions of good land governance. This is in sync with the concept of 'good enough governance' in that it allows zooming in on and making a difference in select but arguably the most decisive elements of good land governance.

The training package is prepared in two volumes: 'Trainee's Handbook: Readers and References' and; 'Trainer's Guide and Training Tools'. The volume at hand is **a trainers' guide which consists of a series of facilitation notes as well as process maps** whereby the content provided in the training toolkit can be delivered.

["You can only govern men
by serving them"
Victor Cousin]

Introduction to the Training Package

The Global Land Tool Network (GLTN)/UN-HABITAT and its partners in have been involved in the development and dissemination of land tool to assist stakeholders involved in improving access to land and securing tenure to better understand and incorporate the new land governance centred thinking in their practice. A key area of global consensus for improving land governance is that pro-poor gender responsive analysis is essential to changing relations of land governance. Improved grassroots participation is another area that can benefit from good land governance as well as in turn improve land governance.

This training module provides an introduction to improving land governance in which pro-poor, gender-sensitive approach and grassroots participation are front and centre. It identifies some of the competencies needed to address the complex yet day-to-day issues of land management and administration.

Target group of the training

The target group of this training are professionals, leaders and activities working in public institutions and civil society organisations who are dealing with land, governance, grassroots participation and gender issues. Examples of professionals comprising the target group are surveyors, administrators, planners or policy makers and also community workers, staff of NGO's involved in advocacy and development workers.

Objectives

The objectives of this training are to:

- Facilitate the understanding of the concept of land governance and its pivotal role in improving access to land and security for women and poor women and men.

- Show how better land governance could lead to improved land rights for both women and men and increased participation of grassroots communities in land matters.

- Define and explore competencies that can contribute to improving land governance.

Expected training outcomes

Participants will be able to:

- identify and explain concepts involved in improving land governance.

- differentiate, assess and develop mechanisms and processes for improving land rights of women and grassroots communities.

- point out and analyse competencies for improving land management and administration with a view to making them gender sensitive and participatory.

Overview of sessions

Session	Activity
1	Activity 1.1 Introductory game – Where is everyone from? Who are they? Activity 1.2 Introductions, expectations, training objectives and outcomes Activity 1.3 "Governing ourselves" – ground rules
2	Activity 2.1 Building a common understanding of land concepts with emphasis on land governance Activity 2.2 Land governance today: the challenges Activity 2.3 Understanding and promoting principles of good land governance
3	Activity 3.1 Grassroots participation Activity 3.2 Criteria for assessing and promoting grassroots participation Activity 3.3 Community participation in Las Flores Activity 3.4 Introducing gender Activity 3.5 Gender equality and land Activity 3.6 The tribulations of Madam Abiba Suleiman Activity 3.7 Competencies for improving land governance
4	Activity 4.1 Understanding discrimination Activity 4.2 Exploring the negotiating territory Activity 4.3 Reducing land conflicts – your experiences Activity 4.4 Role play – conflict resolution in the case of multiple sales of peri-urban land in Accra, Ghana Activity 4.5 Web-mapping land stakeholders Activity 4.6 Partnerships for producing housing Activity 4.7 Lowering communication barriers
5	Activity 5.1 Improving land governance – my action plan

["I hear, I forget. I see, I remember.
I do, I understand."
Chinese saying]

General facilitation guidelines

Adults respond differently to different ways of imparting knowledge and retention differs according to the medium in which the learning takes place. In workshops, adults are not only recipients of knowledge, they are also active in shaping it and giving it depth from their own lived experiences.

It has often been said that adult participants will retain:

- 10 percent of what they read;
- 20 percent of what they hear;
- 30 percent of what they see;
- 50 percent of what they both hear and use;
- 70 percent of what they do.

While facilitating try to:

- Keep eye contact with participants at all times and be an active listener.
- Ask questions, paraphrase, and summarize.
- Facilitate fairly, give all participants an equal opportunity to speak, chair sessions, report back from small groups, do an energizer.
- Not use sexist, racist or other discriminatory language or examples. Practice inclusiveness and make an effort to include participants who are new to workshops or feeling inhibited. However, do not embarrass them either. No means no.
- Respect everyone and withhold judgement.
- If one person is speaking more than others and others are being silenced, suggest that others be given an opportunity to speak before returning to the one who has already spoken. Then give the person the floor.
- Ensure there is sufficient time allocated to discussion, questions and comments. Do not rush a discussion when it is obvious everyone needs to talk further.

- Keep your speaking time short. The facilitator is there to facilitate learning and interactions and not to occupy the workshop time her/himself.
- Keep your presentations and mini lectures brief – remember KISS (Keep it short and sweet).
- Facilitators don't always know everything about the subject they are facilitating. If you do not have an answer to a question, be honest and say that you do not. You can take an educated guess, ask someone else in the room if they know, and/or you can offer to find the answer and report back to the workshop later.
- Use energizers when you feel the group is fading and is tired.
- Intervene immediately if you see a problem developing. It is important to diffuse the situation before it gets worse. You can use the 'house rules' for this.
- Practice what you preach. Keep to the rules yourself.
- Arrive in time for your sessions.
- Be well prepared in advance and ensure that you have timed and tested the methods and tools you are going to use.
- Prepare all the handouts, PowerPoints, etc. well in advance of the workshop.
- Always remember to appreciate, praise and thank participants. Encouragement is critical to motivation and engagement.
- And always have FUN!

On training aids

Almost all the sessions in this workshop module require either flip charts, flip chart stands, markers, masking tape and/or a computer and an LCD projector. Ensure you have these for the duration of the training workshop.

On time management

The time allocation under each activity is only an estimate and might vary according to the background, experience, etc. of training participants and the group dynamics (how they work together). The extent to which the facilitator has mastered the subjects that this training addresses, and the facilitation skills will also affect the duration of each activity, session as well as the entire training.

Overall, the training can take anything between 3-5 days to reasonably cover the training package and attain the learning outcomes.

The sizable workload and the huge level of effort that the training entails can be illustrated by considering the time that the group exercises presented through handouts require. There are 10 exercises. Allocating 90 minutes for each (some need more and some less) adds up to 15 hours – about two working days. In addition to these exercises, there are several presentations and plenary sessions that need as much, if not more, time as the exercises.

The key point is that time has to be carefully budgeted. When necessary, selection of activities and the time needed to undertake them have to be calculated in order to get the most out of limited time that training events may have to grapple with.

It is highly recommended that Volume 1 of the package and other relevant readings are sent to training participants well in advance to allow prior preparation and promote better transfer of knowledge and skills during the face-to-face encounter.

The International Association of Facilitators

http://www.iaf-world.org/i4a/pages/index.cfm?pageid=1

If you are interested in facilitation as your professional space you can check out the International Association of Facilitators (IAF). The IAF is dedicated to growing facilitators and encouraging the use of group process methodologies world-wide.

Institute of Cultural Affairs (ICA)

http://www.ica-international.org/

The Institutes of Cultural Affairs are an international network of autonomous national organizations that train people in a range of human resource and

institutional change processes. Their mission is: "… to advocate for and actualize the fundamental right of all peoples to define and shape their own futures, toward the goal of realizing sustainable, just solutions to human challenges". Working in English, French and Spanish they also mediate various change processes themselves.

UN-HABITAT. 2005. Volume 3: Concepts and Strategies, Chapter 4 – The Facilitating Competency, p. 111-149, and Volume 4: Training Tools, Chapter 4 – The Facilitating Competency, p. 61-93, in Key Competencies for Improving Local Governance. Nairobi, Kenya. You can purchase or download copies for free from:

http://www.unhabitat.org/pmss/getPage.asp?page=bookView&book=1921

SESSION 1
INTRODUCTIONS AND EXPECTATIONS

Session 1:

Introductions and expectations

Objectives

◆ To enable participants and facilitators to get to know each other

◆ To clarify training objectives and outcomes.

Outcome

◆ Participants will be able to know each other and point out what the training intends to achieve.

Activity 1.1 Introductory game – Where is everyone from? Who are they?

Process map

1. Welcome everyone to the workshop. Introduce yourselves – the hosts and the facilitators - by saying a few things about the workshop and yourself.

2. Give everyone a copy of Handout 1.

3. They have 10 minutes to go around and meet people and get the ones that match the description to sign on the line that is relevant to them. Encourage everyone to get up from their seats and walk around the room to meet each other.

4. The objective is to get as many signatures as possible to match the phrases on the sheet in 10 minutes. Participants should be rushing to meet each other and fill their handouts. Encourage them to do so.

5. After 10 minutes ask everyone to take their seats.

6. Ask them to raise their hands if they managed to get all 10 signatures? Next, ask those who managed to

fill 9 slots to raise their hands, and so on. Ask them if they managed to figure out one or two of the people on the list. For example, do they know who the land administrator from district X is? Or, who travelled the longest to get to the workshop? The objective is to have fun and get to know something about one another.

Notes for facilitators

There are numerous styles and types of introductory exercises for workshops. Two are presented here. Feel free to use others if you wish.

Facilitators will need to prepare Handout 1 based on the composition of the participants. A sample is provided on the next page.

Alternatively you can play 'The prejudice game':

Objective: getting to know each other and in the same time working on the inclusiveness value/ understanding discrimination.

1. Ask participants to formulate a question that could be related to a prejudice, but which is not too sensitive to answer, e.g. what is your favourite music/ food, what is your professional background, etc. Agree on the questions, limit them to 4-5 questions.

2. Everybody writes their name on a piece of paper.

3. The papers go around and each person answers 1 question for somebody else (based on their prejudice), the answer should be written down quickly, it is the first impression without knowing.

4. Each person receives the paper with his/ her own name and presents herself; first the prejudices, then the reality.

Handout 1   Where is everyone from? Who are they?
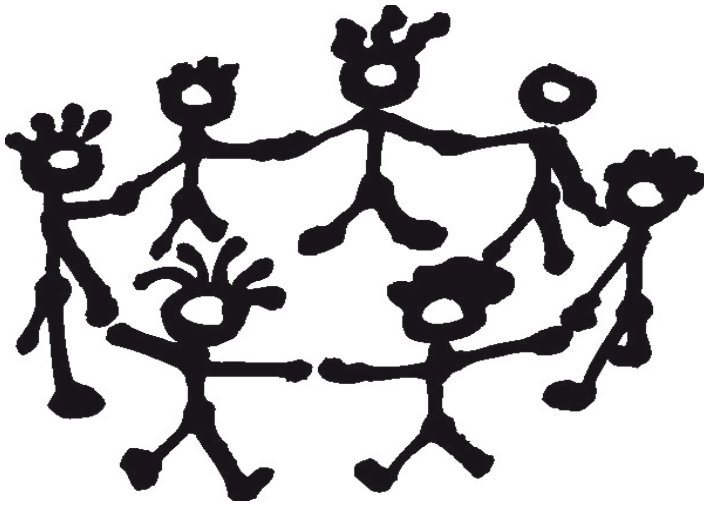
1. Who has travelled from Asia?_____

2. Who is an elected official? _____

3. Is there a surveyor in the house? _____

4. Who is happy to be here? _____

5. Who likes spicy food? _____

6. Who represents a grassroots women's group? _____

7. Who travelled more than 12 hours? _____

8. Is there a representative of a civil society organization here? _____

9. Who is from GLTN? _____

10. Does anyone speak Spanish? _____

11. Is there a farmer in the room? _____

12. Who speaks more than 3 languages? _____

Activity 1.2 Introductions, expectations, training objectives and outcomes

Process map

Ask participants to do a 'round' giving their name, institution, village or city and country; and one expectation of this workshop – briefly.

Write down the expectations (in their own words) on the flip chart or the computer, so everyone can read the list.

After everyone has had a turn, go through the list and affirm and or clarify people's expectations of the workshop.

Ensure everyone is on the same page.

Go through the workshop training objectives and outcomes.

Keep the list of expectations so that you can refer to it at the end of the workshop and/or during the evaluation.

Activity 1.3 "Governing ourselves" – ground rules

Process map

1. Ask participants to tell you about their worst workshop experience. Why was it bad? Ask them what should have been done differently to make the workshop a better experience? Inform them that their experience and expertise will make this workshop better for them.

2. Note their suggestions on flip chart paper or screen.

3. Ensure that some of the following issues are also on the list. If they are not, suggest them to the workshop.

   ◆ Respect
   ◆ Active listening
   ◆ Only one person will speak at a time
   ◆ Openness
   ◆ Willingness to learn

◆ Peer learning

◆ Inclusiveness

◆ Judgement free - no name calling or no sexist, racist, or other discriminatory language, jokes or songs- in the workshop.

◆ Fun

◆ In moments of extreme distress, confusion or disagreement, participants can agree to call out a word such as "bulldozer" or "land court". This is a moment for the facilitator to stop the workshop and address the issue at hand. The agreed upon word/s cannot be used lightly.

4. The suggestions from participants will be the guidelines for everyone's conduct in the workshop. Put them up on the wall for the duration of the workshop.

5. Ask for volunteers to be time keepers. Perhaps one for each half day or for the whole day. It will be their job to shepherd people into the workshop after coffee/tea breaks and after lunch and to generally ensure that the workshop keeps time. Depending on the workshop activity, you might want to ask one or two of them to chair parts of the workshop.

Notes for facilitators

This session is an opportunity for the facilitator/s to discuss and agree on workshop procedures or 'codes of conduct' and for participant engagement in workshop management, etc. There are numerous ways of doing this; you can use your own method or the one included here.

Refer to the General facilitation guidelines on page 7 of this manual.

SESSION 2
UNDERSTANDING NEW CONCEPTS IN LAND GOVERNANCE

Session 2:

Understanding new concepts in land governance

Activity 2.1 Building a common understanding of land concepts with emphasis on land governance

Objectives

◆ To explore some concepts associated with the new global thinking on improving land governance.

◆ To highlight and share the knowledge and experience of different participants working in the land sector.

◆ To come to a common understanding of the key concepts for improving land governance.

Learning outcomes

Participants will be able to:

◆ identify new perspectives in land and explain land concepts.

◆ discuss and use equity considerations in relation to land and land management.

Process map

This exercise helps to familiarise the participants with definitions of terms and concepts related to land governance. Participants are asked to explain two concepts, either individually or in groups (depending on the group size and time allocated for this exercise).

You will need:

• Cards (or plain paper cut into half) of two different colours.

• Words identified below to be written on the cards or paper.

• Refer to the Glossary in Annex 3 (p. 71) of the Trainee's handbook, should you need it.

1. Get participants to work in twos. They can pair off with the person sitting next to them.

2. Give them two cards, one of each colour. Ensure that the two words you have put together make sense together.

3. Participants have six minutes to work together to define the words on their own and when they are used together. They can do so by illustrating with a story or a drawing.

4. Get them to announce their words before they begin their explanation of the words.

5. Let everyone present before facilitating a discussion with the group.

6. Ask them if they differ or disagree with the definitions they have heard.

7. Ask people to speak about their own experience of the terms. You can encourage them by outlining the importance of their experience in understanding governance.

8. Explore the words that caused disagreement.

9. Using the material in the Thematic Content section, discuss the context and need to improve land governance. The discussion here and participants' contributions can also be referred to in your comments.

10. Ask them their thoughts about the concept of equality and equity being brought into the forefront of land management.

Words to be used for this activity are given below. You can repeat some of the words or add additional ones as you please.

Write these words on half a sheet of one coloured paper, or card e.g. yellow. One word per card/sheet.	Write these words on the other sheet of coloured paper, or card e.g., blue. One word per card/sheet.
Land governance	Pro-poor
Security of tenure	Gender-sensitive
Land management	Grassroots
Land information	Poverty reduction
Land markets	Gender analysis
Land reform	Forced evictions
Cadastre	Gender
Slums/ informal settlements	Patriarchy
Shared tenure	Sex-disaggregated data
Land administration	Transparency
	Equity
	Participation
	Rule of law

Notes for facilitators

For this activity it is important to familiarize yourself with the concepts under discussion.

The participants in the workshop bring extensive knowledge and experience to the workshop. Ensure that you facilitate the sharing of their knowledge and experiences in operationalizing these concepts and practices. This is an important opportunity to bring in their perspectives from their different locations in dealing with land issues. Sometimes, land professionals and civil society organizations are working at different ends of the same issue and might not have had the opportunities to explore these issues together.

Activity 2.2 Land governance today: the challenges

Objectives

* To discuss and define weak land governance.
* To identify the different sources and impacts of weak land governance.
* To highlight the implications of weak land governance.

Learning outcomes

* Participants will be able to distinguish and analyse the relationship between the causes and impacts of weak land governance

Process map

1. Make some comments to link the last activity to this one.

2. Show and discuss the definition (and dimensions) of weak land governance with the participants.

3. Inform participants they will now continue the discussion about weak land governance in small groups. Get them to number off – 1 to 3.

4. In three small groups of 6-7 each, they have two tasks.

* Ask participants to identify what they see as the activities that reflect weak land governance. For example, corruption in land administration, lack of proper training of staff, insufficient resources to carry out the responsibilities. Ask them to elaborate these broad topics.

* Ask them to identify the 'costs' of weak land governance, e.g. inequity in the resolution of land disputes, women and the poor continue to be discriminated against, distrust of government officials by the public, a booming illegal land market.

* They have 45 minutes for this activity so that they can focus on all aspects of land governance, i.e. administration, laws, management, as well as customary, legal, formal and informal.

- Request them to identify someone to chair the small group and someone to report to plenary.
- Each group will have 15 minutes to present to the plenary.

5. Put these instructions on the screen so everyone can see them or hand them to the small groups.

6. Ask participants to comment or ask questions after each presentation.

7. Many of the participants will have covered the various points of weak governance as identified in the Thematic Content; however, prepare some comments from the Thematic Content section to validate what they said and to summarize the activity. In your comments bring in what has been highlighted by the participants.

8. Alternatively the comments and questions can be focused on strategies for overcoming bad governance; how can the situation be improved, what role do the different stakeholders have?

Notes for facilitators

Prepare a mini-lecture, PowerPoints or handouts, as you prefer, and as identified in Handout 1 above.

Activity 2.3 Understanding and promoting principles of good governance

Objectives

- To provide a framework whereby land systems circumvent weak land governance.
- To demonstrate how gender equality and grassroots participation underpin the concepts and practices of good land governance.

Learning outcome

- Participants will be able recognize and explain principles that should guide legal reform and policy development, improve land governance and ensure better gender and grassroots outcomes.

Process map

1. Give everyone a copy of Handout 2 – Principles of good land governance.

2. Give everyone a few minutes to read them.

3. Ask them for general comments.

4. Encourage them to reflect on these based on their work in the previous activities.

5. Ask them to consider how principles of land governance link with manifestation and consequences of land governance.

Notes for facilitators

Some of the principles in the handout may need a little unpacking. Therefore, you need to familiarize yourself with the concepts and be prepared to explain and possibly link them to land issues as well.

Based on information in general governance literature, training participants may come up with principles that are not covered in the list or challenge principles that are not commonly mentioned. The best way to address issues like these would be to note that the list in Handout 2 is simply an adaptation of the generic principles in governance literature and is by no means exhaustive or complete.

The discussion on the principles can be long and drawn out. Make sure it doesn't go beyond what is necessary.

Handout 2 Principles of good land governance

- Access to land and natural resources should be equitable. Given the importance of land for a wide range of economic, social and environmental objectives, no group within society should be legally or politically excluded from being able to access land or related natural resources.

- Security of tenure should be provided to all members of society. Good governance ensures the legal recognition and protection of a range of land rights, including customary and traditional rights as well as intermediate forms of tenure. Evictions should be avoided wherever possible; where absolutely necessary, they should be carried out according to national law and international standards related to due process and fair and just compensation.

- Specific measures must be taken to ensure access to land for, and the security of land and property rights of women. A gender perspective on land and property rights must be incorporated at all stages of reform analysis, design, and implementation. Data regarding access to land and security of tenure should be disaggregated by sex.

- Decision-making regarding land and natural resources should be transparent and the processes to participate should be open to all members of society. Good governance places all decisions on land upon respect for fundamental human rights and ensures that all relevant stakeholders are enabled to effectively participate, particularly women and marginalized groups.

- Land management should be decentralized based on the principle of subsidiarity, that is, decisions taken at the lowest appropriate level and based on accountability. It should build on traditional and informal practices, but strengthened to ensure consistency with other governance principles. Inclusive processes are required to ensure the equitable distribution of benefits from land and related natural resources.

- Good governance requires that no one stands above the law, and that politicians, officials, land professionals and other actors are accountable for their actions. It ensures that rules and procedures are clear, consistent, well understood and applied in a transparent manner. It requires that conflicts are managed effectively and efficiently, including through traditional institutions and through alternative dispute resolution methods so long as they do not contravene other laws such as those for women's rights and poverty reduction.

- Effective and efficient land administration should be provided to all members of society. Services should be responsive to the needs of women and men, including poor women and men and other marginalized communities such as indigenous peoples. Costs of acquiring services should be affordable; procedures clear and simple. Technical solutions should be based on available capacity and technology should be gender-sensitive and pro-poor.

- Sustainability should be ensured by taking a long-term perspective. Good governance requires in-stitutional and financial sustainability. Policy decisions and administrative action should not compromise the social, economic and environ-mental needs of future generations.

Adapted from: FAO and UN-HABITAT, 2009. Towards Improved Land Governance. Land Tenure Working Paper 11.

SESSION 3

GENDER EQUALITY AND GRASSROOTS PARTICIPATION AS KEY DIMENSIONS OF LAND GOVERNANCE

Session 3:

Gender equality and grassroots participation as key dimensions of land governance

Activity 3.1 What is grassroots participation?

Objectives

- To enable participants to elaborate the context of grassroots women and men in the land sector.
- To identify challenges faced by grassroots women and men and their organizations.
- To identify possible options to resolve these challenges.

Learning outcomes

Participants will be able to:

- outline challenges faced by grassroots communities in land tenure and property.
- discover possible solutions to the challenges faced by grassroots communities.

Process map

1. Present a mini-lecture with the material provided in the Thematic Content.
2. Inform participants that they are going to develop a generic picture of the current situation with regards to land issues and the grassroots or, in other words, a situational analysis of grassroots and the land sector.
3. Ask them if they are clear as to who is referred to as the grassroots. If not, elaborate for the group.

4. Next, ask them to describe the governance challenges they face in their work as elected officials, land administrators or as civil society organizations in the context of grassroots communities. Ask them to describe how they have resolved these issues.
5. On charts in front of the group, write out the challenges and the solutions.
6. Pick one, two, or three of these issues for a more in-depth discussion. How many issues you can discuss will be based on how much time you have.
7. Ask for comments from the other participants. Perhaps they have had to deal with similar issues with grassroots communities and they have used different approaches? Or perhaps they have had completely different challenges?
8. Are people in agreement with the solutions? Do these solutions contribute to improving land governance?
9. Ask participants if there is another way, i.e. one that promotes improved land governance, for resolving these problems? Ask them to describe and discuss these options.

Notes for facilitators

Prepare a mini-lecture on the issue of grassroots and participation in advance of the workshop in a manner that is appropriate for this activity. Be prepared to elaborate who constitutes the grassroots.

The objective of the activity is to bring in and explore participants' experience and knowledge about land and property issues as they relate to participation of grassroots women and men. Your facilitation can encourage this.

Activity 3.2 Practical aspects of grassroots participation

Objectives

- To highlight and impart the intricacies of grassroots participation.
- To provide tools whereby the quality of grassroots participation can be assessed and ascertained.

Learning outcome

- Participants will be able to assess and analyse the linkages between the quality of grassroots participation and the degree of people's empowerment and sustainability of outcomes

Process map

1. Provide a presentation highlighting the many dimensions of grassroots participation; illustrate this by explaining different forms of participation; don't delve into these subjects in depth, but make sure adequate information is provided.

2. Open up the floor to let participants discuss the theme, especially the different forms/degrees of participation and their implications on empowerment and community control of resources including land.

3. You may wish to let participants to use terms like 'engagement' 'involvement', but make sure these terms are differentiated from participation.

4. Ask participants to reflect on and share reasons behind the proliferation of very many different terms and diverse perceptions of the 'grassroots participation' concept.

5. If the above is done properly, the presentation together with the plenary discussion will have implicitly or explicitly picked up the two major themes of the activity, namely, 'degrees of participation' and 'criteria to assess grassroots participation'.

6. Finish by quickly presenting the criteria and the different levels of participation presented in the Thematic Content; make sure that the criteria are not taken as hard and fast rules, but as flexible measures anchored in daily practice and subject to modification.

Notes for facilitators

The assessment criteria and the levels of participation can be quickly presented by a person who has carefully read and absorbed the Thematic Content. This mode of transferring knowledge will not however be satisfying as a great deal of the information communicated can remain detached from the experience of the trainees. The above process map is thus suggested to make the information experiential and distil what is relevant and useful through interactive learning.

Activity 3.3 Community participation in Las Flores

Objective

* To apply the principles of good land governance to the development of a grassroots participation strategy for security of tenure for an informal settlement.

Learning outcomes

* Participants will be able to work out processes and develop strategies to promote meaningful participation with grassroots communities.

Process map

Make enough copies of the Las Flores scenario (Handout 3) for everyone. Below are further suggestions on how to structure this exercise.

1. Participants will work in small groups to develop a grassroots participation strategy for resolving the issue of insecurity of tenure in a generic slum in a generic city. The scenario of Las Flores is their challenge.

2. Hand out a copy of the case study to everyone. Ensure they are clear as to what they are being asked to do – i.e. develop a grassroots participation strategy to enable security of tenure for the residents of Las Flores. They are NOT being asked to resolve the insecurity of tenure in Las Flores.

3. Have them number off to make 3 small groups. They can number off as Access to Land, Security of Tenure, and Housing Rights instead of 1, 2, and 3. Inform them that they have 1 hour and 15 minutes to develop their grassroots participation strategy.

4. Each group should identify a facilitator and a recorder for their small group. Each group has 15 minutes to present.

5. Request people to comment and ask questions after each case study presentation.

6. Summarize the key points.

7. Thank and applaud everyone for their work in developing meaningful participation strategies.

Notes for facilitators

Ensure the work in the groups is clear. Their task is not to resolve all the land tenure issues, but rather, to develop an inclusive and transparent community participation strategy which will then inform a process to deal with the land tenure situation in Las Flores.

Handout 3   The Las Flores scenario

Las Flores is a high density slum of approximately 40,000 residents. Roughly 35% of households are headed by single mothers. Youth and children make up 55% of the population. It is situated on one bank of a river that flows through the community. Once upon a time it was a village well outside the colonial town. Over the years it has grown to accommodate many more people due to rural to urban migration as well as due to natural population growth. Today, the following features define Las Flores:

Land tenure

It is not precisely clear who owns the land where the slum is today. There are many conflicting claims to land ownership. Some residents land claims are based on customary land rights. Others claim they bought land from a previous owner. Yet others claim they are managers of land for absentee landlords and many only claim to rent land or structures from others. Either way, renters are paying high rent for small pieces of land and homes.

Services

The municipal council does not officially provide water, sewerage, electricity or solid waste removal services to Las Flores. However, engineers from the Water Department did put stand pipes along the main road that goes through the slum. They have set up a few kiosks where residents pay for water. The remaining services are organized by the residents themselves and/or provided by small private sector providers and some NGOs, CBOs and faith-based organizations.

Housing stock is varied, ranging from houses made of brick and concrete to shacks. Rents are high.

Economic activities

Women's paid work outside Las Flores includes: domestic work, restaurant work, retail work, service sector work, factory work and prostitution. Women's work that generates income inside Las Flores covers a range of services such as sewing, child minding, selling cooked food, selling homemade liquor, running informal restaurants, retailing of essential items, and prostitution.

Men's paid work outside Las Flores includes: domestic work, restaurant work, retail work and service sector work, factory work, daily labour on demand, transportation. Men's work that generates income inside Las Flores includes, metal fabricating, tool and die making, general repairs, cooking, selling of drugs, sale of second hand clothes. Nevertheless, unemployment is high and there is high unemployment of young women and men as well.

Your task

The municipality, with support from the national government, has created a stakeholder group that includes city planners and engineers as well as social workers, health workers, activists, researchers, land surveyors, academics, journalists, politicians, and representatives from the commercial and industrial sector of the city. You represent this stakeholder group. You have been given a clean slate to come up with a model for grassroots participation for resolving the land tenure situation in the slum so that over time Las Flores can be upgraded, get services, and become a vibrant and 'official' part of the urban fabric of the city. You need to provide community participation strategy for tenure security. How would you do this?

A grassroots participation strategy includes:

1. Objective (what do you want to get out of the process?)

2. What is your message and what type of input do you expect and need?

3. Target group of the strategy (who do you want to reach and what are the different roles of the stakeholders and actors?)

4. How can you reach your target group (what consultation forms are comfortable for them?)

5. How much time do you have for the participation strategy?

6. Can you include a feedback mechanism?

Note: Your task is not to resolve all the land tenure issues, but rather, to develop an inclusive and transparent community participation strategy which will then inform a process to deal with the land tenure situation in Las Flores.

Your work has to be informed by these principles of good land governance:

Pro-poor and gender-sensitive, gender equity, inclusiveness, transparency, accountability, justice, rule of law, equity.

Notes for facilitators

If people are not clear as to what is required for developing a grassroots participation strategy, you can assist them with the following suggestions (use the following chart as a template) or make a similar chart of your own that is relevant to the people and the place where you are conducting this workshop. Please note that the suggestions below don't constitute an all-encompassing and complete template as this needs to be activity and community specific. However, the combination of the suggestions below and the criteria in the toolkit should offer enough guidance to think through and work out a modest participation strategy. Further, make sure training participants understand that they will need to add additional steps as they proceed in developing the strategy.

Identification of land tenure regimes and stakeholder groups

Identify the key issues for community participation by answering the following series of questions:

1. How will you identify the range of land tenure regimes operating in Las Flores? By what methods?

————————————————————

————————————————————

————————————————————

————————————————————

————————————————————

2. Identify the range of stakeholder groups. How will you do this?

————————————————————

————————————————————

————————————————————

————————————————————

————————————————————

3. How will you decide who to consult?

————————————————————

————————————————————

————————————————————

————————————————————

4. What methods will you use to consult them?

————————————————————

————————————————————

————————————————————

————————————————————

5. What are the other issues that are tied to land tenure?

————————————————————

————————————————————

————————————————————

————————————————————

6. Do these impact the problem of resolving insecurity of tenure?

————————————————————

————————————————————

————————————————————

7. What will you do with these issues?

————————————————————

————————————————————

————————————————————

————————————————————

Communication strategy

1. What communication strategy do you need for each stage of the participation process?

_____
_____
_____

2. What are the different processes?

_____
_____
_____
_____

3. What means of communication will you use for each step?

_____
_____
_____

Other issues to consider

These questions can be used as a scenario and asked to the participants after their presentation, testing the strategy.

1. Rumours are being spread to discredit you. What will you do?

2. People are being intimidated, so they will not speak with you. What will you do?

3. Your colleagues in the slums are being threatened because they speak/work with you. What will you do?

4. How does your community participation strategy reflect the principles of good land governance?

Give participants 1 hour and 15 minutes to develop their participatory grassroots consultation strategy.

They should identify a facilitator and a recorder for their small group. Each group has 15 minutes to present.

Activity 3.4 Introducing gender

Objectives

- Clarify the meaning of "gender".
- Discuss ways in which gender values and identities are learnt.
- Recognize ways in which gender identities and expectations change over time.

Learning outcomes

- Participants will be able to identify and describe key concepts related to gender.

Process map

1. Brainstorm 15 minutes on the understanding of the terms "sex" and "gender". Write all responses on flip chart paper for all to see. Tell them that you will come back to their responses after the small group exercise.

2. Hand out a copy with the four questions to be discussed in small groups to everybody, ensure that everybody understands the questions and what should be done.

3. Divide participants into 4 to 5 small groups. Ask each group to designate a rapporteur who will report back to plenary.

4. The groups have 45 minutes to discuss the following four questions:

   - As you were growing up, what influences shaped your behaviour as expected of a boy/girl, man/woman? Can you give specific examples?

   - Think about your grandmothers and grandfathers. Do people of your generation have different expectations and experiences of their gender responsibilities and values? Are there differences in gender roles and expectations between your grand parents' generation and your own? Please list them.

   - Are there differences between your children's generation and your own in terms of gender values and expectations? What are they? Please identify them.

   - What factors have brought about the changes in successive generations?

5. Ask each group to make a presentation in plenary. After all presentations discuss what can be learned from the small group exercise. Draw up points about the way we learn about socially acceptable gender roles, the nature of change in gender identities and the factors that bring about change. Refer participants to the responses from the brainstorming exercise. Ask participants to evaluate the responses they made during the brainstorm against the outcomes of the small-group discussions.

Notes for facilitators

Points that should be emphasized include:

◆ We all learn/internalize gender values and expectations appropriate to our own culture and society as we grow up.

◆ Gender roles and expectations are culturally specific and therefore different in different places and different societies. There is no one way to be a boy or a girl or a women or a man.

◆ Even within the same society, gender roles and expectations change over time.

◆ Gender roles and expectations change due to planned and unplanned factors. The processes of change are often slow. Change is not straightforward and it can be positive or negative.

Be prepared to explain gender concepts introduced in the participants version.

Handout 4 How do we learn to be gendered?

1. As you were growing up, what influences shaped your behaviour as expected of a boy/girl, man/woman? Can you give specific examples?

2. Think about your grandmothers and grandfathers. Do people of your generation have different expectations and experiences of their gender responsibilities and values? Are there differences in gender roles and expectations between your grand parents' generation and your own? Please list them.

3. Are there differences between your children's generation and your own in terms of gender values and expectations? What are they? Please identify them.

4. What factors have brought about the changes in successive generations?

Source: Adapted from Gender in Local Government. A Sourcebook for Trainers, UN-HABITAT 2008

Activity 3.5 Gender equality and land

Objectives

- To enable participants to elaborate the state of women and gender in the land sector.
- To identify challenges faced by women in securing land and property.
- To identify possible options to resolves these challenges.

Learning outcomes

Participants will be able to:

- recognize and explain the difficulties faced by women in securing land and property.
- propose and specify possible solutions to the challenges faced by women.

Process map

1. Present a mini-lecture with the material provided in the Thematic Content section.

2. Inform participants that together you all are going to develop a generic picture of the current situation regarding women and land issues or in other words, a situational analysis of women and the land sector.

3. Next, ask them to describe the governance challenges they face in their work as elected officials, land administrators or as civil society organizations in the context of women's land and property rights. Ask them to describe how they have resolved these issues.

4. On charts in the front of the group, write these out – the challenges and the solutions.

5. Pick one, two, or three of these issues for a more in-depth discussion. How many issues you can discuss will be based on how much time you have.

6. Ask for comments from the other participants. Perhaps they have had to deal with similar issues with different kinds of women and they have used different approaches? Or perhaps they have had completely different challenges?

7. Are people in agreement with the solutions? Do these solutions contribute to improving land governance?

8. Ask participants if there is another way, i.e. one that promotes improved land governance, for resolving these problems? Ask them to describe and discuss these options.

Notes for facilitators

Prepare a mini-lecture on the issue of women, gender and land in advance of the workshop in a manner that is appropriate for this activity.

The objective of the activity is to bring in and explore participants' experience and knowledge about land and property issues as they relate to women. Your facilitation can encourage this.

Activity 3.6 The tribulations of Madam Abiba Suleiman

Objectives

◆ To understand the multiple ways that discrimination against women operates in the land sector.

◆ To consider the changes in governance that are needed to secure women's rights to land and property.

Learning outcomes

Participant will be able to:

◆ discuss the nature and depth of discrimination against women's rights in land and property.

◆ list and explain structural changes needed for gender equality in land and the role of improving land governance in this.

Process map

Reproduce enough copies of the scenario (Handout 5) for everyone.

1. This is a small group exercise. Divide the participants into three groups.

2. In small groups, they are to read the scenario of Madam Abiba Suleiman and answer the following questions. Provide them the list of questions along with the scenario.

3. Questions

a) Identify the different land tenure and 'ownership' engagements in Madam Abiba Suleiman's life.

b) Identify all the issues in Madam Abiba's life where she is not able to either access land or secure her land and property rights.

c) What are the prevailing land issues that are the cause of her insecurity?

d) For each of these causes, identify how things would have been different if Madam Abiba had been a man.

e) For each of them, identify how they caused Madam Abiba hardship. Do you know of examples where other women or men have suffered such hardships around land and property rights?

f) In each of these instances, what could Madam Abiba have done differently to secure her land and property rights?

g) Identify what changes are needed in land governance (policies, legislation, education, tenure reform, formal rights, advocacy and legal clinics, etc.) so there is equality in land and property rights for Madam Abiba and other women like her.

4. Small groups have one hour to finish their assignment.

5. They will record their answers and present them to the plenary

6. In the plenary, have each group first answer the first question. Take comments and questions. Then move on to the 2nd question and have all groups present for discussion, until all questions have been answered.

7. Give them handout 2 about what UN-HABITAT suggests is needed for gender equality in land policies. Ask the group for comments. How does this list compare with what they have proposed in their small groups?

8. Ask the group for their general thoughts and comments about women and land rights based on their experience of the scenario and the exercise.

Notes for facilitators

Ensure that enough copies of Handout 5 are available for everyone.

Encourage participants to elaborate on other cases they know about women, land and property rights and if there has been or is a change in governance for equality between women and men. What has been the consequence of this change?

Make a checklist before the training, including the desired and expected answers to the questions (3a-g), to be well-prepared to comment and encourage during presentations.

Handout 5 Scenario: the tribulations of Madam Abiba Suleiman

Madam Abiba Suleiman is of the Temne tribe in Sierra Leone and has four brothers and a sister. As a young lady she received land every farming season from her family head, like all the young men and women in the village. She understood that by the custom of the tribe she was entitled to the use of the land for the farming season only. She was not allowed to cultivate perennial crops and she cultivated vegetables on the lowlands that she was always given because the men planted rice on the highlands. When she realized, after the civil war, that women from nearby Guinea sold a lot of vegetables like tomatoes in Freetown because they cultivated on large scales, she decided to expand her farming activities to enable her sell her produce in the market. When she approached her family head with her plans, she was told that she could not do that as the men needed the land in the main season to cultivate rice. About six months after she was refused permission to cultivate the land on a more permanent basis, one of her brothers approached the family head for land to cultivate mangos and the family head granted his request. Madam Abiba could not complain because the beneficiary was her own brother.

Not long after that she married a man from the Mende tribe and moved with her husband to his village. Her husband's family welcomed her and was extremely nice to her. Her husband was very hard working and they were able to cultivate two large plantations of cola nuts. Additionally, her husband planted rice on the highlands during the main farming season and she cultivated vegetables and legumes during the minor rainy season. They were also able to build a modern house in the village where they lived. After about 15 years their marriage was not blessed with a child and this created some disaffection among her husband's family members towards her. Her husband's sisters encouraged him to take another wife but he refused. In the midst of this confusion, her husband died suddenly. Madam Abiba was shocked beyond belief. The family buried her husband and the funeral rights were held. On the fortieth day after the death of her husband, her husband's family had a meeting and invited her. She was informed that the family had decided to give her to her late husband's younger brother to marry. Madam Abiba asked to be allowed to think about it and she was given one month to do this. At the end of the one month period the family called her again for an answer. She was emphatic that she would not marry her late husband's brother. The family head then informed her that in that case the family could no longer keep her and she could not continue to work on the family's land. She enquired about the cash crop farms and whether she had any claim on the revenues accruing from them. The reply was negative; since the farms were on the family's land and since she no longer belonged to the family she had no claims on the farms. Madam Abiba packed her personal belongings and left for her own village after a few weeks.

While she was away with her late husband in his village, her father had died and she had attended the funeral and done all that was expected of her as a daughter so returning to her village was not a problem. She however found out on arrival that all her father's lands had been distributed among her brothers who were actively farming. When she requested for a portion of her father's land for her use she was informed that since her brothers had appropriated her father's lands she could only be entitled to the land the family head shared at the beginning of each farming season and then she could only cultivate vegetables. She was devastated. She had come back to where she started from. After staying in the village for about three months she decided to go Freetown to seek her fortune.

In Freetown, she settled in Gloucester Village which lies on a hill beyond Fourah Bay College. The area is quite hilly with a lot of vacant lands used for agriculture but with a potential for real estate development. Without money and without any skills, Madam Abiba had few options for survival. She teamed up with a group of 30 other women. Some of the women were in polygamous marriages and had the responsibility of caring for their children, to form a farming group. The Group negotiated for land from a local Creole landowner and obtained about an acre of land. The land sloped into a small stream at the foot of the hill. In the rainy season, the Group farmed the slopes of the hill and farmed the valley in the dry season, paying rent of Le 100,000.00 in each season. The Group cultivated vegetables like carrots, cabbage, Chinese cabbage, thyme and lettuce, but the landowner did not permit rice cultivation. The Group sold the produce of the farm and shared part of the proceeds among themselves. They also gave themselves loans out of the income from the farm produce at an interest rate of 25%. The Group had no title to their land and operated with the permission of the landlord. This meant that the Group could not

Handout 5 continued

make any improvements to the land as their tenancy was virtually from one farming season to the next. After about five years of uninterrupted cultivation of the land the landlord called the leadership of the Group one day to inform them that he needed the land for his personal use, thus terminating their tenancy. The Group could do nothing but leave the land. It turned out later that another Group had offered the landlord a higher rent for the land.

Madam Abiba had by this time accumulated a little capital and decided to re-locate to Bo in the eastern part of the country to seek her fortunes. At Bo she decided not to work on land again and started a little trading business with the little money she had. She was lucky and soon established herself as a businesswoman in the city. As her wealth increased she decided to build a house for herself and purchased a piece of land for the purpose. This created some problems for her. Coming from Freetown, she was viewed as a Creole as she spoke the Creole language very well. This created an impediment as the Paramount Chief at first refused to acquiesce in the sale of the land to her. Eventually, however, it became clear that she was a Temne and the chief agreed to sell her the land. The title conveyed in this transaction was not clear. A document was prepared which was signed by the family head from who she acquired the land and was witnessed by the Paramount Chief. The document did not give the duration of the grant and referred to the grantor as *the Giver* while the grantee was referred to as *the Taker*. Again, while the interest being conveyed was not expressly stated in the agreement, Madam Abiba as the grantee was to hold the land "for himself/herself, heirs and assigns". She was enjoined to "observe all customary laws, obey the Chiefdom Administration Laws and the Township Council Laws." Again, she was not to "dispose of the demised land unknown to any of the landholding family or any of the Chiefdom Councillors." She was confused; the interest being conveyed to her was not leasehold as it did not have a term of years and did not provide the annual payment of ground rents and yet she found that the conditions attached to the grant differed substantially from the qualities of a freehold interest as she knew it in Freetown.

After she constructed her house she decided to expand her business by buying foodstuffs from neighbouring Guinea and Liberia to sell in Freetown.

She needed some capital to enable her to do this and approached a bank in Freetown for a loan. The bank required some collateral and she offered her house to be used as such. The bank was happy with the quality of the property and its location and was quite keen on giving her the loan. The bank requested for the documents on her land; the bank was not happy with the document she produced and asked her to obtain either a lease or a freehold interest. The family head and Paramount Chief refused to give her a new document for either a leasehold interest or a freehold on the basis that she was a stranger. The bank would not budge on the demand for the document which they insisted should be registered in the Registrar-General's Department. As a result of the impasse, Madam Abiba had to give up her desire to expand her business.

Source: UN-HABITAT, Transparency in Land Administration Trainers' Package

Activity 3.7 Competencies for improved land governance

Objectives

- To identify competencies needed for improved land governance.
- To introduce competencies that are considered useful in regard to good land governance
- To briefly explore what is involved in these competencies

Learning outcome

- Participants will be able to indicate and analyse competencies needed to improve land governance.

Process map

1. On a flip chart or on the screen, write the words, "Competencies needed for improved land governance".

2. Ask the group to first define the term competency and do some brainstorming to identify competencies for improved land governance that they feel are needed by both land professionals and civil society organizations.

3. Make a list of the suggestions so everyone can see them.

4. Ensure that inclusiveness, enabling, negotiating, conflict resolution, communicating are also on the list. If not, suggest them to the group for inclusion.

5. Ask them if they agree or disagree with the suggestions?

6. If appropriate, ask them if everything listed would be considered a competency or not? If they are not competencies, what are they? For example, inclusiveness is a value.

7. Ask them to elaborate on the ones they agree with. How would these competencies improve land governance? Ask them to elaborate. How would competency in   -------X-------- impact on their engagement in land issues? Ask them to give an example.

8. Ask them to comment on the link between the principles of good land governance and the competencies that they have just identified for improving land governance.

9. Inform them that the following activities will explore some of these competencies at some length.

Notes for facilitators

The training is at this stage moving from land governance principles to competencies - skills, knowledge and attitude. The training is premised on the understanding that the principles together with competencies would lead to good land governance and in particular help to begin to realize better gender and grassroots outcomes. Make sure that this conceptual transition takes place smoothly. The way to make this happen is to facilitate an interactive discussion employing the above mentioned steps (1-5).

In addition to explaining the concept of competency, make sure that this brainstorming activity allows training participants first to, on their own, identify competencies required to improve land governance. Following this, you may introduce selected competencies in the module one after the other.

Be prepared to explain the competencies and illustrate the same with relevant land topics.

SESSION 4

VALUES AND COMPETENCIES TO IMPROVE LAND GOVERNANCE

Session 4:

Values and competencies to improve land governance

Activity 4.1 Understanding discrimination

Objectives

- To understand discrimination and how it operates in the land sector and against whom.
- To see the links between discrimination and improved land governance.

Learning outcomes

Participants will be able to:

- identify who faces the most discrimination in land issues.
- explain the implications of discrimination to improved land governance.
- propose ways and means whereby inclusive practices in the land sector can be created and developed.

The inclusiveness competency: talking points

- An inclusive approach recognizes that doing 'business as usual' excludes many people.
- Inclusiveness refers to including those who have been traditionally, historically or culturally excluded from power – decision making, access to resources and benefits. This can include women, poor women and men, young people, indigenous peoples, people with disabilities, internally displaced people, refugees.
- Giving priority to the inclusion of all potential stakeholders in any land process, i.e. policy or tenure reform, land-use planning, post-disaster settlement.
- Inclusiveness requires a deliberate process of affirmative action or positive discrimination.
- Inclusiveness requires being open-minded to learning and accepting that not everyone thinks the way you do and that other perspectives and opinions are equally valid.
- Inclusiveness means equity in participation, decision making, sharing of assets, resources, budgets, and responsibilities.
- Inclusiveness requires institutional change and a change in the culture of land management.
- Operating inclusively deepens democracy and is a competency for good leadership for improving land governance.

Process map

Part I (plenary exercise)

1. Begin the activity with a brain storm. On a flip chart, in front of the training participants, write the following – What is discrimination?

2. Ask participants to give their definition of discrimination or their understanding of what it means.

3. Ask participants to comment on the list. Do they agree? If they disagree, why?

4. Ask them if they would like to speak of any personal experiences of discrimination and exclusion. Facilitate this part of the discussion with care and sympathy for people's difficult and painful experiences. Take a break if people are upset when

talking about their personal experiences and spend time with the person who is upset.

5. Ask them if they have witnessed or experienced discrimination and exclusion in the land sector. Take some comments from participants and ask others for their comments.

Part II (breakout group exercise)

6. Next, ask the group to form small groups of four people each. Each small group is going to develop a role play of an experience of land discrimination and exclusion. They will have 3 minutes to enact their role play.

7. After everyone has presented, facilitate a discussion about the role plays.

8. Ask them who is discriminated against? Why? What are the consequences of this discrimination in the lives of the women and men who have been discriminated against. What kind of discrimination is this? How is it possible/enabled? Is it an acceptable and inevitable part of land matters? How is it linked to land governance?

9. Ask them to take 5 minutes each and make some notes about how things could have been done differently to challenge or prevent the discrimination and exclusion they have witnessed.

10. Ask them how changes, (i.e. inclusive practices) such as their suggestions be incorporated into the culture of land management and administration.

11. Conclude with comments on inclusion as a value for improved land governance.

12. Thank them for their participation.

Notes for facilitators

The objective of this activity is for participants to understand discrimination in the land sector and how it operates. It is not to focus on discrimination generally. However, it is usually not possible to speak about discrimination in the land sector without first being able to appreciate what discrimination is and its consequences. This exercise should enable people to a) identify discrimination in land issues; b) identify the sources or the enabling environments for this discrimination; c) identify its linkages to land governance; d) propose what actions can be taken to reduce discrimination.

B. The negotiating competency

The negotiating competency - talking points

◆ Negotiation in land issues is a process of deliberative interaction in which two or more parties with some disagreement or conflict seek to resolve their differences to their mutual satisfaction.

◆ Negotiating skills are critical for numerous land issues, i.e. evictions, land grabbing, re-zoning, land sharing, co-management of natural resources, policy reform, and changes in tenure regimes.

◆ Negotiation is both a personal and a professional competency for all stakeholders in the land sector.

◆ The negotiating process in land issues is influenced by the cultural context of the environment where it happens.

◆ Negotiation is gender-sensitive. Women and men bring different instincts and skills to the negotiating table. Women often operate from a perspective of collaboration and inclusiveness. When you negotiate with a woman it is often helpful to stress that the solution has benefits for, and support of all of the involved. Men often like to be 'winners', this implies that it can be easier to come to an agreement with a man when you emphasize that he won something in the process.

Activity 4.2 Exploring the negotiating territory[1]

Objective

◆ To give participants a chance to explore their own experiences with the negotiating competency.

Learning outcomes

◆ Participants will be able to explain processes of negotiation and analyse issues that facilitate or hinder successful negotiations.

---

1 Adapted from: UN-HABITAT. 2005. *Key Competencies for Improving Local Governance. Volume 4: Training Tools.* p. 223-5. Nairobi, Kenya.

Process map

1. Explain that the purpose of the exercise is to give participants an opportunity to recall and share personal experiences with negotiating. Give participants copies of handout 4. Explain that the worksheet is for their use to write down a negotiating experience they can recall from their work in the land sector. Give participants about 15 minutes to complete the worksheet.

2. When participants have completed their worksheets, divide them into four small groups. Ask participants in each small group to share what they have written on their worksheets with one another. Based on the shared information about negotiation and what they have learned from it, ask each group to prepare a list of suggestions for getting better results when negotiating. Each small group will present their list to the plenary. Give participants 30 minutes to complete the task.

3. Ask for reports from each small group. Encourage a discussion of the results. Consider the questions below to start the discussion.

   ◆ What common problems with negotiating were evident from the various experiences discussed?

   ◆ Which of the suggestions do you think would be the most useful for improving your negotiating competency as a land professional or civil society member?

   ◆ Which do you think would be the most useful for improving land governance?

Notes for facilitators

Make copies of Handout 6 for everyone.

Prepare relevant questions for the feedback session, such as: "Did other people really listen to you, why (not)?", "Did you really listen to others?", "What kind of arguments worked to convince the other parties and why?", "Do you have to know the outcome of a negotiation beforehand?".

Handout 6 Negotiating experience worksheet

Recall an experience in which you were engaged as a negotiating party or as an observer (in land issues). It should be an experience where the outcome was not satisfactory for you and your colleagues. In the space below, briefly describe the situation including who was involved, the outcome of the negotiation, and why you saw it then, or see it now, as unsatisfactory.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

What did the parties do or did not do that led to the unsatisfactory outcome?

_____
_____
_____
_____
_____
_____
_____
_____
_____

What do you think a satisfactory outcome would look like in this situation?

_____
_____
_____
_____
_____
_____
_____
_____

What might have been done differently to achieve a satisfactory outcome?

_____
_____
_____
_____
_____
_____
_____
_____
_____

C. The conflict resolution competency

Activity 4.3 Reducing land conflicts – your experiences

Objectives

◆ To understand the nature of land conflicts.

◆ To identify and assess some conflict resolution approaches.

Learning outcomes

◆ Participants will be able to clearly establish the link between land conflicts and weak land governance and analyse methods of conflict resolution.

Process map

1. Ask participants who have good experiences in dealing with land conflicts if they would like to share these with the group.

2. Suggest to the group that perhaps everyone can together focus this discussion by using the chart on page 39. Make sure the chart is available (A4 size paper) and separately handed out.

3. Give them a few minutes to read the chart and think about their experiences.

4. Ask participants who would like to go first in describing their experience.

5. With each experience, try and fill in the chart with key words.

6. Discuss the experiences with the group. Solicit their thoughts and comments.

Option

If you feel there is a lot of rich experience in the room that cannot be captured in one large group session, you can suggest that they break into two groups and do the activity in small groups. In that case, review the charts in plenary.

Notes for facilitators

You can use some of the items in the list of causes of land conflicts in the Thematic Content section to indicate the range of conflicts that participants might have witnessed. Another way of initiating this discussion is to request one or two people in the room who you know have had some interesting experiences in dealing with land conflicts to speak about their experiences first.

It would be advisable to make some copies of the chart in advance of the workshop in case you decide to do this activity as a small group exercise.

Prepare the chart on flip charts or on the computer in advance of the workshop.

Conflict resolution case summary

	Case 1	Case 2	Case 3
What was the conflict about?			
What methods were used to resolve the conflict? -Formal methods? -Informal method?			
How was the conflict resolved?			
What are the land governance implications of this conflict, if any? Everyone participates in this question.			

Activity 4.4 Role play - Conflict resolution in the case of multiple sales of peri-urban land in Accra, Ghana.[2]

Objectives

◆ To understand the complexity of land conflicts.

◆ To explore different options for resolving conflicts.

Learning outcomes

Participants will be able to demonstrate how improved land governance can reduce land conflicts.

Process map

1. This is a role play activity. Give everyone copies of the scenario, the questions and the list of actors for the role play. This information is provided below.

2. Divide the group into 2 teams. Each small group needs to identify 7 people. One for each of the roles and one (or more) observer(s) focusing on communication skills and quality and coherence of the argumentation. They can also self-select. It is also possible to play in one big group, making the local community group bigger and allow 1 representative to participate in the actual conflict resolution. The facilitator can participate as well and act as a judge

3. Their assignment is to role play the conflict resolution process and to come to a solution.

4. They have one hour to develop their role play. The seven actors will be involved in the actual conflict resolution, the others can be advisers and observers the actors can call on them as needed and they give feedback afterwards. Before the conflict resolution takes place it is important that the actors prepare. The judge is the time-keeper and chair of the entire process.

5. In case of group work, each of the small groups will present their role play. It should not be longer than 15-20 minutes.

6. The full group will comment on the resolution of the conflict and its process, the observers are asked to give their feedback first.

7. You can facilitate the discussion by asking questions such as the following:

   ◆ What do you think of the process for conflict resolution?

   ◆ Was there equal time allocated for representation for the different stakeholders?

   ◆ Which arguments did you find compelling?

   ◆ In your opinion was the solution fair?

   ◆ What are the governance implications of this case, i.e. what could have been done to avoid this conflict?

   ◆ Could another conflict resolution process have been used for this scenario?

Notes for facilitators

Make copies of the scenario and the description of actors for distribution to the group.

Give each actor his/her description with position, interest, needs, etc. Note: participants should not know the positions and interests of the others before hand.

You can bring hats, ties, scarves, etc. to assist with the role play.

---

2   This activity has been developed from the work of Wehrmann, B. 2008. Land Conflicts. A practical guide to dealing with land disputes. GTZ. p. 4, 39-41.

Handout 7 Scenario: multiple sales of peri-urban land in Accra, Ghana

In Accra, many plots are sold by different people to different clients. While one buyer starts constructing, another buyer appears or sends land-guards to destroy the already built-up structures, sometimes even attacking the caretakers who are supposed to protect the property for the other person.

Some years ago, the Katamanso chief gave some of his land temporarily to the Anwahia chief and his people for farming. He, however, sold that land to a real estate agent who recently found out that part of it had also been sold to someone else. The real estate agent went to court. What had happened was that the Anwahia chief had died and his son had sold the land again, either not knowing that it had already been given away or thinking that it would not be developed by the real estate agent. Both father and son sold the same piece of land, which belongs to the neighbouring clan.[3]

The actors

The Katamanso chief

The Anwahia chief

The new owner – a developer

The old owner – the real estate agent

The local people

The judge

The local land administrator

The various actors and their positions, interests, needs, desires and fears

The conflict party	Positions	Interest	Needs	Desires and fears
The Katamanso chief	It's my land.	To get land back for his people.	Material need: the land for his people. Emotional need - the land belongs to his ancestors.	Fear of loss of the love and respect of his people.
The Anwahia chief (junior)	I am no longer in my business.	To not be bothered.	Material need: money	Desire for wealth and status.
The new owner - the Developer	It's my land.	Want to build housing and commercial space.	Material need: to make money, to do business.	Fear for his existence and his company if money is lost. Desire for wealth and possible election to political office.
The old owner – the real estate agent.	It's my land.	Wants to settle the dispute as soon as possible so he can sell the land and get his money and profit.	Material need: money and profit.	Fear of losing his money. Desire for wealth.
The local people	The land belongs to the Katamanso tribe but everyone has rights to access.	Want to keep land in the chief's hands so they can continue to use it for forest products.	Material need: forest products.	Fear of loss of raw materials for food and medicines.
The judge	Let us resolve this conflict soon.	Maybe I can make some money here.	Material need: wants to buy land in his village.	Desire: to retire soon and become a farmer.
The local land administrator	Who has papers for this land?	To find a just solution to the conflict.	Legal need: to have some precedents for such land conflicts.	Desire: to look credible and gain respect in the eyes of the public.

3   Wehrmann, B. *The Easiest Way to Make Money is to Sell Land. Land Conflicts in the Peri-urban Areas of Accra, Ghana.* In: Trialog 74/2002, pp. 26-32.

D. The enabling competency

The enabling competency – talking points

♦ Enabling is providing the means for others to get things done.

♦ Enabling can increase and deepen participation, as in the enabling of women and men in society to engage more meaningfully in and with land institutions, processes and procedures. It can stimulate the flow of ideas and information from the bottom up as well as from the top down.

♦ Enabling offers the potential for a range of different land stakeholders to create partnerships for equity and efficiency in land management. Partnerships between land management agencies can be one way to address the administrative bottlenecks for registering a land parcel, obtaining planning and building approvals, or for property transfers.

♦ Enabling facilitates communication and the sharing of information with all potential stakeholders including women, grassroots groups and marginalized communities.

Activity 4.5 Web-mapping land stakeholders

Objectives

♦ To identify land stakeholders, i.e. individuals, institutions and organizations implicated in land issues.

♦ To reveal the wide range of individuals, institutions and organizations implicated in the land sector.

♦ To highlight the role of formal and informal institutions and relations in land governance.

Learning outcomes

Participants will be able to identify and list stakeholders and actors in the land sector, explain their interests and analyse the role they play.

Process map

Three large pieces of paper for participants to draw a web map (see sample diagram below) of land stakeholders. Tape the sheets of flipchart paper together before the session. Give one large sheet to each group along with coloured markers and tape.

Small group presentations from Activity 2.2 can also be used with this activity.

1. Inform participants that in small groups they will create a web map of land stakeholders, i.e. individuals, institutions and organizations implicated in land.

2. Give them examples, e.g. the Ministry of Land and Housing, municipal government, urban planner.

3. Ask each group to make a small circle in the centre of their chart and write the word 'land' in the middle. From the circle in the middle will flow lines to indicate institutions and/or individuals implicated in the land sector.

4. You can show them on the screen or a flip chart what the web map looks like. Use the sample map (figure 1). However, theirs will be a lot more detailed and have many more stakeholders.

5. They can also use their work from Activity 2.2 on weak land governance to assist in identifying institutions and organizations implicated in land governance.

6. Ask them to 'number' off into 3 small groups with the following words – Houses, Farms and Forests.

7. They have 40 minutes to complete their web maps.

8. Have each small group put up their charts. Ask everyone to get up and go around, look at the charts, and make notes about their questions or comments. They have 15 minutes to do so.

9. After 15 minutes request everyone to take their seats.

10. Ask participants if they have any questions or comments for each group. The objective here is to ensure that no potential stakeholders have been left out. You can also ask for clarification of some of the stakeholders and the roles of these in land. Allow at least 30 minutes for discussion.

11. Thank everyone for their great maps and contributions.
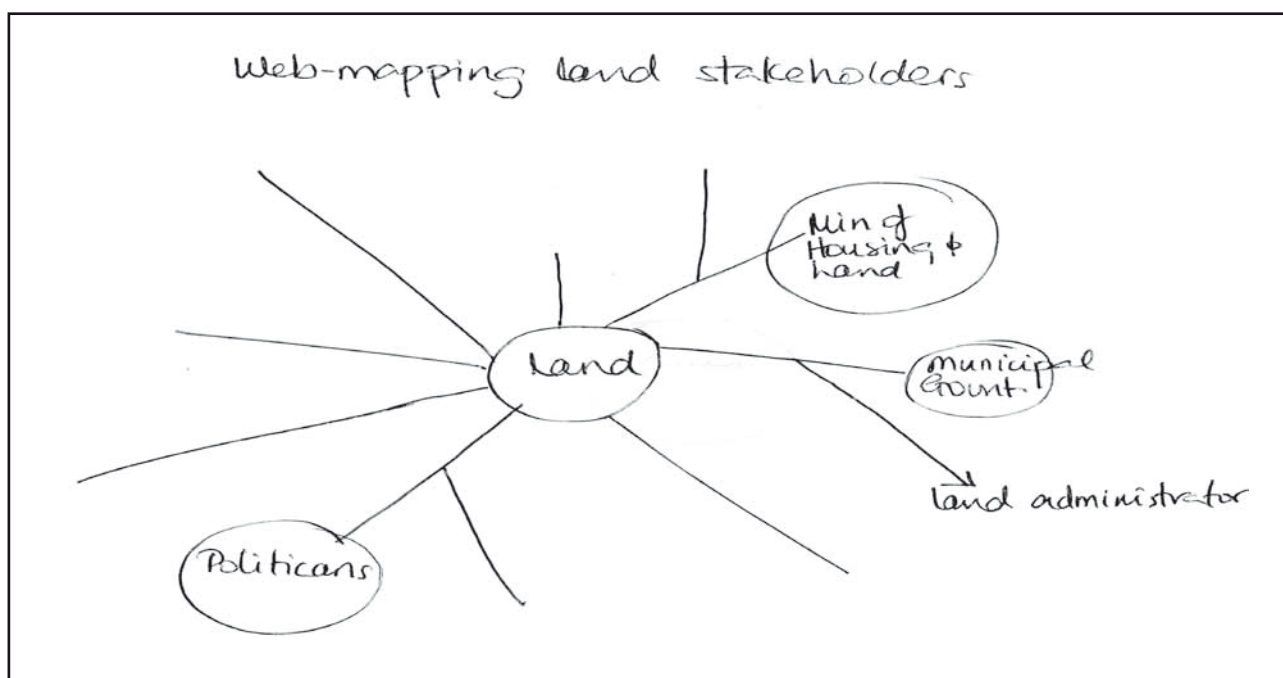
Figure 1. Sample web map

Activity 4.6 Partnerships for producing housing

Objectives

◆ To explore the complexity of Partnerships or Stakeholder Platforms.

◆ To appreciate the complexity of partnerships and the interests of different stakeholders.

Learning outcomes

Participants will be able to explain the complexity of partnerships and methods of creating and building the same.

Process map

Produce copies of Handout 8 for the activity on Partnerships for Producing Housing for everyone in the workshop.

1. This is a small group exercise and requires three groups.

2. Give everyone a copy of Handout 8 on Partnerships for producing housing.

3. Based on this Scenario, each small group has to answer the following questions:

   a) Identify the stakeholders for this Scenario.

   b) What are the interests of the different stakeholders?

   c) How can these competing interests be reconciled?

4. They have 45 minutes for the small group activity.

5. Each group presents to plenary.

6. Discuss the three questions.

Notes for facilitators

Reproduce the Scenario and the questions on the same page for distribution to the participants.

Handout 8 Scenario: Partnership for producing housing

The International Federation of Surveyors (FIG) and UN-HABITAT state that standards must be lowered in order to *reduce the production costs* of habitable serviced land for housing, to avoid rendering informal land and housing production processes illegal, and to *reduce procedures* which have discriminatory effects or those that lead to segregation. The amount of regulation relative to land development should be reduced. Emphasis should be laid on the design of minimum standards and the supply of guidelines in relation to the level of urban infrastructure, services and urban layouts. All this should be at minimum initial cost, while allowing for subsequent incremental improvements.

FIG and UN-HABITAT also state that a variety of factors combine to make any revision in standards difficult, with the strongest resistance to change typically found in public administrations, professionals, urban management technicians and a large section of the middle class. This is why all stakeholders should be involved when a national regulatory framework comes under scrutiny and subsequent reforms come up for implementation and coordination. Stakeholders include interest groups and/or dependent groups, i.e. categories of people or institutions who share a common interest in a piece of land, be it an individual site or plot, the territory of a community, a natural conservation area, a region or a country.

Source: FIG/UNCHS. 1998. Informal settlements, Security of Tenure, Urban Land Management and Local Governance. Experiences in Implementing the Habitat Agenda, Draft Report of the Durban Conference, August 1997. p.13.

E. The communicating competency

The communicating competency – talking points

- In improving land governance, the communicating competency is perhaps one of the most important.

- In the land sector communication is an important competency at an inter-personal level, professionally, as well as a discipline and a strategy.

- Women and poor women and men have different ways and means of communicating due to their particular locations and experiences in society. Knowledge about these methods is important for successful engagement with these constituencies in improving land governance.

- Communication in land matters is not a one-off activity, but one that must be undertaken from policy reform through to implementation.

- Information is only as effective as the communication method/s used for its dissemination.

- There are numerous barriers to effective communication. They can undermine the creation and implementation of inclusive and innovative land reforms, cause confusion, spread misinformation, and generally undermine efforts towards efficiency and effectiveness.

- Communication creates and moderates expectations, informs beneficiaries how to access benefits and enforce rights; and keeps implementers on track.

Activity 4.7 Lowering communication barriers[4]

Objectives

◆ To identify barriers to communication between land professionals and women and grassroots communities; between land professionals and civil society organizations; and between land professionals and technicians themselves.

◆ To reduce communication barriers.

Learning outcomes

Participants will be able to:

◆ explain barriers to communication between land professionals and women, grassroots communities and other land professionals.

◆ identify and propose methods whereby barriers to communication can be reduced.

Process map

1. Begin the exercise by sharing some points from the Thematic Content in the training toolkit (Volume 1) about the Communicating Competency. Add on by explaining that differences in men and women will influence what they say, how they say it, and how they choose to interpret what they hear. Differences include what they believe (values*)*, what they want (goals), how they like to do things (preferred methods of operation)*,* or what they have heard about a topic or issue (awareness). Point out that these differences, particularly when they are hidden from the parties trying to communicate, can be formidable barriers to understanding.

2. Tell participants they will be working in small groups. Explain that the first task for each group is to identify barriers to communication with women and grassroots organizations. The second is to explain how these barriers can be recognized and what can be done to eliminate or weaken

them. Provide copies of handout 5 and suggest that participants use the handout to help them complete the task.

3. Divide participants into at least three groups. Assign to each group the task of discussing communication barriers in **one** of the following three relationships:

   ◆ Group 1: Communication of land professionals with individual men and women and community groups.

   ◆ Group 2: Communication with civil society organizations.

   ◆ Group 3: Communication between themselves as land professionals and technicians.

4. Ask each small group to make a list of the barriers that tend to block or distort communication and to answer the following questions about each of the barriers:

   a) What is the barrier?

   b) How can land professionals recognize the existence of the barrier?

   c) What can be done to eliminate or weaken the barrier?

5. Suggest that each small group record its ideas using the format shown in Handout 9.

6. After 30 to 45 minutes, re-convene the small groups and ask each for a report. After all of the groups have reported, hold a large group discussion analyzing the similarities and differences in ideas produced by the various groups.

Guide to facilitators

Prepare some speaking points about the Communicating Competency to start the activity.

Make copies of Handout 9 for distribution to participants.

---

4 *Adapted from: UN-HABITAT. 2005. Key Competencies for Improving Local Governance. Volume 4: Training Tools. p. 36-39 Nairobi, Kenya.*

Handout 9 Lowering communication barriers

Relationships: check one of the following relationships (boxes) and proceed to the exercise:

☐   Land professionals with grassroots community (identify a community you would focus on.)

☐   Land professionals with women (identify a community or communities you would focus on.)

☐   Land professionals and technicians with one another.

We have identified these barriers to communication:

1...

2...

3...

4...

5...

The following are ways of recognizing the existence of these barriers:

1...

2...

3...

4...

5...

Shown below are strategies for eliminating or alleviating these communication barriers:

1...

2...

3...

4...

5...

Other observations:

....

....

....

....

SESSION 5

ACTION PLANNING

Session 5:

Action planning

Activity 5.1 From training to action

Process map

1. Explain to participants that the last exercise of the training workshop is for them to assess their learning and experience here and to translate it into action that they can take back home.

2. The activity is designed as a series of questions that they need to answer. Use Handout 10 - Improving land governance – my plan action. Make enough copies for everyone.

   Suggestion: Facilitators can suggest a future date for participants to contact each other via e-mail to ask if progress has been made with respect to the achievement of goals in the action plan. This facilitates exchange of experiences between participants and allows facilitators to give feedback and support.

Handout 10 Improving land governance – my action plan

1) There are three key things that I can do to improve land governance with women and grassroots communities. They are:

_____
_____
_____
_____
_____
_____
_____
_____

2) I need the support/involvement of the following people/organizations to do this.

_____
_____
_____
_____
_____
_____

3) I expect to have the following challenges in implementing my plan.

_____
_____
_____
_____
_____
_____

4) I will address the challenges in the following manner.

_____
_____
_____
_____
_____
_____
_____
_____

5) I will know I have been successful in my activities when the following things take place.

_____
_____
_____
_____
_____
_____

ANNEX 1.

Evaluation exercises and forms

Evaluation form for Day 1

Give participants up to 15 minutes at the end of the day to fill in and hand back the forms. They don't need to put their name on it if they don't want to.

1. What did you like most about today?

2. What did you like least about today?

3. What are your recommendations for tomorrow?

Evaluation Exercise for Day 2

Duration: **30 - 45 minutes**

1. This evaluation exercise is called "postcard" game. Before you begin the game decide how much time you want to spend on it. This will be determined by how the day went, the energy level of the participants and if the workshop is running late or not. Be sure to inform everyone how much time they have for the reflection game, i.e. one or two minute minutes each.

2. Stand in a circle. Ask everyone to come up with a picture of a postcard (in their head) that describes their learning for the day. Go around and ask them to share the picture on their postcard.

3. Thank them all for their participation and wish them a good evening.

4. Remind them about the starting time for tomorrow morning.

Workshop Evaluation for Day 3

Duration: **30 - 45 minutes**

1. If appropriate and relevant at this stage, review the expectations of the workshop that participants had identified at the beginning of the workshop.

2. And/or give them the a copy of the evaluation form to fill out before they leave the workshop.

EVALUATION QUESTIONNAIRE

Training program name

Date and Location

1= strongly disagree   2= disagree;   3=a gree somewhat   4= agree   5= strongly agree

LOW   1   2   3   4   5   HIGH

Objectives and training scheduling

1. Clearly understood the training objectives.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. The stated training objectives were fully met.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. The scheduling, timing and length of the training was suitable to my needs.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

Programme design and training materials

1. The training was designed to allow me to learn from and share with participants effectively in order to produce effective results.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. I found the training consistently stimulating, of interest and relevant to me.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. The training programme was designed in a sensible manner.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

4. The training materials and handouts were informative and useful.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

5. The balance between presentations and practical sessions was about right.

    1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

Course delivery

1. Presentations made by participants stimulated my thinking and the discussions deepened my knowledge.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. The training has contributed to a better understanding of improving land governance.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. The geographic, gender and organizational mix of participants was about right.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

Facilitation

1. I was able to see clear links between various components of the program.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. I had adequate opportunities to express my views in small group work.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. I had adequate opportunities to express my views in plenary discussion.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

4. The atmosphere promoted openness and sharing amongst all participants.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

Logistics and administration

1. The invitation letter and the accompanying information leaflet were sufficient to allow me to prepare for and participate in the course.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. The conference rooms and facilities were favorable to learning.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. The hotel and the local transport arrangements were satisfactory.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

4. The organizers were supportive and sensitive to my needs.

1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

Perceived impact:

1. The knowledge and ideas gained through this training are appropriate and adequate to bring about improvements through good land governance.

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. Overall, I am very satisfied with this training.

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. When I return to my organization, I will inform my colleagues and other stakeholders about the training.

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

I found the following course topics very useful (see footnote)

1. Session 1 Introduction and expectations

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

2. Session 2 Understanding new concepts in land governance

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

3. Session 3 Gender equality and grassroots participation as key dimensions of land governance

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

4. Session 4 Values and competencies to improve land governance

   1 ☐   2 ☐   3 ☐   4 ☐   5 ☐

I would have liked to have more… (select several options if appropriate)

☐ Plenary discussions

☐ Lectures / presentations

☐ Group work

☐ Social events

☐ Free time

☐ Other (please specify below):

………...............

………...............

………...............

………...............

Note: These four questions are relevant only when the four sessions are run back-to-back / the training package is used in full.

I would have liked to have less… (select several options if appropriate)

☐ Plenary discussions

☐ Lectures / presentations

☐ Group work

☐ Social events

☐ Free time

☐ Other (please specify below):

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

Which messages and/or methods you learned during the course did you find most interesting?

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

How do you intend to apply what you have learned during the course?

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

……………………………………………………………………………………………….............…

Which follow-up activities would you like to see?

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

….............…………………………………………………………………………………………………

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

Other comments and suggestions:

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

…………………………………………………………………………………………………….................

Thank you for your inputs!
They help us improve the organization of similar events in the future.

Handout 1 Where is everyone from? Who are they?
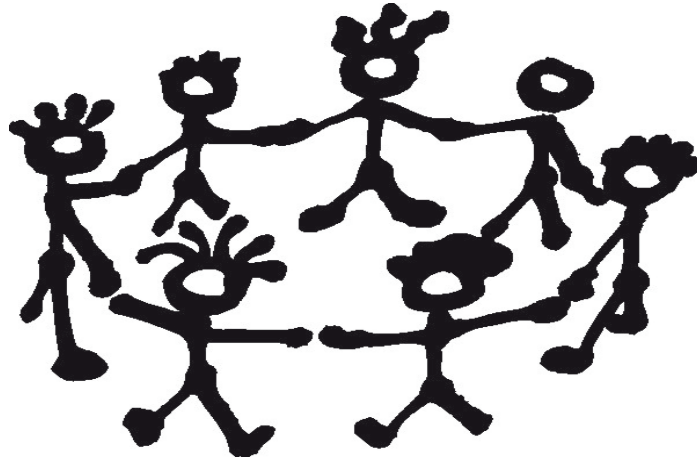
1. Who has travelled from Asia?_____

2. Who is an elected official? _____

3. Is there a surveyor in the house? _____

4. Who is happy to be here? _____

5. Who likes spicy food? _____

6. Who represents a grassroots women's group? _____

7. Who travelled more than 12 hours? _____

8. Is there a representative of a civil society organization here? _____

9. Who is from GLTN? _____

10. Does anyone speak Spanish? _____

11. Is there a farmer in the room? _____

12. Who speaks more than 3 languages? _____

Handout 2 Principles of good land governance

- Access to land and natural resources should be equitable. Given the importance of land for a wide range of economic, social and environmental objectives, no group within society should be legally or politically excluded from being able to access land or related natural resources.

- Security of tenure should be provided to all members of society. Good governance ensures the legal recognition and protection of a range of land rights, including customary and traditional rights as well as intermediate forms of tenure. Evictions should be avoided wherever possible; where absolutely necessary, they should be carried out according to national law and international standards related to due process and fair and just compensation.

- Specific measures must be taken to ensure access to land for, and the security of land and property rights of women. A gender perspective on land and property rights must be incorporated at all stages of reform analysis, design, and implementation. Data regarding access to land and security of tenure should be disaggregated by sex.

- Decision-making regarding land and natural resources should be transparent and the processes to participate should be open to all members of society. Good governance places all decisions on land upon respect for fundamental human rights and ensures that all relevant stakeholders are enabled to effectively participate, particularly women and marginalized groups.

- Land management should be decentralized based on the principle of subsidiarity, that is, decisions taken at the lowest appropriate level and based on accountability. It should build on traditional and informal practices, but strengthened to ensure consistency with other governance principles. Inclusive processes are required to ensure the equitable distribution of benefits from land and related natural resources.

- Good governance requires that no one stands above the law, and that politicians, officials, land professionals and other actors are accountable for their actions. It ensures that rules and procedures are clear, consistent, well understood and applied in a transparent manner. It requires that conflicts are managed effectively and efficiently, including through traditional institutions and through alternative dispute resolution methods so long as they do not contravene other laws such as those for women's rights and poverty reduction.

- Effective and efficient land administration should be provided to all members of society. Services should be responsive to the needs of women and men, including poor women and men and other marginalized communities such as indigenous peoples. Costs of acquiring services should be affordable; procedures clear and simple. Technical solutions should be based on available capacity and technology should be gender-sensitive and pro-poor.

- Sustainability should be ensured by taking a long-term perspective. Good governance requires institutional and financial sustainability. Policy decisions and administrative action should not compromise the social, economic and environmental needs of future generations.

Handout 3 The Las Flores scenario

Las Flores is a high density slum of approximately 40,000 residents. Roughly 35% of households are headed by single mothers. Youth and children make up 55% of the population. It is situated on one bank of a river that flows through the community. Once upon a time it was a village well outside the colonial town. Over the years it has grown to accommodate many more people due to rural to urban migration as well as due to natural population growth. Today, the following features define Las Flores:

Land tenure

It is not precisely clear who owns the land where the slum is today. There are many conflicting claims to land ownership. Some residents land claims are based on customary land rights. Others claim they bought land from a previous owner. Yet others claim they are managers of land for absentee landlords and many only claim to rent land or structures from others. Either way, renters are paying high rent for small pieces of land and homes.

Services

The municipal council does not officially provide water, sewerage, electricity or solid waste removal services to Las Flores. However, engineers from the Water Department did put stand pipes along the main road that goes through the slum. They have set up a few kiosks where residents pay for water. The remaining services are organized by the residents themselves and/or provided by small private sector providers and some NGOs, CBOs and faith-based organizations.

Housing stock is varied, ranging from houses made of brick and concrete to shacks. Rents are high.

Economic activities

Women's paid work outside Las Flores includes: domestic work, restaurant work, retail work, service sector work, factory work and prostitution. Women's work that generates income inside Las Flores covers a range of services such as sewing, child minding, selling cooked food, selling homemade liquor, running informal restaurants, retailing of essential items, and prostitution.

Men's paid work outside Las Flores includes: domestic work, restaurant work, retail work and service sector work, factory work, daily labour on demand, transportation.Men's work that generates income inside Las Flores includes, metal fabricating, tool and die making, general repairs, cooking, selling of drugs, sale of second hand clothes. Nevertheless, unemployment is high and there is high unemployment of young women and men as well.

Your task

The municipality, with support from the national government, has created a stakeholder group that includes city planners and engineers as well as social workers, health workers, activists, researchers, land surveyors, academics, journalists, politicians, and representatives from the commercial and industrial sector of the city. You represent this stakeholder group. You have been given a clean slate to come up with a model for grassroots participation for resolving the land tenure situation in the slum so that over time Las Flores can be upgraded, get services, and become a vibrant and 'official' part of the urban fabric of the city. You need to provide community participation strategy for tenure security. How would you do this?

A grassroots participation strategy includes:

1. Objective (what do you want to get out of the process?)

2. What is your message and what type of input do you expect and need?

3. Target group of the strategy (who do you want to reach and what are the different roles of the stakeholders and actors?)

4. How can you reach your target group (what consultation forms are comfortable for them?)

5. How much time do you have for the participation strategy?

6. Can you include a feedback mechanism?

Note: Your task is not to resolve all the land tenure issues, but rather, to develop an inclusive and transparent community participation strategy which will then inform a process to deal with the land tenure situation in Las Flores.

Your work has to be informed by the principles of good land governance:

Pro-poor and gender-sensitive, Gender equity, Inclusiveness, Transparency, Accountability, Justice, Rule of Law, Equity

Handout 4 How do we learn to be gendered?

1. As you were growing up, what influences shaped your behaviour as expected of a boy/girl, man/woman? Can you give specific examples?

2. Think about your grandmothers and grandfathers. Do people of your generation have different expectations and experiences of their gender responsibilities and values? Are there differences in gender roles and expectations between your grand parents' generation and your own? Please list them.

3. Are there differences between your children's generation and your own in terms of gender values and expectations? What are they? Please identify them.

4. What factors have brought about the changes in successive generations?

Source: Adapted from Gender in Local Government. A Sourcebook for Trainers, UN-HABITAT 2008

Handout 5 Scenario: the tribulations of Madam Abiba Suleiman

Madam Abiba Suleiman is of the Temne tribe in Sierra Leone and has four brothers and a sister. As a young lady she received land every farming season from her family head, like all the young men and women in the village. She understood that by the custom of the tribe she was entitled to the use of the land for the farming season only. She was not allowed to cultivate perennial crops and she cultivated vegetables on the lowlands that she was always given because the men planted rice on the highlands. When she realized, after the civil war, that women from nearby Guinea sold a lot of vegetables like tomatoes in Freetown because they cultivated on large scales, she decided to expand her farming activities to enable her sell her produce in the market. When she approached her family head with her plans, she was told that she could not do that as the men needed the land in the main season to cultivate rice. About six months after she was refused permission to cultivate the land on a more permanent basis, one of her brothers approached the family head for land to cultivate mangos and the family head granted his request. Madam Abiba could not complain because the beneficiary was her own brother.

Not long after that she got married to a man from the Mende tribe and moved with her husband to his village. Her husband's family welcomed her nicely and was extremely nice to her. Her husband was very hard working and they were able to cultivate two large plantations of cola nuts. Additionally, her husband planted rice on the highlands during the main farming season and she cultivated vegetables and legumes during the minor rainy season. They were also able to build a modern house in the village where they lived. After about 15 years their marriage was not blessed with a child and this created some disaffection among her husband's family members towards her. Her husband's sisters encouraged him to take another wife but he refused. In the midst of this confusion, her husband died suddenly. Madam Abiba was shocked beyond belief. The family buried her husband and the funeral rights were held. On the fortieth day after the death of her husband, her husband's family had a meeting and invited her. She was informed that the family had decided to give her to her late husband's younger brother to marry. Madam Abiba asked to be allowed to think about it and she was given one month to do this. At the end of the one month period the family called her again

for an answer. She was emphatic that she would not marry her late husband's brother. The family head then informed her that in that case the family could no longer keep her and she could not continue to work on the family's land. She enquired about the cash crop farms and whether she had any claim on the revenues accruing from them. The reply was in the negative; since the farms were on the family's land and since she no longer belonged to the family she had no claims on the farms. Madam Abiba after a few weeks packed her personal belongings and left for her own village.

While she was away with her late husband in his village, her father had died and she had attended the funeral and done all that was expected of her as a daughter so returning to her village was not a problem. She however found out on arrival that all her father's lands had been distributed among her brothers who were actively farming. When she requested for a portion of her father's land for her use she was informed that since her brothers had appropriated her father's lands she could only be entitled to the land the family head shared at the beginning of each farming season and then she could only cultivate vegetables. She was devastated. She had come back to where she started from. After staying in the village for about three months she decided to go Freetown to seek her fortune.

In Freetown, she settled in Gloucester Village which lies on a hill beyond Fourah Bay College. The area is quite hilly with a lot of vacant lands used for agriculture but with a potential for real estate development under the right economic environment. Without money and without any skills, Madam Abiba had few options for survival. She teamed up with about 30 other women some of who were married into polygamous marriages and had the responsibility of caring for their children, to form a farming group. The Group negotiated for land from a local Creole landowner and obtained about an acre of land. The land sloped into a small stream at the foot of the hill. In the rainy season, the Group farmed the slopes of the hill and farmed the valley in the dry season and paid a rent of Le 100,000.00 in each season. The Group cultivated vegetables like carrots, cabbage, Chinese cabbage, thyme and lettuce, as the landowner did not permit rice cultivation. The Group sold the produce of the farm and shared part of the proceeds among themselves. They also gave

themselves loans out of the income from the farm produce at an interest rate of 25%. The Group had no title to their land and operated at the pleasure of the landlord. This meant that the Group could not make any improvements to the land as their tenancy was virtually from farming season to farming season. After about five years of uninterrupted cultivation of the land the landlord called the leadership of the Group one day to inform them that he needed the land for his personal use, thus terminating their tenancy. The Group could do nothing but leave the land. It turned out later that another Group had offered the landlord a higher rent for the land.

Madam Abiba had by this time accumulated a little capital and decided to re-locate to Bo in the eastern part of the country to seek her fortunes. At Bo she decided not to work on land again and started a little trading business with the little money she had. She was lucky and soon established herself as a businesswoman in the city. As her wealth increased she decided to build a house for herself and purchased a piece of land for the purpose. This created some problems for her. Coming from Freetown, she was viewed as a Creole as she spoke the Creole language very well. This created an impediment as the Paramount Chief refused to acquiesce in the sale of the land to her. Eventually, however, it became clear that she was a Temne and the chief agreed to sell her the land. The title conveyed in this transaction was not clear. A document was prepared which was signed by the family head from who she acquired the land and was witnessed by the Paramount Chief. The document did not give the duration of the grant and referred to the grantor as *the Giver* while the grantee was referred to as *the Taker*. Again, while the interest being conveyed was not expressly stated in the agreement, Madam Abiba as the grantee was to hold the land "for himself/herself, heirs and assigns". She was enjoined to "observe all customary laws, obey the Chiefdom Administration Laws and the Township Council Laws." Again, she was not to "dispose of the demised land unknown to any of the landholding family or any of the Chiefdom Councillors." She was confused; the interest being conveyed to her was not leasehold as it did not have a term of years and did not provide the annual payment of ground rents and yet she found that the conditions attached to the grant derogated substantially from the qualities of a freehold interest as she knew it in Freetown.

After she constructed her house she decided to expand her business by buying foodstuffs from neighbouring Guinea and Liberia to sell in Freetown. She needed some capital to enable her do this and approached a bank in Freetown for a loan. The bank required some collateral and she offered her house to be used as such. The bank was happy with the quality of the property and its location and was quite keen on giving her the loan. The bank requested for the documents on her land; the bank was not happy with the document she produced and asked her to obtain either a lease or a freehold interest. The family head and Paramount Chief refused to give her a new document for either a leasehold interest or a freehold on the basis that she was a stranger. The bank would not budge on the demand for the document which they insisted should be registered in the Registrar-General's Department. As a result of the impasse, Madam Abiba had to give up her desire to expand her business.

Handout 6 Negotiating experience worksheet

Recall an experience in which you were engaged as a negotiating party or as an observer (in land issues). It should be an experience where the outcome was not satisfactory for you and your colleagues. In the space below, briefly describe the situation including who was involved, the outcome of the negotiation, and why you saw it then, or see it now, as unsatisfactory.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

What did the parties do or did not do that led to the unsatisfactory outcome?

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

What do you think a satisfactory outcome would look like in this situation?

_____
_____
_____
_____
_____
_____
_____
_____
_____

What might have been done differently to achieve a satisfactory outcome?

_____
_____
_____
_____
_____
_____
_____
_____
_____

Handout 7 Scenario: multiple sales of peri-urban land in Accra, Ghana

In Accra, many plots are sold by different people to different clients. While one buyer starts constructing, another buyer appears or sends land-guards to destroy the already built-up structures, sometimes even attacking the caretakers who are supposed to protect the property for the other person.

Some years ago, the Katamanso chief gave some of his land temporarily to the Anwahia chief and his people for farming. He, however, sold that land to a real estate agent who recently found out that part of it had also been sold to someone else. The real estate agent went to court. What had happened was that the Anwahia chief had died and his son had sold the land again, either not knowing that it had already been given away or thinking that it would not be developed by the real estate agent. Both father and son sold the same piece of land, which belongs to the neighbouring clan.[1]

The actors

The Katamanso chief

The Anwahia chief

The new owner – a developer

The old owner – the real estate agent

The local people

The judge

The local land administrator

The various actors and their positions, interests, needs, desires and fears

The conflict party	Positions	Interest	Needs	Desires and fears
The Katamanso chief	It's my land.	To get land back for his people.	Material need: the land for his people. Emotional need - the land belongs to his ancestors.	Fear of loss of the love and respect of his people.
The Anwahia chief (junior)	I am no longer in my business.	To not be bothered.	Material need: money	Desire for wealth and status
The new owner - the Developer	It's my land.	Want to build housing and commercial space.	Material need: to make money, to do business	Fear for his existence and his company if money is lost. Desire for wealth and possible election to political office.
The old owner – the real estate agent.	It's my land.	Wants to settle the dispute as soon as possible so he can sell the land and get his money and profit.	Material need: money and profit.	Fear of losing his money. Desire for wealth.
The local people	The land belongs to the Katamanso tribe but everyone has rights to access.	Want to keep land in the chief's hands so they can continue to use it for forest products.	Material need: forest products.	Fear of loss of raw materials for food and medicines.
The judge	Let us resolve this conflict soon.	Maybe I can make some money here.	Material need: wants to buy land in his village.	Desire: to retire soon and become a farmer.
The local land administrator	Who has papers for this land?	To find a just solution to the conflict.	Legal Need: to have some precedents for such land conflicts.	Desire: to look credible and gain respect in the eyes of the public.

---

1 Wehrmann, B. *The Easiest Way to Make Money is to Sell Land. Land Conflicts in the Peri-urban Areas of Accra, Ghana.* In: Trialog 74/2002, pp. 26-32.

Handout 8 Scenario: partnership for producing housing

The International Federation of Surveyors (FIG) and UN-HABITAT state that standards must be lowered in order to *reduce the production costs* of habitable serviced land for housing, to avoid rendering informal land and housing production processes illegal, and to *reduce procedures* which have discriminatory effects or those that lead to segregation. The amount of regulation relative to land development should be reduced. Emphasis should be laid on the design of minimum standards and the supply of guidelines in relation to the level of urban infrastructure, services and urban layouts. All this should be at minimum initial cost, while allowing for subsequent incremental improvements.

FIG and UN-HABITAT also state that a variety of factors combine to make any revision in standards difficult, with the strongest resistance to change typically found in public administrations, professionals, urban management technicians and a large section of the middle class. This is why all stakeholders should be involved when a national regulatory framework comes under scrutiny and subsequent reforms come up for implementation and coordination. Stakeholders include interest groups and/or dependent groups, i.e. categories of people or institutions who share a common interest in a piece of land, be it an individual site or plot, the territory of a community, a natural conservation area, a region or a country.

Source: FIG/UNCHS. 1998. Informal settlements, Security of Tenure, Urban Land Management and Local Governance. Experiences in Implementing the Habitat Agenda, Draft Report of the Durban Conference, August 1997. p.13.

Handout 9 Lowering communication barriers

Relationships: check one of the following relationships (boxes) and proceed to the exercise:

☐   Land professionals with grassroots community (identify a community you would focus on.)

☐   Land professionals with women (Identify a community or communities you would focus on.)

☐   Land professionals and technicians with one another.

We have identified these barriers to communication:

1...

2...

3...

4...

5...

The following are ways of recognizing the existence of these barriers:

1...

2...

3...

4...

5...

Shown below are strategies for eliminating or alleviating these communication barriers:

1...

2...

3...

4...

5...

Other observations:

....

....

....

....

Handout 10 Improving land governance – my action plan

1) There are three key things that I can do to improve land governance with women and grassroots communities. They are:

_____
_____
_____
_____
_____
_____
_____
_____

2) I need the support/involvement of the following people/organizations to do this.

_____
_____
_____
_____
_____
_____
_____

3) I expect to have the following challenges in implementing my plan.

_____
_____
_____
_____
_____
_____
_____

4) I will address the challenges in the following manner.

_____
_____
_____
_____
_____
_____
_____
_____

5) I will know I have been successful in my activities when the following things take place.

_____
_____
_____
_____
_____
_____

THE GLOBAL LAND TOOL NETWORK

The main objective of the Global Land Tool Network (GLTN) is to contribute to poverty alleviation and the Millennium Development Goals through land reform, improved land management and security of tenure.

The Network has developed a global land partnership. Its members include international civil society organizations, international finance institutions, international research and training institutions, donors and professional bodies. It aims to take a more holistic approach to land issues and improve global land coordination in various ways. These include the establishment of a continuum of land rights, rather than a narrow focus on individual land titling, the improvement and development of pro-poor land management, as well as land tenure tools. The new approach also entails unblocking existing initiatives, helping strengthen existing land networks, assisting in the development of affordable gendered land tools useful to poverty-stricken communities, and spreading knowledge on how to implement security of tenure.

The GLTN partners, in their quest to attain the goals of poverty alleviation, better land management and security of tenure through land reform, have identified and agreed on 18 key land tools to deal with poverty and land issues at the country level across all regions. The Network partners argue that the existing lack of these tools, as well as land governance problems, are the main cause of failed implementation at scale of land policies world wide.

The GLTN is a demand driven network where many individuals and groups have come together to address this global problem. For further information, and registration, visit the GLTN web site at www.gltn.net.

About this training package

This training package provides an introduction to the important, complex, and sometimes daunting theme of improving land governance as a means to enhance gender equality and grassroots participation in land matters. This training package is designed for professionals, working in the field of land, governance, grassroots participation and gender in public institutions or civil society organizations.

The goal of the training is to improve women's land and property rights and promote the participation of grassroots communities in land processes. The focus is on gender equality and grassroots participation as vital dimensions of good land governance.

The training package is prepared in two volumes: Trainee's Handbook: Readers and References and; Trainer's Guide and Training Tools. Training providers and other stakeholders interested in carrying out the training course are encouraged to fully utilize the package and implement it as set out in these two volumes.

GLOBAL
LAND
TOOL
NETWORK

GLTN contributes to the implementation of pro-poor l and policies to achieve secure land rights for all
www.gltn.net