

Power in People

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ADVANCING EQUITABLE LAND GOVERNANCE

KEY LESSONS FOR PROGRAMME DESIGN AND IMPLEMENTATION

While climate change and a profit-seeking development model increase global pressure on and competition for land and land-based resources, it is at the same time a critical resource for local people's livelihoods and wellbeing especially in the Global South. Improving equitable land governance in these countries is thus of increasing concern to small scale farmers as well as local, national and international civil society organisations, donors, governmental institutions and businesses. Drawing on lessons learned around the world, this briefing provides guidance to policy makers for the design and implementation of land governance programmes that support the livelihoods of local communities, now and in the future.



Farmers in Adaklu, Ghana receiving training on climate resilient sustainable agricultural practices

Institutions such as UN Habitat, UN Women and the FAO recognise that in many countries, current land governance practices perpetuate land insecurity and often serve as barriers to achieving other development objectives. As many governments see land mostly from a technical and economic standpoint, they often neglect its ecological, cultural and social dimensions, discriminate against women and people living in poverty and ignore the need for capacity development for long-term sustainable, productive use of land.¹ This situation is often compounded by competing claims for land and other natural resources between 1) local communities, 2) authorities and 3) investors and businesses pursuing large-scale land acquisitions, often supported by governments.

Land governance in its full complexity can be understood as “the process by which decisions are made regarding access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are

reconciled.”² Land governance practices are deeply embedded in a social, political and economic context, which is mainly a local and national issue, but also goes beyond borders as it is influenced heavily by the global land market and demand for natural resources. Efforts to strengthen land governance must grapple with a plurality of formal and informal norms, incumbent systems and regimes (political, legal etc.), and other global interests and processes affecting decision-making on control over and use of land.

For over 10 years ActionAid has been exploring and addressing challenges related to land rights and land use, particularly for rural women in Africa, Asia and Latin America. This document summarises key lessons for governmental agencies who seek to design and implementation of programmes to improve land governance. These lessons call for participatory approaches to find local solutions for the most vulnerable on the ground while taking into account the global context.



Nazma (Bangladesh) lived with her two children in a small hut that was regularly flooded, without any land. ActionAid supported the build of a flood-proof village where the most vulnerable families were relocated and received allotments with their houses.

1 Good Land Governance Policy Paper, UN Habitat and FAO for Global Land Tool Network (GLTN).
2 Working definition; Ibid.

THE IMPORTANCE OF SECURE LAND TENURE RIGHTS

As evidenced by the experiences of governments, UN bodies, researchers, NGOs, farmer organisations and social movements and reflected in guidelines such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT)³, land rights and land use affect people's livelihoods in many ways determining their access to affordable, nutritious food, their economic, educational and healthcare options, their resilience in the face of

climate change and other challenges as well as their position in society, ability to participate in public life and access to justice. Access to and control over land, as well as the ability to take decisions regarding its use are critical for small scale farmers whose depend on land for their livelihoods particularly in a context of corruption and pressures on national and local authorities to maximize short-term profits.



Pili Shabani Gone-Ntondo,
woman farmer
in Tanzania.

3 The VGGTs were endorsed by the Committee on World Food Security on 11 May 2012 and have been encouraged by G20, Rio+ 20, United Nations General Assembly, Francophone Assembly of Parliamentarians and numerous donor governments including the Netherlands. Accessed from <http://www.fao.org/tenure/voluntary-guidelines/en/> (26.11.2018).

MAIN POINTS

Considering the importance of secure land tenure rights for small scale farming families (see box), decision making on land governance must pay particular attention to and empower the most vulnerable among them (women, indigenous and/or disadvantaged communities and the most deprived community members). The land rights of women deserve special attention, since women currently do not have the same access to and control over land as men. As can be seen in past initiatives, women's empowerment and strengthened land rights results in stronger leadership, engagement and collective action by women in other areas.⁴ This requires a cross-sectoral approach that pays attention to social norms and power relations which often entail secondary land rights⁵, and also consider aspects like women's unpaid care work, the right to food and nutrition, access to and quality of support services and violence against communities' land rights defenders (and, among them, women in particular).

Below, we highlight four specific lessons which are, in summary:

- The land rights of women, indigenous peoples, remote communities and vulnerable groups are often not secure. *They must therefore be prioritised* in equitable land governance programmes.
- *Grassroots organisations* often have a better overview of land tenure dynamics and implications and hold the potential for spreading knowledge in their movements and networks. Working with these local partners is thus strongly recommended to strengthen land rights in an effective and sustainable way.
- Another crucial aspect for assuring equitable land governance and secure livelihoods is strengthening *sustainable land tenure and management strategies*.
- Finally, it is crucial to maintain a holistic view and keep an eye on *the bigger picture*. The issue of land rights has wider implications and is central to global trends including land grabbing and climate change.

4 This conclusion is supported by many others, as captured in the World Bank publication *Voice and Agency: Empowering Women and Girls for Shared Prosperity*. (2014), p.131

5 Rights to land held through male family members and that can be lost or imperiled upon divorce, widowhood or emigration.

KEY LESSONS FOR POLICY MAKERS

1. PRIORITISE THOSE MOST AT RISK

Women produce at least half the world's food and yet face significant discrimination and inequality in this arena, especially in Africa, Asia and Latin America. Guaranteeing their rights to land will have a catalysing effect on their wellbeing primarily, but also that of their families and communities. Indigenous, disadvantaged and remote communities often do not have secure tenure rights and typically benefit less from

existing support services. Moreover, particularly vulnerable groups, such as people living with HIV/AIDs and widows, face disproportionate challenges and often have no access to land. Supporting the rights and ability to access and control land (and thereby decide on its use) of these groups must be of paramount concern in any land governance initiative.

More specifically:

- Any equitable land governance programme must be based on an understanding that *private ownership of land is not the global standard*: up to 2.5 billion people rely on land and related natural resources that are on lease or held, used or managed collectively.⁶ Good land governance should therefore be community-centered while upholding human rights, environmental and corporate accountability standards.
- Pay close attention to the multitude of factors restricting the use and control of land by women, and *focus on redressing gender and other rights abuses and injustices*. Consider particularly gender discriminatory practices found in customary law practices (e.g. inheritance) or in statutory law systems and access to administrative and justice systems for women, but also consider that there are broader issues hindering women from accessing and controlling land. Discriminatory systems, that leave women and others poor and underrepresented, are often embedded in beliefs, cultural practices and prevailing power relations.
- *Understand the existing frameworks, incentives and bottlenecks* at national and local levels. Identify in a participatory manner the policies, incentives, institutional arrangements or practices that disempower people in terms of access to and control over land, water and other natural resources. Work towards improvement based on this information. Investigate the six areas derived from the VGGTs: participation in decision-making, customary and informal tenure, gender equality, land grabs, land administration and conflict resolution mechanisms. Identify avenues for recourse and remedy and barriers to their use by women and other vulnerable groups..
- Pursue change and empower communities *through the participation of those most affected by land governance decisions*. Place their experiences and aspirations at the center of programme design and activities, build on promising grassroots movements and initiatives, focus on participation in decision-making locally, nationally and internationally. For example, involve women and communities in the collection and analysis of information related to past, current and future access to and control over land, gathering good practice and proposing changes in policy and practice. In AA's experience, even the process of data collection itself can inspire ownership, agency and action.

6 Who Owns the World's Land? Rights and Resources Institute (2015).

- *Increase awareness, knowledge and action.* Pay attention to capacity and knowledge development at all levels, especially with those directly affected by land governance decisions, but also national and local governments, traditional and religious leaders, businesses, donors, (international) CSOs and social movements. *Knowledge generation, collective action and capacity/awareness raising on land rights* have been found to be particularly useful in advancing community and women's land rights. Awareness raising and collective action also require the ability to make use of unforeseeable opportunities to ensure there is space for experimentation with approaches and new partnerships.
- *Take a holistic view and remain flexible.* Ensure that all research and requests for financial or technical support have considered the particular impediments women and other high-risk groups face in securing land rights and controlling land use, including Unpaid Care Work⁷, violence against women, practical knowledge, skills and resources for sustainable, climate resilient forms of agriculture, particularly agroecology, and socio-economic empowerment. Allow for regular reflection and correction of errors in programme design and implementation to make use of new information and learning.⁸ Ensure there are mechanisms to respond to urgent developments in land governance or urgent needs of communities and partners.
- *Resist pressures to only support initiatives in the "most promising" countries.* With the demands of donors (and the public in donor countries) for rapid success, there is pressure to invest in countries that can deliver large-scale results in the shortest timeframe. Limiting investments to countries deemed ripe for change leaves behind millions of women, men and children and permits inequitable land governance practices to continue unchecked. In AA's experience, political will for change can be meaningfully fostered in countries where there may be very little to none at the start through investments in the capacity of grassroots groups, e.g. women farmer's organisations and CSOs that support them, to advocate for their rights.

7 Unpaid Care Work refers to women's heavy daily burdens of fetching water, doing household chores, caring for children and elderly and agricultural tasks result in limited time and energy to pursue their rights or participate in decision-making, increase sustainable productivity and access markets. Unpaid care is recognized in the SDGs but often not at community, national or regional government levels.

8 A good example is the Dutch Ministry of Foreign Affairs that learned from past experiences about the erosion of women's customary tenure rights in land registration activities, and now includes a gender perspective in all land registration projects.

2. WORK WITH GRASSROOTS PARTNERS

The central role of local actors and relations in land governance suggests an approach which supports and mobilises the knowledge of grassroots actors. This means policy makers should enable access to funding and other support by local groups, prioritise knowledge

building and sharing and develop capacities for organizing and negotiation. Working with local groups requires carefully developing design choices, entry criteria, and application, evaluation, reporting and information dissemination processes.

More specifically:

- *Make funding and technical advice/assistance available to grassroots groups and smaller NGOs.* Community based organisations and smaller in-country NGOs foster the knowledge base, solidarity and voice of those directly impacted by poor land governance practices. This counters the current trend of large-scale donor projects and stringent requirements, a situation that is compounded by the shrinking space for civil society.⁹ As expressed by Minou Ramaroson of the Huairou Commission in 2018: “[..] view grassroots organisations not as projects but as agents of change”.¹⁰
- *Work with women’s organisations, networks & women’s movements.* Programmes should provide roles and support for women’s organisations and networks (incl. farmer’s groups, cooperatives and human rights defenders) since they are central to success and sustainability. Access to technical assistance and funding should be made available where appropriate. The involvement of women’s movements in programme activities and/or outputs can help maximise their potential for improving land rights.
- *Prioritise (and develop capacity for) collaboration between actors at all levels,* with a particular view to develop social capital in target countries. Encourage innovative forms of connectedness as “the new ‘currency’ for social change”.¹¹ In these partnerships and collaborations, promote mutual capacity building and facilitate platforms for exchanges and learning from each other.
- *Assist with the identification of local resources* (time, financial, in-kind) available to civil society organisations that complement those of external donors. This can help build their legitimacy and visibility.¹² Help find creative opportunities and solutions for this purpose which will also contribute to ownership and long term commitment of local organisations.

9 Rethinking Power and Resources. Partos online article, 22 November 2018.

10 Comment made at ActionAid Learning meeting, 23 April 2018.

11 Comment by Bart Romijn, Director of Partos in Introduction to Joining Forces, Sharing power. Civil society collaborations for the future (2018).

12 Rethinking Power and Resources. Partos online article, 22 November 2018.

3. PAY ATTENTION TO LOCAL TENURE AND LAND USE ARRANGEMENTS

How land is used and managed over the long-term is critical for sustainable development and for upholding human rights for all, including

intergenerational equity, especially as the world faces increased insecurity due to climate change and land degradation.

More specifically:

- *Promote participatory territorial and land use planning involving communities and women.* Map in a participatory way the existing indigenous knowledge and traditional land use strategies and build on those to find solutions for conflicts over land rights and use. Secure local control of communities over their land and base decision making, including related to large scale land investments, on Free, Prior and Informed Consent (FPIC) processes. *Prioritise sustainable, climate resilient use of land for long-term food security and nutrition, based on the principles of agroecology.* As land use choices can contribute to environmental problems (land degradation, greenhouse gases), strengthen techniques and build capacity to pursue sustainable land use, for example through the practices of agroecology,

including improving soil fertility, integrated pest management, water management, production and use of local resilient seeds and breeds, extension services that combine farmer and scientific knowledge and the enhancement of agro-biodiversity. Ensure that aspects of nutrition are considered. Identify and promote appropriate credit options, knowledge-sharing activities, market development and policy frameworks that benefit small-scale producers and women in particular.

- *Build capacity to monitor governmental commitments to land-based investments on land use (change), gender equality, food security and nutrition, especially among women's organisations and networks.* This could include gender and age-disaggregated research conducted jointly with local communities.



With the ebola outbreak in Sierra Leone, farming activities came to a stand still. ActionAid started a project with the focus on women, named “the mother’s club” which lead to more inclusion and better resilience of the whole community.

4. CONTRIBUTE SIMULTANEOUSLY TO THE BIGGER PICTURE

Complement all activities to strengthen land tenure rights with efforts to influence the drivers of landgrabbing, contribute to democratisation by ensuring transparent decision-making and

consent processes regarding land and land use, help strengthen alternative initiatives and monitor corporate conduct.

More specifically:

- *Seek and propose alternative policies and initiatives that build community and women's land rights and sustainable land use.* Where appropriate, encourage governments to put in place targeted support for women smallholder farmers.
- *Work to ensure full implementation of the VGGTs by governments,* including through work at regional level. This will require assessment and decision-making practices that consider the full range of economic, social, cultural rights and environmental impacts and community voices. Enhance national and local monitoring through the establishment of independent or formal multi-stakeholder committees, with strong civil society involvement. The VGGT Scorecard developed by ActionAid (see list of resources at the end of this document) is recommended as a valuable tool.
- *Ensure FPIC is respected in all communities and involve all community members.* FPIC should be both a programme objective and carefully monitored for its quality and inclusivity in practice.
- *Improve the regulation and monitoring of corporate conduct in relation to human rights, tenure rights and environmental, social and labour standards.* This includes ensuring that financial institutions, investors and businesses carry out comprehensive human rights and environmental due diligence, are transparent and are fully accountable for respecting human rights, legitimate tenure rights and environmental, social and labour standards throughout all their operations at home and abroad, and that affected people have access to access to remedy, for example through complaint mechanisms.



The Aboroshya women's group in Rwanda. Together the women grow crops and rear animals in a more efficient way than before.

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ActionAid Netherlands, April 2019.

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