



# WOMEN, LAND AND CORRUPTION

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Resources for Practitioners and Policy-Makers

**Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. With more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.**

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# CONTENTS

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<b>1 INTRODUCTION</b>	<b>6</b>
<b>2 EXECUTIVE SUMMARY</b>	<b>8</b>
<b>3 COUNTRY FINDINGS</b>	<b>12</b>
Baseline surveys	14
Cameroon	16
Ghana	20
Kenya	24
Liberia	28
Madagascar	32
Sierra Leone	36
Uganda	40
Zimbabwe	44
<b>4 SUPPORTING ARGUMENTS – THE GLOBAL CONTEXT</b>	<b>48</b>
Securing women’s land rights: the need for a feminist stance	50
Sexual extortion: a form of corruption	54
The Sustainable Development Goals, gender, land rights, and corruption	58
Guaranteeing women’s rights to land: the regional human rights framework in Africa	62
Countering land corruption and gender inequality: key African initiatives	65
Shaping the rules: Africa’s Land Policy Initiative	68
The VGGTs in the Sub-Saharan African context	71

<b>5 DEVELOPING RESPONSES</b>	<b>74</b>
Digital platforms for reporting land corruption	76
Linking land systems to block corruption	80
Investigating and reporting land corruption	83
Amplifying women’s voices through participatory video	86
Building a justice system that protects everyone	90
Training paralegals to support women’s land rights	93
Counteracting land corruption through technology	96
Community radio on women and land	99
Shifting attitudes to women and land	102
Dialogues for women’s land rights	105
Strengthening legal safeguards for women’s land rights	108
Legal guidance for women claiming land	111
Open days on land rights	114
Shaping the law with women’s stories	117
<b>6 Glossary</b>	<b>120</b>
<b>7 Acronyms</b>	<b>122</b>
<b>8 Authors &amp; contributing organisations</b>	<b>123</b>

# 1

## INTRODUCTION

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### SETTING THE SCENE

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Corruption over land use fuels inequality – between the wealthy and the poor, and between women and men. Women are especially likely to face land corruption – for a wide range of reasons – including social discrimination, less access to education and information, vulnerability to sexual extortion, and poverty. The largest share of the world's poorest people are women, and corruption affects poor people the most. Women are also particularly dependent on land across Sub-Saharan Africa. They make up the majority of the agricultural workforce and have fewer opportunities than men to earn an income by other means.

This resource book refers to both women and land and the effects of gender on land allocation and corruption, mainly in Africa. Gender is defined as the social and cultural assumptions attached to being male or female. Therefore, the phrase “women, land and corruption” we use here refers to the gendered traits which are associated with women. These traits affect women's land use and vulnerability to certain forms of corruption, on how corruption is reported and stigmas surrounding corruption based on societal expectations of women and men.

Land corruption takes many forms, from extortion and demands for bribes by land officials, to communities upholding male inheritance, or government support for large-scale land grabbing by international companies. Even where the law enshrines women's land rights, implementation is often weak, meaning traditional practices and corruption deny women their entitlement to land.

Social and cultural expectations shape women's roles and their interaction with and needs relating to land. Our resource book takes this into account and presents specifically gendered evidence on how women are affected by land corruption differently to men, followed by responses that are tailored specifically to the needs of women in order to address these gender-based inequalities.

To fulfil individual women's rights, land corruption must be ended. But governments and society must also tackle corruption over land issues to overcome poverty and inequality. Corruption perpetuates gender disparities and social norms discriminating against women. These gender inequalities undermine good governance, sustainable growth, development outcomes and poverty alleviation.

The issue of women, land and corruption in Africa has received increasing attention in recent years. The Sustainable Development Goals (SDGs) – the overarching framework for the international community to end extreme poverty and inequality by 2030 – address all three factors. The African Union has launched several key initiatives to address gender inequality and land rights, including the African Women's Decade and the Land Policy Initiative. In 2016, the Transparency International global movement unanimously adopted a resolution for corruption-free land governance worldwide<sup>1</sup>, calling for:

- All governments, businesses, civil society and the public to recognise land corruption as a serious threat to livelihoods.
- Governments to strengthen land administration systems to support good land governance.
- Businesses to act responsibly, transparently and fairly when entering into land deals with governments and traditional authorities.
- Governments and businesses to support and protect land corruption whistleblowers.
- Citizens to report land corruption, resist paying bribes and demand accountability from political and traditional leaders in land affairs.

## Why this publication?

Despite increasing attention in recent years, little evidence has been available on the issue of women, land and corruption in Africa to inform effective policy-making. There has been no compilation of relevant background information, lessons learnt and approaches to tackling land corruption as it affects women. This publication aims to address that gap, providing practitioners and decision-makers with a compendium of research findings, contextual information and practical solutions to help fulfil women's land rights. It presents specifically gendered evidence on how women are affected by land corruption differently from men, followed by responses tailored to women's needs to address gender-based inequalities over land.

The publication is divided into three sections:

- 1. Country findings:** empirical evidence on land corruption and useful background information on legal and policy frameworks in eight African countries.
- 2. Supporting arguments – the global context:** relevant international frameworks and perspectives such as feminism and human rights, needed to understand land corruption as it affects women.
- 3. Developing responses:** a collection of practical approaches to land corruption affecting women, applied by a range of civil society organisations across Sub-Saharan Africa.

The evidence presented in this unique collection of resources, highlights the importance of policies and actions to remove the gender element from land corruption – both to deliver women's rights and as a key step in tackling corruption over land in itself. Issues of corruption and gender must be mainstreamed throughout international initiatives such as the land-related SDGs<sup>2</sup>, so they can provide a framework to address and monitor gendered land corruption in the coming years. Civil society also has a key role to play, adopting, developing and refining the solutions profiled here.

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<sup>1</sup> "Transparency International calls for corruption-free land governance", Land Portal (web), 2016. [bit.ly/2ixLjaZ]

<sup>2</sup> Transparency International, "Monitoring Corruption and Anti-Corruption in the Sustainable Development Goals", (Transparency International, 2017). [bit.ly/2CAWDqq]

# 2

## EXECUTIVE SUMMARY

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Although the issue of land corruption and its disproportionate effect on women in Africa has received increasing attention in recent years, little evidence has been available to underpin attempts to address the problem. There has also been no single source of contextual information and solutions. This unique collection of resources is intended to fill that gap, providing practitioners and decision-makers with research findings, background information and approaches to tackle land corruption as it specifically affects women.

### Land, corruption and women's lives

Data from the United Nations<sup>1</sup> shows that statutory and customary laws in developing countries continue to restrict women's access to land. Women's control over household economic resources is also limited, and the largest proportion of the world's poor people are women. In Sub-Saharan Africa, 75 per cent of married men earn cash income from manual labour, compared with only 46 per cent of married women.

#### HOW LAND CORRUPTION AFFECTS WOMEN

Corruption hits the poorest the hardest<sup>2</sup>, undermining efforts to break the cycle of poverty and further distorting how income, resources and services are shared between women and men. Land management and governance are particularly prone to corruption. Worldwide, one in five people reports that they have paid a bribe for land services in recent years. But in Sub-Saharan Africa, every second client of land administration services is affected<sup>3</sup>.

Critically, corruption exacerbates gender inequalities in society. Women experience, perceive and are affected by corruption differently from men. They are more vulnerable to specific types of corruption, particularly sexual extortion, due to their social, political and economic roles. Discriminating social norms mean women typically have less access to education and information about their rights, and fewer decision-making opportunities than men. As primary caregivers, responsible for looking after children and the elderly, women are more likely to experience corruption in education, health and other public services.

#### WOMEN'S RELIANCE ON LAND

Women in Africa are particularly reliant on land for their social and economic security. They contribute substantially to the production and distribution of food, especially in rural communities, and cash crops often provide women with a source of independent economic means. Rights to own or use land support women's social security and standing, and may also empower women to become more visible in the public sphere.

The links between land, corruption and women's wellbeing are clearly evident in Africa. Women's strong dependency on land as a resource means that land corruption disadvantages them more than men. Such corruption takes many forms, from traditions of male inheritance that prevent women from inheriting land from their parents and husbands, to bribery and sexual extortion by community chiefs and land officials when women do try to access land. Multinational investors have repeatedly appropriated tracts of land traditionally worked by women. Rent-seeking, misuse of power, corruption and deprivation of information about land rights disadvantage women disproportionately. They increase gender disparities, undermining women's livelihoods and social standing, and perpetuating poverty. Knowing their land rights and how to claim them are crucial to women's economic and social security.

### Reality on the ground: the evidence

To set a baseline for its Land and Corruption in Africa programme, Transparency International recently carried out research into land corruption in eight African countries<sup>4</sup>. The research confirmed that corruption over land impacts women significantly more than men. Key findings<sup>5</sup> include:

- Women are regularly disadvantaged by not being made aware of their rights to own property and land.
- Women are often excluded from negotiations on land deals and community discussions with investors on potential land sales. They are less likely to receive their fair share of compensation for land acquired by external parties<sup>6</sup>.
- Even where women are involved in land deals, they rarely see financial benefits, as men are usually in charge of household income<sup>7</sup>.
- Engagement with traditional leaders over land is often challenging for women.
- In countries where legislation supports women's

claims to land rights, law enforcement is often weak and women's claims are undermined by practice and custom, which men can manipulate for their own gain<sup>8</sup>.

- As competition for land increases, women's land rights are weakened. Even where there is support for women's rights and gender equality, many people reject the idea of women inheriting land<sup>9</sup>.
- Women are vulnerable to sexual extortion as a form of corruption and are often forced to trade sexual favours for land deals<sup>10</sup>.
- Women and men often perceive the land they use as jeopardised by the interests of external investors and traditional leaders, and that they lack a say in decisions about that land.
- Even when land sales create new jobs for local populations, women lose out as employment opportunities tend to favour men disproportionately<sup>11</sup>.

## The wider context

It is important to address these issues in the context not just of women's immediate experience, but through a wider lens that includes perspectives such as feminism and human rights, and international frameworks.

### PERSPECTIVES

- **The need for a feminist stance**  
Resolving gender inequalities over land requires an understanding of the intersection between the diverse forms of discrimination that women face. Tackling the norms and power structures that prevent women from claiming their land rights, and building women's capacity to advocate for better policies, are crucial to strengthening women's agency over land.
- **Sexual extortion**  
Individuals in positions of power often demand sexual favours as a bribe for land services. Sexual extortion can have severe physical and mental health consequences, with survivors facing social exclusion. Public sector codes of conduct and redefinitions of "corruption" are needed to overcome the taboo around sexual extortion and to enable prevention efforts to succeed.
- **The human rights lens**  
Women's right to land is recognised in many national constitutions and international treaties and documents, including the African Charter for Human and Peoples' Rights. Bringing the language of human

rights into the argument on women's land rights provides a useful basis for advocacy.

### INTERNATIONAL FRAMEWORKS

- **The Sustainable Development Goals**  
The 17 Sustainable Development Goals include ending hunger and poverty, increasing education, achieving gender equality and improving health. Intended to steer policy-making and development funding until 2030, the goals include women's land rights and corruption. However, specific measures are needed to ensure transparency and accountability from officials implementing programmes aimed at achieving the goals, to prevent manipulation and misuse.
- **African initiatives against land corruption and gender inequality**  
Many conventions and institutions across Africa address women's land rights. Under the slogan "Gender is the Agenda", the African Union (AU) has designated 2010-20 the African Women's Decade – aimed at creating an environment in which women can fulfil their rights – and, separately, fixed 2018 as the "African Anti-Corruption Year". The AU Land Policy Initiative addresses ambiguities over tenure, providing guidelines for policies to address problems such as land grabbing. The initiative's codes of conduct highlight the importance of working alongside populations over land issues and integrating women at all stages.
- **The Voluntary Guidelines on the Responsible Governance of Tenure**  
Created by the UN's Committee on World Food Security, these recommendations aim to improve security of tenure for smallholders and marginalised communities. They stress the importance of gender equality, reducing corruption and increasing transparency in land tenure, helping governments create the institutional arrangements to protect rights to tenure.

## Addressing gendered land corruption

Across Sub-Saharan Africa, civil society is already implementing many strong solutions to issues of women, land and corruption. These cluster around two areas: increasing access to justice and ICTs. Several centre on promoting legal guarantees for women's land rights, and approaches to ensure that where such laws exist, they are fully implemented. They also seek to build women's

knowledge of their land rights, confidence to engage in public processes, and capacity to influence the context in which they access land.

## ACCESS TO JUSTICE

Many approaches support women's legal claim to land, by shaping laws that protect women's land rights and helping women access justice systems and legal redress when their rights are challenged. Efforts to support women's access to land can include providing and monitoring dedicated spaces in the land administration process where women are required to be present and involved, or oversight by NGOs and other groups to ensure women's rights are upheld<sup>12</sup>. Training local officials and administrators in women's land rights, providing them with appropriate compensation and support, and creating oversight mechanisms can reduce the likelihood that they will engage in corruption. Local judicial actors must also be trained in the importance of protecting women's land rights through a free and unbiased judiciary.

When large-scale land deals are contemplated, civil society can help ensure the legal framework around investments complies with international best practices, including requiring Free, Prior and Informed Consent from those affected. Such consent must be gained in a gender-sensitive way, allowing for women's full participation. CSOs can also monitor to ensure companies or vested interests are not unduly influencing the legal framework.

Key initiatives to strengthen legal frameworks to deliver women's land rights and to enable women to access justice systems include:

- **Linking land systems to block corruption**

Differences between customary and statutory tenure regimes can deprive women of their land rights. Specific processes focused on granting women land titles are often needed to reconcile different systems of tenure. Models such as the Huairou Commission's Social Tenure Domain Model address this, by identifying and defining a person or party's tenure in relation to a piece of land, including ownership and rights of use. The system allows traditional leaders to work with the state to ensure that women and poor people can gain formal documentation of their customary rights to land – leaving less scope for corruption to deny them.

- **Strengthening legal safeguards for women's land rights**

Legal institutions across Sub-Saharan Africa need

strengthening so they can offer redress to women experiencing land corruption. Through its Collaborative Casework approach, International Justice Mission is pushing for reform to Uganda's justice system, to make it easier for individuals to submit cases and remove loopholes that deny women their rights, while fostering public demand for such reforms. They also partner with local authorities to ensure cases are brought to completion and victims of property grabbing receive redress. Elsewhere, Transparency International Zimbabwe has sought change from the top, through training sessions for parliamentarians on women's land issues and mainstreaming gender into land and anti-corruption policies.

- **Training paralegals to support women's land rights**

The Ghana Integrity Initiative has shown that training carefully selected community volunteers on the legal aspects of women's land rights can greatly help women access justice over land. The training does not make participants legal experts or qualified lawyers, but it does equip them to play an important role supporting women in their communities to access land, whether through community-based dispute resolution mechanisms or the courts. In Uganda, community volunteers are being trained by the Uganda Community Based Association for Women and Children Welfare, to help change discriminatory norms over women's land rights. They also promote local demand for accountability from land administrators through platforms for open dialogue, to resolve land-related disputes and demand redress from officials.

- **Information and legal guidance for women claiming land**

To overcome the lack of legal knowledge that exposes women to land corruption, Transparency International Kenya runs Advocacy and Legal Advice Centres in four regions, providing women with guidance on redress mechanisms. Staffed by workers speaking local dialects and equipped with infographics to overcome illiteracy, the centres have been promoted through open forums including training on legal matters and stressing the importance of women's rights. Transparency International Uganda has addressed a widespread lack of knowledge and land titles at the community level by holding open days to verify land titles, relay information on securing land, and connect people with organisations supporting those affected by land corruption. The events provide valuable legal advice and establish important support networks between organisations, officials and communities.

## INFORMATION AND COMMUNICATION

From training communities to understand the importance of women's land rights, to advocating for governments to enact the necessary policies, communication is essential in securing women's land tenure. Information and Communication Technologies (ICTs) underpin many initiatives, enabling women to voice their own stories and needs, driving cultural adaptation, promoting best practices, monitoring abuses and connecting activists. Key approaches include:

- **Digital platforms for countering land corruption**  
Collecting evidence of corruption is essential in the struggle for women's land rights, yet the complexity of data-gathering and the risks to those involved has ensured it remains one of the most significant challenges facing communities and anti-corruption organisations. In Kenya, This Is My Backyard (TIMBY) attempts to overcome these barriers through initiatives including building digital repositories of evidence, safeguarding communities from company threats, community training in digital literacy, and involving women at all stages of decision-making over gathering evidence. Research by Columbia University confirms ICT's potential to disseminate information and address gaps in knowledge about land. However, gendered access and concerns over anonymity must be addressed if technology's potential is to be fulfilled.
- **Amplifying women's voices through video**  
Speaking out against institutionalised corruption can expose women to severe repercussions from both community members and external actors. Participatory Video techniques can help to overcome this. In Ghana, InsightShare used Participatory Video to provide women with powerful tools to document their own lives, reach new audiences and advocate for change. Video is also proving a powerful advocacy tool elsewhere in Africa. The Centre for Transparency

and Accountability Liberia (CENTAL) is using video to advocate for a new Land Rights Bill in Liberia to address community ownership and women's access to land services. Transparency International-Initiative Madagascar has made video documentaries and televised debates to challenge patriarchal values, raising awareness of corruption and women's land rights.

- **Investigating and reporting land corruption**  
By applying the same drive as has been brought to uncovering political and financial corruption, researchers, activists and journalists can highlight injustice around women and land. With tact and persistence, they can uncover countless powerful personal stories that provide evidence to help drive change at cultural and political levels.
- **Community radio on women and land**  
National media campaigns against land corruption faced by women need to address heterogeneous audiences with sensitivity. Transparency International Sierra Leone uses community radio discussions as a powerful way to reach women and men in many different contexts. The programmes include phone-ins for community members to voice concerns and share experiences of land corruption.

Together, these approaches can free individual women from the injustice caused by land corruption, and free societies from the poverty and inequality such corruption causes. However, efforts to achieve gender equality and women's empowerment are often overshadowed by violence, including sexual violence. By challenging traditionally male domains, women frequently risk intimidation and social exclusion. Actors working on women's land rights and land corruption must tread with sensitivity. Carefully considered responses are needed if women – and their communities – are to harness the benefits from women's right to land<sup>13</sup>.

1 "The World's Women 2015", United Nations (web), 2015. [bit.ly/2noWXXI]

2 "Property and Development", Transparency International (web). [bit.ly/2AMH6HW]

3 "Global Corruption Barometer 2013: Report", Transparency International (web), 2013. [bit.ly/2kspZIM]

4 This publication presents research carried out in Cameroon, Ghana, Kenya, Liberia, Madagascar, Sierra Leone, Uganda and Zimbabwe.

5 "Corruption Risks And Mitigation Measures In Land Administration", Transparency International (web), 2016. [bit.ly/2BBjHWZ]

6 Columbia University, "Intersectionality of Gender, Land, and Corruption in Ghana", (Columbia University, 2015).

7 "What do we know about gender and large-scale land acquisitions?", Landesa RIPL Project (web), 2016. [bit.ly/2FfRPg]

8 FAO/UN-HABITAT, "Towards Improved Land Governance", Land Tenure Working Paper 11, (FAO/UNHABITAT, 2009). [bit.ly/2Fhkge4]

9 Afrobarometer, "Gender equality in Burundi: Why does support not extend to women's right to inherit land?", Policy Paper No. 22 (Afrobarometer, 2015). [bit.ly/2FegSK9]

10 TI Zimbabwe, "Young People and Corruption in Zimbabwe – Baseline Study Report", (TI Zimbabwe, 2015). [bit.ly/2l4FsBy]

11 Landesa RIPL Project, 2016.

12 Transparency International, 2016.

13 "Gender-Responsive Work On Land And Corruption: A Practical Guide", Transparency International (web), 2017. [bit.ly/2eKBAIF]

3

**COUNTRY  
FINDINGS**

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#### **EVIDENCE AND ANALYSIS**

At the start of Transparency International's Land and Corruption in Africa programme, eight national chapters in Sub-Saharan Africa carried out baseline analysis, between 2015 and 2017, to profile land corruption in their countries. The research includes women's experiences and the specific challenges they face. It tackles the lack of evidence historically available to inform effective policy-making around the issue of women, land and corruption in the region. It also forms the basis for advocacy and interventions designed to help fulfil women's land rights.

# 3

## BASELINE SURVEYS

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Between 2015 and 2017, eight of Transparency International's national chapters in Sub-Saharan Africa carried out baseline analyses to provide a detailed picture of land corruption in their countries. The research sought to identify key aspects of land administration that are susceptible to corruption; to inform future advocacy work and create strategies to circumvent corrupt practices.

The participating countries – Cameroon, Ghana, Kenya, Liberia, Madagascar, Sierra Leone, Uganda and Zimbabwe – are all currently engaged in Transparency International's Land and Corruption in Africa programme. The research provided a thorough understanding of the situation in each country at the start of the programme – including the specific situation faced by women in relation to land and corruption. It addressed two key areas:

- **Policy and legislation:** political analysis of all land-related laws in the countries concerned and a rapid assessment of how effectively they are implemented and enforced.
- **Behaviour:** mapping different stakeholders' concerns and attitudes towards corruption in the land sector.

### Research methodology

The researchers took a two-pronged approach to gather and triangulate data:

- **A household survey questionnaire**  
This delivered quantitative data on participants' access to information, participation in decision-making, empowerment to take action, and exposure to corruption. The data was collected directly from randomly selected respondents in the planned intervention areas.
- **Focus group discussions and key informant interviews**  
These allowed more detailed examination of issues such as land grabbing, evictions and exposure to sexual extortion. Group discussions were mainly all-women or all-men, or for different age groups. Discussions were initiated by questions such as "What are the corruption issues here in relation to land?", allowing participants to choose topics important to them. Key informant interviews were held mainly with public officials, following a semi-guided interview structure.

The research was designed to inform the development and implementation of strong advocacy and activism aimed at promoting people-centred land governance. Its findings will also shape tangible solutions to corruption in the land sector – including those aimed specifically at helping women. The empirical research was backed by a desk-based mapping exercise to gauge the current legal, cultural and economic framework for land rights in each country. The political analysis deriving from the research will establish which initiatives the Land and Corruption in Africa programme will undertake and where it can add the greatest value. Further research during its implementation will track progress and update the picture of land corruption in each country. The survey questionnaire and desk-based mapping exercise documents can be downloaded here: [bit.ly/2GSSfFR](https://bit.ly/2GSSfFR)

## Limitations of the baseline research

Although of great value, the research must be considered in light of several limitations. The lack of statistically significant data for the overall populations in the countries surveyed must also be considered, for several reasons:

- The sample size of interviews was small.
- The communities involved were identified in advance, and the research mainly carried out in areas which the chapters believed to be especially affected by land governance issues. This raises a risk of pre-selection bias.
- Most communities involved (both urban and rural, but especially urban) were chosen because they are “vulnerable populations”, based on income distribution. The overwhelming majority of the respondents would qualify as poor or relatively poor. This makes it more probable that the sample will be representative of the project implementation area. However, it means the baseline data does not reflect an entire country, but rather the situations of vulnerable groups and communities susceptible to dispossession and displacement. The findings should not be considered representative of national averages, nor should they inform policies or advocacy initiatives directly. The baseline surveys can, however, inform policy and advocacy to improve the situations on

the ground in the areas surveyed, and provide a template for data-collection for other areas, should the sample size need to be expanded in the future.

- The data gathered can be regarded as significant for the communities where the Transparency International chapter is active or wishes to become active. For the sake of increasing the sample numbers, and as those communities do not qualitatively represent a demographically divergent contingent, those communities have been included in the analysis of each country.

Despite these limitations, these research findings represent the most comprehensive picture available to date of land corruption in Sub-Saharan Africa, including its specific effect on the lives of women. By revealing its causes and manifestations, they form the basis for the development of a comprehensive range of solutions that can help fulfil the land rights of all people in the region – specifically including women.

# LAND CORRUPTION IN CAMEROON

## AT A GLANCE

### LAND POSSESSION

**35%**

of women

hold land titles

**43%**

of men

**56%**

of rural households do not  
have title deeds

	<u>Women</u>	<u>Men</u>		<u>Women</u>	<u>Men</u>
Consider their land tenure to be <u>secure</u>	<b>48%</b>	<b>47%</b>	Consider their land vulnerable to dispossession by public officials or institutions	<b>39%</b>	<b>54%</b>
Consider their land tenure to be <u>vulnerable</u>	<b>37%</b>	<b>43%</b>	Consider their land vulnerable to dispossession by relatives	<b>20%</b>	<b>13%</b>
Are uncertain about their land tenure	<b>14%</b>	<b>9%</b>			

### BRIBES

**12%**

of those surveyed were asked to pay a  
bribe, in relation to land, in last 12 months

Of these,

**41%**

of bribes were requested by  
public officials

**10%**

of those surveyed paid a bribe, in  
relation to land, in last 12 months

**46%**

of bribes were paid to  
access information

**37%**

of bribes were paid to  
secure a land title

# RESEARCH FINDINGS FROM TRANSPARENCY INTERNATIONAL CAMEROON

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Given the absence of public debate in Cameroon over issues of women's land rights, the first steps in realising those rights must involve raising awareness among policy-makers, officials, community members and women themselves.

Women in Cameroon have statutory equality with men over land ownership, but very few land titles are registered, let alone to women. Reasons include fear of community backlash if a woman asserts her right to land. In response, a National Gender Policy was introduced in 2011, but low awareness of the policy means women's land rights remain marginalised and under-represented. Women generally do not know their statutory rights and when faced with land corruption, few seek redress. This lack of knowledge and high levels of illiteracy permit exploitation by officials, who demand bribes, either monetary or as gifts in kind. Land is also lost corruptly to national elites for farming and multinational corporations for natural resource exploitation. This isolates women from their vital role in food production.

## Women's land rights: the legal framework

Cameroon's 1996 Constitution does not explicitly mention women's right to access land. However, Law No. 96/06 of 1996 proclaims the right to landed property in its preamble, committing Cameroon "to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and all duly ratified Conventions relating thereto". The preamble affirms the constitutional protection of fundamental liberties "without distinction of race, religion, sex, beliefs"<sup>1</sup>.

In 1993, the Supreme Court formerly recognised women's rights to inherit under decision No.14/L<sup>2</sup>. However, legal gaps and inconsistencies<sup>3</sup> created by remnants of pre-colonial and colonial-era law amount to de facto discrimination against women. The situation is made worse by stakeholders' and women's weak knowledge of legal procedures and land rights, especially in rural areas. The Consultative Board (a land management board including traditional leaders) is not legally obliged to ensure that the names of all land owners appear on land titles. In addition, patriarchal traditional authorities can

intervene in the settlement of land disputes and act as assessor in legal jurisdictions.

The Ministry of State Property, Survey and Land Tenure implements land policy, grants titles and manages state land. At district level, it publishes manuals on land transactions, their costs and expected timelines<sup>4</sup>. However, the land-buying process is long and indirect, involving four different bodies and taking up to five years to complete<sup>5</sup>.

The National Gender Policy was introduced to promote gender equality<sup>6</sup>, however, it has had limited success, due to political parties' disinterest, limited implementation among stakeholders and low awareness, even among women's groups<sup>7</sup>.

## The importance of land in Cameroon

Transparency International Cameroon completed a country-wide baseline survey of land corruption in 2016, with 1,125 responses. Access to land is vital to produce food and generate income. It also defines cultural identity, political power and decision-making. Around a fifth of Cameroon's land is used for farming, with cash crops and food crops essential to a rural family's income. Women make up half of Cameroon's population, but produce 70 per cent of its food. In rural areas, more than 56 per cent of households have no title deed. Fast urbanisation in Cameroon has created overwhelming pressure on urban land services. Most urban residents own or privately rent plots of lands on which their houses are built.

Large multinationals are placing increasing pressure on land, occupying vast plots to grow palm oil, cocoa and rubber. Cameroon's elite also appropriate land for medium-sized farms. These factors present serious challenges to people's land rights.

## De facto barriers to women accessing land rights

Despite national law, women have limited ability to obtain land titles, participate in communal decision-making and access help when faced with dispossession. Little attention is paid to the issue of women and land in Cameroon. Desk-based research by TI Cameroon emphasises the strength of customs and patrilineal land management systems that retain overwhelming power in rural areas, to women's detriment. Traditional systems of tenure ignore women's right to land ownership, and women's names are rarely registered on land titles, as men claim they will marry and take land from the clan. When married, women's land rights are usufructuary<sup>8</sup>. Even under the community property regime, which guarantees women a share of the marital property on divorce, men are not obliged to include their wife's name on a land title. This same research sites the importance of involving traditional leaders in government projects to improve land governance.

TI Cameroon's 2016 baseline survey found that women feel unable to obtain land titles for reasons including fear of backlash from their community, fear of witchcraft and curses, and through customary institutions limiting their access to land. Eighty one per cent of women said they do not participate in decision-making processes. High rates of female illiteracy contribute to information asymmetries which prevent women from being able to seek legal redress in land-related issues. Women also lack access to credit and the financial resources needed for land registration and recourse to the courts. Many do not know that they could even own land. In the survey, 4 per cent of women said they did not think they had the right to be the legal title-holders.

## Land corruption in Cameroon

According to TI Cameroon's baseline survey, land corruption in Cameroon mainly takes place during the registration process. In situations of succession, inheritance and ownership, land is usually registered to men, owing to corruption and custom, despite women's equality under statutory law.

Corruption is common among public officials, and the process of land registration involves many intermediaries, opening up multiple opportunities for bribery. Many women lose even their usufruct rights to land through acquisition of vast tracts by elites and multinationals, resulting in fewer areas women can cultivate and, consequently, their reduced income.

Despite these risks, the incidence of bribe-paying and corrupt practices revealed in TI Cameroon's baseline survey was low, with only 12 per cent of respondents claiming to have been asked to pay a bribe in the last 12 months. Of these, 73 per cent paid. Most bribes went to public institutions or officials, community leaders and private investors. Overall, 46 per cent of bribes were paid to access relevant information and 37 per cent to secure a land title. Men's and women's answers were relatively close as percentages, but a bigger percentage of women paid a bribe to access information (58 per cent, compared to 41 per cent of men), highlighting the lack of information available to women. 32 per cent of respondents admitted to having paid a bribe because "everyone does it." This seems to contradict the low overall percentage of respondents having been asked to pay a bribe, but possibly reflects a perception rather than reality, or the fact that when asked for a bribe, everyone pays. Most bribes were monetary (85 per cent), although 53 per cent were gifts in kind. No data exists on whether sexual favours were involved. When discrepancies had arisen over land titles, almost all respondents sought assistance, 16 per cent through a local NGO, and 14 per cent through community meetings.

In the private sector corruption occurs mainly in the form of land grabs related to palm oil production. For example, one Cameroonian company, SG Sustainable Oils Cameroon, was charged with violating the law, clearing forest land without a permit, intimidating traditional chiefs and using bribery<sup>9</sup>.

Given the absence of public debate over issues of women's land rights, the first steps in realising those rights must involve widespread awareness-raising among policy-makers, officials, community members and women themselves.

<sup>1</sup> "Cameroon, National Legal Framework", Gender and Land Rights Database, FAO (web). [bit.ly/2yggSER]

<sup>2</sup> Gender and Land Rights Database, FAO.

<sup>3</sup> Institute for Research and Debate on Governance/Columbia University, "Land, Legitimacy and Governance in Cameroon", (IRG/Columbia University, 2010). [bit.ly/2zrKc0e]

<sup>4</sup> "Minister's Word", Ministry of State Property, Surveys and Land Tenure (web), 2014. [bit.ly/2AsVHVq]

<sup>5</sup> IRG/Columbia University, 2010.

<sup>6</sup> Government of Cameroon, "Document de Politique Nationale Genre 2011-2020", (GoC, 2011). [bit.ly/2IEIGVj]

<sup>7</sup> L. Mouchingam Mefire, B. Vissandjée and G. Bibeau, "Cameroon and the Gender Issue", (Advances in Anthropology, 2017) [bit.ly/2D4qWGA]

<sup>8</sup> See definition on page 121 (Glossary)

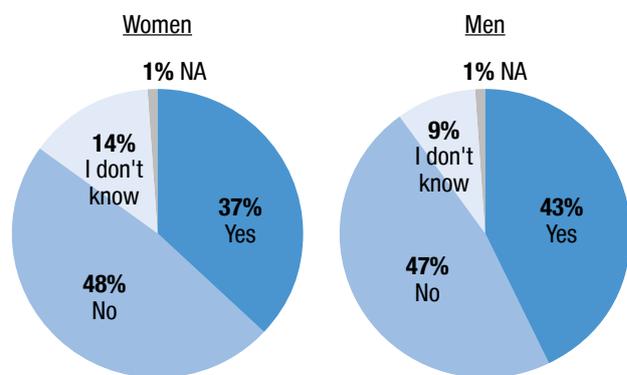
<sup>9</sup> "244 Cameroonian farmers bring SCSOC palm oil plantation to justice", Greenpeace (web), 4 October 2016. [bit.ly/2dAqY23]

For more information about the work of Transparency International Cameroon, visit their website [ti-cameroon.org](http://ti-cameroon.org)

## KEY SURVEY QUESTIONS

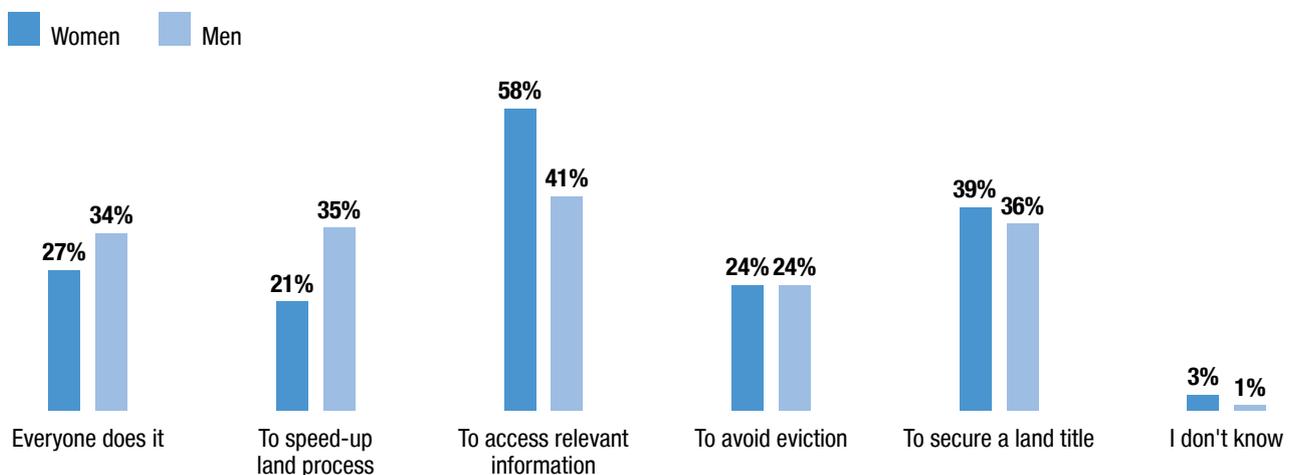
### Can your land be taken away?

Transparency International Cameroon's survey found that fewer women (37 per cent) viewed their land as susceptible to dispossession than men (43 per cent). However, more women said they did not know, demonstrating the lack of information available to women. This is critical, as it affects whether a woman can register her land and where she might turn if faced with land dispossession. Both women and men identified public officials or institutions as the main forces behind dispossession. However, 20 per cent of women identified family members as likely to take away their land, compared to 13 per cent of men, showing the extent of family constraint over women's land use.



### Why did you pay a bribe?

Women's and men's answers for why they had paid a bribe were close as a percentage, although a bigger percentage of women paid a bribe to access information (58 per cent, compared to 41 per cent of men). This again highlights women's lack of information over their land rights.



# LAND CORRUPTION IN GHANA

## AT A GLANCE

### LAND POSSESSION

**39%** **68%**

of women

of men

are named on their land title

**57%**

of women

consider their land tenure to be secure

**69%**

of men

**58%**

of women

identify community leaders as the main actors responsible for land dispossession

**67%**

of men

### BRIBES

**69%**

of those surveyed who were asked to pay a bribe, were asked to do so by a community leader

**49%**

of those surveyed who were asked to pay a bribe, were asked to do so by a public official

**46%**

of women who paid bribes have done so to avoid eviction

**46%**

of women who paid bribes have done so to secure a land title

**30%**

of women who paid bribes have done so to speed up a land transaction

# RESEARCH FINDINGS FROM GHANA INTEGRITY INITIATIVE (GII)

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**Improvements to Ghana’s legal framework and reductions in corruption levels among land officials will do little to secure women’s land rights until community leaders are held accountable for land distribution.**

Although land ranks as very important to all Ghanaians, land ownership among women is very low compared to men. This is mainly due to the strength of cultural and customary traditions and male actors in land allocation. Social institutions around lineage, polygamy and usufructuary<sup>1</sup> rights, alongside regional issues such as the role of the land priest in allocating land in northern Ghana, mean that despite the 1999 National Land Policy Act, women – especially widows without children – remain reliant on men for access to land. Land corruption is common, mainly in the form of monetary bribery. Among women, this bribery is largely to prevent land dispossession, demonstrating the insecurity of tenure women face.

## Women’s land rights: the legal framework

Ghana’s 1992 Constitution divides land into two categories, held under public and customary tenure systems<sup>2</sup>. All public lands are vested in the president in trust for the country’s people and managed by the National Lands Commission. Community lands, named stools in the south or skins in northern regions, are vested in the customary government on behalf of and in trust for the subjects of the stool, under Article 267 of the Constitution<sup>3</sup>. It is estimated that 80 per cent of Ghana’s land is held under various forms of customary land tenure, which causes widespread disputes over land, as traditional authorities often struggle to identify precise boundaries<sup>4</sup>. To overcome these problems, the government issued the National Land Policy in 1999, whose overall objective was to establish a clear and consistent set of land policies and laws.

The various recommendations put forward in this policy are currently being implemented through the Ghana Land Administration Project<sup>5</sup>. The second phase of the delayed 15 year project has included considerable gender mainstreaming including the development of a Gender Strategy in 2009, updated in May 2015<sup>6</sup>, and the creation

of Gender and Social Development Desks. The Land Administration Project is further seeking to strengthen land administration by customary actors through the concept of Customary Land Secretariats (CLS). These secretariats are specialised departments equipped to support landholding authorities and to improve their transparency and accountability. In reality however, the CLSs are under the authority of the traditional leaders, who direct their activities and are financially responsible for the maintenance of the offices<sup>7</sup>.

The Constitution enshrines fundamental human rights for every person, regardless of factors such as race, creed or gender. It guarantees both spouses a reasonable portion of each other’s estate, regardless of whether a spouse died without a will. The Intestate Succession Law of 1985 provides spouses with equal inheritance rights, but only applies when a person dies intestate. However, the term “spouse” is used in the singular, meaning polygamous marriages – estimated as 22 per cent of all marriages in Ghana<sup>8</sup> – are not addressed. The law also omits non-formalised unions and exempts stool, skin and family property and therefore does not apply to the majority of land in Ghana<sup>9</sup>.

For rural communities in the Upper East and parts of northern Ghana, the land priest (known as the “Tindaana”) controls land ownership<sup>10</sup>. Traditionally the community’s spiritual leader, he is mandated to distribute land, mediate land disputes and act as a link between the community and the spirits of their ancestors, believed to dwell in ancestral groves.

## The importance of land in Ghana

A source of livelihood and social identity, land is a vital asset. More than three-quarters (77 per cent) of respondents to the Ghana Integrity Initiative (GII) baseline survey in 2016 identified land as “very important”, and the majority (85 per cent) of those who owned land had their name written on a formal land title. However, while 68 per

cent of men had their name on a title, only 39 per cent of women did, demonstrating persistent gender inequalities in community and domestic settings. Of women who did own land, 83 per cent considered it to be securely held, compared to 81 per cent of men. Eight per cent of women were unsure.

Half of working women are engaged in farming, accounting for 44 per cent of the agricultural labour force. Women produce around 70 per cent of food crops, covering 40 per cent of all cultivable land<sup>11</sup>.

## De facto barriers to women accessing land rights

Ghana's customary land tenure rules are gender-biased, with far-reaching effects. The head of the household is almost always a man as is the head of the family<sup>12</sup>. Women are rarely involved in decisions about community land administration and have a limited voice in land matters at the household level<sup>13</sup>. Both male and female respondents of Gil's baseline survey overwhelmingly identified community leaders as the main actors behind dispossession, but 10 per cent of women also identified family members as responsible.

Community traditions override the legal requirement that a portion of a deceased person's property must be left to their spouse. In some regions, widows face particular discrimination. Widows with children are generally permitted to continue farming on their husbands' land while raising children, especially when they agree to remarry from their late husband's family. However, women without children are usually evicted and the land inherited by a brother. While widows are sometimes able to retain rights to their marital homes and farms, this varies by ethnic group (for instance, Ewe widows stay in their marital homes and Mo widows return to their natal homes when their husbands die)<sup>14</sup>. In general, migrant women, unmarried women, divorced women and women without children are all vulnerable to various forms of corruption and discrimination in relation to land tenure and land use.

Women are further constrained by patterns of marital residence and gender-based divisions of labour. For example, land clearing – the principal means of establishing usufructuary rights to virgin land owned by the clan – is a role traditionally assigned to men, making it hard for women to claim these usufructuary rights. In the Volta Region, women in patrilineal communities gain secondary access to their husbands' land through marriage, but lose access to their own lineage land at the same time<sup>15</sup>. Among the matrilineal Akans people, women may retain a right to lineage lands, although the lineage

heads often discriminate when distributing land to women.

## Land corruption in Ghana

Corruption is integral to Ghana's land management system. In the Upper East region of Ghana, "tipping" the Tindana is expected, even mandatory, with the most generous tippers invariably finding decisions taken in their favour<sup>16</sup>.

The baseline survey undertaken by Gil showed that women and men pay bribes for different reasons, with 63 per cent of men paying in order to secure a land title and 37 per cent to speed up a transaction. While half of female respondents also paid bribes for these reasons, a large portion of women (46 per cent) paid to avoid eviction (compared to only 7 per cent of men). This implies that more women than men are threatened by dispossession, showing women's insecurity of land tenure.

In contrast to most other Sub-Saharan African countries surveyed, more women than men were asked to pay a bribe in the last 12 months (39 per cent of women compared to 34 per cent of men). The majority of urban women respondents admitted to paying bribes, compared to less than half of rural women. Most bribes were monetary (70 per cent), although 8 per cent were gifts in kind, with 43 per cent of respondents paying bribes to community leaders, and 43 per cent to public officials. The findings of a Gil regional baseline survey undertaken in the Atebubu-Amantin District found that 42 per cent of respondents asserted that district level authorities were not putting in any effort to fight corruption<sup>17</sup>.

Ghana's President Nana Akufo Adda has called for an end to rampant corruption within the National Lands Commission, noting in 2017 the "mysterious disappearances of indentures and other land title documents from the Lands Commission, only for them to be replaced by documents belonging to others. Indeed, it appears that for the right amount of money, any transaction, legal or illegal, can be procured at the Lands Commission"<sup>18</sup>.

Corruption in the sale of land titles and documents has been linked to the boom in demand for rubber at the global level. In the Western Region of Ghana – where climate conditions are most suitable for rubber cultivation – rising demand, and therefore land values, has incentivised chiefs and custodians of customary land to exploit their position by leasing and selling considerable

portions of collectively owned land. Local elites and chiefs benefit from these sales while the community suffers from lack of access to arable land.

Illegal small-scale mining (“galamsey”) also has huge health and social costs for women in particular. The Constitution vests all minerals in the state, however the land within which such minerals are found tends to be under the ownership and control of chiefs and other customary authorities through whom prospective miners access the land by corrupt practices. The chemicals involved in this mining leaves water supplies polluted and forces women to spend more time on activities such as collecting potable water from distant sources. The

gendered implications of such acts of corruption are also huge as women are often employed in harsh working conditions exposing them to unsafe chemicals and other health risks.

Regardless of Ghana’s legal framework and any improvements in corruption levels among land officials, GII’s research clearly shows that until community leaders can be held accountable over land distribution, Ghanaian women’s land rights will remain insecure.

For more information about the work of Ghana Integrity Initiative, visit their website [tighana.org](http://tighana.org)

1 See definition on page 121 (Glossary)

2 Ghana Integrity Initiative, “Women, Land and Corruption in Ghana, Evidence from Selected Case Studies”, (GI, 2016). [bit.ly/2wDG7Dm]

3 “Ghana, General Introduction”, Gender and Land Rights Database, FAO (web). [bit.ly/2A0th4R]

4 Ghana Integrity Initiative, “Policy Brief: Women, Land and Corruption”, (GI). [bit.ly/2A1drY5]

5 GI, Policy Brief.

6 Ministry of Gender, Children and Social Protection, National Gender Policy – Section 2.2.4.9 and 2.2.4.10, (MoGCSP, 2015). [bit.ly/2B5B68W]

7 Landesa / Resource Equity, “Ghana: Gender and the Land Access and Tenure Security Project”, (Landesa/Resource Equity, 2016). [bit.ly/2FXzDFK]

8 Robert E. Emery, “Cultural Sociology of Divorce: An Encyclopedia” (SAGE, 2013).

9 Landesa/Resource Equity, 2016.

10 GI and Transparency International, 2016.

11 FAO, Gender and Land Rights Database.

12 “Head of the family” represents the larger family unite, while “head of household” makes decisions on behalf of those living under one roof.

13 Ghana Integrity Initiative, Policy Brief.

14 Landesa/Resource Equity, 2016

15 FAO, Gender and Land Rights Database.

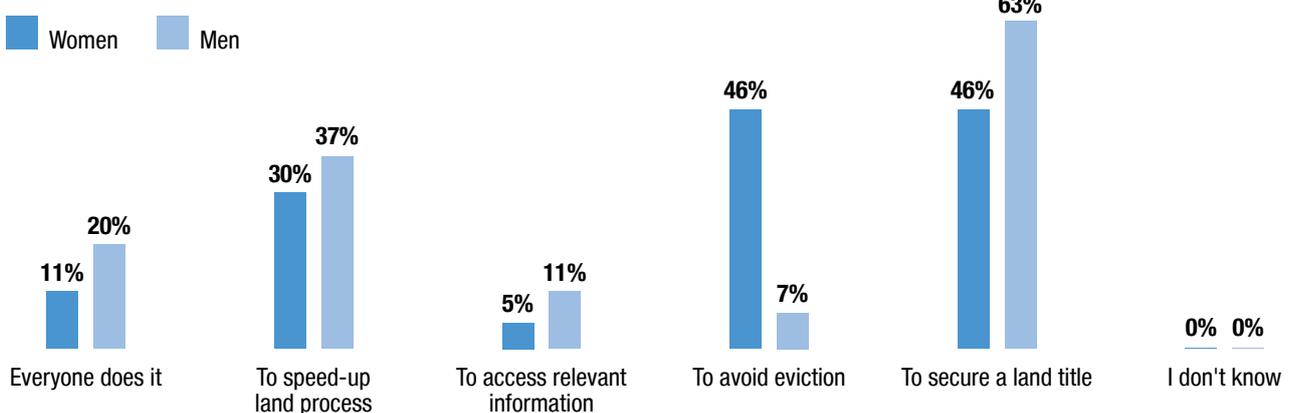
16 “Land corruption eroding women’s rights in Ghana”, The Land Portal (web), 2016. [bit.ly/2lrMPvL]

17 “Corruption is Eating Us Up: A Call to Action: Atebubu-Amantin District”, GI (web), 2017. [bit.ly/2zvDKBh]

18 “End corruption at Lands Commission – Nana Addo to Board”, Citifmonline (web), 2017. [bit.ly/2yY7WeC]

## KEY SURVEY QUESTIONS

### Why did you pay a bribe?



The Ghana Integrity Initiative’s survey shows the extent of corruption in Ghana’s land services, and how it affects men and women in different ways. While men pay bribes primarily to secure land title and speed up transactions, women do so to avoid eviction and dispossession. Rural women are the most vulnerable to eviction, with 60 per cent paying a bribe to secure their land.

# LAND CORRUPTION IN KENYA

## AT A GLANCE

### LAND POSSESSION

40%

of those surveyed hold a land title or similar document

60%

of those surveyed in Kwale County do not own land

75%

of women are not named on their land title

41%

of women

consider their land tenure to be insecure

62%

of men

46%

of women

identify public officials and relatives as the main actors responsible for land dispossession

46%

of men

### BRIBES

39%

of those surveyed were asked to pay a bribe, in relation to land, in last 12 months

Of these,

32%

of bribes were paid to speed up a land transaction

88%

of bribes were requested by a public official

12%

of bribes were requested by a community leader

24%

of women who paid bribes have done so to avoid eviction

# RESEARCH FINDINGS FROM TRANSPARENCY INTERNATIONAL KENYA

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**Kenya's new Constitution and legal framework gives women equal land and inheritance rights to men. Fulfilment of women's land rights now depends on ensuring the country's laws are widely understood and properly implemented.**

In Kenya, the importance of land extends beyond housing and subsistence. For both women and men, land is key for status and respect. Kenya's 2010 Constitution and subsequent legislation established statutory equality for men and women over land ownership. However, customary and religious laws often prevent women from fulfilling their rights to land. Other de facto barriers include a lack of knowledge among women about their legal rights and how to claim them, bribery, government failure to implement land laws, and lengthy, expensive administrative processes. Corruption over land remains common, usually through monetary bribes demanded by public officials or community leaders. Implementation of laws on inheritance, corruption and security of title deeds for women remains poor. Most Kenyan women still do not own land and claim the land they use can be taken away.

## **Women's land rights: the legal framework**

In 2013, Transparency International Kenya undertook desk-based research to map the legal framework that relates to women, land and corruption. In a nutshell, Kenya's 2010 Constitution gives all citizens equal land rights, irrespective of factors such as gender, religion or ethnicity. Article 60 provides that land in Kenya shall be used in such a way as to eliminate gender discrimination in law, customs and practices related to land. The Constitution devolves land legislation from one key actor, the Land Commissioner, to the National Land Commission, an independent advisory board mandated to make decisions free from corruption and reflecting a wide range of people's needs<sup>1</sup>.

To comply with the new Constitution, Kenya's parliament was asked to revise and rationalise all existing land laws and enact new legislation. Several laws were passed in 2012 to streamline land registration and repeal or consolidate colonial-era laws governing land. In a key development, these laws gave spouses statutory rights over land. The Land Registration Act gives a person an

interest in their spouse's land if they contribute to its productivity, upkeep and improvement. Any dealings in one spouse's land or property requires the consent of the other. This means that land sale contracts are void if spousal consent has not been sought. Married women's rights were further strengthened under the Matrimonial Property Act 2013, which states "Despite any other law, a married woman has the same rights as a married man"<sup>2</sup>. The Marriage Act 2014<sup>3</sup> specifies equal rights for married men and women, including inheritance rights. Kenya's Law of Succession gives both male and female descendants equal rights to inherit property without gender discrimination.

## **The importance of land in Kenya**

In 2015, TI Kenya carried out a baseline survey on land and corruption, interviewing 443 men and women from rural and urban areas in Kwale and Nairobi. Land was ranked as very important by 77 per cent of respondents. However, only 54 per cent of rural women placed land as very important, compared to 71 per cent of rural men. This could be because women have largely been denied land ownership, so it ranks as less important for them. However, both men and women view land as heavily linked to reputation, with men and women from urban and rural settings describing the respect and status land ownership confers as central to its value. Widows in rural Kenya rank the importance of land primarily for respect, influence and status (94 per cent), and only secondarily for growing food for consumption (56 per cent). Half of rural respondents identified land as being important for food production for family use.

While women mostly do not own land, their economic dependence on it is high. They make up over 80 per cent of the agricultural labour force and 64 per cent of subsistence farmers, producing approximately 60 per cent of farm-derived income<sup>4</sup>.

## De facto barriers to women accessing land rights

Despite Kenya's legislative changes, most land is owned by men, due to patrilineal inheritance under customary law and most title deeds being in men's names. The challenges women still encounter when trying to access property rights include little understanding among women of land legislation or land rights and how to pursue them, and customary laws that exclude women from inheriting and owning land. These are reinforced by weak institutional structures, government failure to enforce women's land rights, lengthy administrative processes and costly land transactions. Elite groups, keen to maintain the status quo, are largely unchallenged due to inadequate public participation in shaping and enforcing property laws.

Most of Kenya's customary and religious laws prevent women from inheriting property. The need for status drives men to acquire as much land as possible. A man who leaves no inheritance, especially of land, to his dependents is not considered a "real African man", and his memory is not honoured. Despite legal equality between men and women, most Kenyan cultures believe that once a woman is married, she should relinquish any interest in her parents' property. The 2015 baseline survey found that widows often have no say in how their husband's property should be administered<sup>5</sup>. In urban areas, 67 per cent of widows blamed public officials for loss of their land, whereas in rural areas, 17 per cent blamed relatives. The survey showed that women's names are much less likely to appear on a document. Only 13 per cent of rural women and 32 per cent of urban women reported having a personal document proving land tenure.

A major driver of land corruption is women's low awareness of their land rights. The baseline survey found 28 per cent of rural women needed information on land registration and 21 per cent needed information on inheritance rights. Most land is registered in the name of the eldest male of the household. As a consequence, 51 per cent of men reported having their name written on a land document, compared to only 25 per cent of women. Most women reported not owning any land, while 4 per cent said it was because of restrictions placed on them by family members or spouses. Among rural women, 88 per cent of those whose land was taken away or who were asked to pay a bribe took no action against it, compared to 62 per cent of urban women.

## Land corruption in Kenya

The introduction of individual land ownership under colonial rule weakened traditional systems of land management, leaving uncertainty about land rights and room for high levels of corruption, especially among pastoral communities<sup>6</sup>. In the 1980s and 1990s, Kenya's government significantly abused its power to dispose of "state" land by selling, leasing or giving away land to government officials, foreign investors or well-connected businessmen and farmers; often to buy political influence. In 2003, one of the most authoritative studies on land tenure in Kenya, the *Judicial Commission of Inquiry on Illegal and Irregular Allocation of Public Land*, estimated that 90 per cent of land titles issued in the past 20 years had been either illegal or the result of beneficiaries wielding influence<sup>7</sup>. Other estimates state that of the 1.5 million registered titles in Kenya, 500,000 are illegal<sup>8</sup>.

TI Kenya's baseline survey<sup>9</sup> showed that 39 per cent of respondents had been asked to pay a bribe when trying to access land services in the past 12 months, and all did so. Of these, 88 per cent were asked for the bribe by public officials and institutions, and 12 per cent by community leaders. Women from rural areas are much more likely to be asked for bribes by community leaders (25 per cent), whereas only 12 per cent had been asked for a bribe by land services. In contrast, 54 per cent of women from urban areas had been asked for a bribe by land services in the past 12 months. In rural areas, 50 per cent of female respondents said relatives and spouses had taken their land away.

The Judicial Commission of Inquiry named Kenya's Ministry of Lands as the country's fourth most corrupt public administration body<sup>10</sup>. Most bribes paid (93 per cent) are monetary, the average amount paid to government land agencies being US\$65 in 2011. Moreover, TI Kenya has testimony from women who were sexually extorted as a form of land corruption<sup>11</sup>.

With Kenya's Constitution and legal framework giving women equal land and inheritance rights to men, fulfilment of women's land rights in Kenya lies in ensuring that the country's laws are widely understood and properly implemented.

For more information about the work of Transparency International Kenya, visit their website [tikenya.org](http://tikenya.org)

- 1 Detailed information can be found in TI Kenya's newsletters "Issue 152: Corruption and Land Governance in Kenya" and "Issue 158: Land Corruption", TI Kenya (web), 2015/16. [bit.ly/2D0600X]
- 2 Matrimonial Property Act No. 49 2013. [bit.ly/2A4hqWz]
- 3 The Marriage Act 2014. [bit.ly/2jw9er2]
- 4 Paul M. Syagga, "Land Ownership and Use in Kenya: Policy Prescriptions from an Inequality Perspective", (Society for International Development, 2006). [bit.ly/2D21DE0]
- 5 See also: Seminar für Ländliche Entwicklung, "Land Corruption Risk Mapping", (SLE, 2017). [bit.ly/2ABvabA]
- 6 Kenya Land Alliance, "National Land Policy: The Popular Version", (Kenya Land Alliance, 2007). [bit.ly/2g5XcDP]
- 7 Paul N. Ndungu, "Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land" (popularly known as "The Ndungu Report"), 2004.
- 8 Paul N. Ndungu, 2004.
- 9 TI Kenya, "Baseline Survey, Political Analysis and Risk Mapping in Kwale And Nairobi Counties", (TI Kenya, 2015). [bit.ly/2zEaFqL]
- 10 Paul N. Ndungu, 2004.
- 11 "Missing the Mark? A Gender Perspective to Large-scale Land Based Acquisitions in Kenya", TI Kenya (web), 2016. [bit.ly/2l7jApm]

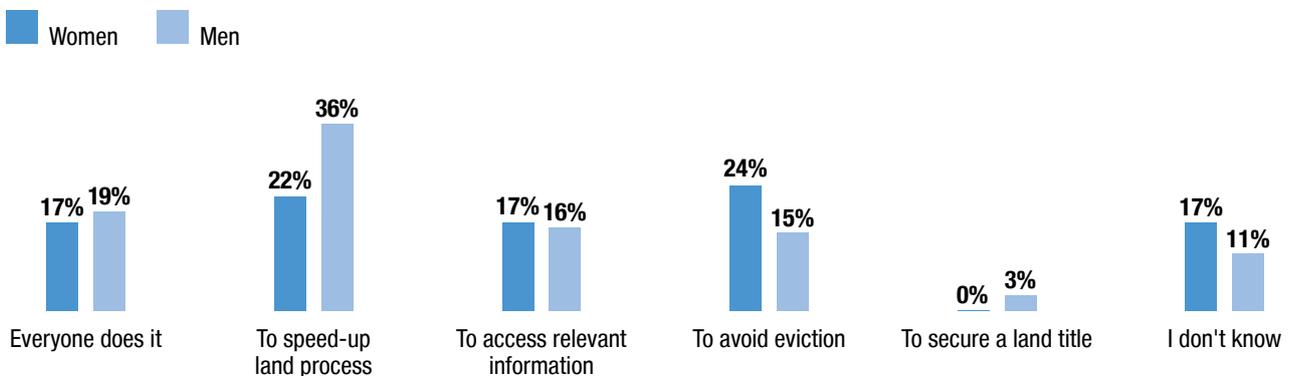
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## KEY SURVEY QUESTIONS

### Why did you pay a bribe?

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Transparency International Kenya's baseline survey on land showed a high percentage of women do not know why they are paying a bribe. Coupled with the 16 per cent of women paying a bribe to access relevant information, this highlights women's lack of information on their land rights – a key barrier to the fulfilment of these rights.



# LAND CORRUPTION IN LIBERIA

## AT A GLANCE

### LAND POSSESSION

**34%** **44%**

of women

of men

are named on their land title

**31%**

of women from rural  
communities are named on  
their land title

**31%** **33%**

of women

of men

consider their land tenure  
to be insecure

Percentage of women who identified the following  
as the main agents of land dispossession

private investors **36%**

community leaders **17%**

relatives **20%**

### SEXTORTION

**4%**

of women surveyed have either been asked for a sexual favour  
(sextortion) to resolve a land issue, or know someone who has

# RESEARCH FINDINGS FROM CENTRE FOR TRANSPARENCY AND ACCOUNTABILITY IN LIBERIA (CENTAL)

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**Reforms to Liberia’s legal system must address corruption and cultural biases if Liberian women are to gain control over land and benefit from its contribution to development outcomes.**

Recent reforms in Liberia, such as the 2009 Land Commission being replaced by the Liberia Land Authority in 2016, and the existing Land Rights Policy and a Land Rights Act coming under scrutiny and debate, herald renewed consideration of women’s land rights and participation in decision-making. However, few women own the land they work on and land ownership in rural areas – where most people live – depends on customary law and collective ownership. Community leaders make most decisions over land, excluding women and often demanding bribes; sexual as well as financial. Male dominance and female illiteracy in rural areas prevent women opposing their husbands and tribal leaders. Liberia is rich in natural resources, and land grabbing is a significant source of insecurity for rural populations. Corrupt companies and officials abuse their positions to capture community land for rubber and palm oil cultivation. Making up most of Liberia’s agricultural workforce, women are most dependent on land but still have little security of tenure.

## Women’s land rights: the legal framework

Liberian law recognises statutory and customary land ownership, with statutory law (predominant in urban areas) giving women more land rights than the customary law that pervades rural areas.

The Hinterland Law of 1949 allowed tribal land and affairs to be governed according to customs and traditions. However, the Aborigines Law of 1956 established primary ownership of land through the acquisition of a deed, which took precedence over customary ownership. Liberia’s 1986 Constitution states: “Every person shall have the right to own property alone as well as in association with others”<sup>1</sup>, and amendments to the Hinterland Law in 2001 defined and institutionalised the roles of chiefs<sup>2</sup>. A 2003 act on spousal inheritance<sup>3</sup> within formal and customary marriage, entitles a wife to a third of her late husband’s property and to the unrestricted

right to administer his estate. The compulsory marriage of a widow to her deceased husband’s next of kin has been made unlawful.

Liberia’s legislature established a Land Commission in 2009 to regulate the customary land tenure system and ensure proper documentation and management of land. In 2013, the commission issued a Land Rights Policy<sup>4</sup> and in 2014 presented a Land Rights Bill to the legislature. Crucially for women, the bill enshrines equal access to land ownership, use and management for all Liberians, regardless of gender. In 2016, a Land Authority was established to consolidate land administration functions and control and manage public land. In 2017, the government is on the verge of passing the Land Rights Act, yet NGOs and CSOs are worried that as the legislature has withheld the full draft, customary land rights will not be recognised<sup>5</sup>.

Only in 2014 were acts of fraud in land transactions<sup>6</sup> criminalised by the Criminal Conveyance Act, which also addresses the multiple sale of land and doctoring of land-related documents. The Land Rights Bill was passed by the House of Representatives in August. At the time of writing, Liberia’s Senate is reviewing it for passage into law. If passed, the new law would establish Community Land Development and Management Associations, stipulating that a “fair number” of local women could form part of the Associations and their membership should include local women<sup>7</sup>. This body will oversee the management and use of customary land when recognised; however, the role of women (as stipulated by the law) will need to be verified due to the gap between laws and practice.

## The importance of land in Liberia

In 2017, the Transparency International’s chapter in Liberia – the Centre for Transparency and Accountability in Liberia (CENTAL) – carried out a survey on land and corruption, interviewing 634 women and men. The survey

showed that land is considered by 92 per cent as very important, primarily for housing, but also for investment and social or spiritual purposes. Approximately 3.3 million people (70 per cent of Liberia's population) live in rural areas and own the land on which they depend under customary laws based on collective ownership<sup>9</sup>.

Unlike other countries surveyed, most respondents in Liberia considered their land securely held (61 per cent of women and 57 per cent of men). Surprisingly, 74 per cent of rural women considered their land secure, compared to only 54 per cent of urban women. However, 38 per cent cited private investors as the main agents of dispossession. Seventeen per cent of women also cited community leaders and 20 per cent cited relatives. Most rural women gain access to land through marriage and family holdings. With their husbands, they cultivate farmland provided by the community. Male labour is required to clear bush for fields, after which women are responsible for farming while their husbands pursue other livelihoods. Women depend on income from farm produce to sustain their households. Among women, 81 per cent felt community leaders have the final say over land use. Only 22 per cent of rural women have their name written on their land title, compared to 34 per cent of women overall and 44 per cent of men.

Liberia's natural resources have been exploited via allocation of large tracts of land to multinational corporations, yet ordinary citizens have not benefited<sup>9</sup>. As a member of the Extractive Industries Transparency Initiative (EITI), the government is obliged to publish revenues accrued from mining transactions. Notably, Liberia has included forestry and agriculture under its EITI<sup>10</sup>. However, corruption and impunity remain rife, with officials and local leaders most likely to gain from multinational investments. Communities are often negatively affected by natural resource exploitation, including through land degradation and water pollution. This drives deep social tensions. Land reform is viewed as critical to averting conflict.

## De facto barriers to women accessing land rights

Desk-based research undertaken by CENTAL demonstrates how Liberian society is male-dominated. With the Hinterland Law giving rights to traditional chiefs over land use, rural women are disempowered in decisions over land and their rights to own and inherit land. Urban women, usually covered by statutory laws, enjoy greater rights.

Local and international NGOs that promote women's rights are helping women speak-out on issues of land equity. Despite some gains, women remain more likely to face extortion and requests for bribes when trying to obtain land documents or claim familial property. Rural women are more at risk than urban women of corruption, through custom and local leaders' refusal to recognise women's land rights. Male dominance and female illiteracy in rural areas prevent women opposing their husbands and tribal leaders. Officials in the centralised governance system also abuse their authority to access community land for rubber and palm oil cultivation.

## Land corruption in Liberia

CENTAL reports the main land-related corruption risks in Liberia as being the manipulation of land-related documents, government conversion of large tracts of indigenous land to commercial agriculture and forestry concessions, and weak enforcement of existing laws and regulations – which in turn enable corrupt behaviour to undermine property rights. People regularly suffer from the issuance of fraudulent land deeds, where one plot of land is sold multiple times, and false deeds are then granted to multiple parties. Malfunctioning land administration agencies and a weak and corrupt judicial system mean organised fraud is common in Liberia's land sector, involving government surveyors, probate court officers and archivists, among others.

Despite these risks, only 5 per cent of women in CENTAL's baseline survey admitted paying a bribe in the last 12 months, as did just 11 per cent of men. While these bribes were primarily monetary (71 per cent), 14 per cent of respondents described their bribes as "gifts in kind". Those demanding bribes were predominantly community leaders, followed by private investors and public officials. Among women, 57 per cent paid a bribe to secure a land title. Six per cent of respondents, both male and female, admitted to knowing someone who was asked for sexual favours with regards to land. Few, irrespective of gender or locality, had sought help over land conflict. Those that had did so through local NGOs or community groups.

The reforms to Liberia's legal system must address corruption and cultural biases if Liberian women are to gain access to land and benefit from its contribution to development outcomes.

For more information about the work of CENTAL, visit their website [tiliberia.org](http://tiliberia.org)

1 Article 22, Liberia's 1986 Constitution.

2 Chiefs became part of the governance structure in that they can be hired and fired yet they do not use statutory law in administering their affairs.

3 Ministry of Foreign Affairs, An Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages, 2003.

4 Land Commission, Land Rights Policy, 2013.

5 "Liberian Legislature Must Ensure Lands Rights Act Protects Rural Landowners", Global Witness (web), 18 August 2017. [bit.ly/2vawJGj]

6 Special Independent Investigating Body, "Report on The Issuance of Private Use Permits", (SIB, 2012). [bit.ly/2lcqzWz] / Sustainable Development Institute Liberia, "Private Use Permits and the Voluntary Partnership Agreement", (SDI). [bit.ly/2gFhaFH] / Land Commission of Liberia, "Land Rights, Private Use Permits and Forest Communities", (LC, 2012). [bit.ly/2y3YrpS]

7 See "Shaping the Law with Women's Stories" on page 117.

8 "Liberian Legislature Must Ensure Lands Rights Act Protects Rural Landowners", Global Witness (web), 18 August 2017. [bit.ly/2vawJGj]

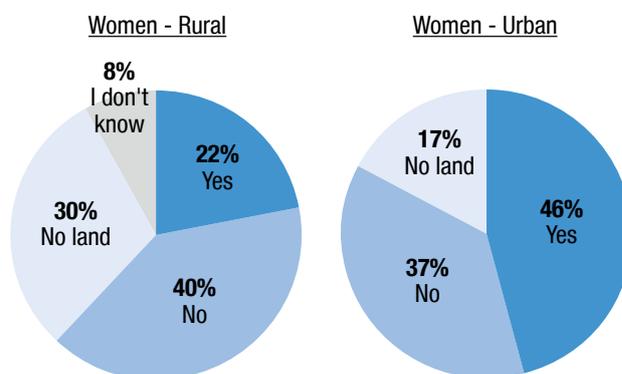
9 USAID, "Property Rights And Resource Governance: Liberia", (USAID, 2016). [bit.ly/2BDARmW]

10 Ministry of Foreign Affairs, "An Act Establishing the Liberia Extractive Industries Transparency Initiative (LEITI)", (Ministry of Foreign Affairs, 2009). [bit.ly/2gFISH7]

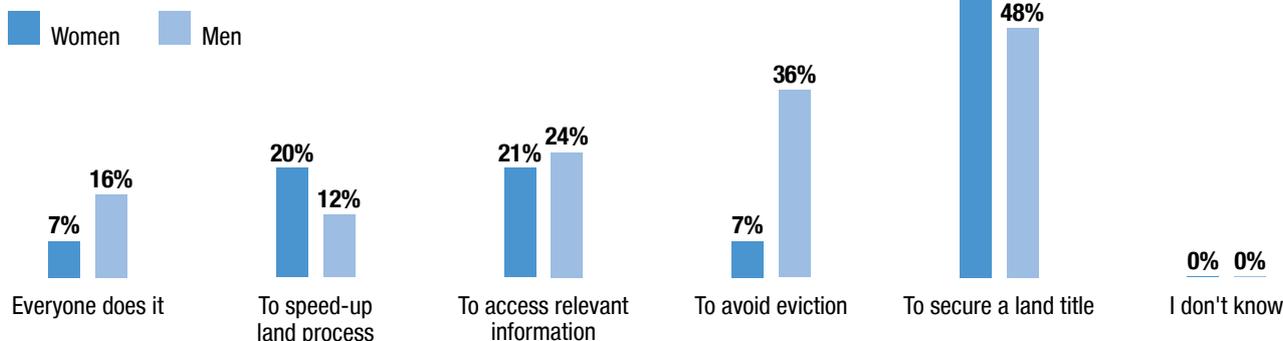
## KEY SURVEY QUESTIONS

### Are you named on the title to your land?

Most rural women do not own the land or have their name written on a formal land title document. Their names are often replaced by that of their husband, a relative or the community leader, leaving women vulnerable to land dispossession. In contrast, most urban women do have their name written on a land title document and all urban respondents were sure about their answer, while 8 per cent of rural women did not know. This highlights the lack of information facing women in rural settings.



### Why did you pay a bribe?



# LAND CORRUPTION IN MADAGASCAR

## AT A GLANCE

### LAND POSSESSION

---

**72%** **88%**

of women

surveyed consider themselves to  
be landowners

of men

yet only

**39%**

of those surveyed hold a land  
title or similar document

**45%**

of those surveyed consider their  
land vulnerable to dispossession

Of these,

**16%**

identify relatives as the main threat

**34%** **28%**

of women

of men

surveyed lack information on land  
acquisition processes

### SEXTORTION

---

**4%**

of women surveyed have either been asked for a sexual favour  
(sextortion) to resolve a land issue, or know someone who has

# RESEARCH FINDINGS FROM TRANSPARENCY INTERNATIONAL-INITIATIVE MADAGASCAR

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Beyond tackling institutional corruption in Madagascar, the significance of customary law means opening dialogue with traditional institutions is a vital step towards improving women's land rights.

Land holds great spiritual and ancestral importance in Madagascar. Despite reform in 2005, the patrilineal customary law remains deep-rooted, with traditional assemblies influential in land matters. The reforms failed to outline a gender strategy and are little known; sustaining a large knowledge gap among both women and men around land rights and institutions. This allows extortion – both monetary and sexual – throughout the land bureaucracy process. Rich in resources, Madagascar attracts significant private investment in agribusiness, resulting in the forcible eviction of many communities. This destroys livelihoods and violates the spiritual nature of the land. Women are especially affected, as they carry out most agricultural production. Despite this key role, because women leave their villages when married, it is men who maintain links to the land and enjoy inheritance, ownership and decision-making rights.

## Women's land rights: the legal framework

Following Madagascar's independence from France in 1960, the country's Constitution gave equal rights to all citizens without discrimination. The government tried to formalise customary land governance, but the new system ignored rural practices towards land management, and land titles were mainly assigned to urban residents. As a result, a secondary form of land ownership developed in rural areas based on informal land titles, dictated by chiefs, with little or no legal value. These informal land titles were often replicated, and transactions took place at village or county level. The resulting confusion around land rights prompted land reform in 2005, in the *Lettre de Politique Foncière* (Land Policy Paper), updated in 2015<sup>1</sup>.

The paper initiated legal reform, including recognition of untitled private property, and institutional reform, with the creation of local land offices. Malagasy law now provides for "equal and secure access to land for all, men and

women"<sup>2</sup>. It also recognises married couples as joint landowners. However, informal unions fall outside the law. The Land Policy effectively endorses male lineage by granting women a sum of money in cases where males inherit land. The policy also established increasing administrative costs in a country where the average income is extremely low. Finally, the policy includes no defined strategy for promoting gender-equitable land tenure. Transparency International-Initiative Madagascar specifically highlights the need for a guideline which initiates concrete actions with tangible effects to regain the confidence of land users<sup>3</sup>.

## The importance of land in Madagascar

Transparency International-Initiative Madagascar (TI-IM) carried out a baseline survey of 400 women and 400 men in 2016. Seventy-eight per cent of respondents considered land very important, mainly for housing and food production for family consumption and sale.

Rural communities use land primarily for farming, with women making up 80 per cent of the agricultural workforce. Ancestral land ("tanindrazana") has been Madagascar's main form of land ownership and inheritance throughout history. The land is considered a gift from God, with great spiritual importance, and is linked with luck and success. After the monetary economy was introduced, the sale of ancestral land was considered sacrilege in traditional communities, bringing the seller bad luck.

After the 2005 land reforms, large-scale investment projects were announced, affecting around 3 million hectares of land, bought mainly by European investors for biofuel production. Madagascar now belongs to the five African countries most affected by agricultural land grabbing<sup>4</sup>. Pharmaceutical company Bionexx's investment in Faharetana reportedly involved the violent removal of 6,900 people from 200 hectares of ancestral terrain<sup>5</sup>.

## De facto barriers to women accessing land rights

The lack of transparency in Madagascar's land management is exacerbated by the overlap between formal and customary systems. Land cases are challenging to resolve and affect women disproportionately, given their low levels of literacy and understanding of legal issues. In TI-IM's baseline survey, around half of respondents – slightly more men than women – claimed they had a formal title, but most respondents bypassed the question "Who decides on land use?". Those who responded said they did not know.

Despite the law allowing couples joint ownership of land, in practice, only 15 per cent of households know that a land certificate can have several names<sup>6</sup>. Very few parcels of land are registered to both husband and wife. Land officials lack the training to implement joint ownership, indirectly perpetuating customary patrilineal inheritance. Training officials to enforce the law is essential to successful land reform. Even if land is officially registered as belonging to both husband and wife, or in the women's name, it is often under the de facto control of men in the family.

Family instability is also a key barrier to women's land access. When families argue, many women are confronted by in-laws and lose their access to land. Fewer brothers are giving land to women, under the pretext and custom of patrilineal tradition. A woman who dares to claim her rights faces problems with the whole family.

In Madagascar, customary land rights have almost the same weight as statutory rights. In most cases, land cannot be registered without the consent of the *fokonolona* or *fokotany* – democratic assemblies which define and validate customary norms. The influence of the *fokotany* is demonstrated by a TI-IM report, which found that 51 per cent of community consultations were organised by the *fokotany*, compared with just 25 per cent by the local mayor and only 10 per cent by the community itself<sup>7</sup>.

Customary inheritance typically centres on the eldest child – usually male – who receives the right to the land and often refuses to share it with siblings. In some areas land is distributed among all the male heirs. The only exception is the Atsinanana Region, which favours equal inheritance rights. If a woman is married, she is usually not considered eligible to inherit a share of her parents' land. A lack of information about the law and its processes leaves women ill-equipped to seek legal redress.

In marriage, rural women rarely engage with land matters, knowing they lack decision-making power and inheritance rights. When they marry, they leave their ancestral villages to live with their husbands, moving to an area where they have no claim to the land. When a woman dies, she will be buried on her husband's land, whereas men are buried on their ancestral land. This entrenches the perception that land is more important to men than women. With better access to education, urban women are increasingly aware of their land and succession rights and are therefore better equipped to claim land in the event of divorce, separation or widowhood.

## Land corruption in Madagascar

According to Madagascar's Independent Anti-Corruption Office, the land sector is the country's fourth most corrupt sector (based on data from 2016). Nevertheless, only 2 per cent of TI-IM's baseline survey respondents admitted having paid a bribe in the last 12 months. Most bribes were monetary, but none of the respondents specified who asked for the bribe perhaps through unwillingness to name and shame public officials, institutions or community leaders. Where conflict had arisen over land, all respondents said they had not taken action.

Desk-based research carried out by TI-IM reports corruption as rampant in land administration, due to insufficient funds and staffing. "Agents" act as intermediaries between land owners and users, extorting money from locals who use the land for farming. Most people lack sufficient knowledge of land laws, which exposes them to risks such as reallocation of land title or resurgence of an old land title, due to an absence of statutes of limitations. This allows heirs to claim land long after the death of the original title owner. Common errors during procedures in replacing old or lost land documents – and the absence of plans – make purposeful falsification of land documents relatively easy.

TI-IM report how lengthy judicial procedures also facilitate corruption. The average wait for a land dispute to reach court is 14 months, and many magistrates are ignorant of the latest land legislation.

Generally, corruption does not affect women more than men, except with sexual extortion. Men are asked to "leave something" (a bribe), whereas women are asked to "offer something", exposing them to the risk of sexual extortion. Four per cent of survey respondents knew a victim of sexual extortion in relation to land.

Beyond tackling institutional corruption, the significance of Malagasy customary law means that opening dialogue with traditional institutions is a vital step towards improving women’s land rights. Customary law is constantly readjusted to reflect social change, which raises potential for better security of tenure for women.

For more information about the work of Transparency International-Initiative Madagascar, visit their website [transparency.mg](http://transparency.mg)

- 1 Ministère d’Etat en Charge des Projets Présidentiels, de L’Aménagement du Territoire et de l’Equipement, "Lettre de Politique Foncière 2015-2013", (Ministère d’Etat, 2015). [bit.ly/2z89Da6]
- 2 Ministère d’Etat, 2015
- 3 TI-I Madagascar, "Rapport de Recherche sur le Foncier", (TI-IM, 2017). [bit.ly/2zdXD2Y]
- 4 IIED/FAO/IFAD, Land grab or development opportunity? Agricultural investment and international land deals in Africa, (IIED/FAO/IFAD, 2009). [bit.ly/2BBRfUK]
- 5 "Revue de Presse", Justice et droits de l’homme à Madagascar (web), September 2012. [bit.ly/2y07Eno]
- 6 FAO, "Madagascar and Legal Pluralism: Can Customary and Statutory Law be Reconciled to Promote Women’s Land Rights?", (FAO, 2013). [bit.ly/2AOy1Oz]
- 7 TI-IM, 2017 (Figure 102).

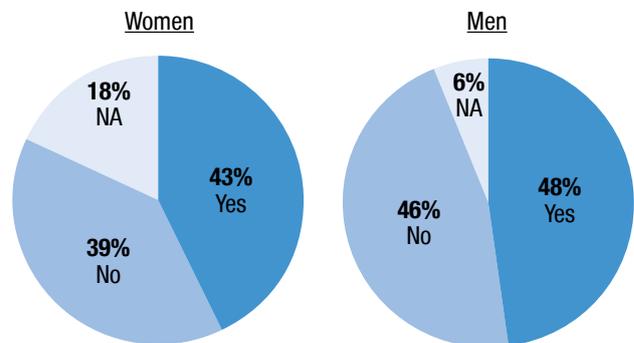
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## KEY SURVEY QUESTIONS

### Can your land be taken away?

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Transparency International-Initiative Madagascar’s survey showed that women lack sufficient information on the security of their tenure, with 43 per cent saying their land could be taken away from them, and 18 per cent not answering the question at all. At the same time, 46 per cent of men see their land as securely held, in comparison to 39 per cent of women.



# LAND CORRUPTION IN SIERRA LEONE

## AT A GLANCE

### LAND POSSESSION

**45%** **9%**

of rural women

of urban women

surveyed consider their land  
vulnerable to dispossession

Percentage of rural women who  
identified the following as the main agents  
of land dispossession

private investors

**54%**

relatives

**22%**

### BRIBES

**17%** **28%**

of women

of men

surveyed paid a bribe, in relation  
to land, in last 12 months

**79%** **68%**

of rural women

of urban women

surveyed identify community leaders as  
those most frequently requesting bribes

**39%** of bribes were paid to  
speed up a land transaction

**38%** of bribes were paid  
to secure a land title

**31%** of bribes were paid to  
avoid eviction

**56%** **20%**

of rural women

of urban women

who paid bribes have done so to  
avoid eviction

### SEXTORTION

**8%**

of women surveyed have either been asked for a sexual favour  
(sextortion) to resolve a land issue, or know someone who has

# RESEARCH FINDINGS FROM TRANSPARENCY INTERNATIONAL SIERRA LEONE

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**For Sierra Leone’s women to escape customary repression and administrative corruption, the National Land Policy must be passed into law and implemented comprehensively.**

Most legislation governing land in Sierra Leone stems from colonial times. These outdated statutes leave land rights unclear; allowing informal occupations, land grabs, corrupt transactions and a dysfunctional land registration process. In response, the government launched the National Land Policy in 2015, committing to equal tenure rights and access to land for women and girls, and promising specific measures to accelerate equality with men. However, the Ministry of Lands, Country Planning and the Environment is still at the stage of popularising the policy, after which they will move on to its full and effective implementation. Until these measures are passed into law and implemented comprehensively, women remain subject to patriarchal customary practices that discriminate against them in matters of land ownership and inheritance. Women also suffer disproportionately from land corruption, through bribery and sexual extortion in their dealings with local chiefs and land officials. Large-scale land grabbing for mining and agribusiness also undermines women’s livelihoods, which primarily depend on agricultural production.

## **Women’s land rights: the legal framework**

Desk-based research undertaken by Transparency International Sierra Leone reports that before colonisation, Sierra Leone’s legal system was entirely customary. Even since independence, very few land laws have been passed. Most legislation governing land tenure was enacted during the colonial era, meaning Sierra Leone retains outdated statutes designed for colonial society. These have allowed informal land occupations, encroachment on public lands, increasing land grabs, suspect land transactions, and the deterioration of paper records and the land registration process. Land rights have, therefore, become unclear.

In the provinces, most land conflict occurs between the state and local councils on the one hand, and landowning families and chiefs on the other. Disputes arise over

access to, control and use of family lands, lands reserved for the state, and leased customary lands. In 2017, almost half the adjudication cases in provincial courts and chieftaincies entailed land disputes<sup>1</sup>. Many such cases last over five years, frequently prompting litigants to take the law into their own hands by enforcing evictions and prohibitions on land use. Access to justice over land is limited for many, particularly the poor. Those with resources frequently influence the land adjudication system.

In response, the Ministry of Lands, Country Planning and the Environment published the sixth version of Sierra Leone’s National Land Policy<sup>2</sup> in 2015. The policy aims to improve existing land administration systems and laws by recognising differentiated land tenure categories, enhancing institutional capacities, and mobilising sufficient resources to ensure implementation. It recognises the urgent need to address “inequitable access to land” in terms of gender. It explicitly seeks to safeguard “tenure security and livelihoods, particularly relating to gender equality and rights of women”<sup>3</sup>. The policy commits to equal rights of tenure and access to land for women and girls, independent of their civil or marital status. It promises “specific measures to accelerate de facto equality where discrimination exists” and recommends that provisions be inserted in the Constitution to protect women’s rights. These provisions are due to be enacted into basic land statute, which will cater for the rights of spouses, as well as widows, unmarried daughters, divorcees, women in cohabitation and children<sup>4</sup>.

However, until the policy is passed, the reality for Sierra Leoneans will remain a weak system of land registration, with overlapping statutory and customary law, unclear forms of tenure under customary law, and inadequate cadastral mapping and land information. This is compounded by inadequate capacity in the land ministry to deliver just and secure land tenure.

In terms of inheritance, the Devolution of Estates Act 2007 guarantees inheritance rights to women married under customary law and cohabiting partners, and for their children. The law also bans the inheritance of wives by their deceased husband's male relatives. However, this law is not enforced and these customary practices still prevail.

## The importance of land in Sierra Leone

In 2017, TI Sierra Leone conducted a baseline survey on land corruption with 507 respondents, including 184 women. Both women and men confirmed the importance of land, reflecting the fact that 26 per cent of formally owned land is held by families. As well as its importance for housing, growing food and generating income, land is also a source of identity and belonging. It remains an important factor in social and religious life.

Rich in natural resources, Sierra Leone's land is sought after by major agricultural investors, resulting in land grabbing, often with collusion from those with political power. The government advertises the country as an attractive investment destination, with generous tax holidays. With 75 per cent of Sierra Leone's labour force dependent on subsistence farming, generating 30 per cent of GDP, these land grabs potentially threaten many people's livelihoods. Eighty per cent of agricultural workers are women, highlighting the importance of land for their survival<sup>5</sup>.

Desk-based research by TI Sierra Leone indicates that approximately a million hectares of arable land – 18 per cent of the country's total – have already been leased to large-scale investors or are under negotiation<sup>6</sup>.

## De facto barriers to women accessing land rights

Women face many challenges when it comes to land use. Constitutional provisions on gender equality clash with customary practices that discriminate against women in relation to land ownership and inheritance. Land is often held in trust by the oldest male in a family or by a communal chief. Culture and tradition continue to support male inheritance of family land. Few women have land registered in their names, and women remain poorly represented in institutions administering land. Women's rights under communal ownership are also not defined in either statutory or customary law, enabling men to dispose of family land without consulting women. A lack of financial resources also restricts women's entry into the land market and their ability to seek redress in cases of

conflict. TI Sierra Leone's 2017 Baseline Report finds that close to 50 per cent of the adjudication cases facing the lower courts in the provinces and chiefs entail land disputes. Many of these cases last over five years, leading frequently to litigants taking the law into their own hands by evictions and prohibitions on land use, for example.

TI Sierra Leone's baseline survey showed that rural women are far more susceptible to land dispossession than their urban counterparts, with 45 per cent considering their land vulnerable compared to 9 per cent of urban women. Among rural women, 58 per cent saw private investors as the principle threat, whereas 56 per cent of urban women cited family members. Only 29 per cent of rural men viewed their tenure as insecure, highlighting the inequality between men and women in rural settings.

The HIV/AIDS pandemic has exacerbated women's land insecurity<sup>7</sup>. Widows and orphans are especially affected, being disinherited of land when the disease claims the life of a male family head.

## Land corruption in Sierra Leone

The characteristics of Sierra Leone's land sector are conducive to corruption. They include a shortage of land, overlapping tenure arrangements, the incapacity of public institutions and a lack of protection against commercial land grabbing<sup>8</sup>. Corrupt land administration affects women in particular, especially in rural areas. Most are illiterate and not aware of procedures for accessing land, giving officials ample opportunity for exploitation. In addition, existing land records throughout the country are not well kept and are either degraded or not available. Few people have access to those records that do exist.

In TI Sierra Leone's survey, 17 per cent of women admitted to paying a bribe over land in the last 12 months, compared to 28 per cent of men (men probably pay more bribes because they control most of the land). All these bribes were monetary, with 39 per cent paid to speed up a land transaction and 38 per cent to secure a land title. However, 56 per cent of rural women paid bribes to avoid eviction, compared to only 20 per cent in urban settings, revealing greater insecurity in rural settings. Both men and women said community leaders were the main recipients of bribes.

The incidence of sexual extortion is particularly notable, with 8 per cent of women stating to know someone exposed to sextortion, compared to 5 per cent of men.

Sierra Leoneans also face land grabbing for large-scale mining and agricultural investments such as palm oil

production. In general, control over land rights is widely used for accumulating and dispensing political and economic power, through patronage, nepotism and corruption.

For Sierra Leone's women to escape customary repression and administrative corruption, the National

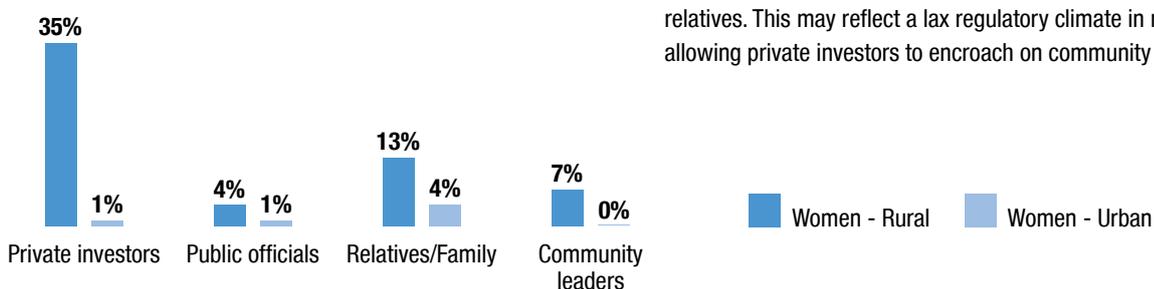
Land Policy must be passed into law and implemented comprehensively.

For more information about the work of Transparency International Sierra Leone, visit their website [tisierraleone.org](http://tisierraleone.org)

- 1 Ministry of Lands, Country Planning and the Environment, Final National Land Policy of Sierra Leone, page 21, (MLCPE, 2016). [bit.ly/2Bt5ieL]
- 2 MLCPE, 2016.
- 3 MLCPE, 2016 (page 7).
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- 5 MLCPE, 2016 (page 2).
- 6 TI Sierra Leone, "Base Line Survey – part 1: desk based research", page 10, (TI Sierra Leone, 2015). [bit.ly/2jRUpiS]
- 7 MLCPE, 2016 (page 19).
- 8 TI Sierra Leone, 2015.

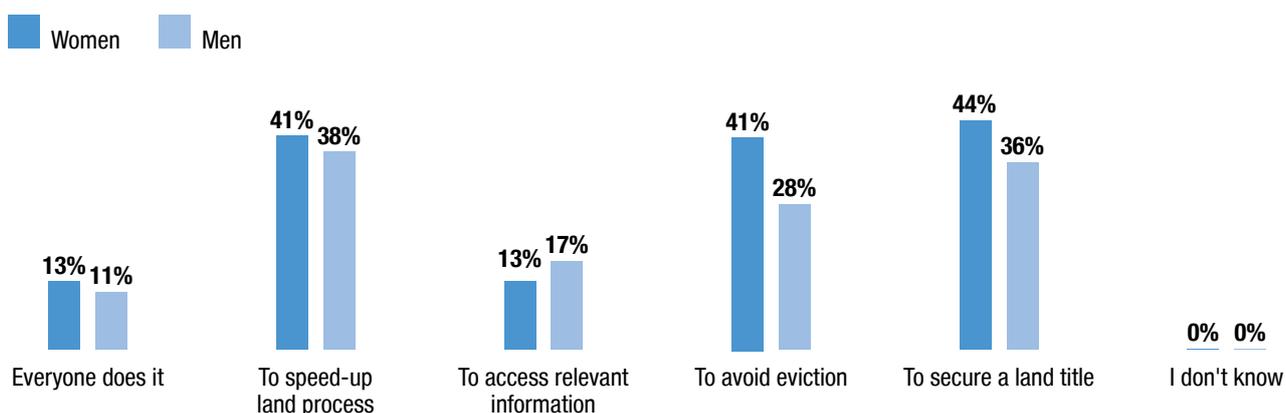
## KEY SURVEY QUESTIONS

### Who could take your land?



Among rural women, 45 per cent considered their land insecure or were unsure about their security of tenure. However, only 9 per cent of urban women considered their tenure insecure. This highlights the difficulty for rural women in registering land, accessing information and securing land titles. Rural women identified private investors as the greatest threat, while urban women identified relatives. This may reflect a lax regulatory climate in rural areas, allowing private investors to encroach on community land.

### Why did you pay a bribe?



# LAND CORRUPTION IN UGANDA

## AT A GLANCE

### LAND POSSESSION

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**54%**

of women

are named on their land title

**69%**

of men

**29%**

of those surveyed do not know who  
makes decisions over land use

**20%**

of women

consider their land vulnerable to dispossession

**23%**

of men

**22%**

of those surveyed say community  
leaders dictate land use

Of these,

**46%**

identify private investors as  
the main threat

**14%**

of women consider their land vulnerable to  
dispossession by relatives

**59%**

of those surveyed have taken no action in  
response to land conflicts

### BRIBES

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**9%**

of those surveyed paid a bribe, in  
relation to land, in last 12 months

# RESEARCH FINDINGS FROM TRANSPARENCY INTERNATIONAL UGANDA

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**For Ugandan women to fulfil their land rights, the government must close the gap between its equitable land policy and reality on the ground, which denies most women access to land.**

Uganda harbours a large discrepancy between statutory land law and customary practices on the ground. The 2013 National Land Policy emphasises gender equality and the 2011 Succession (Amendment) Bill allows women to inherit land from intestate husbands. However, women remain unable to enjoy equal rights over land practices, owning land at half the rate of men. Generally, women have access to land. The main challenges for women are in cases of inheritance and in owning land. Relatives and community leaders are the main forces behind women's dispossession, with cultural rigidities reinforcing the belief that women should not own land despite women's central role in agricultural production. This is often a result of ignorance of the law, especially on the right to own property. The government's failure to pass the Marriage and Divorce Bill exacerbates these inequalities. With land ownership linked to other development opportunities – such as security for financial services – Ugandan women's lack of tenure restricts them in multiple ways.

## **Women's land rights: the legal framework**

Before colonialism, much of Uganda's land was held communally<sup>1</sup>. Women were given land upon marriage, with exclusive cultivation rights. Colonial laws distorted this customary system that guaranteed women land security. Heads of households became the titled landowners, which reinforced patriarchal systems and resulted in women losing many of their rights to land.

Post-independence, major legal reforms reinstated the power of the chiefs that had been reduced during colonial times. The Constitution of 1995 stipulates that land in Uganda belongs to its citizens, and the 1998 Land Act provides for an equal land inheritance for both men and women. Uganda's National Land Policy of 2013<sup>2</sup> states that the government will “ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage, and at succession, without

discrimination”. It will also protect “the right to inheritance and ownership of land for women and children”.

The policy's objectives include redress for historical injustices against the land rights of “groups and communities marginalised by history or on the basis of gender”. Its guiding principles include “equity and justice in access to land, irrespective of gender”. The policy establishes land tribunals to guarantee gender equality under customary tenure, and commits Uganda's government to “special measures... to ensure that women are fully integrated in all decision-making structures and processes in access to and use of land”. These measures include new laws to protect spouses, both within and outside marriages, and to enable widows and orphans to inherit family land.

Despite this policy framework, patriarchal customary laws regarding land, family life and inheritance remain extremely important. Over 75 per cent of Ugandan land is held under customary tenure systems<sup>3</sup>, and there is limited formal tenure, with only 18 per cent of land registered and titled. In addition, although the Constitution prohibits gender discrimination, for many years Uganda's Succession Act defined a legal heir as the nearest living relative to a deceased person who has left no will, with the qualifying provision that a male will be given preference over a female. This discrimination violated the Constitution and remains entrenched, despite the Succession (Amendment) Bill of 2011 subsequently providing for the spouse of an intestate man or woman to receive 20 per cent of his or her estate, and the children 71 per cent<sup>4</sup>. The bill also criminalises eviction of the occupants of an estate.

## **The importance of land in Uganda**

Land is hugely important to Ugandans, with agriculture the dominant activity. However, in Transparency International Uganda's baseline survey of 76 people in one district close to Kampala, in 2015, more than half of

respondents saw their land as vulnerable to dispossession. Most identified private investors as the greatest threat, although (unlike male respondents) women also identified relatives. This highlights the extent to which family structures constrain women's ability to secure tenure, despite the fact that 80 per cent of the agricultural labour force is female. A quarter of women also identified their families as having the final say on land use, while only 6 per cent of men did. Overall, 23 per cent of respondents recognised the role of community leaders in deciding land use.

Foreign private investors and entities can access land through leasehold but cannot own it<sup>5</sup>. However, the government's desire for foreign direct investment in agro-industry means these restrictions have little effect on companies' ability to access land in practice.

## De facto barriers to women accessing land rights

Despite Uganda's land policy, women's position in society is inferior, meaning they have no say when it comes to decision-making over land<sup>6</sup>. Land tenure is often regulated according to traditional marriage regimes. Most marriages are customary and many are polygamous, which further reduces women's rights to land inheritance.

Custom denies women an independent right to own and inherit land. When a married woman's parents die, she is typically excluded from inheritance. Without children, women have no independent right to own land. Sons almost always inherit a father's land, with inheritance rights given to children over their mother in the event of her widowhood.

The baseline survey showed that 69 per cent of women did not have their name written on a land title, compared to 37 per cent of men. Among women, 19 per cent claimed their spouse would not allow it, and 19 per cent did not believe they could have their name on the document, showing the extent to which women are shaped by cultural norms. On the other hand, having land registered in their name would not only protect women from relatives grabbing their land but also enable them to access credit, as a land title is widely accepted as security by most financial institutions.

Only in cases where life or livelihood are threatened do women report land grabbing. Rather than going to court themselves, they send their sons, who may pursue their personal interests, especially in polygamous households where the son of one wife may arrange the exclusion of other wives and their children in settlements over land<sup>7</sup>. In

addition, Local Council Courts routinely make gender-biased decisions, especially in marital property inheritance cases<sup>8</sup>.

## Land corruption in Uganda

Uganda ranked amongst the most corrupt of countries in Transparency International's *2016 Corruption Perception Index*<sup>9</sup>. Land corruption varies from small-scale administrative bribes to high-level abuse of political power. There is an apparent lack of political will for anti-corruption efforts. Combined with understaffed and under-financed anti-corruption and land bodies, this makes women's efforts to access land extremely challenging.

Land grabbing is common, as the government pursues foreign investment and agribusiness such as palm oil production, causing the eviction of thousands of people and the destruction of valuable biodiversity. A 2011 Oxfam report<sup>10</sup> found that an estimated 22,500 farmers had been evicted from government-owned forest in two districts (Mubende and Kiboga), between 2006 and 2010, in favour of plantations operated by the British firm New Forests Company.

The widespread knowledge gap in relation to land rights amongst Ugandan women, together with a complex land tenure system, provides officials with ample opportunity for corruption. Lacking the relevant information to navigate complex legal channels, women are most susceptible to corrupt dispossession. In TI Uganda's survey, 7 per cent of respondents admitted having paid a bribe in the last 12 months, irrespective of gender. All bribes were monetary, and no data exists with regards to sexual extortion. Of those who paid bribes, 33 per cent paid them to public officials and institutions, mostly to secure a land title. When faced with land conflict, 67 per cent of respondents took no action. Of those who had, 12 per cent sought help through community groups.

For Ugandan women to fulfil their land rights, the government must close the gap between its equitable land policy and reality on the ground, which denies most women access to land.

For more information about the work of Transparency International Uganda, visit their website [tiuganda.org](http://tiuganda.org)

- 1 Uganda, Customary Law", Gender and Land Rights Database, FAO (web). [bit.ly/2yRjYRI]
- 2 Ministry of Lands, Housing and Urban Development, Uganda National Land Policy, (MLHUD, 2013). [bit.ly/2nonhk8]
- 3 Gender and Land Rights Database, FAO.
- 4 Succession (Amendment) Bill, 2011. [bit.ly/2A09gxtK]
- 5 Gender and Land Rights Database, FAO.
- 6 Gender and Land Rights Database, FAO.
- 7 Gender and Land Rights Database, FAO.
- 8 ActionAid International, "Cultivating women's rights for access to land. Country analysis and recommendations", (ActionAid, 2005). [bit.ly/2zY02CH]
- 9 "Corruption by Country: Uganda", "Transparency International" (web). [bit.ly/2Aboa4G]
- 10 Oxfam International, "The New Forests Company and its Uganda plantations", (Oxfam, 2011). [bit.ly/2i0p4GT]

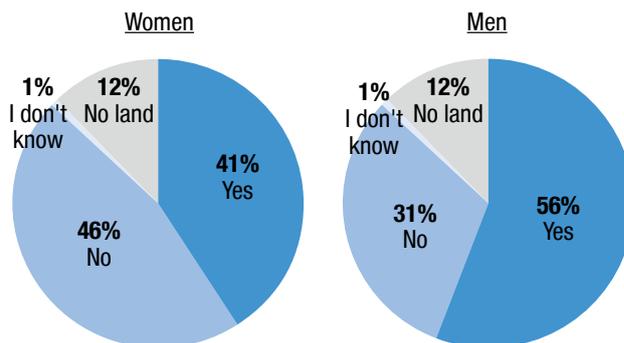
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## KEY SURVEY QUESTIONS

### Are you named on the title to your land?

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Ugandan women clearly lack official legal recognition to their land. Transparency International Uganda's 2017 survey found 46 per cent of female respondents did not have their name written on their official land title, compared to only 31 per cent of men. This reflects Uganda's patriarchal land rights and demonstrates the barriers that women face when attempting to access land. If they wish to obtain formal title, they have to do so against a rigid and unfairly skewed system.



# LAND CORRUPTION IN ZIMBABWE

## AT A GLANCE

### LAND POSSESSION

**40%**

of rural women

surveyed consider their land  
vulnerable to dispossession

**64%**

of urban women

**36%**

of those surveyed consider their land  
vulnerable to dispossession, irrespective  
of gender

Percentage of rural women who identified the following as the  
main agents of land dispossession

public officials  
or institutions

**35%**

private investors  
or companies

**23%**

### BRIBES

**16%**

of women

surveyed were asked to pay a bribe, in  
relation to land, in last 12 months

**21%**

of men

**60%**

of rural women

surveyed were asked to pay a bribe by  
a community leader

**15%**

of urban women

Percentage of urban women who asked by the  
following to pay a bribe

farmers'  
associations

**33%**

private investors

**22%**

# RESEARCH FINDINGS FROM TRANSPARENCY INTERNATIONAL ZIMBABWE

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Given the structural and political factors behind Zimbabwean women’s lack of land, engagement of lawmakers is key in passing and implementing reforms that will enable women to fulfil their land rights.

Zimbabwe maintains a dual system of customary and formal law, allowing customary traditions such as polygamy and patrilineal inheritance to remain dominant. This leaves women vulnerable to land insecurity and corruption. Community leaders remain central to land transactions and decision-making, marginalising rural women from the process and making them vulnerable to demands for bribes. As women are less financially independent, these bribes can be sexual in nature, with stigma and shame preventing women from reporting incidents. Historically, extreme racial tensions and violence have made land in Zimbabwe a controversial resource. As well as its importance for subsistence food production and commercial agriculture, land holds spiritual and social significance. Reforms attempting to address unequal land ownership have failed to make land accessible to women. Insecurity of land tenure, unequal land ownership and land corruption remain to be addressed.

## Women’s land rights: the legal framework

Under Zimbabwe’s dual legal system, customary law and formal legislation operate side by side. Customary law is recognised within communal areas, where the country’s constitution gives it precedence in marriage and inheritance. This protects male privileges in relation to property, even though the 1985 Matrimonial Causes Act, amended in 1987, allows for equitable distribution of matrimonial property between spouses in cases of divorce in legal or customary marriages<sup>1</sup>. The act stipulates that spouses’ direct and indirect contributions to matrimonial property must be taken into account in the division of property<sup>2</sup>.

The 2016 Land Commission Bill provides for the Zimbabwe Land Commission, established under the constitution, to ensure “the elimination of all forms of unfair discrimination, particularly gender discrimination”. The commission’s roles include promotion of

accountability, fairness, and transparency in the administration of agricultural land vested in the state. It is mandated to conduct periodical audits of agricultural land and to investigate disputes regarding land administration and allocation. However, questions of equality regarding land in Zimbabwe tend to focus on racial issues. There appears an assumption that gender-neutral legislation will be applied equally to men and women, which is not the case in Zimbabwean women’s daily lives.

The government’s Fast Track Land Reform Programme, launched in 2000, sought to empower black Zimbabweans by reallocating land from commercial farms previously owned by predominately white settlers. The programme aimed to introduce an indigenous farming system based mainly on smallholder and medium-scale farming. Female-headed households, which were entitled to receive six hectares of arable land, constituted 18 per cent of smallholder recipients. Under the provisions for indigenous commercial farming, aimed at providing opportunities for previously disadvantaged Zimbabweans, less than 12 per cent of recipients were women. Both fall short of the 20 per cent quota for women established arbitrarily by the government in 1998, because very few rural women who needed the land had sufficient assets to meet the eligibility criteria. Across Zimbabwe’s provinces, only 13-22 per cent of women – those who were politically connected – acquired commercial farms.

## The importance of land in Zimbabwe

In Transparency International Zimbabwe’s baseline survey of 263 women and 196 men in 2016, over 91 per cent of respondents viewed land as very important. Rural women valued land predominantly for subsistence crop production – for sale and consumption. Around 80 per cent of women live in communal areas, where tradition dictates they carry out farm work as part of their domestic chores. Providing 70 per cent of agricultural labour and producing an estimated 60 per cent of output, women’s work is essential for Zimbabwe’s food security. In urban

areas, land is needed for housing. Urban women also identified land as a potential investment.

As well as being the mainstay of Zimbabwe's economy and a source of livelihoods for more than 70 per cent of the country's population, land is important for status. It has social and spiritual significance for all Zimbabweans, regardless of gender. After years of settlement, burying the dead and performing ceremonies on their land, people see it as synonymous with belonging and identity. However, major agribusiness investments are increasingly consuming large tracts of land – often closely linked to corruption.

## De facto barriers to women accessing land rights

Women have historically found it difficult to own rural land, having only usufruct<sup>3</sup> rights through birth within specific patrilineages or through marriage. Inheritance of land, as with other property, has largely been confined to male heirs.

Under the Fast Track Land Reform Programme, few women could produce a record showing they had previously been in agriculture or that they had the basic assets and savings needed to run farming operations. Family assets and savings are usually registered in men's names, meaning few women met the criteria for receipt of commercial farmland.

The Fast Track programme also perpetuated women's inequality in customary land ownership by failing to incorporate women's statutory inheritance rights. In some rural areas, widows are permitted to farm land they occupied prior to their husband's death, but often they are evicted, especially if childless or if young and refusing marriage to a relative of their husband.

Rural marriages are often polygamous, and men who can afford to purchase land often subdivide it for use by their wives. Women must usually "earn" the right to use land allocated to them by first working on their husbands' land. Junior wives in polygamous marriages often find their livelihoods are secure only during their husbands' lifetime, as they are usually married as a source of labour.

Women's lack of voice in land issues was reflected in TI Zimbabwe's 2016 baseline survey, in which 43 per cent of rural women identified community leaders as the main decision-makers over land, and 30 per cent cited public officials and institutions. Urban women saw officials as the primary decision-makers. Male and female respondents generally identified problems in the same manner. Only 18

per cent of rural women claimed to be active participants in land decisions, compared to 30 per cent of men. Marginally more men than women – 46 per cent to 41 per cent – considered their land securely held. Clearer differences arose between rural and urban dwellers, with 60 per cent of rural women considering their land securely held, while only 36 per cent of urban women saw their tenure as secure. Rural women thought their land was more susceptible to dispossession by private investors, while urban women were more concerned about public institutions and officials.

## Land corruption in Zimbabwe

Zimbabwe ranks among the most corrupt countries in Transparency International's *2016 Corruption Perception Index*<sup>4</sup>. Bribery is the most common form of corruption in citizens' daily lives, affecting women and girls disproportionately as they usually have less access to capital or money than men. This exposes them to risks of sexual exploitation, as they are forced to trade sex as a currency to access services. Stigma surrounding sexual extortion means such corruption is unlikely to be reported.

Of women surveyed in the 2016 baseline, 16 per cent said they had been asked for a bribe in the past 12 months, compared to 21 per cent of men. This discrepancy may be due to respondents' unwillingness to admit paying bribes. The figures are similar for rural and urban dwellers, with most bribes monetary in form. In rural settings, 56 per cent of women paid bribes to community leaders, compared to only 7 per cent of urban women. 22 of urban women paid their bribes to farmers' associations and 19 per cent to private investors. When faced with corruption, few respondents had sought help. Those that had did so primarily through community meetings.

Common challenges to good land governance include the emergence of land barons<sup>5</sup>, double allocation of residential stands resulting in residents being swindled of their money, housing demolitions linked to land barons and corruption<sup>6</sup>, and land dispossession linked to abuse of power by the authorities. Land grabbing is frequent in Zimbabwe, largely by multinational companies and rogue businessmen with close ties to the ruling elite. This has resulted in widespread dispossession of rural people's land, often including the loss of access to water by local communities. This means women and girls have to travel further for water thereby increasing their workload, affecting school attendance rates, and exposing them to gender-based violence.

Given the structural and political factors behind Zimbabwean women's lack of land, engagement of lawmakers is key in passing and implementing reforms that will enable women to fulfil their land rights.

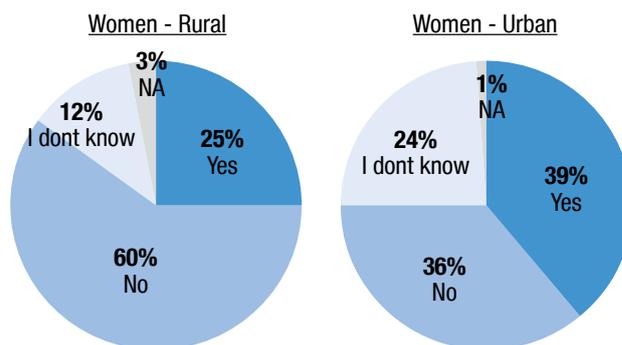
For more information about the work of Transparency International Zimbabwe, visit their website [tizim.org](http://tizim.org)

- 1 "Zimbabwe, National Legal Framework", Gender and Land Rights Database, FAO (web). [bit.ly/2zgTWNC]
- 2 TI Zimbabwe, "An Analysis of Transparency and Accountability in Land Sector Governance in Zimbabwe", (TI Zimbabwe, 2013). [bit.ly/2A1FdpE]
- 3 See definition on page 121 (Glossary)
- 4 "Corruption by Country: Zimbabwe", Transparency International (web). [bit.ly/2Bhlpvz]
- 5 The term "land baron" within the Zimbabwean context makes reference to the powerful elites who use their power and influence to grab and amass land.
- 6 "Political corruption leaves families landless", @LandCorruption on Medium (web), November 2016. [bit.ly/2jPOsmG]

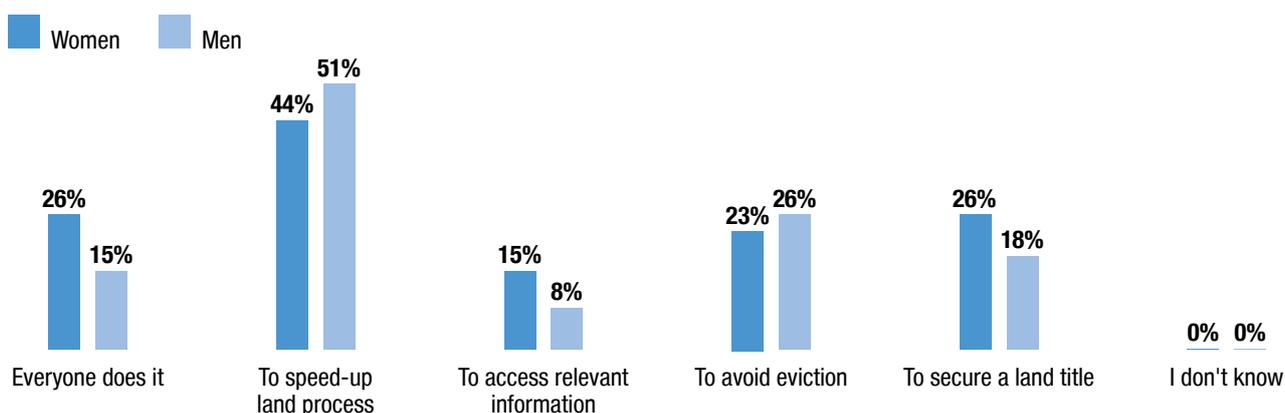
## KEY SURVEY QUESTIONS

### Can your land be taken away?

Transparency International Zimbabwe's survey shows a surprising discrepancy between rural and urban women over security of tenure. More women overall had formal tenure in urban areas than rural, but 60 percent of rural women perceived their land as securely held, compared to only 36 per cent of urban women. Only 12 per cent of rural women were unsure of their tenure security, compared to 24 per cent in urban areas. This could be due to political control of urban land lots, or the fact that many urban dwellers originate from rural settings, and on their arrival to urban centres, lack the capacity to secure tenure rights.



### Why did you pay a bribe?



4

**SUPPORTING  
ARGUMENTS –  
THE GLOBAL  
CONTEXT**





#### **INTERNATIONAL FRAMEWORKS AND OVERARCHING CHALLENGES**

To develop successful solutions to the issue of women, land and corruption in Africa, challenges must be addressed in the context not just of women's immediate experience, but through a wider lens. This should include perspectives such as feminism and human rights, as well as existing international frameworks, such as the Sustainable Development Goals and the African Union's Land Policy Initiative. This wider context is needed for a full understanding of land corruption as it affects women, and for the design of effective, lasting solutions.

# SECURING WOMEN'S LAND RIGHTS: THE NEED FOR A FEMINIST STANCE

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By Elisabetta Cangelosi and Sabine Pallas  
International Land Coalition

The discrimination women face in relation to land is situated within the broader gender inequalities that are reproduced in all aspects of society. Thus resolving gender-inequalities within land requires understanding the intersection between the diverse forms of discrimination that women face. To strengthen women's agency – whether regarding decision-making, claiming rights, leading organisations or within families and communities – one needs to examine the norms and power structures that prevent women from claiming their land rights. Building women's capacity and supporting women's organisations to advocate for better laws and policies are crucial steps towards understanding and securing women's land rights.

Across countries and cultures, gender is the main driver of discrimination. Around the world, women suffer from discriminatory laws, practices, stereotypes and cultural norms that prevent them from enjoying their human rights. The lack of legislation enshrining equal rights for women and men – or the failure to implement it – has a devastating impact on women's lives. Women are excluded from secondary or correlated rights such as access to education, health care, sexual and reproductive rights, and economic independence, and from services or benefits, such as credit.

The barriers women face when trying to access their land rights cannot be understood in isolation from this broad, gender-based discrimination. The resulting power asymmetries dictate women's position in society and their access to resources. Much of the failure to recognise women's land rights is due to a complex interaction of factors. Discrimination can be caused by statutory or customary norms, or a combination. Women's land rights are often not recognised by governments, communities and families. Some women face further discrimination due to their specific situation (such as marital status, age, class, wealth or sexual orientation). Single women, widows, divorced women or those cohabiting without officially registering their marriage or in polygamous marriages often have fewer rights than officially married women.

## A holistic approach to women's land rights

Understanding the intersection between the diverse forms of discrimination that women face is key to understanding the barriers to women fulfilling their land rights. This feminist perspective requires more than simply adding women to the land rights agenda. Social and political norms decide women's place in society, create asymmetries of power and exclude women from decision-making. These norms must all be examined individually and taken into account in any strategy to help women fulfil their land rights.

Gender intersects with power distribution both in the private and the public spheres, leaving women vulnerable to abuse of their land rights. In the private sphere, this imbalance of power affects factors including the division of labour, decision-making about crop planting, income distribution within the family and women's unpaid care work. Rural women, whose income and social status is fundamentally dependent on land, are especially affected. Communities based on small-scale and family farming rely significantly on the work of women farmers, yet legal and social structures and family dynamics often limit women's access to, ownership of and control over land and income from its use<sup>1</sup>. If women do own land, it is often of a lower quality and smaller size than that owned by men<sup>2</sup>.

In the public sphere, women are often victims of marginalisation and exclusion<sup>3</sup>. At the community level, where institutions are male-dominated, there is often little genuine participation of women in local governance. This means that if community land is targeted by investors, community leaders may give consent without consulting women.

Corruption affects women at different levels. Even where legislation exists to guarantee women's equal land rights, there are often limits to its effectiveness. Male land officials may react differently to women than to men, denying the rights of individual women and often favouring men in disputes, who can offer bigger bribes. As well as financial bribes, women may face demands for sexual extortion. At central government level, land grabbing is often connected with corruption and non-participatory decision-making. Land grabbers use their power (including that obtained through corruption) to claim land. Women's general lack of rights, either in customary or formal tenure, and their lack of decision-making power puts their livelihoods at increased risk in the event of land grabs.

Despite significant efforts, data on women's land rights and their violation through corruption remains scarce. The Food and Agriculture Organisation gathers data for the Gender and Land Rights Database<sup>4</sup>, and various researchers have also endeavoured to quantify women's access to land<sup>5</sup>. However, the complexity of definitions of women's land rights, along with intersecting and highly diversified regulatory systems, obscure clear global quantification of the discrimination<sup>6</sup> women face. This lack of data may hide an even more serious lack of rights and greater vulnerability to land corruption, compounded by different definitions of what constitutes corruption and cultural stigmas around admitting being affected.

## Global policy an emerging framework

Few legal and policy documents focus on the situation of women as holders of land rights.

The Tirana Declaration<sup>7</sup> was issued by the International Land Coalition in 2011. The declaration noted that land and other natural resources were scarce and under threat, and called on all stakeholders to actively promote pro-poor, people-centred and environmentally sustainable land governance. The declaration specifically defined and denounced the growing practice of land grabbing.

Only in March 2016 did the UN Committee on the Convention on the Elimination of all forms of

### LAND GRABBING

In the International Land Coalition's "Tirana Declaration", large-scale land grabbing is defined as acquisitions or concessions that are one or more of the following: (i) in violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land-users; (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation.

Discrimination Against Women (CEDAW) take a stand by issuing a *General Recommendation on the Rights of Rural Women*<sup>8</sup>. CEDAW is the world's only treaty body examining the situation of women's rights. Its recommendation highlights that "rural women often have only limited rights over land and natural resources. In many regions, they suffer from discrimination in relation to land rights, including with respect to communal lands, which are controlled largely by men"<sup>9</sup>.

The recommendation clarifies and reaffirms states' obligations to ensure rural women's rights under Article 14 of CEDAW. It is a landmark for rural women's rights; explicitly recognising women as drivers of sustainable development and highlighting how they are vulnerable to land corruption and exposing its impact. The recommendation requests state parties to "establish enabling institutional, legal and policy frameworks to ensure that rural development, agricultural and water policies... are gender-responsive and adequately budgeted". The recommendation also explores in detail the interconnection between the right to land and resources and all other human rights. From the beginning, it stresses the specific burden of economic policies on rural women, encouraging states to "address the negative and differential impacts of economic policies, including agricultural and general trade liberalisation, privatisation and commodification of land, water and natural resources, on the lives of rural women and fulfilment of their rights".

Addressing development partners, the recommendation adds that development assistance policies should pay attention to the specific needs of rural women<sup>10</sup>. Within a wide range of topics relevant to rural women's rights, it

pays specific attention to women's role in decision-making processes. This is resonant with the approach of many women's rights organisations, which have been pushing for women's equal participation as the basis for improvements in their circumstances. Joint action by some of these women's organisations led to a momentous step by the 60th UN Commission on the Status of Women, which in March 2016 unanimously endorsed the importance of women's land rights and urged governments and other relevant stakeholders to "...enact legislation and undertake reforms to realize the equal rights of women and men...to access economic and productive resources, including access to, ownership of, and control over land, property and inheritance rights, and natural resources"<sup>11</sup>.

## Change for women, driven by women

At the regional level, grassroots organisations, NGOs and CSOs have demonstrated the importance of joint campaigning, gathering claims and evidence from rural women from different parts of Africa. Several years' combined effort culminated in a group of women symbolically climbing Mount Kilimanjaro in October 2016, with explicit demands on governments and local authorities to ensure "women's access to use, control,

own, inherit and dispose of their land and natural resources"<sup>12</sup>. These demands included awareness of women's rights among leaders, decision-making power for women – in particular with regards to investments affecting their livelihoods – and land policies that are accessible both in terms of women being able to shape them and understand them. These measures would greatly reduce women's vulnerability to land corruption. The campaign reached its target as the African Union's Land Policy Initiative included these demands in their women's land right charter.

Around the world, it is recognised that a key approach to counter discrimination women face is to strengthen their agency – whether in terms of decision-making, claiming rights, leading organisations or within families and communities. This requires a feminist examination of all the norms and power structures that prevent women from claiming their land rights. Patriarchy and asymmetries of power must be tackled if discrimination and corruption are to be overcome. Building women's capacity and awareness, and supporting women's organisations to advocate for better laws and policies, are crucial steps towards understanding and securing women's land rights. Women must be at the forefront of action against land corruption – at local, national and global levels.

<sup>1</sup> International Land Coalition, "Women and family farming: Moving forwards from the International Year of Family Farming", (ILC, 2015). [bit.ly/2zVWQj9]

<sup>2</sup> FAO, SOFA "Women in Agriculture: Closing the gender gap for development", (FAO, 2011). [bit.ly/LL9mfR]

<sup>3</sup> "Fighting Corruption in Sub Saharan Africa, Widows Tell Their Story", Transparency International (web), 23 March 2017 [bit.ly/2A7mdn1] / "Land Corruption Eroding Women's Rights: Ghana", Corruption Watch (web), 9 February 2017 [bit.ly/2iPhpOW] / "In Uganda women's collectives fight for land rights, against corruption", UNDP (web), 2017 [bit.ly/2z4SILP].

<sup>4</sup> "Gender and Land Rights Database", FAO (web). [bit.ly/1QpNscQ]

<sup>5</sup> C. Doss, C. Kovarik, A. Peterman, A. Quisumbing and M. van den Bold, "Gender Inequalities in Ownership and Control of Land in Africa. Myths versus Reality", IFPRI Discussion Paper 01308, (Washington DC: IFPRI, 2013).

<sup>6</sup> "Killer factcheck: 'Women own 2% of land' = not true. What do we really know about women and land?", Oxfam Blogs (web), 2014. [bit.ly/OGT21a]

<sup>7</sup> International Land Coalition Global Assembly, "Tirana Declaration", (ILC, 2011). [bit.ly/22JQxMD]

<sup>8</sup> Committee on the Elimination of Discrimination against Women, "General recommendation No. 34 on the rights of rural women", (CEDAW, 2016). [bit.ly/1TZ5ys1]

<sup>9</sup> CEDAW, 2016 (IV G, 55).

<sup>10</sup> CEDAW, 2016 (IV G, 55).

<sup>11</sup> "500 #Women2Kilimanjaro, 29 Climbers, 22 Countries, 1 Charter demanding Land Rights Now", International Land Coalition (web), 19 October 2016. [bit.ly/2nv6Qih]

<sup>12</sup> ActionAid, "Charter of Demands: Actualizing Women's land Rights in Africa", (ActionAid, 2016). [bit.ly/2hvr1Lc]

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## FURTHER READING & RESOURCES

Land Corruption Eroding Women's Rights in Ghana  
(Corruption Watch)

[bit.ly/2iPhpOW](https://bit.ly/2iPhpOW)

Uganda: Women's collectives fight for land rights, against  
corruption (UNDP)

[bit.ly/2z4SIIP](https://bit.ly/2z4SIIP)

Women to Kilimanjaro Newsletter (International Land  
Coalition)

[bit.ly/2A50bEQ](https://bit.ly/2A50bEQ)

Engendering Access to Justice: Grassroots Women's  
Approaches to Securing Land Rights (UN  
Women and Huairou Commission)

[bit.ly/2zHZP6o](https://bit.ly/2zHZP6o)

### **Gender at Work**

Gender at Work has a holistic approach to social change. It links organisational change, changes in the “rules of the game”, and gender equality. This is based on an analysis of the role of social institutions or rules, both formal and informal, in maintaining and reproducing women's unequal position in society.

[genderatwork.org](https://genderatwork.org)

# SEXUAL EXTORTION: A FORM OF CORRUPTION

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By Michaela Raab

Corruption in the land sector can take the form of sexual extortion; where individuals in positions of power demand sexual favours as a bribe for land services. Sexual extortion is different from corruption involving cash bribes and material gifts, in that it can have severe physical and mental health consequences, with survivors facing social exclusion. Resolving this includes creating codes of conduct for the public sector, and redefining “corruption” within existing anti-corruption efforts. This will bring the issue to the forefront of discussions and lessen the taboo around sexual extortion, enabling concrete efforts to come to fruition.

Demands for bribes can take many forms. In sexual extortion, the currency of corruption is sexual harassment, rape and demands for sexual favours.

Women and girls in situations of heightened dependency or vulnerability are particularly at risk – such as non-documented female migrants, prison inmates, students in boarding schools, slum dwellers and anyone in desperate need of services a corrupt person can provide. A much-quoted study on sexual abuse of girls in African schools<sup>1</sup> has provided alarming data about male teachers demanding sex from schoolgirls in exchange for grades. Sexual extortion by peacekeepers, aid workers and health personnel has been documented in a growing body of literature<sup>2</sup>. Sexual extortion cases have also been heard against judges and law enforcement agents (such as police officers, prison guards and immigration officials).

The Huairou Commission, a global coalition of grassroots women’s organisations, has found that women face multiple demands for bribes from police and local officials who control access to land and to public services such as housing, water, sanitation and electricity<sup>3</sup>. Women and girls living in poverty are especially vulnerable to sexual extortion, as they may be unable to pay cash bribes<sup>4</sup>. Marital status (in particular, if a woman is single, widowed or divorced) and other aspects of a woman’s identity that might entail discrimination exacerbate their vulnerability. In Zimbabwe, a recent Transparency International study<sup>5</sup> has confirmed that the risk of sexual extortion is particularly high among single women and widows, who may be asked to trade sex against access to a small plot of land.

## Defining sexual extortion

Any act whereby a person with entrusted power demands sex as a bribe is sexual extortion, even if no transaction of a sexual nature takes place. Although most known cases of sexual extortion have affected women and girls, men and boys can also be victimised by men and women in positions of power.

The International Association of Women Judges (IAWJ) defines sexual extortion as having two components: a sexual component and a corruption component, the latter displaying three distinct features<sup>6</sup>:

- Abuse of power – the perpetrator uses the power entrusted to him for his personal benefit.
- Quid pro quo – the perpetrator demands or accepts a sexual favour in exchange for a benefit that he is empowered to withhold or confer.
- Psychological coercion – the perpetrator uses the imbalance of power between him and the victim, rather than physical force, to exert coercive pressure to obtain sexual favours.

Sexual extortion can cause irreversible psychological and health consequences for individuals. As a form of gender-based violence, it helps reinforce social norms that justify the violation of women’s and girls’ human rights, especially if abusers remain unpunished.

## Supporting survivors, tackling perpetrators

Sexual extortion is different from corruption involving cash bribes and material gifts in that it can have severe physical and mental health outcomes. Survivors can also face social exclusion, especially if the sexual favour was granted. Protection of the survivor's rights and respect of their wishes and interests must therefore be a central concern in any efforts to fight sexual extortion or to conduct research on the subject. Those working with people who have experienced this form of corruption should be able to recognise the symptoms of sexual extortion and the trauma caused by it, and to give survivors advice in a non-threatening, supportive way. They should also refer them to service providers who will deliver their services (such as post-exposure HIV prophylaxis) in a respectful manner.

The options for legal action by survivors are constrained by patchy regulatory frameworks and a lack of information on sexual extortion and on ways of reporting it. A lack of witnesses and evidence compounds the problem. Social norms surrounding women's sexuality, as well as certain religious and legal provisions, make it difficult for women and girls to report sexual extortion. In some cases, women might even face abuse by the law enforcement agents whose help they seek.

Sexual extortion could be prosecuted under anti-corruption laws, as well as under laws on gender-based violence, sexual harassment and discrimination. However, anti-corruption laws generally lack references to sexual extortion as a form of corruption. Corruption statutes tend to focus on financial bribes, property gain and financial harm<sup>7</sup>. Provisions against sexual harassment are usually limited to labour law, protecting the rights of employees but not those of women entrepreneurs and smallholders. Laws on gender-based violence are often limited to specific types, such as rape and domestic violence, and often require proof of physical force or self-defence by the survivor.

## Steps to prevent sexual extortion

One field where provisions can be sufficiently broad to include sexual extortion are codes of conduct and ethics issued by public administrations, as well as provisions on "abuse of authority" and "breach of trust". However, such provisions apply to public administrations only and usually do not cover the private sector. Even anti-corruption organisations need to ensure that definitions of corruption include sexual extortion. An exclusive focus on money as the sole currency of corruption is too narrow.

The International Association for Women Judges has issued recommendations<sup>8</sup> on strengthening regulatory frameworks to ensure sexual extortion is fully included in the definition of corruption. Transparency International is drawing on long experience in reinforcing anti-corruption systems to press for such reform, as part of its ongoing advocacy and in cooperation with the IAWJ and other feminist organisations.

In parallel, continuous, systematic efforts should be made to challenge social norms that cast women and girls as inferior to men and boys, as such norms have been closely correlated with the incidence of violence against women and girls. This also means that research and advocacy, led by women and men on equal terms, should highlight the differences between the sexes in their experience of corruption. Feminist organisations are important allies in devising policies and strategies to prevent sexual extortion and to support survivors.

1 F. Leach, V. Fiscian, E. Kadzamira, E. Lemani and P. Machakanja, "An Investigative Study of the Abuse of Girls in African Schools", (University of Sussex, 2013). [bit.ly/29m0Wda]

2. Examples include: UNHCR / Save the Children UK, "Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone", (UNHCR/Save the Children UK, 2002). [bit.ly/2yif5Cb]; "Sexual Exploitation in Peace-keeping Missions", Anti-Corruption Resource Centre (web), 2006. [bit.ly/2yl5km1]; CARE Burundi, "It is difficult to escape what is linked to survival: sexual exploitation and food distribution in Burundi", (Humanitarian Exchange, 2006). [bit.ly/2AtkQ2m]; V. Martin, "Literature Review: Complaints Mechanisms and Handling of Exploitation and Abuse, Humanitarian Accountability Partnership Standard Review Process Working Group on Handling Complaints of Exploitation and Abuse", 2010.

3. "About Huairou", Huairou Commission (web). [bit.ly/2tgvyfN]

4. Huairou Commission/UNDP, "Seeing Beyond the State: Grassroots Women's Perspectives on Corruption and Anti-Corruption", (UNDP, 2012). [bit.ly/1wuW6SF]

5. "Sextortion: Undermining Gender Equality", Transparency International (web), 2016. [bit.ly/2jazoQ8]

6. International Association of Women Judges, "Combating Sextortion – A Comparative Study of Laws to Prosecute Corruption Involving Sexual Exploitation", (IAWJ, 2015). [tmsnrt.rs/2BgmirU]

7. IAWJ, 2015.

8. International Association of Women Judges, "Stopping the Abuse of Power through Sexual Extortion: Naming, Shaming and Ending Sextortion", (IAWJ, 2012). [bit.ly/2C7at3L]

## CASE STUDY

### Double Impact: Land-grabbing and Sexual Extortion of Women in Zimbabwe

The promises were enticing. In 2008, ethanol company Green Fuel arrived in Chisumbanje, in south-eastern Zimbabwe, with promises of community development and employment in return for land to grow sugarcane for biofuel. The company's partner in the biofuel plant was Zimbabwe's Agricultural and Rural Development Agency. But the prospect quickly turned sour for local people, especially the women.

Green Fuel soon began to breach the boundaries of the area it had been allocated, encroaching onto land owned by community members and essential to their livelihoods. "We lived good lives in the past. We didn't know poverty," says farmer Memory Dube. "We paid school fees with earnings from cotton and were able to do annual budgets. But all that changed with Green Fuel. Our lives were turned upside-down. We were told we could no longer go to our lands in the valley."

At first, Memory and her neighbours resisted, planting almost 20 hectares of maize at night. The company let it grow until it was ready for harvest. Then it ploughed the crop down. "Our food used to be locally produced," says Memory. "We picked fresh fruit along the river, until the company closed it off and spoiled it with dirty water. We no longer have gardens and we lack basic nutrition, compromising our health."

When local people planted maize again the following year, that too was ploughed down, this time accompanied by beatings from the police. Community members have since been arrested regularly, including at night, and now live in fear of intimidation, violence and arrest. Many feel they were conned into accepting the biofuel plant by promises of work, schools, clinics and roads as compensation for their land. But none of the pledges were fulfilled. Instead, people were forced to accept half-hectare plots, regardless of the amount of land they had lost or their family size. Many now make a meagre living selling firewood or cans of water, unable to afford school fees.

None of the compensation plots were given directly to women. Zimbabwean culture prevents widows and women who live alone from accessing land. With no jobs locally, many men had left the area to seek work in nearby Mozambique, leaving their wives to negotiate the land compensation single-handed. The land grab exposed many of these women to further trauma through land corruption.

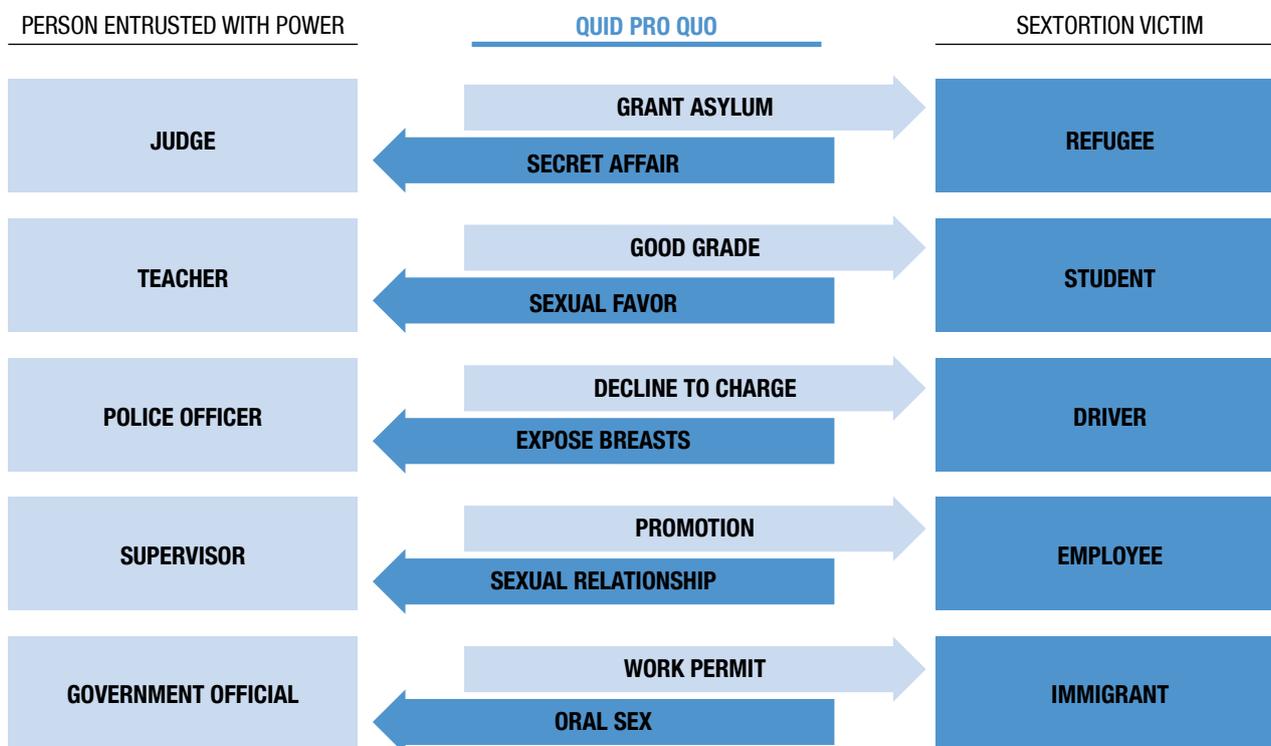
Catherine Mozorodze is among them. She lived with her grandmother near the biofuel plant. "When Green Fuel came, everyone was supposed to go and remove tree stumps," she explains, "but my grandmother was too old to stump trees. They told her to leave if she wouldn't do it, so we went to a nearby village. When it was time to give out plots, the headman said we were too new to receive land and if I wanted land, I must have sex with him. I had to agree, because we are poor and landless. I only did it because I wanted land, but he wanted to have sex with me indefinitely. When I refused, he threw me out of his village. Many women traded sex for land, but they can't talk about it, because some of them are married or widowed. If they talk, they'll be kicked out too."

Green Fuel's land grab exposed women like Catherine to the double blow of sexual extortion on top of the land loss they had already suffered. Investigations by Transparency International reveal that the land used by Green Fuel was acquired by bribing senior politicians. There is no formal documentation stating that the government has allocated this land for development purposes, so under Zimbabwean law, the land belongs to the community. In response, Transparency International initiated a multi-stakeholder process seeking redress for Chisumbanje's people. Alongside civil society partners such as the Zimbabwe Women's Rights Forum, the organisation lobbied the government, leading to the establishment in 2014 of a ministerial committee to investigate Green Fuel's actions and their impact. Local people told committee members that they were being arrested and women made to trade sex for wanting access to their land, but to little effect. Green Fuel refutes these allegations and by 2016, the company occupied 9,000 hectares of land in Chisumbanje, with plans to expand to 40,000.

Transparency International is continuing to advocate for dialogue and accountability between Green Fuel, the government of Zimbabwe, and the affected communities. With their land rights restored, or with proper compensation for everyone (including women), the people of Chisumbanje would once again be self-sufficient. Then women like Catherine would not face demands for sex so they can farm the land.

**FIGURE 1**

Infographic summarising real-life examples of sextortion from around the world



Source: The International Association of Women Judges, a non-governmental, non-profit organisation with more than 5,000 members from all levels of the judiciary in more than 80 countries.

**FURTHER READING & RESOURCES**

Stopping the Abuse of Power through Sexual Extortion: Naming, Shaming and Ending Sextortion (International Association of Women Judges)  
[bit.ly/2C7at3L](https://bit.ly/2C7at3L)

The four things you need to know about women’s land rights (Susan Markham / USAID)  
[bit.ly/1YsgUEN](https://bit.ly/1YsgUEN)

An Analysis of the Impact of Land Related Corruption on Women: Case Studies from Ghana and Zimbabwe (F. Mutonodoro, M. J. Ncube, M. Awelana, and F. Kairu)  
[bit.ly/2AbBbLP](https://bit.ly/2AbBbLP)

**Landesa Center for Women’s Land Rights**

Given the centrality of women’s land rights to a host of development and human rights outcomes, the Landesa Center for Women’s Land Rights works to prioritise and

integrate them in all of Landesa’s projects and initiatives. The Center also develops and implements innovative pilot projects to strengthen women’s rights to land.  
[landesa.org](https://landesa.org)

**Virtual Knowledge Centre on End Violence against Women and Girls**

The Virtual Knowledge Centre on End Violence against Women and Girls, part of the UN Women programme, is a multilingual online resource designed to serve the needs of policymakers, programme implementers and other practitioners dedicated to addressing violence against women and girls:  
[endvawnow.org](https://endvawnow.org)

# THE SUSTAINABLE DEVELOPMENT GOALS, GENDER, LAND RIGHTS, AND CORRUPTION

By Amanda Richardson  
Resource Equity

The Sustainable Development Goals (SDGs) provide an overarching framework for human progress, outlining specific targets for achievement by 2030. The role of land is crucial to achieving many of the 17 goals, including ending poverty and hunger, reducing inequality, enabling good health, providing decent work and achieving gender equality. While issues of corruption and gender feature in many of the SDG targets, they must also be considered specifically in relation to land if the goals are to be achieved. In households where land is a central asset, women's rights to land and resources are key not just to their own empowerment, but to increasing food security and reducing poverty<sup>1</sup>.

The goals are intended to steer policy-making and development funding until 2030. Each has several targets and under these, a range of indicators. The indicators and their statistical data ensure accountability, allow progress to be monitored<sup>2</sup>, and guide how the goals will be achieved. Women's land rights, urban land and corruption are all included in the SDGs. In particular:

- **Goal 1: End poverty**

Ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

- **Goal 2: End hunger**

Double the agricultural productivity and incomes of small-scale food producers, in particular women... including through secure and equal access to land, other productive resources and inputs.

- **Goal 5: Achieve gender equality**

Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources.

- **Goal 16: Peace, justice and strong institutions**

Promote peaceful and inclusive societies... provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Targets include to substantially reduce corruption and bribery, and to develop effective, accountable and transparent institutions. Further targets promote the rule of law and equal access to justice, inclusive decision-making and public access to information.

There are obvious overlaps between the corruption indicators and the land SDGs. Those aimed at reducing bribery of public officials clearly apply, as bribery of officials charged with land administration and management is a well-documented problem worldwide<sup>3</sup>. The Goal 16 indicator aimed at increasing satisfaction with public services can be applied directly to people's experience of land-related services. Targets aimed at increasing the accountability and transparency of institutions and at promoting the rule of law and access to justice are all key to securing rights to land. However, there is a need to go beyond the existing targets to ensure corruption is tackled throughout the goals related to land, including specific measures to address its effects on women. Programmes and policies aimed at achieving the SDGs on land will be implemented by officials entrusted with power. Clear measures to ensure transparency and accountability from officials throughout these programmes are needed to prevent manipulation and abuse of power.

There are three key areas in which issues of corruption and gender are particularly relevant to the achievement of the land SDGs:

- **Land administration**

Improving the registration or documentation of land rights, especially those of women, is a key way in which governments can ensure equal rights to land and related services for women and men. Corrupt processes, including political corruption, bribery and extortion, keep people from registering or documenting their rights and increase informal land tenure by encouraging people to operate outside formal systems. Inheritance is often the primary way in which land is acquired in countries and areas without prominent land markets, and is expressly mentioned in Goals 1 and 5. Corrupt officials can uphold cultural or customary constraints on inheritance, preventing women from inheriting land from their parents or husbands. Where disputes over land occur – especially in situations where the law is unclear, or where formal law and customary law differ – dispute resolution systems can be particularly susceptible to bribery and sexual extortion. Reform of these systems to make them more impervious to corruption will help achieve almost all the SDGs on gender and land.

- **Land management**

The process of managing the use and development of land resources includes urban planning, land distribution and management of communal land resources. Formalising the rights to tenure of those living in informal settlements in urban areas can achieve the SDGs on urban land, especially the target for reducing the proportion of the population living in slums or inadequate housing. Doing so in a gender-sensitive manner will also help countries achieve targets for equal ownership and control over land and property. Programmes to formalise rights to tenure must be transparent and have inbuilt accountability mechanisms to overcome their vulnerability to political and bureaucratic corruption, including state capture, cronyism, bribery and kickbacks.

Land distribution programmes give land to people who otherwise do not have any. When they target and benefit both women and men, these programmes can achieve several SDG targets and indicators, including equal control of land and property, and equal inheritance rights. Legal reform to ensure land can be distributed in women's names will help achieve the target for legal frameworks (including customary law)

that guarantee women's equal rights to land ownership and control. Programmes to give communities control over communal resources can specifically help achieve Goals 1 and 5, on poverty and gender equality, in terms of women's land rights and tenure. However, it is essential to prevent opportunities for corruption to undermine the implementation of these programmes.

- **Investment Management**

When carried out well and transparently, the sale or lease of land to local and international investors can potentially help achieve the SDGs on poverty and gender equality. Land investments may also increase the number of countries with a legal framework which guarantees women's equal rights to land ownership, by forcing countries to clarify their laws and rights to tenure. However, because many of these investments are made in countries with weak governance, they are highly vulnerable to corruption<sup>4</sup>. Land investments are often made by large multi-national companies, in a non-transparent fashion, meaning corruption can occur at many points in the investment lifecycle. Transparent investment processes, based on Free, Informed and Prior Consent from affected local communities, are essential for the achievement of the SDGs and women's land rights. However, steps must be taken to ensure that consent processes are fully inclusive of women, for example, holding meetings at a time of day when women are available, having separate meetings for women and men, and ensuring women understand why they should be consulted and how they will benefit from participating.

## Harnessing – and achieving – the SDGs

To enable the SDGs to bring about real change for women and men affected by land corruption, policy-makers and practitioners need to act against corruption and gender inequality at every step towards the goals on land. Issues of corruption and gender must be mainstreamed throughout land-related programmes<sup>5</sup>. Regional institutions should take the lead in promoting the SDGs on land, gender and corruption. For example, the African Union's Land Policy Initiative (LPI) produced the *Framework and Guidelines on Land Policy in Africa*<sup>6</sup> and is now helping AU member states develop, implement and evaluate policies. However, while the guidelines mention corruption, tackling it is not a key priority. To fully implement the SDGs, the LPI should commit to helping all member states prioritise solving the problem of corruption, gender and land.

One of the main tools of the SDGs is data collection and monitoring. Data specifically measuring corruption, gender and land rights should be collected. This includes data on bribery and extortion related to land services, on large-scale land deals, and on public perceptions of land laws, administrators and dispute resolution mechanisms. All this data should be disaggregated to show how gender discrimination and corruption prevent women from having equal access to land, and to inform the design of projects to deliver women's land rights.

Full and equal land rights for women must be achieved if the SDGs are to be met. Similarly, the drive for women's land rights will be more successful if it can harness the many initiatives designed to help deliver the SDGs. However, neither the SDGs nor women's land rights will be fully achieved unless corruption is tackled. Ultimately, the SDGs on land, gender and corruption will only be met if they are approached holistically, with reference to all three in this closely-linked trio of issues.

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**1** World Bank Group, "Levelling the field: improving opportunities for women farmers in Africa" (World Bank Group, 2014). [[bit.ly/2Fu7Sa0](https://bit.ly/2Fu7Sa0)]

**2** United Nations, "The Sustainable Development Goals Report 2017", (UN, 2017). [[bit.ly/2sIRwVF](https://bit.ly/2sIRwVF)]

**3** Note, however, that the indicators relating to 16.5 are inherently narrow and capture only one aspect of corruption – bribery generally.

**4** Oxfam International, "Land and power: The growing scandal surrounding the new investments in land", (Oxfam, 2011). [[bit.ly/2FhsAXf](https://bit.ly/2FhsAXf)]

**5** Transparency International, "Monitoring Corruption and Anti-Corruption in the Sustainable Development Goals", (Transparency International, 2017). [[bit.ly/2CAWDqq](https://bit.ly/2CAWDqq)]

**6** AUC-ECA-AfDB Consortium, "Framework and Guidelines on Land Policy in Africa", (AUC-ECA-AfDB, 2010). [[bit.ly/2oeVK2G](https://bit.ly/2oeVK2G)]

## SDGs on Gender, Land, and Corruption

### Goal 1 End poverty in all its forms everywhere.

- Target 1.4: By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.
  - Indicator 1.4.2: Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure.

### Goal 2 End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

- Target 2.3: By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.

### Goal 5 Achieve gender equality and empower all women and girls.

- Target 5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
  - Indicator 5.a.1: (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure.
  - Indicator 5.a.2: Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.

### Goal 11 Make cities and human settlements inclusive, safe, resilient and sustainable.

- Target 11.1: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.
  - Indicator 11.1.1: Proportion of urban population living in slums, informal settlements, or inadequate housing.

### Goal 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

- Target 16.5: Substantially reduce corruption and bribery in all their forms.
  - Indicator 16.5.1: Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months.
  - Indicator 16.5.2: Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months.
- Target 16.6: Develop effective, accountable and transparent institutions at all level.
  - Indicator 16.6.1: Primary government expenditures as a proportion of original approved budget.
  - Indicator 16.6.2: Proportion of population satisfied with their last experience of public services.
- Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.
- Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.
  - Indicator 16.7.1: Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions.
  - Indicator 16.7.2: Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group.
- Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements disability and population group.

# GUARANTEEING WOMEN'S RIGHTS TO LAND: THE REGIONAL HUMAN RIGHTS FRAMEWORK IN AFRICA

By Mona Niemeyer

The right to land has been recognised in many international treaties and documents, such as the African Charter for Human and Peoples' Rights. The African Court's landmark ruling on the Ogiek case in Kenya, which affirmed the rights of an indigenous community to its land and resources, together with similar cases from across the continent, provide precedents for future work. For women, viewing women's land rights through a human rights lens also brings the language of rights into the argument, and provides a useful basis for advocacy campaigns.

More than halfway into the African Union's "Decade of African Women" and at the beginning of the "African Anti-Corruption Year"<sup>1</sup>, corruption remains a central issue in preventing women from accessing land which is vital for their livelihoods. But where do women's land rights sit within the human rights framework and how can human rights law be helpful for land rights activists in Sub-Saharan Africa? There are numerous provisions, general comments, declarations and other instruments on women's land rights, internationally and regionally.

## Land rights defined within other rights

Internationally, land rights are often conceptualised as essential for the realisation of the right to food in the International Covenant on Economic, Social and Cultural Rights<sup>2</sup>. States have an obligation to progressively realise economic, social and cultural rights, to the maximum resources available. "Progressively" means here that states need to ensure the immediate implementation of the minimum standards of rights and can, over time, incrementally increase these standards. "To the maximum available resources" requires that states allocate the highest possible contribution of their national budgets to facilitate the realisation of economic, social and cultural rights for all<sup>3</sup>. This is an entry point to understanding corruption as a human rights violation, where corrupt practices have prevented states from using their maximum available resources for the public good<sup>4</sup>.

Similarly, in the African regional context, there is no human right to land per se, but access to land has been evoked as part of several rights defined in the African Charter on

Human and Peoples' Rights (ACHPR – the Banjul Charter)<sup>5</sup>. These include the right to property, the right to culture, the right to freely dispose of wealth and natural resources and the right to development<sup>6</sup>. More specifically, Article 15 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)<sup>7</sup> defines women's right to food security and imposes a duty on states to ensure that women have access to land. Article 19 of the *Maputo Protocol (Right to Sustainable Development)* stipulates specifically that women shall have access and control over productive resources, such as land. It is important to re-emphasise that women do not merely have a right to access land, but also need to be able to control the land they live off in order to enable decision-making.

This was reinforced by the 2013 Resolution on Women's Right to Land and Productive Resources from the African Commission on Human and Peoples' Rights, which emphasises the protection and promotion of women's land rights in general. It also demands that states "... undertake land and agrarian reforms to ensure equal treatment for women in rural development [and] land distribution..."<sup>8</sup>. Women have a right to be included in decision-making processes related to water and land issues. This has been specifically acknowledged in the Banjul Declaration on Women's Rights: Our Collective Responsibility issued in 2016 by the Africa Commission<sup>9</sup>. The declaration emphasises the importance of collective land rights for Indigenous Peoples, equal access to land for Indigenous women and the "... adoption of expedient and inexpensive procedures for the issuance of title deeds..."<sup>10</sup>. The declaration also emphasises the importance of legislation to enable women to own and inherit land<sup>11</sup>.

These important provisions aim at guaranteeing African women's land rights by invoking a range of different aspects and related rights. They show that all human rights are interdependent and interrelated. Where women's land rights have been violated, this impacts on other human rights. Because they have been denied access to land, women may not, for instance, be able to provide for their family (right to food), may be deprived of access to water (right to water), may have their economic independence compromised and may be more likely to experience gender-based violence<sup>12</sup>.

## Bringing rights into people's lives

Based on the African Charter for Human and Peoples' Rights, other human rights bodies have been set up. In order to guarantee the effectiveness of the Charter, the African Commission on Human and Peoples' Rights was established with the mandate to interpret the charter and to protect and promote human and peoples' rights<sup>13</sup>. Apart from the resolutions, protocols and declarations on women's rights, the African Commission has also appointed a Special Rapporteur on the Rights of Women in Africa. The Special Rapporteur, among other duties, is expected to undertake studies of the situation of women across the continent and support states in implementing policies to achieve women's rights<sup>14</sup>. The commission has been very successful in receiving communications and delivering decisions on cases, including important cases on land rights<sup>15</sup>. This is partly due to the absence of an African Court on Human and Peoples' Rights before 2004<sup>16</sup>.

In May 2017, the African Court delivered a landmark ruling on Indigenous Peoples' land rights in a case brought to it by the African Commission<sup>17</sup>. The case revolves around the eviction of the Ogiek peoples from their indigenous land in Kenya. The court established that the Ogiek classify as an Indigenous People and therefore have the right to enjoy *usus fructus* rights to land (the right to enjoy the land and the right to benefit from it). Consequently, the court ruled that the State of Kenya had violated the Ogiek right to property, their right to freedom of religion, their right to culture, their right to dispose freely of wealth and natural resources, and their right to development<sup>18</sup>. While this is a great step forward for Indigenous Peoples' rights and land rights, the court ruling is gender neutral or gender blind. It missed the opportunity to reiterate that Indigenous women should enjoy equal access to land. More generally, the case law on women's land rights in the African human and peoples' rights mechanisms is not yet developed. Although there is legitimate critique that judgments from the African Commission for Human and

Peoples' Rights or from the relatively new African Court for Human and Peoples' Rights are not implemented or enforced, these judgments still provide important reference points.

## From human rights to women's land rights

So how can this be useful for women's land rights defenders? Primarily, human rights can provide a conceptual framework in which to place an argument. Human rights offer universal principles which can serve as a reference point to analyse complex situations and explain why women's land rights are important. One of the advantages of human rights is that states have signed and agreed to uphold and realise these principles. This means that citizens, civil society organisations and others can hold states accountable over their commitments.

Viewing women's land rights through a human rights lens also brings the language of rights into the argument. Talking about rights and duties provides a useful basis for advocacy campaigns, and changes the perspective in the messaging. Being seen as a rights holder is more empowering than being seen as a beneficiary of charity or a victim of unfortunate circumstances.

There is a wealth of international and regional human rights instruments relating to women's rights; economic, social and cultural rights, and general principles such as non-discrimination. These instruments, including those outlined above, range from declarations through to complaints mechanisms or courts, and can be very useful for advocacy campaigns.

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- 1** "The AU has launched 2018 as the African Anti-Corruption Year", African Union (web), 22 January 2018. [bit.ly/2sj9jT5]
  - 2** Article 11, International Covenant on Economic, Social and Cultural Rights. [bit.ly/J1E1V3]
  - 3** Article 2(1), International Covenant on Economic, Social and Cultural Rights, see above.
  - 4** Transparency International, Global Corruption Report on Education, pages 307–310 (Transparency International, 2013). [bit.ly/2yhR8Mg]
  - 5** African Charter on Human and Peoples' Rights (Banjul charter). [bit.ly/2oQzvQ0]
  - 6** Under the Banjul Charter, these rights are covered by the following articles: the right to property (Art. 14), the right to culture (Art. 17.2 and 17.3), the right to freely dispose of wealth and natural resources (Art. 21) and the right to development (Art. 22).
  - 7** Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). [bit.ly/1tg3uKT]
  - 8** 262: Resolution on Women's Right to Land and Productive Resources. [bit.ly/2zrPTKT]
  - 9** Banjul Declaration of the 59th Ordinary Session of the African Commission on Human and Peoples' Rights under the theme "Women's Rights: Our Collective Responsibility". [bit.ly/2iU0tSL]
  - 10** Banjul Declaration of the 59th Ordinary Session.
  - 11** Banjul Declaration of the 59th Ordinary Session.
  - 12** "What are human rights?", OHCHR (web). [bit.ly/JakXo5]
  - 13** "About ACHPR", African Commission on Human and Peoples' Rights (web). [bit.ly/1Malrsc]
  - 14** "Rights of Women", African Commission on Human and Peoples' Rights (web), 2001. [bit.ly/2zFNQq]
  - 15** For example 276/03 [bit.ly/2FjMXTp] and 155/96 [bit.ly/2FugZON].
  - 16** "Mandate, Mission, Vision and Core Values", African Court on Human and Peoples' Rights (web). [bit.ly/2oJtIMW]
  - 17** App. No. 006/2012 – African Commission on Human and Peoples' Rights v. Republic of Kenya, African Court (web). [bit.ly/2hT6RLg]
  - 18** For example: App. No. 006/2012, see above.

# COUNTERING LAND CORRUPTION AND GENDER INEQUALITY: KEY AFRICAN INITIATIVES

By Bonnie Groves

This brief, non-exhaustive overview focuses on references for development practitioners working on women, land and corruption. These include conventions and institutions relating to women's empowerment within the land context, such as the African Union's "Decade of African Women", with the slogan "Gender is the Agenda". Clearly there are many barriers to overcome before the continent achieves The Africa We Want 2063 vision. However, the normative frameworks are in place to be used by development practitioners to partner with these institutions, to shape their work and advocate for women's rights, land rights, and an end to corruption in the land sector.

Although issues of gender inequality and corruption remain pressing in Africa, the first steps to their resolution – recognition and discussion – are well underway. The international community has incorporated gender and corruption into the 2030 Sustainable Development Goals, the *Voluntary Guidelines on the Responsible Governance of Tenure*, and the *Convention on the Elimination of All Forms of Discrimination against Women*, as well as various human rights charters. Importantly, policy initiatives and innovative approaches are also being developed by pan-African institutions themselves.

## The African Union: gender on the agenda

Sub-Saharan Africa has the widest range of gender equality scores of any region<sup>1</sup>. This makes the focus on women's rights by the African Union (AU) especially significant. The AU's "Decade of African Women" initiative aims to create an environment that enables women to fulfil their rights, with 2015 denoted the "Year of Women's Empowerment". In her opening speech at the union's summit that year, AU Chair Dr Nkosazana Dlamini-Zuma was unequivocal about the crucial nature of the year's theme: "We must do more this year to increase the representation of women in government, in the judiciary and other public and private institutions and their participation at the tables in peace negotiations."

The slogan "Gender is my Agenda" is a core part of the AU's strategic framework for the socio-economic transformation, known as Agenda 2063<sup>2</sup>. This is a

pan-African framework for addressing past injustices and promoting development while holding citizens, governments and institutions accountable for results. The agenda focuses on gender equality, improved institutions and inclusive development, and represents the first time gender has been included in the AU's priorities since its inception in 2000<sup>3</sup>. Under Aspiration 6, calling for people-driven development, Point 52 envisages an Africa with full gender parity in which the "economic and political glass ceiling that restricted women's progress will have been shattered"<sup>4</sup>. Point 50 highlights the specific need for rural women to have access to productive assets, including land, in order to be fully empowered in their economic and political rights<sup>5</sup>. Alongside the push for gender equality is recognition of the damage caused to the continent by corruption. In response, Agenda 2063 declares "Corruption and impunity will be a thing of the past"<sup>6</sup>.

However, the manifesto remains a set of goals for AU countries. While the inclusion of gender in the discourse is important, other organisations are offering clearer visions of how gender equality and freedom from corruption should be achieved.

## Pan-african partnerships for women and land

The AU's economic development programme, the New Partnership for Africa's Development (NEPAD), takes a two-pronged approach to empowering women over land issues. It aims to integrate smallholder women farmers into

the mainstream economy, and to counter rural women's vulnerability to insecurity of land tenure. Working with national and local governments, the private sector and grassroots and civil society organisations, NEPAD's Gender, Climate Change and Agriculture Support programme is increasing women's agricultural productivity and their access to land and titles through its gender work at both institutional and local levels. Programme successes include the empowerment of over 74,000 women (through technical assistance in agricultural production), promoting gender-inclusive decision-making, creating an enabling environment for women to access land, and legalising land titles and security of tenure for women<sup>7</sup>.

The African Development Bank, a multilateral organisation made up of regional and non-regional members, also focuses on gender mainstreaming, both internally and externally. Its *2014-2018 Gender Strategy*<sup>8</sup> places legal status and property rights as "Pillar 1" of its four-pillar approach to gender equality. The bank assists regional member countries in undertaking legal, policy and institutional reforms through dialogue, advocacy and partnerships, as well as by collecting and analysing data to inform initiatives for change.

It focuses on the legal limits to women's access to land through inheritance issues and the strength of customary laws over statutory equality. The bank also has a core anti-corruption initiative, organising internal and external workshops and pursuing a strict internal anti-corruption policy.

Similarly, the African Capacity Building Foundation recognises women's access to land as key to the continent's economic development. Governed by African member countries, the World Bank, the African Development Bank and the United Nations Development Programme, the foundation launched an initiative in 2012 called Empowering Women in Agriculture. This presents access to land as one of five core priorities that will have the most impact and where the women's needs are most significant<sup>9</sup>. In recognition of the fact that women receive less support in agriculture than men, the initiative aims to build women farmers' capacity and promote equitable access to agricultural inputs such as land, finance and technology. An assessment of core areas to address highlighted legal reform and women's land rights as key priorities<sup>10</sup>.

## Overarching anti-corruption initiatives

The AU's 2006 Convention on Preventing and Combatting Corruption defines corruption in different sectors and puts forward the "need to formulate and pursue, as a matter of priority, a common penal policy aimed at protecting the society against corruption"<sup>11</sup>. This is further supported by the establishment of the Association of African Public Services Commissions, by 15 African countries in April 2008. Aimed at improvements in institutions and public services, the association aspires towards the eradication of corruption in all sectors. Neither the convention nor the association target gender and land corruption specifically, but given that corruption in public institutions includes land administration and affects women disproportionately, their drive for increased transparency in all arenas is a core step towards the establishment of frameworks to tackle the effects of land corruption on women.

All these institutions work at continental, national and local levels, partnering with a range of actors to facilitate change, and creating possibilities for other development practitioners to work with them. Together, they foster links between local projects, national leaders and international organisations. Much progress is needed before the continent achieves its 2063 vision of The Africa We Want. However, the relevant dialogues and frameworks have been launched – for example, the "African Anti-Corruption Year" in 2018 – and can be used and enhanced by development practitioners. By partnering with Africa's regional institutions, practitioners can help shape the work of these bodies and push for specific initiatives to improve women's land rights and prevent corruption from undermining them.

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## FURTHER READING & RESOURCES

### **Gender is My Agenda Campaign**

Comprising about 55 national and international organisations, the GIMAC aims to create a space for civil society to monitor the implementation of the 2004 Solemn Declaration on Gender Equality in Africa (SDGEA), mainly by holding bi-annual Pre-Summit Consultative Meetings to the AU Assembly of Heads of State and Government. [genderismyagenda.com](http://genderismyagenda.com)

### **African Women's Development Fund**

A grant making foundation that supports local, national and regional women's organisations working towards the empowerment of African women and the promotion and realisation of their rights. [awdf.org](http://awdf.org)

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1 "The Global Gender Gap Report: Sub Saharan Africa", World Economic Forum (web). [bit.ly/2z6RfLz]

2 "Agenda 2063", African Union (web), 2015. [bit.ly/2jssrGK]

3 "Empowering African women: Gender is the agenda", New African (web), 4 April 2015. [bit.ly/1yPS4k7]

4 African Union, 2015:9.

5 African Union, 2015:8.

6 African Union, 2015:6.

7 "Gender", NEPAD (web). [bit.ly/2mKXIPc]

8 African Development Bank, "Investing in Gender Equality for Africa's Transformation", (ADB, 2014). [bit.ly/2i0yQPv]

9 "High Level Meeting during the 20th African Union Summit in Addis Ababa", The African Capacity Building Foundation (web). [bit.ly/2z20PBQ]

10 The African Capacity Building Foundation, "Africa Capacity Issue 1", (ACBF, 2014). [bit.ly/2zie0Q1]

11 African Union Convention on Preventing and Combatting Corruption, page 2. [bit.ly/2mjxcqw]

# SHAPING THE RULES: AFRICA'S LAND POLICY INITIATIVE

By Stefano Obata

The Land Policy Initiative of the African Union aims to address tenure ambiguities within member states, and provides frameworks and guidelines for future policies. It recognises the problems faced by smallholders and communities, such as land grabbing and the potential for dispossession and displacement. To address these, the initiative has published guidelines and codes of conduct for governments, investors, and any other actor engaging with land. These guides highlight the importance of working alongside populations – to obtain consent before projects begin – and the need to integrate women at all stages in the process.

One of the most significant steps to improve land rights across Africa is the Land Policy Initiative (LPI), created in 2006 by a range of pan-national African actors to “ensure all land users have equitable access to land and security of all bundles of land rights”<sup>1</sup>. A joint programme between the African Union Commission, the African Development Bank and the United Nations Economic Commission for Africa, the LPI is more than a normative framework. It advises and assists member states in creating, implementing, and monitoring land policies; providing standards, guidelines and models of good practice.

The LPI standards centre on issues of equitability, attempting to safeguard smallholders and marginalised communities from external threats. The initiative is engaged in land policy reform, sustainable development and poverty reduction. It also aims to protect the human rights of marginalised groups and improve their security of tenure.

## Framework for fulfilment of land rights

One of the LPI's leading tools for change is the set of publications and frameworks it creates along with its constituent organisations. These publications are used by a range of actors to shape and support advocacy projects addressing women's empowerment and land corruption. They include:

- *Guiding Principles on Large-scale Land-based Investments*<sup>2</sup> - aimed at ensuring investments do not result in land grabbing and the displacement of communities.

- *Framework and Guidelines on Land Policy in Africa*<sup>3</sup> - provides states and governments with the tools to achieve economic growth in their agriculture sectors, without excluding agrarian communities.
- *Declaration on Land Issues and Challenges in Africa*<sup>4</sup> - highlights the principle barriers to agrarian reform and structural transformation.
- *Elements of a 5-year LPI Strategic Plan and Roadmap*<sup>5</sup> - aims to facilitate resource mobilisation, capacity-building, and communication between land-based actors.
- *Regional Assessments: West, North, Eastern, Southern and Central Africa*<sup>6</sup> - highlighting the current states of tenure and land administration within individual member states.

The arguments put forward by these publications emphasise the need for communication and corroboration between actors. Land issues require supra-national support, to create links between states and galvanise action through capacity-building. By creating these links, the LPI places land issues at the heart of all questions of development, gender mainstreaming and transparency, and presents them as concepts to be addressed together.

A key focus of these publications is the importance of securing customary land rights and recognising the friction between customary and statutory law, and the effects this has on marginalised people. Women, as primary land users, receive particular focus. For example, “Fundamental Principle 4” of the *Guiding Principles on*

*Large-scale Land-based Investments* states that such investments should “respect the land rights of women, recognize their voice, generate meaningful opportunities for women alongside men, and... not exacerbate the marginalization of women.”

Practical applications of these principles have included a workshop piloted by the LPI in September 2017, in partnership with the Rwandan government, that aimed to mainstream land policy and governance issues in the Comprehensive Africa Agricultural Development Programme<sup>7</sup> (a policy framework for agricultural transformation in the continent). LPI Chief Ms. Joan Kagwanja summarised the objective of the workshop as being “...to raise awareness of the stakeholders on the challenges of mainstreaming land governance into agricultural strategy”.

The publications highlight the need to make land administration more effective. At present, bureaucracy hinders service delivery, with antiquated paper-based systems unable to meet demand. Recognising the damaging effects of corruption in these processes, the LPI calls for projects and processes to be as transparent as possible. To resolve gender inequalities, specifically those exacerbated by customary or statutory norms, it also urges that discussions should move away from the private sphere of the family to the public sphere of human rights. Throughout, the LPI emphasises the need to engage with civil society organisations, drawing on existing networks on the ground for in-situ expertise and resources.

One example of the LPI working with civil society organisations was the 30% campaign for women’s land ownership launched in July 2016 at the same time as the third AU High Level Panel on Gender Equality and Women’s Empowerment<sup>8</sup>. The campaign supports the endorsement for the “move towards allocation of 30% of land to women to improve the rights of women to land through legislative and other mechanisms”. Working with the LPI Civil Society Platform and the Kilimanjaro Initiative<sup>9</sup>, which has mobilised thousands of grassroots women across the continent, the event engaged civil society organisations to create awareness and mobilise support for this campaign.

The *Guiding Principles on Large-scale Land-based Investments* concludes that if land policies and large-scale investments do not address concerns of gender equality, they will “inevitably exacerbate gender inequalities” and not be conducive to sustainable development. Addressing gender equality includes ensuring that women are involved in decision-making and receive equitable compensation and benefits from participation. They must also be given adequate information and training in areas such as law or technology so they can engage actively in land issues<sup>10</sup>.

## Tackling corruption head-on

The *Guiding Principles on Large-scale Land-based Investments* also recognise the often corrupt nature of private investment and land deals in Sub-Saharan Africa. “Principle 3” calls for all land deals to be transparent so as to eradicate opportunities for land grabbing and dispossession of communities. Women are particularly affected by this form of corruption, being primarily responsible for agricultural production. This is to be achieved through the strengthening of legal and judicial arrangements relating to tenure, and ensuring that these institutions are accessible by any individual at any level. Furthermore, monitoring and evaluation mechanisms must be established, to ensure these institutions are providing their services effectively.

Many LPI-related projects are in early phases. In July 2017, for example, a pilot monitoring and evaluation project was launched in Accra, Ghana, to track progress in implementation of the African Union’s Declaration on Land Issues and Challenges in 12 African countries<sup>11</sup>. Through its work, the LPI is already establishing a normative framework for member countries to work towards, and providing practical resources for actors to use in shaping equitable land policies.

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- 1** "About LPI", United Nations Economic Commission for Africa (web). [bit.ly/2B6Xpvi]
  - 2** African Union, African Development Bank and United Nations Economic Commission for Africa, "Guiding Principles on Large-Scale Land-Based Investments in Africa", (AU/ADB/UNECA, 2014). For gender, see Chapters 2 and 5. For corruption, see Chapters 2 and 4. [bit.ly/2tiQboT]
  - 3** AUC-ECA-AfDB Consortium, "Framework and Guidelines on Land Policy in Africa", (AUC-ECA-AfDB, 2010). For gender, see section 2.5.2/3.1.2/3.6.3. For corruption, see section 5.2.2. [bit.ly/2oeVK2G]
  - 4** Declaration on Land Issues and Challenges in Africa. For gender, see page 3. [bit.ly/2Fjb4BR]
  - 5** AU/ADB/UNECA, "Elements of a 5-year LPI Strategic Plan and Roadmap: 2012-2016", (AU/ADB/UNECA). For gender, see principle 5.2. For corruption, see principle 6.5. [bit.ly/2zZf6QJ]
  - 6** Land Policy Initiative, Regional Assessments, (LPI). [bit.ly/2hrM3tM]
  - 7** "Rwanda workshop to focus on mainstreaming land policy and governance into national developmental plan", United Nations Economic Commission for Africa (web), 4 September 2017. [bit.ly/2ipO3CT]
  - 8** "Launch of the 30% campaign for women's land ownership in Africa", United Nations Economic Commission for Africa (web), 8 July 2016. [bit.ly/2iegK9U]
  - 9** See "Securing Women's Land Rights: The Need For A Feminist Stance" on page 50.
  - 10** AU/ADB/UNECA, 2014
  - 11** "Pilot study tracking implementation of AU land declaration to be unveiled in Ghana", United Nations Economic Commission for Africa (web), 18 July 2017. [bit.ly/2IVSiu3]

# THE VGGTS IN THE SUB-SAHARAN AFRICAN CONTEXT

By Stefano Obata

The *Voluntary Guidelines on the Responsible Governance of Tenure* are a set of recommendations created by the UN's Committee on World Food Security, aimed at improving the tenure security of smallholders and marginalised communities. The guidelines stress the importance of gender equality, reducing corruption, and promoting greater transparency in land tenure. They provide guidelines for national governments, to create the institutional arrangements necessary to ensure that tenure rights are respected and minimise the risk of forced evictions, and highlight the importance of including marginalised groups in any land-related process to achieve sustainable and equitable development.

In 2012, the United Nations Committee on World Food Security endorsed a new global framework for tenure, the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs)* in the context of national food security.

The guidelines provide a relevant reference for any work to combat land corruption that aims to support women's land rights. As a UN framework voted on by member states, they reflect internationally agreed standards and norms for tenure. While they are voluntary and can therefore be disregarded by individual countries and governments, they nevertheless provide a foundation for advocacy over tenure and can be referenced when holding states to account<sup>1</sup>.

The VGGTs set out comprehensive standards for tenure, specifically aimed at empowering marginalised groups affected by dispossession and displacement and improving their security of tenure<sup>2</sup>. The arguments for establishing such standards are found in section 3B of the guidelines. They assert that standards for tenure:

- Promote sustainable development and the eradication of poverty, and address concerns over food security.
- Eradicate ambiguities over tenure, which are conducive to corruption, poverty and inequitable distribution of the benefits from land use.
- Help address corruption within public bodies, which causes inefficiencies, dispossession and limited security of tenure for smallholders and communities.

- Resolve gender inequalities over land, including women's restricted access to land title, ownership and related services, and their susceptibility to corruption by actors with greater resources or information.

The dangers of not resolving gender inequalities are also recognised including women's dispossession, displacement, food insecurity and loss of livelihood. In the VGGTs, these arguments are summarised as<sup>3</sup>:

- Gender equality stems from universal human rights.
- Gender equality must include equality of tenure.
- Transparency must be part of this process, with information made equally available to all.

For Transparency International and other development practitioners tackling the effects of land corruption on women, the VGGTs provide a foundation for programmes to strengthen public demand for accountability over land rights. The guidelines' clearly pro-poor stance recognises that smallholders and communities are susceptible to corruption and dispossession by more powerful actors, including governments, investors or local elites. This recognition is instrumental to any advocacy against land corruption, giving legitimacy to the cause and providing a basis for the most vulnerable people to demand accountability<sup>4</sup>. The VGGTs also promote greater transparency in land tenure, aimed at empowering rural smallholders.

The guidelines help national governments to create the necessary institutional arrangements to ensure that rights of tenure are respected, and to minimise the risk of forced evictions<sup>5</sup>. Most notably, the *VGGTs* highlight the importance of including marginalised groups in any land-related process, in order to achieve sustainable and equitable development.

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**1** Oxfam Deutschland, "VGGT from a Gender Perspective: analysis and policy recommendations", (Oxfam, 2015). [[bit.ly/2yNQYwo](https://bit.ly/2yNQYwo)]

**2** FAO, "Governing land for women and men: A technical guide to support the achievement of responsible gender-equitable governance of land tenure", (FAO, 2013). [[bit.ly/2in9K7o](https://bit.ly/2in9K7o)]

**3** FAO, "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)", (FAO/CFS, 2012). See sections 3B-3, 4, 7, 8 and 9. [[bit.ly/2FUn8dP](https://bit.ly/2FUn8dP)]

**4** Oxfam, 2015.

**5** FAO/CFS, 2012. See the preface for more information.

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## FURTHER READING & RESOURCES

### **Food and Agriculture Organization E-Learning Centre**

E-learning courses to meet the needs of agriculture and food security professionals, offered by the Food and Agriculture Organization (FAO).

[bit.ly/2mwSIs6](https://bit.ly/2mwSIs6)



Mwanesi Mohamed Tajiri is among a small group of women using Participatory Video to fight the land corruption affecting their small island community in coastal Kenya.



**5**

**DEVELOPING  
RESPONSES**

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#### **CIVIL SOCIETY SOLUTIONS IN PRACTICE**

Civil society organisations across Sub-Saharan Africa are already implementing many strong solutions to issues of women, land and corruption. Several focus on providing women with access to justice over land issues, by promoting legal guarantees for women's land rights and approaches to ensure that such laws are fully implemented. Others centre on information and communication, seeking to build women's knowledge of their land rights, their confidence to engage in public processes, and their capacity to influence the context in which they access land. These approaches can all be adapted for use in different countries and contexts. Together, they provide a practical, sustainable basis for delivering women's land rights across the region.

# DIGITAL PLATFORMS FOR REPORTING LAND CORRUPTION

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By Anjali Nayar and Akinyi Ooko-Ombaka  
This Is My Backyard (TIMBY)

Collecting evidence of corruption is essential in the struggle for women's land rights, yet the complexity of data-gathering and the risks to those involved has ensured it remains one of the most significant challenges facing communities and anti-corruption organisations. This Is My Backyard (TIMBY) attempts to overcome these barriers through a variety of channels; building digital repositories of evidence, safeguarding communities from company threats, ensuring women are involved at all stages of decision-making, and providing training for communities to increase digital literacy. Collecting evidence against land-based corruption is difficult, but by doing the above, TIMBY and the communities they engage are able to slowly challenge corrupt practices and demand accountability.

A key challenge in the fight for women's land justice is the difficulty in gathering and collating evidence of corruption. It can be logistically problematic and dangerous for women to report land issues affecting their lives. Doing so can bring them up against powerful vested interests, and there is often a lack of channels to report wrongdoing. This means that a body of evidence can take so long to gather that opportunities for redress may have passed before a case can be built. With only limited tools to store and organise media, many NGOs collecting data about land issues experience significant difficulties in the turn-around time for reports, often only producing them months after considerable damage has been done. In response, Transparency International has partnered with the digital platform This Is My Backyard (TIMBY), which offers a set of online tools that make collecting evidence about land, governance and accountability easy and safe for citizens. TIMBY helps groups document, investigate and share evidence about issues taking place "in their backyard". The platform offers three digital tools: an encrypted mobile app, an investigative dashboard and a storytelling tool.

TIMBY was created in 2012 to support the work of the Sustainable Development Institute in Liberia, which works with rural communities to address land tenure issues and has been using TIMBY to gather evidence of land corruption. Working with non-governmental organisations, civil society organisations and communities, the platform enables information about complex and sensitive issues in remote areas to be shared safely and quickly. TIMBY

provides groups with an encrypted mobile app to create reports. The reports are sent to the administering NGO or CSO and members of the group itself, to be fact-checked and verified before publication on TIMBY's public page. In each case, TIMBY works hand-in-hand with communities to work out the best potential impact their reporting could have, and what their limitations are. Together with its partner NGOs, TIMBY pieces together otherwise disjointed narratives from the collected data. Citizen's reports are organised and contextualised on TIMBY's online dashboard, and incorporated into stories that are sent to journalists, activists and policy-makers on demand.

## Partnering with Timby in Kenya

Transparency International is partnering with TIMBY to design technology for women's groups in Africa who are collecting and sharing evidence about land tenure, environmental conservation and corruption. The project team is currently training a group of women from Nairobi to safely capture verifiable evidence of their dealings with Kenya's oldest land-buying company.

The women are shareholders to 7,300 hectares of land, distributed by a land-buying company as part of a post-independence government resettlement scheme. According to testimonials collected from the women and documentation TIMBY has uncovered, 90 per cent of the



A TIMBY user from Liberia

Photo © Joan Poggio/TIMBY

original 3,500 shareholders were women. Since the land was first distributed in the 1970s, it has seemingly been systematically re-sold by the company, resulting in duplicate titles. The original 3,500 titles have now escalated to approximately 19,000. Although most of the original shareholders were women, the majority of shareholders who have spoken up or taken action against the company are men.

In response, Transparency International is collaborating with TIMBY to help women speak about their experiences with the company and the barriers they have faced while trying to defend their land rights. The initiative includes training groups to use TIMBY's encrypted mobile application to document their experiences and collecting evidence such as shareholder certificates, receipts and testimonials. A secure digital repository of evidence has been built, and a map of legal considerations for intervention with human rights defenders and legal advisors begun. Although the case remains underway, it has already revealed key lessons in tackling land corruption against women.

## Tailoring our approach to ensure safety

As a result of the politicised nature of land issues in Kenya, projects supporting women to report on land issues require special considerations for discretion and safety. Some shareholders filed legal cases against the company, but many were abandoned due to the complexity of the legal system, the complainant's lack of funds, and threats made by the company. At one of the community meetings held, company representatives embedded themselves among the group and proceeded to intimidate and threaten shareholders and members of the TIMBY/Transparency International team.

In this threatening environment, rather than involving journalists to expose the company's illegal behaviour, the project team chose to continue down a legal path. The security risks required mitigation and the collected evidence needed to be managed to protect shareholders. Once the reverberations from the meeting had died down, the team set up additional legal and security support to safely continue collecting evidence of shareholders' complaints. Natural Justice, a non-profit organisation

specialising in environmental and human rights law in Africa, was also consulted. This helped to identify key documents that could strengthen a land corruption case against the company, including the company's constitution, the over-arching title deed and the original map. TIMBY filed for searches with the Ministry of Lands, but was unable to retrieve the required documents. Until these documents can be accessed, the team are continuing to work with the women to gather testimonials, GPS coordinates, documents and photographs to build a strong group case against the company.

## Ensuring women can be involved

Involving women in community meetings was initially difficult. Local men tended to speak over the women (in particular, the male Chair). Many women had not been made aware of the group meetings, or lacked the means and support to attend and remained tied at home due to household and child-rearing obligations or lack of funds for transport.

To overcome barriers to women's participation, women-only meetings were organised at central locations during weekends, and women were compensated for their travel costs. Women were also encouraged to recruit other women shareholders interested in a technological solution for documenting local land corruption. As a result, participation grew from two women at the beginning of the project to approximately 20. In the security of their own group, women readily shared their personal experiences about land corruption, violence and injustice by the land-buying company.

## Taking positive steps to build trust

Building mutual trust and ensuring security among women, from a community fragmented by land corruption, was not easy. One woman who had attended a women-only training session later told a company representative about the meeting. This exposed fellow attendees to risk of further threats against them for seeking justice over their land.

Out of concern for the security of the other women, TIMBY is now working with two trusted women to identify, vet and train women who demonstrate motivation to tackle land corruption in a sensitive, cautious way. The organisation hopes this will further build trust among the group.

## Adapting the platform to meet user's needs

Limitations arose from the women's levels of digital literacy. During group training sessions, unfamiliarity with smart phones was evident. The women preferred to create video testimonials, which minimised the amount of typing needed during reporting.

Based on user consultations, TIMBY has redesigned the platform to accommodate the women's digital literacy levels and their preferences, including introducing Swahili translations. Throughout the training process, users identified design changes that now make TIMBY's mobile app more accessible to women reporting on land corruption. As the Kenya project progresses, and in an upcoming project on reporting women's land corruption in Liberia, TIMBY continues to work towards simplification of both the reporting and training processes.

## A platform for change across Africa

In Liberia, TIMBY's evidence-based reporting has been key to an increase in dialogue with the government, and has already brought about significant change. Reporters using the platform have pushed the government to cancel illegal forestry concessions and have disclosed substantial company infractions, resulting in a meeting with President Ellen Johnson Sirleaf. The Sustainable Development Institute and TIMBY recently released an investigation into an audit on US\$10.5 million in corporate social funding from Chevron. These tax-deductible funds were ostensibly put into community projects around the country between 2011 and 2014. The investigation found evidence of gross misspending and bribery.

By distributing the encrypted app to groups who are monitoring land corruption issues on the ground, TIMBY can help tackle land corruption across sub-Saharan Africa. As the collaboration continues, TIMBY will develop customised platforms for women reporting on land corruption in different contexts. Legal and human rights advisors will be consulted to help develop strategies for the most effective ways to expose the sensitive information gathered. With TIMBY's turn-around time for verified evidence-based reports now down to around two weeks, there is exciting potential for the platform's success in Liberia to be replicated elsewhere.

For more information about the work of This Is My Backyard (TIMBY), visit their website [timby.org](http://timby.org)

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## FURTHER READING & RESOURCES

### **Who Chopped the Chevron \$10.5M USD**

Published by the Sustainable Development Institute  
[bit.ly/2AH7f10](https://bit.ly/2AH7f10)

### **Sustainable Development Institute**

The Sustainable Development Institute (SDI) works to transform decision-making processes in natural resource management so the benefits are shared equally.

[sdiliberia.org](https://sdiliberia.org)

### **Natural Justice: Lawyers for Communities and the Environment**

Natural Justice is a young and fast-paced non-profit organisation specialising in environmental and human rights law in Africa – in pursuit of social and environmental justice.

[naturaljustice.org](https://naturaljustice.org)

# LINKING LAND SYSTEMS TO BLOCK CORRUPTION

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By Mino Ramarosan  
Huairou Commission

Reconciling customary and statutory tenure regimes may prove difficult. The Social Tenure Domain Model addressed this by identifying and defining a person or party's tenure in relation to a piece of land including rights of use, customary tenure, occupancy, and ownership. The process focused on granting women land titles. It allows traditional leaders to work with the state to ensure that women and poor people are not overlooked or deprived during land acquisition processes. With formal documentation of their customary right to land, women are far more secure in their land rights – leaving less scope for corruption to deny them rights.

Across Africa, customary land title is often unrecorded or is recorded in a way that is hard to cross-reference with statutory land administration systems. The gaps between customary and legal systems regularly open opportunities for manipulation and corruption, leaving women with little security in the land they own.

In response, the Huairou Commission, a global network that promotes grassroots women's voices and role in the development sector, has developed the Social Tenure Domain Model. This is a participatory tool which maps out and enumerates parcels of land to determine boundaries and the relationship between people and their land. This helps provide secure land rights for women within customary systems.

## A model for recording customary land tenure

Conventional land administration systems often lack mechanisms to address customary and informal tenure. There is a lack of formal certification or administration for customary governance, which means boundaries can be manipulated and opportunities for corruption arise. Under this system, women can easily be deprived of land through disinheritance, land grabbing or displacement by their husbands, neighbours or traditional leaders. The transition of customary land to statutory land can also lead to displacement or reduction in the size of ancestral parcels of land. There is a need for complimentary approaches between customary and statutory land administration so that customary land title is recorded and the dual systems can be easily cross-referenced. The Social Tenure Domain Model identifies a person or

party and defines their tenure in relation to a piece of land – rights of use, occupancy, customary tenure, ownerships, rent, leases or permits. The process also involves definition of the land and its characteristics, such as natural resources, property, structures or prominent objects. Sketches, audio, video, photos, and scanned documents are produced as supporting documents so that customary land rights are formally recorded in a way that can feed into the statutory land registration system. The Social Tenure Domain Model tool can be tailored to the local context, so it can capture customary land governance and women's land rights accurately. In Zambia, for example, Huairou Commission members have been adapting and piloting the model since 2013.

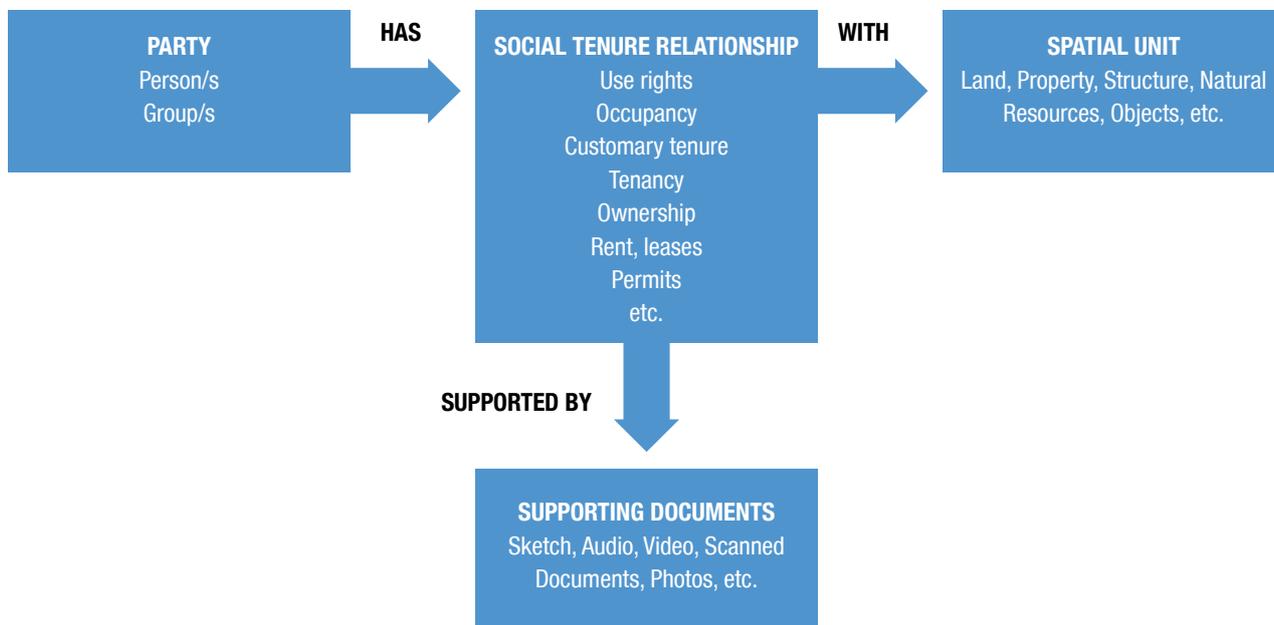
## Securing women's land rights during rapid urbanisation

Zambia legally recognises both customary and statutory land governance systems, with customary land estimated to account for close to 90 per cent of the country's territory. This is administered by chiefs and village heads. However, the transition from customary to statutory land that has accompanied the rapid expansion of the capital, Lusaka, has led to corruption resulting in the displacement of customary owners and reductions in the size of ancestral lands. Vulnerable to sexual extortion and often without resources to pay bribes, women are especially affected.

The Huairou Commission piloted the Social Tenure Domain Model in seven rural communities affected by the rapid and unplanned urbanisation of Lusaka. To increase security of tenure and make women less vulnerable to

**FIGURE 2**

Social Tenure Domain Model (STDM) conceptual model



Source: Global Land Tool Network (GLTN) / UN Habitat

displacement by their husbands, neighbours or traditional leaders seeking to own newly-valuable land, every person's relationships to pieces of land was mapped, including homesteads and productive lands.

The process focused on granting women land titles, culminating in the Social Tenure Domain Model team issuing 40 land certificates. These provide an evidence-based platform which can be included in the shaping of Zambia's ongoing land policy and the customary land bills that the government is implementing as part of its national titling programme. The team also helped develop an administration plan that clarifies landholdings among community members and traditional leaders, and strengthens customary land rights by linking traditional systems to local government systems. The plan helps translate differences between the two systems and encourages transparency around land holding.

The Social Tenure Domain Model approach creates a clear procedure for formal land acquisition and reduces the costs to poor people of acquiring formal recognition of land rights held under the customary system. It allows traditional leaders to work with the state to ensure that women and poor people are not overlooked or deprived

during land acquisition processes. With formal documentation of their customary right to land, women are far more secure in their land rights – leaving less scope for corruption to deny them those rights.

The Social Tenure Domain Model is among a range of tools developed by the Huairou Commission to help empower grassroots women's groups and strengthen their collective voice. The commission's Land and Housing Campaign provides a platform to establish grassroots women as key participants in the land and property rights debate across the globe. The results have demonstrated that strategies led by grassroots women can halt asset stripping and land grabbing, reverse evictions and influence effective implementation of land policies that work for grassroots women. The commission is also currently raising funds to relaunch its Women Land Link Africa platform, a powerful tool for peer exchange and advocacy, which enabled grassroots women's groups working on land issues to come together and share their challenges and solutions.

Together with approaches such as the Social Tenure Domain Model, these tools help women's voices to be heard as they claim their land rights and resist corruption.



The Social Tenure Domain Model in action, Zambia  
Photo © Violet Shivutse/Shibuye Community Health Workers

For more information about the work of Huairou Commission, visit their website [huairou.org](http://huairou.org)

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## FURTHER READING & RESOURCES

### **Seeing Beyond the State: The Grassroots Women's Perspectives on Corruption and Anti-Corruption**

Published by UNDP and Huairou Commission  
[bit.ly/2oDMOS3](http://bit.ly/2oDMOS3)

### **Social Tenure Domain Model**

The Social Tenure Domain Model was developed by the Global Land Tool Network to provide a standard for representing 'people – land' relationships independent of the level of formality, legality and technical accuracy.  
[stdm.gltn.net](http://stdm.gltn.net)

### **Global Land Tool Network**

Global Land Tool Network (GLTN) is an alliance of global, regional and national partners contributing to poverty alleviate through land reform, improved land management and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools.  
[gltn.net](http://gltn.net)

### **Huairou Commission**

The Huairou Commission a global coalition empowering grassroots women leaders in development and policy-making around the world.  
[huairou.org](http://huairou.org)

# INVESTIGATING AND REPORTING LAND CORRUPTION

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By Andrea Stäritz

There are many barriers for women to access land services and reap the benefits of land. These barriers can be societal, lack of engagement from the public and media regarding land issues, or lack of technological infrastructure to disseminate information. Ultimately, if researchers, activists and journalists want to highlight issues of injustice around women and land, we must apply the same drive as has been brought to reporting on political and financial corruption. There are countless powerful personal stories to uncover – and the chance to produce evidence which can help drive change at the cultural and political levels.

Marriage, bribes and sexual services – women face numerous demands simply to access land to which they are entitled. Often they have no chance of access at all. But their stories are rarely told. Researchers, activists and journalists all have a clear role in bringing the world's attention to the barriers women face when trying to obtain or hold onto land. Powerful personal stories can make a real difference.

Several reports about land grabbing have provoked public outrage and initiated protest campaigns against the large-scale buying or leasing of land by companies, governments and individuals – often at the expense of poor communities or the ecosystems they rely on. In Cameroon, for instance, the coastal area of Kribi has become part of the largest infrastructure project since Cameroon's independence after the land was illegally sold by the government to two major French and Chinese companies. "This is organised theft," says Francoise Prudence Nambvoumbo, a traditional chief in the area. In some countries, the protests have forced governments and donor organisations to reshape their policies concerning responsible land use. The injustice of land grabbing has aroused moral and political indignation.

Yet so much more needs to be done to expose the barriers women face when trying to access land – barriers from entrenched cultural norms, to demands for bribes or sexual extortion. This article seeks to address some key challenges that researchers, activists and journalists face when trying to uncover stories about women and land. Overcoming these can help bring women right to the heart of the focus on land corruption.

## Beating logistical barriers to accessing women's land stories

It is often hard to dig out stories describing the reality women face on the ground when trying to access land. To find evidence of illegal land confiscation, researchers and journalists need funds to travel to the countryside, often in difficult physical conditions. It can be challenging to interview local farmers, whose language may be unfamiliar and who might not be aware of their rights. They may be suspicious of a researcher from town and are likely to be inexperienced in presenting a coherent testimony. Land transfers can often take years to conclude, with long periods elapsing before the former owner realises that she or he has been cheated. As most land deals in Sub-Saharan Africa are still concluded without papers, it can be very difficult for a researcher or reporter without further knowledge of land laws to pin down the owner and the user of a parcel of land.

Investigators need patience, empathy and knowledge of land rights if they are to gather proof of how women's access to land is corrupted and their land rights are often ignored. Journalists can gain strength by forming networks so they can support and learn from one another, and gain strength through numbers. Transparency International Cameroon, for example, held a workshop for 20 journalists to help create a network of investigative reporters specialising in land matters<sup>1</sup>. The workshop aimed to define clear aims and a framework to guide journalists' investigations into land corruption. While the

group does not focus only on women's land rights, its work inevitably covers the barriers many women face when trying to access land.

By keeping records related to land rights and administration, the network acts as a source of information for journalists and other interested parties. It has Facebook and WhatsApp groups, and oversees the quarterly publication of investigation results on Transparency International Cameroon's website. To increase its profile, the network invites a wide range of relevant people to its activities, which are also reported on the website, and gives annual awards for the best investigations into land rights issues by network journalists. Working alongside Transparency International Cameroon, members determine strategies for sustainability and growth, including finding donors and partners to fund investigations and publication of their findings. The journalists collaborate with Transparency International Cameroon's Advocacy and Legal Advice Centre (ALAC), which receives complaints and provides legal assistance to people facing corruption in the land sector. They have already published a series of articles highlighting the issue, both in a printed magazine called *Beyond L'Actu* (issued three times a year), and on social media websites and those of newspapers linked to the journalists. Working collaboratively in such networks helps journalists both to source information about land issues and to widen the audience for their work.

## Seeing good hooks around land issues

Reporting land is not sexy. Initially it can seem hard to find a strong enough hook to draw a reader's attention to reports about land. They are not inherently compelling to an audience in the way reporting financial corruption can be. Investigative journalists and researchers have a good track record for finding evidence of wrongdoing by politicians, and have widely denounced corrupt practices – often playing on audiences' sensational interest. Journalists can probe a politician for quotes, exposing his or her corrupt behaviour, and catch readers' attention with illustrations of wealth. Landscapes may be beautiful, but rarely provoke the same sense of injustice. It is also harder to grab readers' attention by telling poor people's stories – especially those of women. In some places, the corrupt acquisition of land is still often considered as legitimate – clever, even – and a natural part of becoming rich.

There are plenty of enticing stories surrounding women and land, but some of the most compelling angles are so big they're hard to see. Researchers and reporters need to find what's behind women's cases – such as cultural norms that need challenging, corporate malpractice or corrupt landowners in league with the authorities. There are also powerful stories showing what society has to gain if women have access to land – including well-nourished and educated children, and women who can contribute financially and in decision-making to their communities.

## Strengthening the impact of data with human illustrations

New IT technologies have made powerful contributions to the documentation of changes in land use. Infographics, national platforms and data-banks such as Land Matrix give a macro-level overview of the amount of territory being lost to investors with huge appetites for land for industrial farming, estate development and mining. These technologies make changes in land use visible, replacing a lack of evidence with colourful graphs and giving activists statistics for political campaigns. However, the new rush for digital tools can have negative side effects. In Africa, the funds for documenting land grabs are often allocated to producing electronic media and infographics, meaning the reporting of land grabbing often remains on a superficial level. The users of these lands – fishing communities, farmers and herders – are usually not considered and their personal plight is undocumented, while the people or the company acquiring land by corrupt practices remain anonymous.

Researchers and reporters should use data in tandem with powerful personal stories that illustrate the impact on individual lives of the trend that the data illustrates. If a woman deprived of land is describing first-hand what she has been through and the impact on her and her family, the data will be even more hard-hitting. Data and human-interest stories reinforce each other. The data shows that an individual's story is not just a one off, but part of a serious pattern, while the human-interest stories remind readers that the data is not abstract, but is representing events that have dramatic implications for real people's lives.

## Uncovering power relations by telling the community story

In East Africa, less than 30 per cent of women are land owners; in West Africa, the figure is less than 10 per cent. Most researchers, reporters and activists agree that women are most vulnerable to land corruption and are especially affected by it. Yet overall, the effect of land corruption on women is largely invisible and unreported, reflecting the lack of status women traditionally hold in many societies. Journalists and researchers often find a woman to quote and will include a sentence about women “also” or “especially” being victims of land corruption. But this is not enough to illustrate the scale of the problem facing women in accessing land.

Researchers and journalists need to go beyond a token quote from a woman, to analyse power relations underlying questions of women and access to land. Only then can they expose the discrimination and disenfranchisement many women face. Telling the story from the community perspective is a helpful way to dig deeper and to escape the trap of a token reference to women. Putting community land users into the centre of a story will automatically introduce women’s perspectives into an article, as long as a diverse group of community members are given the chance to voice their perspectives on events.

Ultimately, if researchers, activists and journalists want to highlight issues of injustice around women and land, we must apply the same drive as has been brought to reporting on political and financial corruption. There are countless powerful personal stories to uncover – and the chance to produce evidence which can help drive change at the cultural and political levels.

For more information visit [andreastaeritz.com](http://andreastaeritz.com)

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### FURTHER READING & RESOURCES

#### **Tainted Lands: Corruption in Large-Scale Land Deals**

Published by the International Corporate Accountability Roundtable and Global Witness  
[bit.ly/2gRlmij](http://bit.ly/2gRlmij)

#### **Land Matrix**

The Land Matrix is a global and independent land monitoring initiative that promotes transparency and accountability in decisions over land and investment.  
[landmatrix.org](http://landmatrix.org)

#### **Andrea Stäritz**

Andrea is a journalist and researcher focusing on land rights and migration in West Africa.  
[andreastaeritz.com](http://andreastaeritz.com) / [landjustice4wa.org](http://landjustice4wa.org)

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<sup>1</sup> “Les journalistes à l’école de l’investigation foncière”, TI Cameroon (web), 2016. [[bit.ly/2l4c0fj](http://bit.ly/2l4c0fj)]

# AMPLIFYING WOMEN'S VOICES THROUGH PARTICIPATORY VIDEO

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By Gareth Benest  
InsightShare

Speaking out against institutionalised corruption can be extremely challenging for individuals, who might be afraid of repercussions from both external actors, and within a community itself. To overcome this, InsightShare promotes using Participatory Video to allowing communities to explore their own contexts; providing them with the tools to document their own lives.

Many of the barriers to women accessing land in Africa come from their not having a voice. Unable to speak out, they cannot explain their personal situation or how land corruption affects women's lives in general.

The problem is strikingly evident in Ghana's Upper East region, where there are an estimated 50,000 widows, many of whom have been made landless following the death of their husbands. Widows are among Ghana's most marginalised people, commonly experiencing ostracism and abuse. In response, Transparency International has worked with InsightShare, a community development organisation specialising in Participatory Video, to document and share the experiences of a group of widows in the small village of Kulbia.

Participatory Video is a set of facilitated techniques and processes to enable communities to explore their own issues through video. It provides valuable opportunities for people to collaboratively express, share, prioritise and investigate key issues in-depth, and work together to bring about positive social change. In Ghana, participants used video to document the traditions and customs that create fertile ground for corruption in land allocation and management, and the wide-ranging impacts of landlessness on widows, their children and the community.

InsightShare has also worked alongside Transparency International on land corruption issues in Kenya, Sierra Leone and Madagascar. Through these projects, Participatory Video has created unique opportunities for communities on the frontline of land corruption to speak out and advocate for change at local, regional, national and international levels.

## Finding a process participants can own

When people are completely unaccustomed to speaking out, and their culture and experience impose strong barriers against doing so, it can be difficult to enable them to tell their stories in ways which they can drive and own themselves. Practical barriers may also exist, such as traditional and digital illiteracy. Approaches that work in one set of circumstances may not be successful in another. In each context, the challenge remains how to ensure people have ownership of the process of telling their own stories.

The Participatory Video approach has developed over the past 50 years into an acknowledged and highly valued method of engaging and empowering some of the world's most marginalised and unheard communities. InsightShare uses Participatory Video to help communities explore their issues and devise solutions to the challenges they face. Participants join the process as representatives of their wider community and are selected based on their direct personal experience of the issues to be explored. Facilitators enable groups of participants to learn video-making skills through simple games and exercises which open up video production to everyone regardless of age, education, literacy levels, ability or prior experience.

Participatory Video was identified as a particularly appropriate tool for enabling the women from Kulbia to document and share their experiences. The project aimed to investigate and expose the circumstances in which so many women are made landless after the deaths of their husbands. Ten women took part. All were illiterate and six had never held a pen before the project. The visual and aural nature of video provided an accessible and engaging means for the women to tell their stories and



Widows supporting one another to record their Participatory Video

Photo © Gareth Benest/InsightShare

have their voices heard. This was reinforced by the experiential and non-didactic nature of the participatory approach. Each exercise and activity helped them to share, acknowledge and value their own experience. The women's personal and collective understanding of the situation was respected and celebrated while, in contrast, the skills and technical capacity of the facilitators and project staff were deliberately underplayed and kept less visible.

## Creating a safe space for women to participate

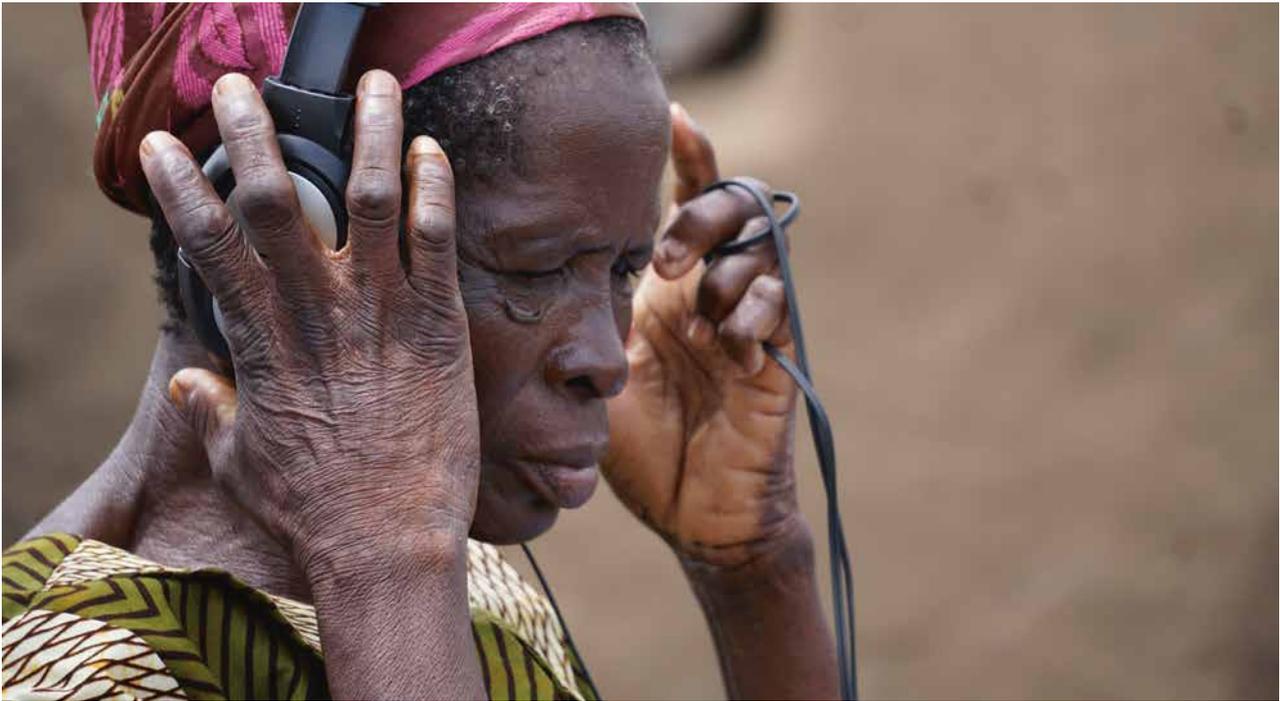
Widows in Ghana's Upper East region are deeply marginalised in their communities. They are regularly excluded from community gatherings, physically and verbally abused by family members and others, and entirely overlooked in decision-making processes that affect their lives. Many are traumatised by their experiences of abuse, which many have endured for years. This is deeply inhibiting and prevents women from sharing their experiences.

In such circumstances, the Participatory Video process must ensure that women feel safe enough to take part, and know that doing so will not expose them to further abuse. From the outset, it was decided to invite only

women with personal experience of being made landless following widowhood. The support staff involved, including translators and advisors, were themselves widows from the local area or, in one case, a woman whose widowed mother had founded a local support and advocacy organisation. Only three men took part: the project facilitator from InsightShare, the coordinator from Transparency International and a local volunteer working to support widows in the region. This was one of many deliberate efforts to create a safe space for the women participating to share their experiences.

The project workshops spanned over three weeks in total, spread across three months, and took place at a local farmer training centre. This was sufficiently far from the participants' immediate community to ensure they were unobserved and undisturbed while gaining the skills and confidence to speak out. The workshops were closed to all visitors (except the women's children) enabling trust to develop among the group, and between its members and the project team.

The participants lodged at the centre and ate together with the project team. They received a modest daily allowance to ensure they were not disadvantaged or worried by missing their income-generating activities, which invariably support many dependents. Opportunities were provided for the women to attend to their children



Listening carefully to one another during Participatory Video in Kulbia Village

Photo © Gareth Benest/InsightShare

and urgent duties at home as they arose. There was also plenty of time for singing and dancing – the women's preferred form of relaxation, expression and bonding. Between the workshops, the women captured the video footage for their film.

## Changing perceptions of widows

The prejudices suffered by widows in Ghana are widespread and have deep cultural roots. Women are often considered responsible for the deaths of their husbands.

One participant, Akayetibah Apakliyah recalled, "I was very unhappy. My husband and children are all dead. I was accused of being a witch...of having killed them all. So I stayed in my house. I only left once in seven years when my eyes became infected from crying. When I did come out, people pointed at me and called me a witch." Altering such extreme perceptions of women whose husbands have died can appear an overwhelming prospect.

Because participants control the process, the contents of the video are in the hands of those who know the subject matter best. The group determines and controls what to record, when and why, and to whom it is addressed. This

gives the resulting video the greatest chance of changing perceptions. Participants record everything themselves and take collective ownership over the outcome. Depending on the group's intentions, the film may be used for a range of purposes including advocacy, awareness-raising, knowledge-sharing, consultation or further participatory research.

In Kulbia, the entire process was centred around what the participants already knew about land corruption and had experienced personally, as women in a polygamous and deeply patriarchal society. The process itself proved as important as the content. The project was designed to enable all the women involved to be seen by their community confidently operating cutting-edge technology. This had a huge impact on their confidence, self-esteem and standing among their peers and families. "Everything has changed since I joined the video project," said Akayetibah. "Now people accept me as a widow and not a killer. I am back in my community."

The video the women produced is called *Pakorpa Susangho*, meaning "Widow's Cry". It has been screened at numerous local, national and international events, including the UN Habitat III Conference, the World Bank's 2017 Land and Poverty Conference and the International Anti-Corruption Conference. During local screenings, the women took centre-stage. They stood up and presented

their video to audiences ranging from chiefs and traditional leaders, through to government officials, civil society representatives and fellow community members. The women were seen holding the cameras again, this time to interview – and interrogate – the decision-makers and duty-bearers who had seen their video, the vast majority of whom were men. The women held them to account and asked for their commitment to securing land rights for widows.

The community has been generally supportive of the filmmakers, and the local chief was vocal in backing the widows' cause. As a result, the women have experienced significant improvements in their lives. However, cultural changes to how widows are treated across society will take longer. At numerous screenings and meetings with chiefs and civil society members, the women continue to share their experiences and demand changes to land rights that would dramatically improve the lives of all widows – now and in the future.

For more information about the work of InsightShare, visit their website [insightshare.org](http://insightshare.org)

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## FURTHER READING & RESOURCES

### **Pakorpa Susangho “Widow’s Cry” (video)**

Published by InsightShare/Transparency International/GII  
[bit.ly/2hdNHyr](http://bit.ly/2hdNHyr)

### **Women and Land in Africa: The Cost of Corruption**

Published by Columbia’s School of International and Public Affairs (SIPA)  
[bit.ly/2hQw5cl](http://bit.ly/2hQw5cl)

### **Fighting Land Corruption In Sub-Saharan Africa: Widows Tell Their Story**

Published by Transparency International  
[bit.ly/2mV3jbi](http://bit.ly/2mV3jbi)

# BUILDING A JUSTICE SYSTEM THAT PROTECTS EVERYONE

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By Brian Nasala  
International Justice Mission (IJM)

The availability of redress mechanisms for women experiencing land corruption is limited in Sub-Saharan Africa. Overcoming this issue requires strengthening legal institutions, which the International Justice Mission (IJM) has been doing through its Collaborative Casework approach. This means partnering with local authorities to ensure cases are brought to completion and redress is provided to victims of property grabbing. IJM further provides insight into potential reforms to justice systems, allowing caveats to be addressed and facilitating the process of submitting cases for individuals, while fostering public demand for accountability to push these reforms through.

In many countries, there is a significant gap between the legal framework and its implementation by the national justice system. In Uganda, for example, although many perpetrators claim that refusing women and children the right to own property is a customary practice, the country's constitution overrides custom to guarantee equality of land and inheritance rights between women and men. Uganda's Succession Law, Land Law and Penal Code outlaw the full range of crimes commonly committed in property grabbing. However, the reality for a high percentage of women does not reflect this legal framework.

Since the early 2000s, International Justice Mission (IJM) has been investigating and intervening in cases of property grabbing affecting widows in Mukono County in Central Uganda and Gulu in Northern Uganda. The term property grabbing describes crimes through which people are driven from their rightful property through physical violence, fraud, intimidation, or collective family or community pressures. Widows and orphans are among the most vulnerable to property grabbing in Uganda. After a man's death, relatives, community members, authority figures and opportunists can plunder the home, possessions and land that belonged to him or to the couple jointly<sup>1</sup>.

An IJM study in 2012-13 documented the prevalence of property grabbing against widows in rural Mukono and the effectiveness of Uganda's public justice system in providing them with redress. Widows are stigmatised, often considered a bad omen and blamed for their husband's death. The study showed that nearly 40 per

cent of widows in Mukono had experienced attempted property grabbing and a third had seen their land taken. These women commonly experienced violence that either influenced their decisions or directly caused them to leave their land or property<sup>2</sup>. Yet dysfunction within the public justice system creates an atmosphere of impunity for property grabbing. Relatives, community members, authority figures such as clan heads, wealthy individuals and other opportunists who take advantage of a woman's vulnerability know they will not be held accountable for grabbing her property.

In response to these violations of women's land rights, IJM has pioneered the Justice System Transformation model. Investment in a strong and consistent justice system is critical to protecting women from land abuses<sup>3</sup>. Such a system underpins the success of other non-formal methods of justice, including arbitration and mediation. The Justice System Transformation model combines support to individual victims of property grabbing with systemic improvements that measurably reduce the prevalence of this type of crime. The model has three core components: collaborative casework, system reform and sustaining gains.

## Collaboration with the justice system to help individual victims

In individual cases of coercion and violent abuse of women's land rights, the women involved often have no means of redress. They may be unaware of their rights, unsure of how to go about claiming them, or may receive

an unsympathetic or abusive response from the legal authorities mandated to help them.

IJM has pioneered the “collaborative casework” approach, through which it partners with local authorities to support women facing violent abuse over land issues and to serve justice to the perpetrators. The process brings together subject-matter experts with law enforcement agents and judicial authorities to provide tangible, hands-on support throughout individual cases of abuse. IJM investigators help the police with the investigation, gathering evidence and interviewing witnesses. An IJM lawyer is then assigned to a client to support the state attorney with the case and attend court hearings with the client. Throughout the process, clients receive physical and emotional support services.

To facilitate the casework approach and provide opportunity for any woman facing land injustice to seek redress, IJM has partnered with the Ugandan police to establish “property-grabbing desks” at police stations in Mukono. IJM trains police officers to identify and properly investigate property grabbing, and provides them with ongoing mentoring. Complaints of corruption are reported to supervisors at police headquarters.

This collaborative approach provides urgently needed relief to individual victims of violent crimes. It is also the most effective way to diagnose accurately areas of the criminal justice system needing reform. “Running cases through the system via collaborative casework is like filling a bicycle tube with air and running each section of the tube underwater when you think you have a puncture,” says Gary A. Haugen, IJM’s founder and CEO. “Soon enough, what once was a vague hissing noise suddenly appears as an unmistakable torrent of bubbles shooting out through a very specific hole. Likewise, repeatedly accompanying impoverished victims of crime through the criminal justice system from beginning to end allows us to see where the system is leaking, obstructed, hurtful, and broken<sup>4</sup>.”

## Improving integrity and capacity in the justice system

The gap between the law and how it is enforced by the justice system makes the collaborative casework approach necessary. Among the police, prosecution services, courts and supporting social services, several factors combine to deny women redress for property grabbing. Ignorance about the constitution and law are widespread, with legal provisions for women’s land rights often overridden by cultural prejudices against women.

The agencies responsible for providing them with land justice are often under-trained and under-resourced, with a lack of practical and technical capacities that prevents women from achieving redress when land is denied them. Based on the diagnosis of weaknesses in the justice system made through its collaborative casework, IJM promotes reform to address problems within the justice system itself. The approach aims to strengthen the practical and technical capacities of the police, prosecution services, courts and supporting social services to address property grabbing. In Uganda, IJM has teams of local experts in the capital, Kampala, and Gulu dedicated to system reform.

In 2012, for example, IJM Kampala launched a strategic partnership with the Uganda Public Justice System, including the police force, Director of Public Prosecutions and the judiciary, to end property grabbing from widows and orphans. The project has three elements:

- Training specialist police officers, members of the public prosecutor’s office and court officials.
- Empowering communities to demand better service delivery from the justice system – training local and religious leaders and raising awareness among the public.
- Protecting women’s land rights through better documentation – such as land titles, written wills and marriage certificates – and increased efficiency in estate administration.

By strengthening the performance of the justice system – and deterring crime as a result – these improvements benefit not just potential IJM clients, but anyone vulnerable to property grabbing in the community.

## Making gains sustainable by building social demand

Successful reform of a justice system requires major shifts in the knowledge, attitudes, behaviour and capacity of public actors and institutions. Unless these shifts are made sustainable, the system’s capacity will revert to its former position.

Throughout the Justice System Transformation process, IJM seeks to build robust social demand for the fair and effective performance of the justice system. Strong, broad-based public demand is an important tool for sustaining improvements. After collaborating with local government to agree the scope and focus of a Justice

System Transformation programme, IJM conducts monitoring and evaluation to ensure gains are sustained. It collects data to track progress against set milestones and targets, and the programme may be amended according to findings.

Ultimately, IJM seeks to demonstrate that a justice system can now protect vulnerable women in their land claims and that, as a result of improved system performance, the prevalence of this type of crime has decreased significantly. The long-term goal is an effective national justice system that needs no support from an external organisation such as IJM to reliably serve and defend vulnerable women.

For more information about the work of the International Justice Mission (IJM), visit their website [ijm.org](http://ijm.org)

### SUPPORT TO FACE AN ABUSER

After being violently chased away from her land by her brother-in-law, widow Harriet Nakalo reported her case to a Mukono police station with a property grabbing desk. The officer advised her and put her in contact with International Justice Mission (IJM). Although she had endured death threats from the man trying to take her land, Harriet bravely faced him in court with her IJM social worker by her side. Through the efforts of dedicated Ugandan police officers and IJM staff, Harriet was restored to her marital home and her children were able to return to school. "IJM gave me a smile again," she says. With a public justice system that works, other widows like Harriet will also be able to secure justice for the land crimes committed against them.

<sup>1</sup> International Justice Mission, "Property Grabbing from Widows and the Justice System Response", page 10 (IJM, 2014). [[bit.ly/2HajBYp](http://bit.ly/2HajBYp)]

<sup>2</sup> IJM, 2014.

<sup>3</sup> International Justice Mission, "Justice Review: A Journal on Protection and Justice for the poor", page 7 (IJM, 2015), [[bit.ly/2hTJ4uT](http://bit.ly/2hTJ4uT)]

<sup>4</sup> G. A. Haugen and V. Boutros, "The Locust Effect: Why the End of Poverty Requires the End of Violence", (Oxford University Press, 2015).

# TRAINING PARALEGALS TO SUPPORT WOMEN'S LAND RIGHTS

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By Michael Henchard Okai  
Ghana Integrity Initiative (GII)

The institutionalised nature of land corruption in Ghana has severe implications for communities. Ghana Integrity Initiative has spurred the creation of community-based dispute resolution mechanisms and trained community members on land rights. They partnered with two local organisations to generate public demand for accountability at the grassroots level. The training does not make participants legal experts or qualified lawyers, but it does equip them to play an important role supporting women in their communities. Materials were tailored to different communities' specific contexts.

Ghanaian citizens can seek justice for cases of land corruption either through the formal system, based around the courts, or through several informal systems. These include community or faith-based dispute resolution mechanisms, or mediation and rulings by traditional chiefs. However, a lack of access to justice remains a significant barrier to women trying to fulfil their land rights. Discriminated against culturally, women often have limited knowledge about their legal rights and entitlements, which makes them vulnerable to corruption. Even when aware of corruption undermining their rights, they often have limited access to courts and dispute resolution mechanisms due to the cost of travel and legal fees.

In response, Transparency International's national chapter Ghana Integrity Initiative (GII) is working to strengthen community-based dispute resolution mechanisms so they work better to help women overcome corruption to achieve their land rights.

## Creating access to justice

A recent study by GII<sup>1</sup> identified a lack of access to justice and dispute resolution mechanisms in communities across Ghana. Legal procedures are very complicated, lawsuits take a long time and pursuing a case often requires lawyers with fees prohibitively high for ordinary citizens. This leaves people without redress when faced with land corruption. Many women and men remain unaware of their rights – and of women's rights in general, especially over land. There is therefore a need to bridge

the gap between the formal legal system and those who need to use it, especially in rural and disadvantaged communities.

A growing approach to tackling this lack of access to justice has been to train community volunteers in issues of rights and how to enforce them. This movement of local assistance workers provides people with educational programmes, help and advice with advocacy, particularly relating to lands rights. Together they form the basis of the paralegal, or community-based justice, system. Such systems have proven an effective tool in many countries for spreading legal knowledge, negotiating fair approaches to legal questions and seeking solutions in individual cases of corruption. Paralegals focus mostly on legal empowerment for vulnerable people who need help in order to recognise land corruption and seek justice.

To train paralegals who can help community members – particularly women – understand and claim their land rights, GII has partnered with two local organisations, Women in Law and Development in Africa (WILDAF) and the Widows and Orphans Movement. Together, they developed a training course, selected eight communities in which WILDAF was already established and helped the communities each to identify 15 participants for paralegal training, with literacy skills and an interest in local initiatives. This community involvement has helped to secure ongoing commitment to the project.



Queen Mother of Sekoti traditional area making a contribution during the forum

Photo © Widows and Orphans Movement

## Tailoring appropriate training materials

Paralegal training requires specialist knowledge and learning materials. Neither GII nor WILDAF had a qualified lawyer who was available to travel to every training session. Nor did they have training materials on Ghana's legal system and land laws tailored to the community members they were seeking to reach.

GIJ sought help from the Initiative for Gender Equality and Development, which created a bespoke paralegal training manual and provided a lawyer to deliver the training across the different communities. The two-volume manual developed covers the roles, qualities and skills of a paralegal, and describes Ghana's land laws, property and inheritance rights, and how these disadvantage women. It profiles the justice system and legal institutions that could help paralegals, and teaches basic dispute resolution mechanisms and negotiation techniques so they can mediate to resolve conflicts within communities. The training aims to give the paralegals all the skills necessary

to help community members, especially women, understand, demand and access their rights.

The paralegals also liaise with GII's Advocacy and Legal Advice Centre (ALAC) for support in individual cases and to build an understanding of how land laws are implemented. The ALAC offer appropriate referral mechanisms for cases, and feeds data from paralegal platforms into GII's wider advocacy for changes in the laws and policies on land rights, especially those of women.

## Ensuring the best training methods

Literacy levels among the candidates for training as community paralegals has varied considerably, and many have had little experience of classroom-style learning. To give candidates lasting specialised knowledge, the right training methods have been required to keep them engaged. Together with the Initiative for Gender Equality and Development, GII developed various training methodologies tailored to its audiences. Lasting around a

week, the training takes a collaborative, problem-based learning approach, with participants engaging in group discussions, scenario analysis, role-playing and presentations.

The training does not make participants legal experts or qualified lawyers, but it does equip them to play an important role supporting women in their communities, and raising community awareness of land rights and how to claim them. By bridging the gap between the formal judicial system and traditional systems, the paralegals help women gain faster and better access to redress for corruption over land rights. Trainees develop action plans, with many resolving to use new awareness-raising platforms such as churches, mosques, audiences with chiefs, community meetings, youth camps and women's meetings; to help community members, especially women, understand their rights and how to claim them. "After the first training, I briefed my chief who mobilised the community and introduced me to the people," said one recently-trained paralegal Naa Osaabia. "I have since been able to work with several women to resolve their issues, including over land."

To maximise the impact of the project, GII includes awareness-raising about women's land rights in its community outreach work, especially with young people. With suitable partnerships, the paralegals project could be scaled up and replicated in many areas. This would give women across Ghana and beyond the support they need to understand and realise their land rights, even in the face of corruption.

For more information about the work of Ghana Integrity Initiative, visit their website [tighana.org](http://tighana.org)

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## FURTHER READING & RESOURCES

### **A Manual for Paralegals Produced for GII for Targeted Participants in Ghana as part of the Land and Corruption in Africa Project**

Published by Ghana Integrity Initiative.  
[bit.ly/2jwr39s](http://bit.ly/2jwr39s)

### **Advocacy and Legal Advice Centres (ALACs) Programme Facts, Objectives, Services Offered and Contact details**

Published by Ghana Integrity Initiative.  
[bit.ly/2zQ5OH6](http://bit.ly/2zQ5OH6)

### **Land and Corruption in Africa objectives, summary, results**

Published by Ghana Integrity Initiative.  
[bit.ly/2zP1tE8](http://bit.ly/2zP1tE8)

### **Gender Training Manual for the Parliament of Ghana**

Published by WILDAP  
[bit.ly/2i0h1bq](http://bit.ly/2i0h1bq)

### **Initiative for Gender Equality and Development**

Initiative for Gender Equality and Development (IGED-Africa) is addressing this inequality by promoting human rights as well as creating the opportunity to empower women and the youth so that they can participate in the development of their countries.

[igedafrica.org](http://igedafrica.org)

### **Resource Equity**

Resource Equity works to empower women with secure rights to land and resources, which promotes lasting economic growth, more resilient communities, and healthier societies.

[resourceequity.org](http://resourceequity.org)

### **SEND Ghana**

SEND Ghana, working to promote good governance and equality of men and women in Ghana.

[sendwestafrica.org](http://sendwestafrica.org)

### **Widows and Orphans Movement**

Widows and Orphans Movement (WOM) is a non-profit organisation focused on helping alleviate the plight of widows and orphans in the northern region of Ghana.

[womghana.org](http://womghana.org)

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<sup>1</sup> Ghana Integrity Initiative, "Women, Land and Corruption in Ghana, Evidence from Selected Case Studies", (GII, 2016). [[bit.ly/2wDG7Dm](http://bit.ly/2wDG7Dm)]

# COUNTERACTING LAND CORRUPTION THROUGH TECHNOLOGY

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By Priyal Bhatt and Jocelyn Chu  
Columbia University's School of International  
and Public Affairs (SIPA)

Columbia University conducted research in Uganda to assess the role of using Information and Communication Technologies (ICTs) as a counter measure to corruption in the land sector. They conducted document research, focus groups, and interviews, to confirm ICT's potential to disseminate information and address gaps in knowledge about land. However, gendered access and concerns over anonymity prevent the full potential of ICTs from being realised. In order to be an effective tool for reporting corruption in the land sector, programmes using technology must address these concerns. The potential of ICTs to empower women in reporting land corruption rests on a thorough understanding of context.

Information and Communication Technologies (ICTs) are often viewed as a “silver bullet” for development. They have proven worthwhile investments in a range of areas, from boosting agricultural efficiency to increasing transparency in government. Many organisations are now exploring ways to use ICTs to empower women against land injustice.

In Uganda, the government has made significant progress in using ICTs to counter corruption in land issues. It has established the Land Information System, a platform for digital records to increase transparency and efficiency in land administration. The system makes information accessible to the public, including allowing online tracking of land applications<sup>1</sup>. This leads to the reduction of costs and time spent travelling to government offices in Kampala to process land transactions, as well as creating more confidence in the land system itself<sup>2</sup>. Between 2013 and 2015, approximately 500,000 land administration files were digitised<sup>3</sup>. The system's expansion would mean that Ugandan officials could access a transparent database, potentially expediting solutions to land disputes. While many land titles are being digitised, uptake appears sluggish and the system's full potential remains unclear. Additionally, using technology, like GPS during surveying, and digitisation often creates new opportunities to tamper with the official process.

Other initiatives rely on mobile phones. Transparency International runs anti-corruption call centres in Kampala and Lira which Ugandans can ring toll-free to report instances of corruption and seek help. These hotlines are

advertised on the radio to reach rural areas, and have answering machines so callers can report corruption at any time<sup>4</sup>. The Anti-Corruption Coalition Uganda (ACCU) has also implemented a programme encouraging women to report corruption in the health sector via SMS.

But to what extent do ICTs have potential to increase knowledge of land rights in Uganda and empower individuals in land disputes? In a 2016-17 study, a team of graduate students from Columbia University's School of International and Public Affairs researched whether the use of ICTs could make women more likely to report corruption. The team explored how gender, land and corruption intersect and affect men and women's lives differently in Uganda. They also looked at whether ICTs can be better mobilised to support anti-corruption efforts in land and to empower women to counter land corruption.

The team carried out document reviews, participant observation, community focus groups and interviews with relevant NGOs, private sector organisations and local, regional and national government agencies. It quickly became clear that Uganda's land administration system is extremely complicated, difficult to navigate and poorly understood. As land boundaries and rights of access are often established through informal practices, Ugandans can find themselves vulnerable to the well-connected or wealthy, who are able to bribe officials with likely impunity. During the research, several focus group participants stressed concern over not knowing how to obtain a land title or help in land disputes.

ICTs' potential in bridging these gaps is considerable – but only if appropriate technology is deployed for a specific audience, in ways that are sensitive to the cultural context.

## Using the right technology to reach a chosen audience

ICTs themselves serve only as tools. They require wide access, willing users and technological ability if they are to be effective in empowering people. In the focus groups, a law enforcement official reported that his community uses WhatsApp to connect with the police force and report incidents, bridging communication gaps and fostering trust. However, only people with access to WhatsApp can take advantage of this link with the police. This excludes Uganda's illiterate and poor. The Columbia research indicated large rural-urban, gender and socioeconomic divides in ICT access and capabilities. While an overwhelming majority of both male and female focus group participants stated that they routinely listened to the radio, access to and use of mobile phones and the internet varied. The research confirmed previous studies that have found ICT ownership, access and use affected by gender and class.

In Uganda, the World Bank reports that 44 out of 100 Ugandans have a mobile phone subscription, although this number is inflated due to the ownership of multiple SIM cards by one person<sup>5</sup>. Internet use in Uganda is significantly lower than the country average of 66 per cent<sup>6</sup> for Sub-Saharan Africa. In July 2015, only 19 per cent of Ugandans – around 7 million people – were internet users<sup>7</sup>, although this data is not disaggregated by sex or socio-economic status. In rural communities, access to the internet remains particularly low, with the most significant barriers to mobile and internet usage remaining lack of infrastructure – including electricity and network coverage – and the costs associated with owning phones and buying airtime. Through focus group discussions, the Columbia researchers found that women tend to have less access to mobile phones and the internet, and therefore have lower ICT capacity. Men were perceived by everyone to be better at using technology. This gender imbalance often makes it difficult for those most vulnerable to land corruption to use technology effectively to report it.

Many focus group participants also indicated a preference for explaining their story in person – often not possible with digital platforms. Under ACCU's SMS reporting system, the lack of human contact through SMS left the

monitors apprehensive about the process, unsure of whether their reports were heard<sup>8</sup>.

To reach women with information about their land rights, and offer them an ICT platform to express their experiences, it is essential to choose technologies women can access and interact with. The research found that radio remains the most prominent technology in Uganda and is the most accessible and user-friendly platform for women, followed by mobile phones. A local radio station estimated that 75 per cent of the population has access to radio. Community members listen to the radio primarily for information, such as news programmes or talk shows hosted by the radio stations and NGOs. They call into the programmes to express opinions, share their experiences and ask for support and advocacy. Compared to mobile phones and other platforms, radio is more accessible to women than men, as women are more likely to work around the household, where the radio is located. Most rural communities have very limited access to television, as sets are expensive and require electrical wiring. Radio is therefore the most effective way to share information and resources for support.

Transparency International Uganda is currently drawing on these research findings to create a series of short radio dramas, that exposes common aspects of land corruption in Uganda, together with an innovative forum theatre initiative.

## Tailoring an ICT approach to the cultural context

Beyond providing ICT channels for information sharing and feedback, successful use of technology requires understanding of cultural sensitivities around issues being covered. Concerns of anonymity and retribution add another layer of complexity to discussions of corruption. In Uganda and many other African countries, land is also an extremely sensitive issue, involving complex power structures, from clan and village to district levels. Disputes around jurisdiction may impede the proliferation and success of ICT approaches. Some female focus group participants stated that concerns of anonymity and fear of harm are additional barriers to using technology for reporting land corruption. One woman feared that her husband or clan leaders would punish or banish her if she reported these issues, as she would be spoiling the name of the clan.

Analysis of a technology's potential for reporting land corruption must take account not only of the technology's capacities and proliferation, but also of the social and

cultural context in which it will be deployed. Awareness of how gender affects ICT use and understanding of local sensitivities surrounding land and corruption are essential for evaluating or designing technological tools. Provisions for confidentiality or anonymity may be essential to the success of a technology initiative.

Columbia University's research in Uganda confirms that ICT's potential to disseminate information and address gaps in knowledge about land justice is robust. However, gendered access and concerns over anonymity and retribution prevent the full potential of ICTs from being realised. In order to be an effective tool for reporting corruption in the land sector, programmes using technology must address these concerns. The potential of ICTs to empower women in reporting land corruption rests on a thorough understanding of context.

This article is based on research performed by a graduate consulting team from Columbia University's School of International and Public Affairs (SIPA) in 2016-2017 for Transparency International in Uganda. The full report *The Potential of ICTs to Combat Land Corruption in Uganda: A Gendered Approach* is available here: [bit.ly/2ffUqv5](http://bit.ly/2ffUqv5)

For more information about the work of Columbia University's School of International and Public Affairs (SIPA), visit their website [sipa.columbia.edu](http://sipa.columbia.edu)

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## FURTHER READING & RESOURCES

### **ICT and Governance in East Africa: Preliminary Fieldwork Findings (Part 2) Apac and Lira**

Published by ICT4Democracy  
[bit.ly/2Bn0rvA](http://bit.ly/2Bn0rvA)

### **Anti-Corruption Coalition Uganda**

The Anti-Corruption Coalition Uganda (ACCU) is a national umbrella membership organisation that brings together 17 like-minded Civil Society Organisations and activists in the fight against corruption. It has a network of nine Regional Anti-Corruption Coalitions in Uganda.  
[accu.or.ug](http://accu.or.ug)

### **Collaboration on International ICT Policy in East and Southern Africa**

The Collaboration on International ICT Policy in East and Southern Africa (CIPESA) focuses on decision-making that facilitates the use of ICT in support of development and poverty reduction, and organises events such as the Forum on Internet Freedom in Africa.  
[cipesa.org](http://cipesa.org)

### **Uganda Radio Network**

Uganda Radio Network (URN) is a subscription-based independent news agency and training centre that produces current affairs programmes, documentaries and the latest news  
[ugandaradionetwork.com](http://ugandaradionetwork.com)

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**1** Thomson Reuters, "Thomson Reuters Aumentum: Customer Spotlight – Uganda", (Thomson Reuters, 2015). [tmsnrt.rs/2heE56J]

**2** Thomson Reuters, 2015:3.

**3** Thomson Reuters, 2015:4.

**4** P. Bhatt, J. Chu, X. Mata, Y. Nakajima, A. Ro, and M. Schreier, "The Potential of ICTs to Combat Land Corruption in Uganda: A Gendered Approach", page 39, (Columbia University, 2017). [bit.ly/2ffUqv5]

**5** The World Bank, "World Development Indicators 2015", (World Bank, 2015). [bit.ly/2Amgdrj]

**6** World Bank, 2015.

**7** The World Bank, "e-Gov Research and Resources", (World Bank, 2015). [bit.ly/2hd5J86]

**8** "Anti-Corruption Coalition Launches SMS System to Monitor Service Delivery", Uganda Radio Network (web), 2011. [bit.ly/2hemRGT]

# COMMUNITY RADIO ON WOMEN AND LAND

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By Edward Koroma  
Transparency International Sierra Leone

Given the heterogeneity of communities within Sierra Leone, and the different forms of land corruption they may experience, a national media campaign by Transparency International needed to be tailored to fit the differing contexts of multiple communities. To ensure sensitivity, existing women's groups and organisations were consulted to better understand the individual situations of women on the ground. Furthermore, to make the radio discussions more engaging, calls were accepted from individual community members, who were able to voice their own concerns and share their experiences with land corruption. Women's inclusion in decision-making was highlighted as a key requirement for sustainability.

Women in Sierra Leone are often financially exploited by the authorities when they try to access land. A key driver of this corruption is women's lack of information about the processes of land acquisition. Women can also lose land because they do not know how to seek redress when faced with issues over land inheritance and ownership.

In response, Transparency International Sierra Leone held a series of community radio discussions as a means of providing such information at community level. The programmes are broadcast monthly on selected community radio stations in areas with serious issues affecting women's access to land. The target audience includes community members (both women and men), local authorities, traditional leaders and civil society – especially women's groups and organisations working on women's rights. The programmes also target government ministries and agencies responsible for land, agriculture, mining and environmental protection, as well as private sector organisations working in these areas.

The programmes have successfully started to shift attitudes across these audiences in favour of women's land rights being fulfilled, thanks to detailed planning and careful preparation.

## Getting to know an audience

While certain issues over women and land may recur across communities, this does not mean a similar radio discussion programme will work in every context. Communities vary greatly in demographics, land administration, leadership structure and female

participation. There is no one-size-fits-all format for an effective radio programme. Without a detailed knowledge of the potential audience for a programme, decisions about programme content and timing, and the best radio station to broadcast it, will be taken in the dark.

An important initial step in preparing a radio discussion programme is profiling the target community, to inform decisions on the content and the radio station that will engage as wide an audience as possible. This includes determining the population size and the number of men and women in the community, so the programme content and messaging can be tailored, and to identify which local language should be used during the discussion. It is also important to understand the local leadership structure and whether women can take part in community decision-making, and to identify the local land administration system. In some communities, land is owned by families, with chiefs serving as custodians. In others, the land is solely owned by the chiefs, who decide how to administer it. Research should also cover what time of the day most women could listen to the radio discussion. This is most likely to be in the evening, when women have returned from the fields or finished domestic work.

## Choosing the right subject matter

While the core issues over women and land may recur across communities, these can manifest themselves in many different ways or combinations at different times or places. There are many angles to issues such as women's human rights, their specific land rights, how they should go about claiming them, and common barriers they face.



TI Sierra Leone Executive Director with a cross section of the women in Kono

Photo © TI Sierra Leone

Choose the wrong subject at the wrong time, or take an angle people cannot relate to, and a radio programme will not engage or retain its audience and will be a wasted opportunity. People are busy and radio programmes need strong content to cut through daily life and sustain their attention.

To select subject matter and an approach that will resonate most strongly with a particular audience, TI Sierra Leone works in collaboration with local women's groups and other stakeholders in communities that have serious barriers to women's land access. This helps it identify which issues around women and land are most pertinent to most people at that particular time, and how best to approach them to make most progress in realising women's land rights. Together with stakeholders, Transparency International identifies three different stakeholders to form a panel during the radio discussion, and the community radio station that will enable the programme to reach the widest possible audience.

## Enabling people to join in

A programme with a fixed content that is simply broadcast to feed an audience the desired information runs the risk of preaching to people. Fixed content also

prevents tailoring of the discussion to address their particular needs or concerns.

TI Sierra Leone has developed a programme format that allows full discussion of an issue by a range of stakeholders, but also opens the debate to community members via a live phone-in. Once the programme subject matter and angle have been agreed, Transparency International works in close collaboration with a journalist or communications professional to develop a script. They may also act as the moderator during the discussion. TI Sierra Leone works mostly with a group called Journalists on Land Grabbing, whose members are highly knowledgeable about land issues in the country. To ensure that the greatest number of people, especially women, can listen to and engage in the discussions, communities are well informed in advance about the broadcasts.

The programme usually lasts for an hour, starting with a general overview of the topic to be discussed and an introduction to the panellists. Halfway through, the lines open for listeners to join the discussion via phone or text messages. In recent discussions examining the effect of customary laws on women accessing and possessing land, panellists came from the Ministry of Lands, Country Planning and the Environment, the local council and the

traditional authorities. Ten women called in and four sent text messages, while four men called and six sent texts.

During the series of programmes, callers recounted their experiences and demanded that the government address the issues they faced, some describing using knowledge gained from the broadcasts to address their concerns. Callers indicated that as a result of the discussions, women's land ownership and inclusion in local decision-making processes over land are increasing. Local authorities and men in the community are gradually changing their views about giving women access to land, enabling them to take part in local land administration processes and participate in discussions over family land. Callers also reported that community awareness of women's land rights has also increased, along with public debate on the issue.

## Changing perceptions and behaviours

Women are starting to confront land corruption, refusing to pay bribes in cash or kind to access land, and taking land cases to the police or traditional authorities. The programmes have helped women take part in family land deals with other community members, local authorities and private companies. Some women are even joining together to discuss with the local authorities the prospects of accessing land for commercial purposes.

Local authorities have also changed their approach to tackling corruption in land administration. Before the programmes, a lack of knowledge of corruption and its impact meant they often addressed corruption-related issues by striking a compromise between the two parties. Increasingly, they now refer cases to the police or even the Anti-Corruption Commission. Some local authorities have recounted cases in which people have made complaints or raised concerns citing information from the radio programmes.

Although there has been resistance from the private sector, the response to the radio discussions shows they are helping to reduce corrupt practices in land administration and to improve resolution in community land disputes. These processes should continue, as more people become aware of the processes involved in preventing and seeking redress for corruption in women's access to land.

For more information about the work of Transparency International Sierra Leone, visit their website [tisierraleone.org](http://tisierraleone.org)

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### FURTHER READING & RESOURCES

#### **Radio jingles on women, land and corruption**

Published by Transparency International Sierra Leone  
[bit.ly/2BhfZ4D](http://bit.ly/2BhfZ4D)

#### **Anti-Corruption Commission of Sierra Leone**

The Commission provides the lead in the crusade against corruption in Sierra Leone and partners with other key institutions to prevent, eradicate and/or suppress corruption and corrupt practices.  
[anticorruption.gov.sl](http://anticorruption.gov.sl)

# SHIFTING ATTITUDES TO WOMEN AND LAND

By Hajanirina Paulin Randria Arson  
Transparency International-Initiative Madagascar

In an attempt to shift the deeply patriarchal values of Madagascan society which restrict women's access to land rights, Transparency International-Initiative Madagascar engaged in a media campaign to raise awareness on the dangers of corruption in the land sector and its adverse effects on women. This included a documentary, which was published in multiple languages, and televised debates; bringing together experts, government officials, and civil society organisations. The campaign began to challenge narratives and patriarchal values by showcasing women in positions of power in land contexts.

Madagascar is a deeply patriarchal society, with land governance firmly based on patrilineal inheritance. Most women do not know about their full range of rights and there is very limited representation of women in administrative and elected roles. Women who dare to pursue their land rights are widely stigmatised.

In response, Transparency International-Initiative Madagascar has launched an initiative around women and land corruption in Madagascar. The aim is to bring about major shifts in social attitudes, through a participative approach which informs women of their land rights in ways that overcome cultural discrimination and limited literacy. It also seeks to progressively inform men about women's land rights and how they affect women. Through this collaborative, two-pronged approach, we hope to ignite a national debate about women and land, and reframe cultural attitudes to helping women claim their land rights.

## Helping society think differently about women and land

Attitudes against women exercising their land rights in Madagascar are so entrenched that women sometimes do not even know they have land rights to claim. Women do not dare to challenge decisions made by men. A local expression characterises those who speak out as "chickens who dare to sing". If women do try to access land, they are often overruled by male land officials, or can face financial or sexual extortion. Women are often financially dependent on men, especially in rural areas, and often lose out to men claiming the same land and with the resources to bribe officials. Overwhelming

professional and domestic obligations can combine to prevent women from travelling and undertaking lengthy administrative procedures to obtain land titles. As many women often have a limited education, it is also hard for them to access information about the procedures for claiming land.

As a basis for helping women access land, TI-I Madagascar filmed a short documentary describing the challenges they face when trying to claim land rights in Madagascar. This shows the barriers women face through discriminatory cultural practices, with women telling their stories about land corruption and the effects it has on their lives. The film exposes their financial dependence on men, the obligations that prevent them from claiming land rights, and the impact a lack of education has on women's ability to claim their rights. Some of the footage was filmed in villages so the community could watch and learn. This proved an engaging way to demonstrate corruption in land administration offices and explain community rights, with good attendance and a positive response.

The documentary is available online in Malagasy, French and English. TI-I Madagascar is working to promote it more widely, so it can act as a launch pad for new ways of thinking about women and access to land. Used as an advocacy tool, it has generated a positive response, leaving government officials surprised and keen to know more about the land and gender. TI-I Madagascar is also exploring the use of radio to increase awareness of women's right to access land.



Women in Atsimo Andrefana

Photo © TI-Initiative Madagascar

## Getting people talking about women and land

For attitudes to change, it is not enough simply to put out information about new ways of thinking. Land issues need to be widely discussed, so that people can find solidarity with each other in their new ways of thinking and have the confidence to change. They can then challenge others to think about the issues in a new way, building up momentum for progress.

To initiate a national discussion, TI-I Madagascar organised two televised debates on International Women's Day in March 2017. These took place on the national television channel, TVM, and a private channel with a large audience, KOLO TV. To catch as wide an audience as possible, the debates were aired directly after a speech by Madagascar's first lady. Themed around women and land governance, they reflected the documentary film, aiming to educate the audience – especially women – on women's rights to access land. They also sought to reduce cultural discrimination towards women over their land rights – including better land governance by the authorities. Panellists included representatives from civil society and central government,

and experts on gender and land – with the then-female Director General of Land Services arguing for women's increased participation in land issues. The discussions also covered women's inheritance rights and access to land, especially for widows or women separated from their husbands.

The debates prompted people to come to TI-I Madagascar's offices afterwards for advice on land issues and how to initiate judicial processes to defend their land rights. Building on this success, TI-I Madagascar has also organised live public debates in two regions of Madagascar, inviting representatives of civil society and the local land services to share their opinions on land issues for women. Widely advertised, the debates attracted large audiences, with many local women sharing setbacks and corruption they had encountered in contact with local land services.

TI-I Madagascar is now working to extend the reach of the video documentary and the televised debates. Actors trying to improve women's access to land in Madagascar have generally been marginalised and isolated, but TI-I Madagascar is tackling this through an ongoing participatory process involving different stakeholders –

from land officials to women and men in communities. Working with Madagascar's Anti-Corruption Bureau and the Director General for Land Services, TI-I Madagascar is creating a guide (available in several local dialects) to help the application of decentralised land management and extend the reach of information from the debates and documentaries. With photographs and illustrations to counter illiteracy and low education levels in rural areas, especially among women, the guide aims to reduce land corruption and will initially be distributed in three pilot regions. By involving everyone concerned, TI-I Madagascar aims to help more women claim their land rights, and to reduce the stigma they experience.

For more information about the work of Transparency International-Initiative Madagascar, visit their website [transparency.mg](https://transparency.mg)

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## FURTHER READING & RESOURCES

### **Film Court: Women and Land Governance (video)**

Published by Transparency International-Initiative Madagascar

[bit.ly/2i0442G](https://bit.ly/2i0442G) (English)

[bit.ly/2j1VrWq](https://bit.ly/2j1VrWq) (French)

### **Research Report on Land**

Published by Transparency International-Initiative Madagascar

[bit.ly/2zdXD2Y](https://bit.ly/2zdXD2Y)

# DIALOGUES FOR WOMEN'S LAND RIGHTS

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By Frances Birungi-Odong  
Uganda Community Based Association for Women  
and Children Welfare (UCOBAC)

Within the context of discriminatory cultural beliefs and practices, corrupt land officials, and a lack of knowledge on women's land rights, Uganda Community Based Association for Women and Children Welfare (UCOBAC) has created a platform for open dialogue through which communities can collectively resolve land-related tensions. This, in turn, helps to inform land officials on women's rights and provides them with the tools to defend these rights, and allows community members to demand redress from organisational structures. To render this initiative more sustainable, UCOBAC has also created "Human Rights Workers" within the community, in an attempt to bring these issues to the forefront of community life and change norms.

In Uganda, a complex range of reasons often prevents women from exercising their land rights. Discriminatory cultural beliefs and practices remain the norm, and there is a general lack of knowledge, among both women and men, of women's land rights. Land administration officials are often corrupt, and women have little opportunity to obtain land justice. Lawyers are often inaccessible and unaffordable, and there are few complaints channels or redress mechanisms. Existing land laws contain gaps and inconsistencies<sup>1</sup>, and are often poorly implemented. For example, the pending Marriage Bill, which defines matrimonial property, does not apply to Muslim marriages nor does it prohibit polygamy or the payment of a "bride price"<sup>2</sup>. As a result, many women in Uganda suffer from land injustices including disinheritance, land grabbing and illegal evictions.

The Uganda Community Based Association for Women and Children Welfare (UCOBAC) works to transform the lives of women and children through community-driven initiatives. In response to the injustices women face when trying to obtain or retain land, UCOBAC is implementing a Women's Land Rights initiative aimed at empowering women and girls to exercise their land rights. The programme involves developing and strengthening community support structures to promote and protect women's land rights in sustainable ways. UCOBAC also raises awareness among women and communities on women's land rights and carries out advocacy to influence pro-poor and gender responsive land legislation. Central to the initiative are dialogues and training activities that tackle specific issues, to help women access land justice.

## Exposing and tackling corruption in land administration

The high rate of corruption in land administration institutions reduces poor women's ability to access fair, responsive and timely land justice. During land disputes, men – who often have more resources than women – tend to manipulate officials in their favour. Women are often too poor to pay the bribes required, and many have reported sexual extortion by land officials who demand sexual favours in place of cash bribes.

UCOBAC's approach to helping women access justice rests on promoting communication between stakeholders. The organisation holds "local-to-local dialogues" – engagements between communities and their local authorities or land officials – to discuss the challenges specifically affecting women when they try to access land administration services. This governance tool enables communities to engage their local authorities and influence decision-making. During the dialogues, communities are able to hold officials to account and collectively come up with solutions to fight land-related corruption and promote women's land rights.

The open dialogue forums were developed by the Huairou Commission and Grassroots Organisations Operating Together in Sisterhood (GROOTS International). They provide a platform where communities can share their experiences of bribery, extortion, inadequate service delivery, and thwarted or delayed justice. Communities and the authorities then jointly come up with solutions to the challenges identified. The dialogue process is organised by community members themselves, most



A local-to-local dialogue on “Public Accountability on Land Management and Social Service delivery” organised by UCOBAC to bridge the communication gap between communities and their leaders.



A widow holds her letter of administration following a lengthy battle with relatives. She was supported by a community paralegal trained by UCOBAC.

Photos © UCOBAC

often women, guided by local Human Rights Workers trained by UCOBAC. With their support, the community holds a series of meetings in preparation for the dialogue, covering:

- Needs identification including lack of access to information on land rights, disinheritance, land grabbing, evictions, boundary conflicts, violence, lack of access to land administration and justice services, land-related corruption and social norms that discriminate against women.
- Prioritisation and grouping of needs, and their allocation to different dialogues.
- Mapping of relevant land officials and institutions, to identify key power-holders who influence a given priority issue; from Land Board members to community development officers and the police.
- Logistical planning including venue, agenda, invitations, speakers, community mobilisation and media coverage.

The dialogues take place locally. Community members introduce the priority issue and how it affects them, sharing their experiences, exposing corrupt actors or demanding information on correct procedures and fees, so they cannot be cheated through ignorance. Officials have an opportunity to respond, providing clarity on factors such as their roles, resources, district plans, and challenges they encounter in their positions. Together, participants develop a collective action plan. Commitments vary widely, including enactment of by-laws, provision of community awareness-raising

sessions or official follow-up of claims of corruption. This may result in officials’ suspension, cautioning or being made to apologise and promise change. After the dialogue, a community committee creates a follow-up plan for the agreed actions, including a feedback plan on the progress being made.

## Training officials in women's land rights

The majority of officials and decision-makers on land issues are men. Many are not knowledgeable on women’s land rights and still hold discriminatory cultural beliefs under which women cannot own or inherit property. These social norms need to be transformed if officials are to provide land services without gender bias or corruption, particularly sexual extortion. During the dialogues, local officials highlighted their need for training in gender issues.

UCOBAC is training land administrators in gender-responsive approaches to land governance. Topics include understanding gender, how gender differences affect women and men in relation to land rights, and the challenges women face in accessing land administration and justice services. The training also covers women’s land rights as defined in existing national legal frameworks, and the role of land officials and decision-makers in advancing women’s land rights. Equipped with sufficient knowledge and understanding of the difficulties women face accessing land, decision-makers are better positioned to help them achieve justice.

## Building community structures to support women's claims

Within communities themselves, there is a wide lack of knowledge about women's land rights, and if women do try to claim them, few support structures help them to do so. Without knowledge of the technicalities of land processes, women are less able to pursue their rights and are more vulnerable to being asked for bribes, including sexual extortion.

To strengthen community support structures, UCOBAC has recruited community volunteers and trained them as "Community Human Rights Workers" to promote women's land rights in their communities. Their presence is an important element in ensuring sustainability in efforts against corruption. The human rights workers monitor corrupt practices in land service delivery and support women who are affected. They provide mediation for dispute resolution, legal information and advice, and interpretation of legal processes, and can refer women to existing land justice institutions. They also create awareness and build knowledge among women and communities of women's land rights using community-friendly methods such as dialogues, theatre, radio talk-shows and advertising, and posters and leaflets translated into local languages.

Through the Women's Land Rights initiative, UCOBAC also carries out advocacy to influence pro-poor and gender responsive land policy formulation and legislation. It organises annual national conferences bringing together key policy-makers and members of civil society, academia and communities. Grassroots voices and priorities are heard and can influence policy formulation and implementation. These approaches combine to form UCOBAC's wider drive for a change process that will remove gender-based corruption and bias from land access in Uganda.

For more information about the work of Uganda Community Based Association for Women and Children Welfare (UCOBAC), visit their website [ucobac.org](http://ucobac.org)

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### FURTHER READING & RESOURCES

#### **GROOTS International**

Grassroots Organisations Operating Together in Sisterhood (GROOTS International) operates as a flexible network linking leaders and groups in poor rural and urban areas in the South and the North. To nurture relationships of mutual support and solidarity among women engaged in redeveloping their communities, the network is open to grassroots groups and their partners. [groots.org](http://groots.org)

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<sup>1</sup> International Federation for Human Rights/Foundation for Human Rights Initiative, "Women's rights in Uganda: gaps between policy and practice", (FIDH/FHRI, 2012). [[bit.ly/2i1mhNg](http://bit.ly/2i1mhNg)]  
<sup>2</sup> "Uganda, Customary Law", Gender and Land Rights Database, FAO (web). [[bit.ly/2yRJYRI](http://bit.ly/2yRJYRI)]

# STRENGTHENING LEGAL SAFEGUARDS FOR WOMEN'S LAND RIGHTS

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By Farai Mutondoro  
Transparency International Zimbabwe

The extent of corruption within Zimbabwe reaches from the grassroots level all the way to state structures. In response, Transparency International Zimbabwe has undertaken an awareness-raising media campaign highlighting women's experiences of land corruption. It has included training initiatives for parliamentarians on mainstreaming gender into land policies and anti-corruption efforts, and combatting sextortion and gender-based violence within public bodies. By addressing women, land and corruption issues at the legislative level, Transparency International Zimbabwe believes top-down reforms are more likely to occur and societal norms can begin to be challenged.

A complex interplay of women, land and corruption exists in Zimbabwe. Corruption over land intersects with existing gendered land inequalities, entrenching them and creating new inequalities. Zimbabwe's patriarchal structures mean land ownership has traditionally been a male privilege, with women finding it difficult to own rural land. Women generally have usufructuary<sup>1</sup> rights, primarily obtained through birth or marriage, which allows possession and use of the land but prohibits making alterations. Inheritance of land ownership has largely been confined to male heirs, leaving daughters and wives disadvantaged.

This contentious system of land rights is further distorted by corruption. The impact of land grabbing is gendered and affects women of different social standing in varied ways. Some are forced to survive through subordination to those who control access to land. Many face sexual extortion – a form of gender-based violence – when claiming their land rights. This is clearly shown by a Transparency International Zimbabwe study in Chisumbanje, where women are forced by traditional leaders to trade sex for land. Such acts are not one-off, as leaders can continue to demand sex in order for women to retain pieces of land.

Women have also been systematically denied access to residential plots of urban land, owing to the politicisation of urban land distribution in Zimbabwe. While a formal urban land market does exist, it is distorted by housing cooperatives created by political parties – in particular, the ruling ZANU PF party. These serve as conduits for access

to plots, but are also vehicles for patronage over land access. As it is men who normally attend political gatherings and meetings, social dictates mean fewer women end up enrolling with these non-formal housing cooperatives. Women who do so are often swindled of their money, either through the double or multiple allocation of plots, or by being given plots in non-designated areas, resulting in demolition of their housing.

To tackle women's land issues in both urban and rural contexts, TI Zimbabwe is working closely with Zimbabwean parliamentarians, highlighting the corruption that blocks women's land rights and proposing ways to prevent it.

## Taking women's voices to those in power

Zimbabwe's patriarchal system means women are not only deprived of land rights, but also unable to speak out about the barriers they face – even in serious cases such as sexual extortion. Bribery is the main form of petty corruption, and has a disproportionate impact on women and girls. Compared to men, most women do not have equal access to money required for bribery. This subjects them to sexual exploitation, as they are forced to trade sex in exchange for a service. Sexual extortion is also less likely to be reported than other forms of corruption, due to its sensitive nature. Women therefore need ways to voice their experiences and a safe arena in which to be heard.

In a context where platforms for women's voices barely exist, TI Zimbabwe has made two documentaries, on urban and rural land corruption, allowing women and communities denied their land rights to tell their stories. These films have enabled us to share their stories with key stakeholders, in pursuit of justice and legal redress and as a way of highlighting flaws in the legal system which allow such injustices to occur. By highlighting to policy-makers the effects of land corruption in both rural and urban areas, particularly for women, the films raise previously unaired issues.

To bring these issues directly into the policy space, TI Zimbabwe held a breakfast meeting in 2016 for 36 parliamentarians – 28 women and eight men. Together, they represented the Parliamentary Women's Caucus, the Portfolio Committee on Justice and the Portfolio Committee on Women's Affairs, Gender and Community Development. The meeting aimed to strengthen knowledge among Members of Parliament (MPs) of gendered land corruption, and their role in advocating for gender awareness in anti-corruption laws and policies. By working with individual parliamentarians, TI Zimbabwe aims to increase the capacity of the country's parliament to frame laws that safeguard women's land rights and to oversee their implementation.

## Increasing understanding of women's land corruption

Despite Zimbabwe's endemic levels of corruption, there is limited understanding of its particular impact on women and little advocacy around gender aspects. Zimbabwe is ranked among the most corrupt countries in Transparency International's *Corruption Perception Index*<sup>2</sup>. Almost 75 per cent of citizens believe that corruption is increasing, with bribery being the commonest form experienced in people's daily lives. Despite widespread anecdotal and empirical evidence on gendered forms of corruption such as sexual extortion, there have been few policy responses to counter the problem.

TI Zimbabwe's two-hour breakfast meeting was structured to raise awareness among MPs of gendered land corruption, and the role of parliament in lobbying for laws and policies to prevent it. The concept of gendered corruption was outlined through presentations and the two film documentaries on urban and rural land corruption.

Learning materials included papers exposing land corruption and its gendered impact in Zimbabwe, have also been presented at the World Bank Land and Poverty

Conferences. These highlighted that women are not a homogenous group and are affected by land dispossession differently from men and from each other, depending on socio-economic status.

Discussions at the meeting included how the law can be improved to tackle corruption faced by women, how MPs can help mainstream gender into anti-corruption policy formulation and implementation, and how best to track sexual extortion and gender-based violence. The meeting aimed to inform parliamentarians about the relationship between gender inequality and land corruption, and to build their capacity to recognise and address gender-based injustices over land. The presentations also highlighted gaps in the policy, legal and institutional frameworks that fuel land injustices against women.

Attendees found the meeting eye-opening, particularly in terms of how land corruption affects individual women's lives through sexual extortion. Feedback from the meeting found that 94 per cent of attendees found the workshop relevant to their work, 76 per cent said that the workshop improved their understanding of gendered corruption and 6 per cent said they needed more training. As well as boosting MPs' knowledge of land corruption faced by women and how they can act against it, the workshop built relationships between TI Zimbabwe and the attendees. It also provided a platform for a joint review of a range of anti-corruption policies and interventions.

## Turning learning into action

An important element in the success of meetings – such as the parliamentarians' workshop – is sustaining the interest and enthusiasm generated and turning them into lasting momentum for change. To have an impact on people's lives, the workshop needed to be more than a discussion. It had to form the first step towards concrete reform of the legal and regulatory frameworks and their implementation, so that they protect women's land rights.

To make the breakfast meeting a springboard for change, the agenda included formulation of a joint action plan, committing attendees and TI Zimbabwe to a set of next steps against land injustices faced by women. These include a full-day workshop to train a wider group of MPs in gendered corruption, to be organised by TI Zimbabwe and the Parliament of Zimbabwe, with a higher proportion of male MPs invited. Together with the Women's Caucus, TI Zimbabwe also committed to further research on the manifestations and impact of gendered corruption, and to a gendered review of the country's anti-corruption laws. Both parliamentary portfolio committees also committed

to take part in the review. In a Memorandum of Understanding with the parliamentarians, TI Zimbabwe committed to build their capacity to tackle gender-based corruption, working especially with the parliamentary committee on gender and the Women's Caucus.

Attendees agreed the workshop was empowering and provided clarity on what they should do to fight land corruption faced by women. Several MPs highlighted the need for widespread political will to fight corruption. Future stages of our work on women's land rights in Zimbabwe aim to foster that will – for example, through a series of policy dialogue and debates with parliamentarians, urban planners, the Land Commission, Gender Commission and the Anti-Corruption Commission. Working with our parliamentary allies, Transparency International Zimbabwe hopes to create a regulatory framework that guarantees Zimbabwean women's right to access land.

For more information about the work of Transparency International Zimbabwe, visit their website [tizim.org](http://tizim.org)

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## FURTHER READING & RESOURCES

### **Urban Land Corruption (video)**

Published by Transparency International Zimbabwe  
[bit.ly/2zOYFXA](http://bit.ly/2zOYFXA)

### **Women Land and Corruption (video)**

Published by Transparency International Zimbabwe  
[bit.ly/2ndQgXP](http://bit.ly/2ndQgXP)

### **Impact of Biofuel Induced Land Corruption on Women; The Case of Chisumbanje Ethanol Project**

Published by Collective Action and Property Rights  
[bit.ly/2ah4cXs](http://bit.ly/2ah4cXs)

### **The Intersection of Women, Land and Corruption in Zimbabwe: Case study of women in Chisumbanje and Chinyamukwaka villages in Zimbabwe**

Published by Transparency International Zimbabwe  
[bit.ly/2i8lx8G](http://bit.ly/2i8lx8G)

### **Women's Caucus in Zimbabwe's Parliament**

The Women's Caucus in Zimbabwe's Parliament is made up of women from both the Senate and the House of Assembly. Their mandate includes representing women's interest at the national level, to advocating for legislation on gender mainstreaming and facilitating the effective implementation of the National Gender Policy.  
[bit.ly/2BwuWjh](http://bit.ly/2BwuWjh)

### **Women and Land in Zimbabwe**

Women and Land in Zimbabwe aims to be the leading women's organisation in addressing women and land issues in Zimbabwe. They want a more holistic and gender sensitive manner from the grassroots to the policy level using demand-responsive approaches.  
[bit.ly/2z3dMuW](http://bit.ly/2z3dMuW)

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<sup>1</sup> See definition on page 121 (Glossary)

<sup>2</sup> "Corruption Perception Index 2016", Transparency International (web), 25 January 2017. [[bit.ly/2jvDCtj](http://bit.ly/2jvDCtj)]

# LEGAL GUIDANCE FOR WOMEN CLAIMING LAND

By Benjamin Maina  
Transparency International Kenya

Women's lack of legal knowledge in Kenya is a major barrier to them being able to access land services and increasing their susceptibility to corrupt practices/extortion. Transparency International Kenya utilises Advocacy and Legal Advice Centres in four regions, providing women with advice and guidance on redress mechanisms to any form of corruption they might experience. The centres are staffed by workers speaking local dialects and equipped with infographics for the illiterate, helping to provide an approachable and accessible environment. To promote the centres, open forums were organised that included trainings on legal matters and stressed the importance of women's rights.

A key barrier to women fulfilling their land rights in Kenya is their lack of knowledge on laws and institutions governing land matters, which makes them vulnerable to corruption. Transparency International Kenya is helping women address land issues through its four Advocacy and Legal Advice Centres (ALACs). These offer free professional legal advice and support to people affected by corruption.

Based in Transparency International Kenya offices in Kisumu, Mombasa, Nairobi and Eldoret regions, the ALAC lawyers and advisors refer clients to relevant institutions, such as land offices and the Legal Advisory Committee if there is need for court representation. They help clients draft and file legal documents, and also offer guidance on self-representation in court, tribunals or national commissions for justice, human rights and anti-corruption. They also help people explore alternative dispute resolution, especially for family conflicts. The ALACs reach potential clients through community awareness-raising activities, including public forums and local committees to address cases involving public land and resources.

## Helping women access the ALAC services

With higher levels of education, social participation and status, men are more likely to hear about and use services such as the ALACs. Information on women's rights, relevant laws and ways of resolving land disputes is not easily available to women, especially those who speak local dialects and have had little education. Their

social position can also leave women dependent and voiceless, lacking confidence to claim land. If they do seek to make a complaint about land corruption, the mechanisms for doing so are usually complicated, expensive and ineffective for ordinary women.

To reach out to women, the ALACs have held forums on women, land and corruption in Nairobi and Mombasa Counties. These aimed to educate women about land laws and the institutions that can help them advocate for their rights. The publicity for the forums encouraged women to reach out to fellow women and "bring a friend". The forums stressed the importance of women's land rights and why land corruption against women must be stopped. In their aftermath, the number of women reporting land issues through TI Kenya's toll-free hotline increased from one case per month to 10 cases per week. Men still call the hotline more than women, but the increase in female callers shows that once women are aware of their land rights and how to demand them, they are keen to do so.

To encourage women to speak out against land corruption, each ALAC office has at least one member of staff who understands local dialect and can translate documents or discussions between clients and lawyers. Local volunteers also help bridge communication gaps, translating, building a rapport with communities, and helping staff understand women's specific local circumstances.



Erecting a signboard during the Mwamdudu Primary School advocacy event



A group of women during the Women, Land and Corruption forum in Mombasa with their infographics

Photos © TI Kenya

## Overcoming educational barriers

In Kenyan society, women are mainly considered responsible for household chores, while men handle finances and property matters. As a result, women are greatly disadvantaged in terms of claiming their rights, as they lack knowledge on family property, especially that accumulated during marriage. Many Kenyan men sell land or property without consulting their wives, and can dismiss women from the matrimonial home, leaving them poor and homeless. Girls' education remains secondary to boys', meaning women are also disadvantaged in land matters by illiteracy and lower general knowledge.

At the women's land forums, the ALACs overcame the lack of education among much of the target audience by using infographics to explain Kenyan land laws and women's rights. The visual approach successfully engaged forum audiences, enabling them to understand the devastating effects of land corruption on women and the importance of empowering women to claim their land rights. Women were given infographic materials to take away, and in follow-up activities have shown that they are more knowledgeable on procedures for demanding land rights and where to seek redress when these are violated through corruption.

## Using data to push for lasting change

The legal frameworks that govern the land sector are not sufficiently comprehensive to guarantee women's land rights and eradicate gender-based corruption. Laws are also poorly implemented. Weak complaint mechanisms and pervasive corruption mean officials and political leaders are not held to account over land injustices,

especially for women. There are few channels for people to participate in the formulation of land policy and regulation.

The cases filed through the ALACs provide the opportunity to gather concrete evidence and data on corruption in public and private institutions. Transparency International Kenya translates this into targeted advocacy for institutional and legal reform, to promote women's access to land and related rights and also to hold officials and leaders to account. The data also feeds into the ALACs' public-interest litigation, recommendations on legislation and work with stakeholders and partners to strengthen governance within the land sector. Initiatives include presentation of memoranda that calls on the fight against land corruption, and working with government offices to incorporate provisions for accountability and transparency into laws and regulations. These include the Land Act, covering management of public and private land, and the Community Land Act, regulating management of community land.

The ALAC offices also advocate for citizen participation in government processes, for example, in policy formulation and budget monitoring. By helping people speak out, the ALACs support the shaping of policies that reflect people's interests – including those of women. To promote participation, the ALACs form strategic partnerships with civil society, the private sector and government agencies dealing with land issues. The government partnerships are often underpinned by memoranda of understanding, and include joint review of existing legal frameworks and recommendations for improvements.

Throughout their work, ALACs try to reach even the most marginalised people, including in remote locations – for example, through mobile legal aid clinics across the country. Whatever the location, the ALACs reach out specifically to women, to ensure they can speak up against corruption and find support in claiming their land rights.

For more information about the work of Transparency International Kenya, visit their website [tikenya.org](https://tikenya.org)

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## FURTHER READING & RESOURCES

### **Uwajibikaji Pamoja**

Uwajibikaji Pamoja (“Accountability Together”) is a web-based integrated complaint referral mechanism implemented by Transparency International Kenya in four counties (Turkana, West Pokot, Wajir and Marsabit).  
[haijpcrm.com](https://haijpcrm.com)

### **Action for Transparency in Kenya**

Action for Transparency in Kenya empowers citizens and government employees to act on corruption experienced in their daily lives.  
[actionfortransparency.org](https://actionfortransparency.org)

# OPEN DAYS ON LAND RIGHTS

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By Gerald Padde Auku and  
Lilian Zawedde Senteza  
Transparency International Uganda

To address lack of information and land titles, Transparency International Uganda organised open days for communities to verify land titles, obtain information on securing titles, and contact organisations providing support to those impacted by land corruption. The events provided valuable legal advice for large numbers of people, and helped to establish important support networks between diverse organisations, officials and communities.

In Uganda, there is a large and widespread information gap between people who hold land rights and the authorities responsible for making sure those rights are fulfilled. Among both parties, there is a lack of knowledge about people's land entitlements – especially those of women. Rights-holders also lack opportunities to share their challenges and experiences, and access the authorities charged with helping them find justice over questions of land.

To help close the information gap, Transparency International Uganda has started holding annual “open days” on land rights – large local events that bring together people from across the community and district land officials, to raise awareness among everyone about land rights – in particular, women's rights to own and access land. Launched in 2016, the open days take place in two locations in Uganda's Mukono district, under the banner “Fight corruption to realise your land rights”.

## Creating a broad platform for change

Few approaches can tackle a problem as widespread as the information gap in Uganda's land sector. There were no established large-scale mechanisms for bringing together land authorities and people seeking knowledge and justice over land issues. A new approach was needed to spread knowledge of land rights among as many people as possible, from both local communities and land administration institutions.

TI Uganda sought to create a new awareness-raising platform to reach people from across the local community (including women, men, young people and the elderly), as well as district land officials. As a first step, the organisation held a meeting with district officials to introduce its work on land rights and jointly compile a list

of key land stakeholders. It then invited all stakeholders working on land issues and administration in Mukono district, at both national and local levels, to a second meeting. Participants included officials from the Ministry of Lands, Housing and Urban Development, the Magistrate's Court, the local Land Board and the Uganda Law Society, as well as representatives from civil society organisations and the media, and local chiefs. They agreed to hold open days in two locations, as a platform where land rights and issues can be discussed and resolved.

Alongside event planning, stakeholders carried out extensive promotion of the open days, through talk shows on local and national radio stations, a mobile public-address system, notices in district offices and invitations to key officials and traditional leaders. The publicity reached around 3,000 people in the target areas.

## Designing the right format

Large, catch-all events can lack structure and end up failing to reach enough attendees with their messages. There is a risk of too much going on, or too little, or of information being presented in inaccessible ways. The open days needed a limited number of key objectives, delivered in the best possible ways.

In response, stakeholders agreed to design the open days as a platform with three key objectives: for people to receive information, share their experiences and obtain assistance in solving individual problems. To achieve these objectives, the day included presentations and question-and-answer sessions telling people about their land rights, where to report corruption and how to obtain legal support. A “Magic Chart” was compiled, giving contact details for every land actor in the district, with 300 copies printed and distributed, alongside books, fliers and



A “Land Open Day” organised by TI Uganda

Photo © TI Uganda

posters. Some are now displayed in public offices where people can easily see them. The open days also offered one-to-one meetings with experts, to help solve specific problems relating to land rights.

These channels enabled people and land officials to meet each other and to share experiences among themselves. People told of their challenges in trying to access land justice, and met with officials responsible for fulfilment of land rights. Many women brought their land titles to be verified, sought information on how to access their own land, and obtained guidance on where to report corruption. Through awareness-raising events, both women and men learned about women’s land rights, including that women have a stake in property bought by their husbands. By ensuring that both women and men understand the need for joint ownership and decision-making, stakeholders gained support from men for women sharing ownership of property. The open days spread the idea that everyone has a right to own land.

## Responding to overwhelming demand

The first land rights open days in 2016 attracted many more people than expected – around 900 at each meeting. In Mukono, a total of 200 people verified their land titles and 600, including women, received legal

advice on land-related issues. However, there were not enough printed materials to satisfy demand and too few advisors to speak with everyone seeking help, meaning that despite the day’s success, many people left empty-handed.

TI Uganda organised a reflection meeting where the stakeholders agreed to produce more printed materials to ensure everyone receives the required information. Stakeholders and participants also looked at how to bridge the gap between annual open days, and agreed to establish a system of community paralegals to offer basic advice about the law. This saves people from having to wait months for the next open day before they can obtain advice, and helps embed and sustain the messages of the open days.

As a result of the 2016 open days, state and non-state actors in Mukono are now working together through Mukono District Land Stakeholders Forum, created to plan future events. The diversity of membership makes the forum sustainable, as it can operate in the absence of any member. More people are reporting land-related issues to different stakeholders, reflecting increased knowledge by both public and government officials on land rights. In a three-month period after the 2016 open days, TI Uganda received 20 complaints related to land grabbing – double the usual number. The organisation

handles those related to corruption, and passes the rest to relevant stakeholders, following up on all cases to ensure complainants receive the help they need.

Based on this success, further land rights open days are currently being planned. The open days have helped create a wider platform for the women's land rights agenda, with stakeholders now inviting each other to land-related meetings and uniting in their drive to ensure land justice for all Ugandans, including women.

For more information about the work of Transparency International Uganda, visit their website [tiuganda.org](http://tiuganda.org)

## FURTHER READING & RESOURCES

### Women, Land and Corruption

Published by Transparency International Uganda  
[bit.ly/2zVAy9z](http://bit.ly/2zVAy9z)

### Uganda Budget Information

The Uganda Budget Information website promotes transparency and accountability in the use of public funds by allowing you to access and give feedback on national and local government budgets and performance.  
[budget.go.ug](http://budget.go.ug)

### Anti-Corruption Coalition Uganda

The Anti-Corruption Coalition Uganda (ACCU) brings together like-minded entities and individual actors whose preoccupation is publicising, exposing and advocating for curbing corruption in Uganda.  
[accu.or.ug](http://accu.or.ug)

FIGURE 5

The "Magic Chart" created for the open days on land rights.

**CONTACTS FOR SETTling LAND DISPUTES IN MUKONO DISTRICT**

1. Seek legal guidance on phone toll free (080 010 0213 / 080 010 0214 / 080 010 0215 / 080 010 0210) Uganda Justice Centres.
2. Seek (Alternative dispute resolution) from Local Councils or Area Land Committee or Political Leaders.
3. Meet DPC/Head, Land Desk at Police for necessary security measures.
4. Discuss with Senior Land Management Officer, Mr. Mbazira Robert Tel:0752 876 912 for guidance as per Land Act.
5. Seek advice from Ministry of Land. Tel: 0414 373 511 / 0791 622 191/ 0414 230 879
6. Seek express assistance from Commandant Police Land Protection Unit, Kibuli CID Headquarters.
7. Seek assistance from Legal Aid Project Head Office Kampala. Tel:0414 342 424 (or) Jinja Branch Tel: 0434 141 293.
8. Seek assistance from Chairperson, Presidential Land Task Force headed by Lt. Col. Jacob Asimwe at Embassy House, Parliamentary Avenue.
9. Seek assistance from Uganda Land Alliance Tel: 0414 540 048, Fax: 0414 540 038, Email: [uia@uiaug.org](mailto:uia@uiaug.org) - Website: [www.uilang.org](http://www.uilang.org), ED: 0772 502 803
10. Seek assistance from Directorate of Land Matters, State House (Located on Kyadondo Road, below Nakasero P/S), 0414 347 573
11. Seek assistance from from State House Legal Department Okello House Tel: 0756 472 497.
12. In case of "Estate of the Late" see the Chief Administration Officer Mukono / Administrator General, Kampala.
13. Seek assistance from Safer World; P.O Box 8415, 4t Floor NIC Building; Plikington Road Tel: 0414 348 452 / 434, 0414 231 130/50.
14. Seek assistance from the Uganda Network on Law, Ethics, and HIV/AIDS (UGANET) 0414 574 531, 0772 848 854.
15. Seek guidance from Buganda Land Board (as the case may be) Tel: 0313 263 741 / 0414 274 891 (Fax: 0414 2274 893).
16. Seek assistance from International Justice Mission (IJM), Kampala. Tel: 0414 532 294 / 0414 532 398 especially orphans/widows.
17. Seek advice from Mzee Hosea Sonko, Chairman, Mukono Bibanja Holder's Association (MBHA) Tel: 0753 068 213, 0773 248 630 / 0752 971 098 / 0777 636 877
18. Transparency International Uganda (Women, Land & Corruption) Plot 3 Martyrs Lane Ntinda, P.O Box 24335 Kampala. Email: [info@tiuganda.org](mailto:info@tiuganda.org) Website: [tiuganda.org](http://tiuganda.org) Tel: 0414341546/0752851431.
19. Make use of District security telephone list.
20. Finally seek legal redress from competent courts of law.

Source: Transparency International Uganda

# SHAPING THE LAW WITH WOMEN'S STORIES

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By Gerald Dan Yeakula  
Centre for Transparency and  
Accountability Liberia (CENTAL)

Land in Liberia is currently at the centre of political discussion, with the Centre for Transparency and Accountability Liberia (CENTAL) advocating for a new Land-Rights Bill to be passed, addressing concerns of community ownership and women's access to land services. To ensure this effort is fruitful, CENTAL has recorded and published a documentary, highlighting the issues within current land administration, and advocating for progressive reform. This informs the public of land corruption and spurs public demand for accountability within the country's land administration institutions. The main issue of land grabbing is highlighted, and viewers are informed of which channels to access in the event of dispossession.

Social tensions relating to land exist right across Liberia, and are often linked to oil palm cultivation. In Maryland County, for example, the French-based company SIFCA signed a US\$64 million concession agreement in 2011 for the rehabilitation and development of the Maryland Oil Palm Plantation and processing plant on 8,800 hectares of land. The company has since been in disagreement with a group of citizens led by parliamentarian Dr. Bhofal Chambers, over allegations of land grabbing, bad labour practices, and the company's failure to deliver social and welfare schemes as contained in the concession agreement. Other communities are in similar conflict with Golden Veroleum Liberia, which has a concession for more than 500,000 acres of oil palm in several south-eastern counties. In each case, the companies ensure the government turns a blind eye to malpractice and quashes resistance.

In response, Transparency International's chapter in Liberia, the Centre for Transparency and Accountability Liberia (CENTAL), has been advocating for the passage of a Land Rights Bill. This would secure customary land interests in the face of corporate encroachment, and guarantee women's participation in decision-making about land at community level.

## Reaching decision-makers

Powerful vested interests in agribusiness buying off parliamentarians, coupled with ignorance among lawmakers of the full impact of land grabbing on people's lives at community level, stalled the Land Rights Bill in the legislature three years ago. The question was how to

show the impact of encroachment by big business on community land in a way that would change legislators' minds.

At the centre of CENTAL's advocacy has been a video documentary it made to highlight the experiences of communities affected by insecurity of land tenure. The documentary has been used to present powerful evidence to parliamentarians to encourage them to enact the law. "The company took our land, but when they employ us, they treat us like slaves," explains Janjay, who works at a palm oil plantation. "And when you're wounded on the job, they fire you. There is no space at the company school for our children. We are suffering and we want our land back".

Parliamentary protocol prevented CENTAL from showing the video at a public hearing of the Joint House Committee on Lands in May 2017, but CENTAL included anecdotes from the documentary in its presentation to the committee, and presented 30 copies of the video to committee members.

## Building a bedrock of popular support

Among the reasons for the failure of the Land Rights Bill to pass into law had been the general lack of awareness among Liberians of its existence and the problems it aims to address. This enables legislators to get away with bowing to the interests of big business and refusing to pass the bill.

To create popular backing, CENTAL has shown the video documentary to a wide range of people, including students of the University of Liberia, members of the CSO Working Group on Land Reform, Land Authority officials, and youth and women's groups. By highlighting violations of people's rights, land grabbing, bad labour practice and other challenges affecting women, the video is helping build support for passage of the Land Rights Bill. Other members of the CSO Working Group on Land Reform are also using the documentary to raise awareness of land rights across Liberia.

## Telling the right story

Unless the content of a video documentary is carefully considered and tailored to its audience, it will not work as an advocacy tool. Challenges may also exist in getting women to share their experiences on camera, and around security risks that participants may face if they are filmed speaking out. Their safety needs careful consideration.

CENTAL's experience shows that video documentary is a powerful tool for advocacy if the right stories are captured – preferably with advice or practical input from experienced filmmakers. This can be particularly helpful in persuading people to share their experiences. It is important to consider the length of a documentary, as viewers' time and attention may be short. Films of up to eight minutes can hold viewers' interest, while still having a serious impact. Techniques such as blurring faces on video or filming speakers in silhouette can preserve anonymity and safety.

The video approach to advocacy can be applied in many contexts, as long as care is taken to ensure that appropriate stories are gathered. In Liberia, the documentary has increased awareness about land issues and the Land Rights Bill. Many people who did not know about the efforts to enact a law to protect land rights are now aware and have voiced support. Following CENTAL's presentation of the documentary in May 2017, the Bill was passed by the House of Representatives in August. At the time of writing, Liberia's Senate is reviewing it for passage into law. If passed, the new law would establish Community Land Management Committees, stipulating that their membership should include local women. This would bring women to the decision-making table for the first time, enabling them to protect their land rights and

guard against corruption by ensuring that land deals are properly transacted. The documentary has played a key role in the bill's passage so far, making members of the House of Representatives think about the effects of agribusiness on people's lives, especially those of women. Captured on film, their stories are helping shape the law.

For more information about the work of Centre for Transparency and Accountability Liberia (CENTAL), visit their website [tiliberia.org](http://tiliberia.org)

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### FURTHER READING & RESOURCES

#### **Sustainable Development Institute**

The Sustainable Development Institute (SDI) works to transform decision-making processes in natural resource management so the benefits are shared equally.

[sdiliberia.org](http://sdiliberia.org)

#### **Rights and Rice Foundation**

Rights and Rice Foundation (RRF) is a Liberian non-governmental organization registered with the overall aim of working for social justice and community empowerment.

[rightsriceiberia.com](http://rightsriceiberia.com)



Harriet Nakalo stands in front of her recovered home, filled with joy because her life has been restored.

# 6

## GLOSSARY

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### **CORRUPTION**

The abuse of entrusted power for private gain

### **DISCRIMINATION**

Defined in CEDAW as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."<sup>1</sup>

### **EXTORTION**

Act of utilising, either directly or indirectly, one's access to a position of power or knowledge to demand unmerited cooperation or compensation as a result of coercive threats.

### **FOKONOLONA OR FOKOTANY**

Democratic assemblies which define and validate customary norms in Madagascar.

### **GENDER**

The social and cultural assumptions and norms attached to being male or female.

### **GENDER-BASED VIOLENCE (GBV)**

"[G]ender-based violence against women" shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately" (Article 3, CEDAW).

### **GRAND CORRUPTION**

The abuse of high-level power that benefits the few at the expense of the many, and causes serious and widespread harm to individuals and society.

### **ICTS**

Information and Communications Technology is the infrastructure that enables modern computing. The term encompasses all devices, networking components, applications and systems that combine to allow people and organisations to interact in the digital world.

### **INTESTATE**

Not having made a will before one dies (adj.).

### **LAND BARON**

The term land baron was coined within the Zimbabwean context making reference to the powerful elites who use their power and influence to grab and amass land.

### **LAND CORRUPTION**

Land corruption involves two parties namely an individual and or group with interest in land as a resource or other benefits that comes along with owning or controlling it and on the other hand those with authority and power to decide who can own and access land. Land corruption is an outcome of the collusion of interest between the two parties mentioned above<sup>2</sup>.

### **LAND GRABBING**

Defined by the International Land Coalition 2011 in its Tirana Declaration as an acquisition or concession that is one or more of the following: (i) in violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land-users; (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation<sup>3</sup>.

### **PARTICIPATORY VIDEO**

A form of participatory media in which a group or community creates their own film. The intention is that making a video is easy and accessible, and is a great way of bringing people together to explore issues, voice concerns or simply to be creative and tell stories. It is primarily about process, though high-quality and accessible videos can be created using these methods.

### **PETTY CORRUPTION**

Everyday abuse of entrusted power by public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies.

### **POLYGyny**

Polygamy in which a man has more than one wife.

### **PROPERTY GRABBING**

A layman's phrase used to describe the unlawful and coercive eviction of lawful landowners through the use of physical force, forgery, fraud, threats, intimidation, property destruction and/or collective pressures (IJM, 2014: 9)<sup>4</sup>.

### **SEXTORTION/SEXUAL EXTORTION**

Any act whereby a person with entrusted power demands sex as a bribe is sexual extortion, even if no transaction of a sexual nature takes place.

### **STOOL/SKINS**

Terms used for customary land in Ghana.

### **TANINDRAZANA**

Ancestral land in Madagascar.

### **TINDAANA**

Land priest in control of land ownership in Upper East region of Ghana.

### **USUS FRUCTUS RIGHTS**

The right to use and benefit from land, without ownership or right to make alterations.

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<sup>1</sup> "Overview of the Convention", UN Women (web). [bit.ly/1pNOosU]

<sup>2</sup> Farai Mutondoro, "What is Land Corruption", LinkedIn (web), 7 May 2016. [bit.ly/2Ai49Hn]

<sup>3</sup> International Land Coalition Global Assembly, "Tirana Declaration", (ILC, 2011). [bit.ly/22JQxMD]

<sup>4</sup> International Justice Mission, "Property Grabbing from Widows and the Justice System Response", page 9, (IJM, 2014). [bit.ly/2HajBYp]

# 7

## ACRONYMS

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- ACCA** Anti-Corruption Coalition, Uganda  
**ACHPR** African Charter on Human and Peoples' Rights (the Banjul Charter)  
**ALAC** Accountability and Legal Advice Centre.  
**AU** African Union  
**CAADP** Comprehensive Africa Agricultural Development Programme  
**CEDAW** Convention on the Elimination of all forms of Discrimination Against Women.  
**CENTAL** Center for Transparency and Accountability in Liberia  
**CFS** Committee on World Food Security  
**CSO** Civil Society Organisation  
**FAO** Food and Agriculture Organisation  
**FPIC** Free Prior and Informed Consent.  
**GII** Ghana Integrity Initiative  
**IAWJ** International Association of Women Judges  
**ICT** Information and Communications Technologies  
**IJM** International Justice Mission  
**ILC** International Land Coalition  
**LPI** Land Policy Initiative  
**LSLBI** Large-Scale Land Based Investment  
**MPS** Members of Parliament  
**NGO** Non-Governmental Organisation  
**SDG** Sustainable Development Goals  
**SMS** Short-Message Service  
**STDM** Social Tenure Domain Model  
**TI-IM** Transparency Initiative Madagascar  
**TI-S** Transparency International Secretariat  
**TI** Transparency International  
**TIMBY** This Is My Backyard  
**UCOBAC** Uganda Community Based Association for Women and Children Welfare  
**UN** United Nations  
**VGGTS** Voluntary Guidelines on the Responsible Governance of Tenure  
**WLCA** Women, Land and Corruption in Africa

# 8

## AUTHORS & CONTRIBUTING ORGANISATIONS

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### ABOUT THE AUTHORS

**Hajanirina Paulin Randria Arson** is the Natural Resources Program Officer for Transparency International-Initiative Madagascar. He holds a degree in Anthropology from the University of Antananarivo. Over the past five years, he has been particularly interested in promoting good governance and transparency through advocacy and the design of a prevention tool. He is especially interested in extractives industries and land sector.

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**Gareth Benest** is a Participatory Video facilitator and communications consultant, working with diverse communities around the world since 2002. Gareth currently provides communications support to Transparency International's Land Programme. He was Director of Programmes for InsightShare for nine years and continues as a founding member of the InsightShare Network of indigenous communities across the globe.

**Priyal Bhatt** worked with Transparency International on the Women, Land, and Corruption in Africa programme in Uganda as a graduate student consultant. Her interests lie in supporting global anti-corruption efforts and harnessing technology for development. She has a Master of International Affairs degree from Columbia University and a B.A. in Political Economy from the University of California, Berkeley.

**Frances Birungi-Odong** is the Director of Programs for Uganda Community Based Association for Women & Children Welfare (UCOBAC). Frances has worked at

UCOBAC for the past 12 years, developing and implementing initiatives to protect and promote the rights of women and children, specifically the right to education, sexual and reproductive health rights, land and property rights, and women's rights to participation in governance and decision making processes.

**Elisabetta Cangelosi** is a water expert for the International Land Coalition (ILC), involved in human rights and women's rights. Elisabetta also teaches "Water, a contemporary issue" and "Gender and Development" at SciencesPo, Paris. She holds a PhD in Social Sciences, an MA in Anthropology of the Ancient World, and a BA in Classics.

**Annette Jaitner** is the Land Programme Lead at the Transparency International Secretariat, based in Berlin.

**Jocelyn Chu** holds a dual MA in International Affairs from Sciences Po and Columbia University and a B.A. in Political Science from Northwestern University. During her time at Columbia, she served as a consultant and Project Manager for Transparency International's Women, Land, and Corruption in Africa programme in Uganda. Jocelyn currently works at UN Women and is passionate about women's economic empowerment.

**Bonnie Groves** recently graduated from SOAS, University of London with an MSc in Development Studies, studying French and International Relations at St Andrews for undergraduate. Her specific interests lie in gender, organised crime and corruption and inclusive development. Bonnie was an intern at the Transparency International Secretariat, in Berlin, but is now based in London working as a freelance consultant with a particular focus on public policy research.

**Edward Bankoloh Koroma** is the Programmes Manager at TI Sierra Leone. He is a graduate from Fourah Bay College University of Sierra Leone and an Alumnus of the Community Solutions Programme. At TI Sierra Leone he supervises the implementation of all projects and programmes and coordinates the Land and Corruption in Africa and the Mining for Sustainable Development Programmes.

**Benjamin Maina** is the Programme Officer for Transparency International Kenya. He works on the Citizen Demand Programme and coordinates TI Kenya's Nairobi and the broader regional Advocacy Legal Advisory Centres. Benjamin is an Advocate of the High Court of Kenya with over six years' legal experience. He holds a Bachelor of Laws Degree from Moi University School of Law and a Post graduate Diploma from Kenya School of Law.

**Farai Mutondoro** is a Governance analyst currently working for Transparency International Zimbabwe as a Senior Researcher and Programmes Coordinator. His professional interest lies in anti-corruption research and policy advocacy, natural resource governance, politics and electoral processes, public finance management, human rights, and gender analysis.

**Brian Nasala** is the Communications Specialist for the International Justice Mission (IJM) in Uganda. He holds a Diploma in law from Law Development Centre (Uganda) and a bachelors degree in Ethics and Human Rights from Makerere University. He has five years experience in the field of communications with a background in public relations and radio.

**Anjali Nayar** is the founder of TIMBY. She is an award-winning journalist and filmmaker, with over 10 years of experience. Anjali's background is in Environmental Science (University of Oxford) and Journalism (Columbia University).

**Mona Niemeyer** is a Programme Coordinator for Transparency International Secretariat Berlin. Previously, she worked for the Ombudsman on Human Rights and Justice in Timor-Leste, notably on the realisation of women's rights. She holds a LL.M. in Economic, Social and Cultural Rights from the Irish Centre for Human Rights (Galway).

**Stefano Obata** worked briefly with Transparency International on the Land Programme, and has relevant experience on forestry, land and REDD+. He is mainly concerned with the equitable distribution of benefits in land-related development to communities. He holds an MA in African Development from the London School of Economics, and a BA in International Relations.

**Michael Henchard Okai** is the Project Coordinator at Ghana Integrity Initiative. He holds an MA Environmental Management and Policy from the University of Cape Coast and a BA Economics and Political Science from the University of Ghana. His responsibilities at GII include organising, coordinating and monitoring the REDD+ Governance and Finance Integrity for Africa and the Land and Corruption in Africa Projects.

**Akinyi Ooko-Ombaka** was TIMBY's Project Manager on Conservation and Environment. Akinyi was working with TIMBY to develop and expand its environmental partnerships. Her background is in Environmental Science, Geography and Earth Science from Carthage College, Wisconsin, USA.

**Sabine Pallas** has been a gender-justice warrior with the International Land Coalition (ILC) since 2005. Hailing from Germany, she holds a MA in Political Science and Hispanic Studies from the University of Glasgow, an MSc in Development Studies from the London School of Economics and did her postgraduate research on the landless movement in Brazil.

**Michaela Raab** is a senior international consultant with a background in international law and political studies. She has advised and evaluated a broad spectrum of initiatives by non-governmental, bi- and multilateral organisations. Michaela contributed to the Transparency International Women, Land and Corruption Programme as an advisor and facilitator.

**Mino Ramarosan** is the Regional Coordinator for Africa and the Huairou Commission's Global Land specialist and has worked for many years in rural development and land governance in Africa.

**Amanda Richardson** is a co-founder and Program Director at Resource Equity. She is an attorney and land tenure specialist with research, program design and analysis, project management, and public policy experience. She has worked on the intersection of women and land rights in India, Ghana, Kenya, Kosovo, Liberia, Rwanda, South Africa, Tanzania, and Nepal.

**Lilian Zawedde Senteza** is the Information and Communication Officer and also serves as the Gender Officer for TI Uganda. She has over 8 years working experience in media, outreach, governance and programme management. She holds a Bachelors Degree in Library and Information Science from Makerere University as well as a Post Graduate Diploma in Public Policy and Governance.

**Andrea Stäritz** is a German journalist and consultant based in Abuja. She created Land Justice 4 West Africa as a digital platform on land rights in West Africa for Heinrich Boell Stiftung Nigeria and co-authored the Manual for Investigative Journalists on Land Rights published by Transparency International.

**Gerald Dan Yeakula** is the Program Manager for CENTAL, the National Chapter of Transparency International in Liberia. He works on governance issues related to education, natural resource governance, and the rule of law.

## ABOUT THE CONTRIBUTING ORGANISATIONS

**The Center for Transparency and Accountability in Liberia (CENTAL)** is the national chapter of Transparency International in Liberia. Founded in May 2004, the organisation is registered as non-profit corporation and accredited by the Ministry of Finance and Development Planning. CENTAL coordinates the following coalitions: Coalition for Transparency and Accountability in Education (COTAE), Liberia Oil and Gas Initiative (LOGI) and is a member of National Civil Society Council of Liberia. For more information, visit their website [tiliberia.org](http://tiliberia.org)

**Ghana Integrity Initiative (GII)** is the national chapter of Transparency International in Ghana. GI was launched in December 1999 as a non-partisan, non-profit civil empowerment organization focused on the delivery of essential themes necessary for the creation of a National Integrity System. GI's strategy and all its activities are rooted in its core values: integrity, transparency, accountability, independence, impartiality, objectivity and cooperation. For more information, visit their website [tighana.org](http://tighana.org)

**Huairou Commission** is a global coalition that empowers grassroots women, founded in 1995. It develops strategic partnerships and linkages among grassroots women's organisations, advancing their capacity to collectively influence political spaces on behalf of their communities and enhance their sustainable, resilient community development practices. The commission holds consultative status with the UN and actively participates in UN conferences and processes. While its global secretariat is located in Brooklyn, NY, the main governing structure of the Huairou Commission is the Global Advisory Board, made up of representatives from 6 main Member Networks. For more information, visit their website [huairou.org](http://huairou.org)

**InsightShare** is a community development organisation specialising in Participatory Video as a means of supporting communities to explore their issues and devise solutions to the challenges they face. They have facilitated hundreds of projects in over sixty countries, working with diverse communities to address a variety of issues including: women's rights, peace-building, food sovereignty, climate change, indigenous cultures and traditions, land and corruption, and many more. For more information, visit their website [insightshare.org](http://insightshare.org)

**International Justice Mission (IJM)** is a non-governmental organisation focused on human rights, law and law enforcement. Founded in 1997 by lawyer Gary Haugen of the United States, it is the world's largest international anti-slavery organisation. IJM's global team includes more than 750 lawyers, investigators, social workers, community activists and other professionals at work through 17 field offices. Their work includes; rescuing victims, bringing criminals to justice, restoring survivors, and strengthening justice systems. For more information, visit their website [ijm.org](http://ijm.org)

**International Land Coalition (ILC)** is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's over 200 members is to realise land governance for and with people at the country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land. The ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. For more information, visit their website [landcoalition.org](http://landcoalition.org)

**Resource Equity** is a women-run, women-focused organization, founded by four female lawyers who have more than 45 years combined experience working to advance women's land and resource rights. Resource Equity works with women and men around the world to improve women's access to, use of, and control over land and resources, by advocating for changes to laws, policies, and programs so that women can have rights to land, and by helping people to make these changes happen. For more information, visit their website [resourceequity.org](http://resourceequity.org)

**Transparency International Cameroon** is a non-governmental organisation working against corruption, for the promotion of democracy and good governance in Cameroon. Registered in 1990, TI Cameroon supports local initiatives against corruption. For more information, visit their website [ti-cameroon.org](http://ti-cameroon.org)

**Transparency International Kenya** is a not-for-profit organisation founded in 1999 with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. Their mission is to transform the society and institutions by supporting the development of high integrity leadership in all sectors and at all levels. For more information, visit their website [tikenya.org](http://tikenya.org)

**Transparency International-Initiative Madagascar** was created in 2000 by a group of Madagascan citizens interested in fighting corruption. Their goal is to contribute to the fight against corruption in Madagascar, by promoting principles of transparency, accountability, and integrity. For more information, visit their website [transparency.mg](http://transparency.mg)

**Transparency International Sierra Leone** is a non-profit, non-governmental anti-corruption advocacy civil society organisation, established as a taskforce in 2001 under Campaign for Good Governance, formerly known as the National Accountability Group. TI Sierra Leone's vision is to have a country in which the government, business community, private sector, civil society and the daily lives of the people are free from corruption and its negative effects. For more information, visit their website [tisierraleone.org](http://tisierraleone.org)

**Transparency International Uganda** is a registered NGO working to create towards a Uganda free of corruption. The organisation was founded in 1993 as a pressure group to bring together peoples' voluntary initiatives to enhance accountability, transparency and integrity among all Ugandans. The organisation has since grown from a mere pressure group, whose membership composition was largely lawyers and eminent Ugandans, to an autonomous NGO registered with the Uganda NGO Bureau. For more information about the work of Transparency International Uganda, visit their website [tiuganda.org](http://tiuganda.org)

**Transparency International Zimbabwe** is a non-profit, non-partisan, systems oriented local chapter of the international movement against corruption. Its broad mandate is to fight corruption and related vices through networks of integrity in line with the Global Strategy. TI Zimbabwe believes corruption can only be sufficiently tackled by all citizens including people at grassroots level. For more information, visit their website [tizim.org](http://tizim.org)

**TIMBY (This Is My Back Yard)** is a start-up composed of a team of journalists, scientists, designers, security experts and technologists living and working in Africa. They aim to assist grassroots communities to resist land grabs, company abuses, corruption and poor governance, conflict and environmental destruction. They use a reporting app, investigation dashboard and story-telling tool to demand accountability from public and private institutions. For more information, visit their website [timby.org](http://timby.org)

**Uganda Community Based Association for Women & Children Welfare (UCOBAC)** is a non-partisan, Non-Government Organization dedicated to promoting and improving socio-economic welfare of the most vulnerable individuals, families and communities in Uganda. UCOBAC's main objective is to identify and define the needs of vulnerable women and children, while strategically developing programs that address priority areas. For more information, visit their website [ucobac.org](http://ucobac.org)

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