

TOOLS FOR GENDER RESPONSIVE LAND
GOVERNANCE IN THE IGAD REGION



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

A Practice Manual on Mainstreaming Gender in Land Reforms



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This Practice Manual for Mainstreaming Gender in the Implementation of Land Reforms is a reference tool that provides administrators, technicians and professionals working in the land sector with guidance and examples of best practices – what has worked, where, why and how – for achieving gender equality and equity in land for the IGAD Region. It is also applicable and relevant to all national and local government officials, civil society groups, academia, and media.

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EDITOR'S NOTE

The “Improving Land Governance in the IGAD Region” project aims at facilitating implementation of the AU Declaration on Land Issues and Challenges in accordance with the Framework and Guidelines on Land Policy in Africa, to facilitate access to land and security of land rights for all land users in the IGAD region, especially vulnerable groups such as pastoralists, women, and youth. The countries in the IGAD region have different laws governing land because of their colonial history, diversity of cultural and religious norms, and endowment with natural resources. They are also at various levels in undertaking land reforms. The region is characterized by political instability, with the largest number of refugees and internally displaced persons (IDPs) on the continent. Desertification, climate variability and climate change are major concerns in this region, a region that has substantial desert mass. Drought and floods pose serious challenges for land management. These circumstances have also meant that people move across borders either as climate or conflict refugees.

Furthermore, transnational processes in the IGAD region do not only include transnational social movements, migration, communities, and citizenship, but also religions or various cultural practices. These have become the drivers and retainers of change in land governance in the IGAD region and have had implications on the rights of women to land from a regional perspective.

Despite the growing pace of land reforms in the IGAD Region, conflicts between customary resource users, concessionaires (such palm oil and pulp and paper industries) and government agencies, as well as between central, provincial and district level governments have proceeded apace with negative consequences for the tenure security of local communities. Thus, a broad range of issues including overlapping rights regimes, conflicting claims, inconsistencies of legal mandates and practices among government agencies at different governance levels, capacities and motivations of reform implementing agencies and a lack of

responsiveness to gender inequality continue to undermine tenure security.

Effective and equitable land reform implementation may strengthen or even secure the rights of women and marginalized groups, assuring benefits streams to resource users and fostering incentives for sustainable land use and management.

The objective of developing this Manual is to improve the way knowledge about land reforms is understood, communicated, and used so that decision-makers, practitioners, and decentralized land governance structures, both formal and informal, are well equipped to develop and implement gender responsive policies and projects that support land tenure security, livelihoods, and sustainable land management. This manual is a practitioners' toolbox and consists of an array of approaches for equitable and effective land reform implementation. This manual among others provides guidance on:

- How to undertake a gender analysis of land reform
- Developing and implementing gender responsive approaches in land reform
- How to integrate gender issues into land reform programme development
- How to integrate gender equality in land reform programme budget allocations
- Mainstreaming gender into land reform project and programme implementation
- How to undertake gender sensitive project and programme monitoring and evaluation

While this Manual is directed primarily towards land administrators, its contents should also be relevant to those working in broader development projects and programmes. We hope that this manual will be a standard manual on integrating gender into land reform implementation programmes.

Esther Obaikol
Coordinator IGAD Land Governance Program

ACRONYMS AND ABBREVIATIONS

ACHPH	African Charter on Human and People's Rights
ADR	Alternative Dispute Resolution
AfDB	African Development Bank
ALPC	African Land Policy Centre
AU	African Union
AUC	African Union Commission
BFA	Beijing Platform for Action
CAADP	Comprehensive Africa Agriculture Development Programme
CEDAW	Convention on the Elimination of all forms of Discrimination Against women
CBOs	Community Based Organizations
CSOs	Civil Society Organizations
EAC	East African Community
ECOSOC	Economic and Social Council
FAO	Food and Agricultural organization
F&G	Framework and Guidelines on Land Policy in Africa
FGM	Female Genital Mutilation
GAD	Gender and Development
GAP	Gender Action Plan
GRB	Gender Responsive Budgeting
IGAD	Inter-Governmental Authority on Development
LGU	Land Governance Unit
M&E	Monitoring and Evaluation
NGOs	Non-Governmental Organizations
PGN	Practical Gender Needs
RECs	Regional Economic Commissions
RFC	Revised Federal Family Code
SDGs	Sustainable Development Goals
SGN	Strategic Gender Needs
SHRHR	Sexual Health and Reproductive Health Rights
ToR	Terms of Reference
UN	United Nations
UNECA	UN Economic Commission for Africa
WID	Women in Development

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KEY TERMS AND CONCEPTS

Gender

This refers to the socially and culturally constructed differences between men and women; as distinct from sex which refers to their biological differences. The social constructs vary across cultures and time.

Sex

Sex refers to the biological and physiological differences between males and females as determined by nature. It is God-given, universal, and non-changeable.

Social construction of gender

Refers to how society values and allocates duties, roles and responsibilities to women, men, girls and boys. This differential valuing creates the gender division of labour and determines differences in access to benefits and decision-making which in turn influences power relations and reinforces gender roles. This is done at various levels of gender socialization including family, religion, education, culture, peers, and the media.

Gender and culture

Culture refers to people's way of life, systems of beliefs, values, rituals, interaction patterns and socialization which determine attributes, roles, responsibilities, and expectations in a society. It determines what the society wants and expects from women, men, girls, and boys.

It defines the status and power relations between women, men, girls, and boys. Gender concerns are a result of cultural context and socialization in society. For example, preference for a boy to a girl child, inheritance to property, naming systems, initiation ceremonies, marital practices, gender-based violence etc.

Gender roles

Gender roles are reflected in activities ascribed to men and women based on perceived differences which are reinforced through the gender division of labour. This arises from the socialization of individuals from the earliest stages of life through identification with

specific characteristics associated with being male or female.

Gender relations

It refers to social relationships between men and women within a specified time and place. These social relationships explain the differences in power relations between the sexes. In most societies, power relations tend to be hierarchical in nature, with men being at the top of the hierarchy.

Gender stereotypes

Stereotypes are structured sets of beliefs about the personal attributes, behaviours, roles of a specific social group or person. Gender stereotypes are biased and often exaggerated images of women and men which are used repeatedly in everyday life.

Gender division of labour

It relates to the different types of work that men and women do as a result of their socialization and accepted patterns of work within a given context.

Gender analysis

This is the process of examining roles and responsibilities or any other situation regarding women and men, boys and girls, with a view to identifying gaps, raising concerns and addressing them; investigating and identifying specific needs of girls and boys, women and men for policy and programme development and implementation.

Gender issue

This is a point of gender inequality that is undesirable and therefore requires an intervention. It results from some form of gender discrimination or oppression. A gender issue arises when there is inequality, inequity or differentiated treatment of an individual or a group of people purely based on social expectations and attributes of gender. Gender issues are sometimes called gender concerns.

Gender practical needs/interests

These are needs related to the roles of reproduction, production, and community work of men and women which, when met, do not necessarily change their relative position/condition in society, which arise from the gender roles. Examples: water, food, shelter, etc. Gender practical needs are recurrent or iterative in nature.

Gender strategic needs/interests

Refers to a higher level of needs of women and men which, when met, help change their status in society. Examples of such needs are decision-making and access to and control over productive resources, information, education, training for skills etc. Gender strategic needs are transformative in nature.

Gender sensitivity

This is the ability to perceive or identify existing gender differences, issues, and equalities, and incorporate these into strategies and actions.

Gender responsiveness

This is planning and implementing activities that meet identified gender issues/concerns that promote gender equality.

Gender transformation

It describes a situation where women and men change their way of thinking from patriarchal towards a gender equality perspective.

Gender blindness

This term refers to the failure to recognize that the roles and responsibilities of men/boys and women/girls are assigned to them in specific social, cultural, economic, and political contexts and backgrounds. Projects, programmes, policies and attitudes which are gender blind do not consider these different roles and diverse needs. They maintain the status quo and will not help transform the unequal structure of gender relations.¹

Gender (or sexual) division of labour

This is an important concept in basic gender analysis that helps deepen understanding about social relations as an entry point to sustainable change through development. The division of labour refers to the way each society divides work among men and women, boys, and girls, according to socially established gender roles or what is considered suitable and valuable for each sex. Anyone planning a community intervention needs to know and understand the division of labour and allocation of assets on a sex-and-age disaggregated basis for every community affected by development interventions.

Gender discrimination

Gender discrimination is defined as: 'Any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.'²

Gender equality

Refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.³

Gender equity

The preferred terminology within the United Nations is gender equality, rather than gender equity. Gender equity denotes an element of interpretation of social

1 UNICEF, UNFPA, UNDP, UN Women. 'Gender Equality, UN Coherence and You'

2 United Nations, 1979. 'Convention on the Elimination of All Forms of Discrimination Against Women'. Article 1

3 UN Women, OSAGI Gender Mainstreaming – Concepts and Definitions

justice, usually based on tradition, custom, religion or culture, which is most often to the detriment to women. Such use of equity in relation to the advancement of women has been determined to be unacceptable. During the Beijing conference in 1995 it was agreed that the term equality would be utilized. This was later confirmed by the CEDAW committee in its General Recommendation 28: 'States parties are called upon to use exclusively the concepts of equality of women and men or gender equality and not to use the concept of gender equity in implementing their obligations under the Convention. The latter concept is used in some jurisdictions to refer to fair treatment of women and men, according to their respective needs. This may include equal treatment, or treatment that is different but considered equivalent in terms of rights, benefits, obligations and opportunities'.⁴

Gender equity in access to land

The rules of land tenure reflect the structure of power and beliefs in society. People who are landless or who have weak rights to land are usually those without power. In some societies, women cannot hold rights to land independently of their husbands or male relatives. Their rights are also often different from those of men. 'Gender equity in rights to land can increase women's power in social and political relationships. Providing secure rights to land for women can increase their social and political status, confidence, security and dignity. Land rights often lead to other benefits in society including participation in community decision-making, elections and other socio-economic activities ... Having rights to land may help to empower women in their negotiations with other household members, and with the community and society at large' (FAO, 2004).

Gender identity

Women's and men's gender identity determines how they are perceived and positioned in a society, and how they are expected to think and act along traditional views of masculinities and femininities.

Gender mainstreaming

The process of assessing the implications for women and men of any planned action, including legislation,

policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres (United Nations, 1997).

Gender mainstreaming is not an end in itself, but a means to an end. The calls for increased gender mainstreaming in the Economic and Social Council (ECOSOC) Agreed Conclusions (1997/2) are not for increased gender balance within the United Nations but for increased attention to gender perspectives and the goal of gender equality in the work of the United Nations. Gender mainstreaming does not only entail developing separate women's projects within work programmes, or even women's components within existing activities in the work programmes, it requires that attention is given to gender perspectives as an integral part of all activities across all programmes. This involves making gender perspectives – what women and men do and what resources and decision-making processes they have access to – more central to all policy development, research, advocacy, development, implementation and monitoring of norms and standards, and planning, implementation and monitoring of projects.

Gender mainstreaming was established as an inter-governmental mandate in the Beijing Declaration and Platform for Action on Gender Equality and Women's Empowerment in 1995 (BPFA), and again in the ECOSOC Agreed Conclusions in 1997. The mandate for gender mainstreaming was considerably strengthened in the outcome of the General Assembly special session to follow-up the Beijing Conference (June 2000). Gender mainstreaming is not being imposed on governments by the United Nations. Member states have been involved in the intergovernmental discussions on gender mainstreaming since the mid-1990s and have, in consensus, adopted mainstreaming as an important global strategy for promoting gender equality.

Fairness of treatment for women and men, according to their respective needs. This may include equal treatment that is different, but which is considered equivalent in terms of rights, benefits, obligations and

4 UN Women, OSAGI Gender Mainstreaming – Concepts and Definitions; Committee on the Elimination of Discrimination Against Women (2010), General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women

opportunities. In the development context, a gender equity goal often requires built-in measures to compensate for the historical and social disadvantages of women. Gender equity denotes an element of interpretation of social justice, usually based on tradition, custom, religion or culture, which is most often to the detriment to women. Such use of equity in relation to the advancement of women is unacceptable (IFAD 2001).⁵

Gender norms

Ideas about how men and women should be and act. We internalize and learn these 'rules' early in life. This sets up a lifecycle of gender socialization and stereotyping. Put another way, gender norms are the standards and expectations to which gender identity generally conforms, within a range that defines a particular society, culture and community at that point in time.

Gender planning

An active approach to planning which takes gender as a key variable and seeks to integrate an explicit gender dimension into policies.⁶

Gender responsive budgeting

Refers to the process of conceiving, planning, approving, executing, monitoring, analysing and auditing budgets in a gender-sensitive way. Involves analysis of actual expenditure and revenue (usually of governments) on women and girls as compared to expenditures on men and boys.

Gender roles

Refer to social and behavioural norms that, within a specific culture, are widely considered to be socially appropriate for individuals of a specific sex. These often determine the traditional responsibilities and tasks assigned to men, women, boys and girls (see gender division of labour). Gender-specific roles are often conditioned by household structure, access to resources, specific impacts of the global economy, occurrence of conflict or disaster, and other locally relevant factors

such as ecological conditions. Like gender itself, gender roles can evolve over time, in particular through the empowerment of women and transformation of masculinities.⁷

Gender statistics

Reflect differences and inequalities in the situation of women and men in all areas of life: their specific needs, opportunities and contributions to society. In every society, there are differences between what is expected, allowed and valued in a woman and what is expected, allowed and valued in a man. These differences have a specific impact on women's and men's lives throughout all life stages and determine, for example, differences in health, education, work, family life or general well-being. Producing gender statistics entails disaggregating data by sex and other characteristics to reveal those differences or inequalities and collecting data on specific issues that affect one sex more than the other or relate to gender relations between women and men. Gender statistics should also reflect differences and inequalities in the situation of women and men. In other words, concepts and definitions used in data collection must be developed in such a way as to ensure that the diversity of various groups of women and men and their specific activities and challenges are captured. In addition, data collection methods that induce gender bias in data collection, such as underreporting of women's economic activity, underreporting of violence against women and undercounting of girls, their births and their deaths should be avoided.⁸

Gender stereotypes

A generalized view or preconception about attributes or characteristics that are or ought to be possessed by, or the roles that are or should be performed by women and men. A gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and make choices about their lives and life plans. Harmful stereotypes can be both hostile/negative (e.g., women are irrational) or seemingly benign (e.g., women are nurturing). It is for example based on the stereotype that women are more nurturing that

5 Njuki, J., Waithanji, E., Bagalwa, N and Kariuki, J. 2013. Guidelines for Integrating Gender in Livestock Projects and Programs. Nairobi, Kenya: ILRI pg.3

6 <https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-planning>

7 Source: UNICEF, UNFPA, UNDP, UN Women. 'Gender Equality, UN Coherence and You'

8 Input by the UN Environment Programme into the Gender Strategy; E-mail 26 October 2017

child rearing responsibilities often fall exclusively on them. Gender stereotyping refers to the practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his membership in the social group of women or men. Gender stereotyping is wrongful when it results in a violation or violations of human rights and fundamental freedoms. An example of this is the failure to criminalize marital rape based on societal perceptions of women as the sexual property of men. Compound gender stereotypes can have a disproportionate negative impact on certain groups of women, such as women in custody and conflict with the law, women from minority or indigenous groups, women with disabilities, women from lower caste groups or with lower economic status, migrant women, etc.⁹

Marginalization

The powerlessness and exclusion experienced by a group, resulting from an inequality of control of 'resources and power structures' within society.¹⁰

Masculinity

A gender perspective, or way of analysing the impact of gender on people's opportunities, social roles and interactions, allows us to see that there is pressure on men and boys to perform and conform to specific roles. Thus, the term masculinity refers to the social meaning of manhood, which is constructed and defined socially, historically and politically, rather than being biologically driven. There are many socially constructed definitions for being a man and these can change over time and from place to place. The term relates to perceived notions and ideals about how men should or are expected to behave in a given setting. Masculinities are not just about men; women perform and produce the meaning and practices of the masculine as well.¹¹

Patriarchy

This term refers to a traditional form of organizing society which often lies at the root of gender inequality. According to this kind of social system, men, or what is considered masculine, is accorded more importance

than women, or what is considered feminine. Traditionally, societies have been organized in such a way that property, residence, and descent, as well as decision-making regarding most areas of life, have been the domain of men. This is often based on appeals to biological reasoning (women are more naturally suited to be caregivers, for example) and continues to underlie many kinds of gender discrimination.

Sex-disaggregated data

Sex-disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. Sex-disaggregated data reflect roles, real situations, general conditions of women and men, girls and boys in every aspect of society. For instance, the literacy rate, education levels, business ownership, employment, wage differences, dependants, house and land ownership, loans and credit, debts, etc. When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities. Sex-disaggregated data is necessary for effective gender analysis.¹²

Sexual and reproductive health and reproductive rights (SRH&RR)

Taken together, sexual and reproductive health and reproductive rights can be understood as the right for all, whether young or old, women, men or transgender, straight, gay, lesbian or bisexual, HIV positive or negative, to make choices regarding their own sexuality and reproduction, providing they respect the rights of others to bodily integrity. This definition also includes the right to access information and services needed to support these choices and optimize health.¹³

Social inclusion

The process of improving the terms on which individuals and groups take part in society – improving the ability, opportunity, and dignity of those disadvantaged on the basis of their identity.

9 <http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/GenderStereotypes.aspx> accessed 2 January 2017

10 <https://www.megaessays.com/viewpaper/23571.html>

11 UNICEF, UNFPA, UNDP, UN Women. 'Gender Equality, UN Coherence and You'

12 UNICEF, UNFPA, UNDP, UN Women. 'Gender Equality, UN Coherence and You'; UNESCO (2003) Gender Mainstreaming Implementation Framework

13 UNICEF, UNFPA, UNDP, UN Women. 'Gender Equality, UN Coherence and You'

Social exclusion

Process by which individuals or groups of people are systematically denied access to rights, opportunities, and/or services based on various axes, e.g., age, gender, sexual orientation, geography, disability, etc.

Social norms

Social norms can be understood as either 'what most people think and do' or, alternatively, 'what individuals believe most people think and do'. As such, social norms are about what's considered normal or ought to be normal in a given context and situation.

Unpaid care work

Unpaid care work includes all those activities that go towards the well-being of people, including caring for a household such as cooking, cleaning, collecting water and firewood, caring for the ill, elderly and children, and caring for the community when these activities are done for no pay. Note that this does not include unpaid work which is not care such as unpaid labour on family farms or in household enterprises (USAID, 2016).

Access rights to land

The local and/or legally recognized right to enter and use a physically defined area. Access rights may be obtained through family or group membership or through legally sanctioned processes such as allocation, purchase and inheritance. Rights may be defined in terms of location, time, use and the individual's relationship to the community (IIED, 2000. Quoted by USAID, 2013).

Collective ownership

A situation where holders of land rights are clearly defined as a group and have the right to exclude others from the enjoyment of those land rights (GTZ, 2000; USAID 2013). Collective ownership of a natural resource refers to a situation where the holders of rights to a given natural resource are clearly defined as a collective group, and where they have the right to exclude third parties from the enjoyment of those rights (Deininger *et al.* 2011).

Common property

Common property refers to situations in which entitled beneficiaries hold specified rights in common to specific areas of land, land-based natural resources or other types of property. For example, community members can use a common pasture for grazing their cattle independently of one another. The community controls the use of the common property and can exclude non-members from using it. Common property in this sense is distinct from 'open access systems' where there is no control over access and no one can be excluded (FAO, 2003).

Communal property/ownership (see also customary tenure)

Communal ownership is a commonly used term to describe those situations where rights to use resources are held by a community. While these rights may include communal rights to pastures and forests, they may also include exclusive private rights to agricultural land and residential plots (FAO, 2003). The community, which may be designated as a village-based or more geographically dispersed community, or a clan or a lineage, is considered to be the landholder. As such, it can allocate extended use rights on specific land areas to households, individuals, or specific groups. Those who are allocated the rights can transfer this land by inheritance but are generally not, in principle, permitted to sell it without sanction by the group as a whole or by a community leader. Under certain circumstances, the community can reallocate the land to somebody else.

Community land rights

Community land rights are collective rights of land ownership, access or use held or exercised in common by members of a community. Community or 'communal' land is land over which a community has collective rights of ownership or access and use. The community may or may not have legally recognized ownership over the land. In some cases, for instance, the state may be considered the owner of the land claimed by the community. In certain countries (for example much of southern Africa) 'communal land' is a formal category distinct from, for example, public and private land. As it is normally managed according to customary rules or principles through customary authorities of some sort, communal land is frequently equivalent to 'customary land'. However, as formal private property

rights can sometimes be established within communal land areas, the term 'customary land' should preferably be used when the land is held, transferred and managed according to local socially embedded historical tradition.

Customary tenure

Customary tenure refers to the communal possession of rights to use and allocate agricultural and grazing land by a group sharing a set of common rules and principles, established by customary practice, and often rooted in a shared cultural identity. Customary tenure and land rights are usually opposed to statutory tenure and rights, which are rights that originate in state legal systems. Customary tenure often involves specification and shared understanding of the rules or principles whereby land rights are negotiated by individuals, rather than substantive definitions of specific rights. The nature and extent of the rights to use the land depends on the agreement between the community or customary authorities that represents it and the person receiving the rights. Within the group, established customary principles, institutions or authorities may be invoked to defend or protect these rights against other claims regarding the land (Bruce with Holt, 2011).

Equality of Outcome

Sometimes also referred to as 'substantive equality' and refers to the insight that equality of opportunity may not be enough to redress the historical oppression and disadvantage of women. Because of their different positions in society, women and men may not be able to take advantage of equal opportunities to the same extent. In some cases, equal opportunities can actually have a negative impact on women's well-being, if women exert time and energy to take advantage of them with no result. In order to ensure that development interventions result in equality of outcome for women and men, it is necessary to design them on the basis of gender analysis. 'Equal' treatment therefore does not mean 'the same' treatment (UNDP 2005).

Formal tenure

Formal tenure designates various forms of socially agreed land holdings and occupancy status of the dwelling unit and related obligations (in terms of planning, construction and other form of development)

that comply with government laws and regulations (UN-Habitat, 2011).

However, formal tenure does not necessarily imply social sanction only by the state, but could also include sanction by, for example, a private corporate body or traditional authority (this is recognized in the definition of customary tenure, which should not be regarded as always equivalent to informal). This sanction or formal recognition also needs to be incorporated into some sort of written legal document or other institutional or symbolic mechanism that designates the formally recognized character of the rights. When doing gender analysis, one should look at women's and men's:

- Different roles/division of labour: Who does what? Who decides?
- Access to and control over benefits/assets/resources/opportunities: Who has access to which resources? Who has control over which resources, e.g., land, money, credit, skills, time, etc., and decision-making power? Who benefits more?
- Priorities, needs and responsibilities: What are the *practical needs* of women and men in the sector/context? What are the strategic needs of women and men in the sector/context? What is the socio-economic context? How are the elements identified in questions 1 (roles) and 2 (access to and control over resources) above shaped by structural factors (demographic, economic, legal, and institutional) and by cultural, religious, and attitudinal ones?

Gender analytical information

Gender analytical information is qualitative information on gender differences and inequalities. Gender analysis is about understanding culture, e.g., the patterns and norms of what men and women, boys and girls do and experience in relation to the issue being examined and addressed. Where patterns of gender difference and inequality are revealed in sex disaggregated data, gender analysis is the process of examining why the disparities are there, whether they are a matter for concern, and how they might be addressed (Reeves, H. and Baden, S. 2000).

Gender needs

Leading on from the fact that women and men have differing roles based on their gender, they will also have differing gender needs. These needs can be classified as either strategic or practical needs (UNDP). Women and men have different roles and responsibilities and therefore have different interests/needs. These are called gender interests/needs, practical and strategic. Practical and strategic gender interests/needs should not be seen as separate, but rather as a continuum. By consulting women on their practical gender interests/needs an entry point to address gender inequalities in the longer term (strategic gender interests/needs) can be created (C. Moser 1993).

Practical gender needs (PGN)

These are gender needs that women and men can easily identify, within their socially constructed roles in society, as they relate to living conditions. PGNs do not challenge, although they arise out of, gender divisions of labour and women's subordinate position in society. PGNs are a response to immediate and perceived necessity, identified within a specific context. They are a response to an immediate perceived necessity identified within a specific context, such as access to clean water or access to land and forest resources. They are practical in nature and often concern inadequacies in living conditions (Anna Zobnina, 2009).

Strategic gender interests/needs

Strategic gender needs are the needs women identify because of their subordinate position in society. They vary according to particular contexts, related to gender divisions of labour, power and control, and may include issues such as legal rights. Meeting SGNs assists women in achieving greater equality and change existing roles, thereby challenging women's subordinate position. They are more long term and less visible than practical gender needs. Strategic gender interests question women's socially constructed role, demanding greater equality and a change in existing roles (Anna Zobnina, 2009).

Gender roles

A set of prescriptions for action and behaviour assigned to men and women by society according to cultural norms and traditions. Gender roles are learned behaviours in a given society/community, or other

particular groups, that condition which activities, tasks and responsibilities are perceived as male and female. Gender roles are affected by age, class, race, ethnicity, religion and by the geographical, economic and political environment. Changes in gender roles often occur in response to changing economic, natural or political circumstances, including development efforts. Both men and women play multiple roles in society. The gender roles of women can be identified as reproductive, productive and community managing roles, while men's roles are categorized as either productive or community politics. Men are able to focus on a particular productive role and play their multiple roles sequentially. Women, in contrast to men, must play their roles simultaneously, and balance competing claims on time for each of them (Anna Zobnina, 2009).

- **Productive roles:** Refer to the activities carried out by men and women in order to produce goods and services either for sale, exchange, or to meet the subsistence needs of the family.
- **Reproductive roles:** Refer to the activities needed to ensure the reproduction of society's labour force. This includes childbearing, rearing, and care for family members such as children, elderly, and workers. These tasks are done mostly by women.
- **Community managing role:** Activities undertaken primarily by women at the community level, as an extension of their reproductive role, to ensure the provision and maintenance of scarce resources of collective consumption such as water, health care and education. This is voluntary unpaid work undertaken in 'free' time.
- **Community politics role:** Activities undertaken primarily by men at the community level, organizing at the formal political level, often within the framework of national politics. This work is usually undertaken by men and may be paid directly or result in increased power and status.
- **Triple role/multiple burden:** These terms refer to the fact that women tend to work longer and more fragmented days than men as they are usually involved in three different gender roles – reproductive, productive and community work.

Indigenous land rights

Indigenous land rights are rights specific to a particular ethnic group, having evolved through interaction of culture and environment and overseen by authorities whose legitimacy is based on occupation and spiritual ties to the locality (IIED, 2000; GTZ, 2000; USAID, 2013). Note that recognition of Indigenous Peoples' rights to lands, territories and resources has increased in recent years at both the international and domestic levels. However, many of the gains made on paper have yet to be realized in practice, and the laws of many states remain substandard in relation to human rights guarantees. Violations of Indigenous Peoples' land and resource rights, coupled with attendant violations of economic, political, spiritual, social and cultural rights, are all too common (FAO, 2004).

Land

Land is both a physical commodity and an abstract concept in that the rights to own or use it are as much a part of the land as the objects rooted in its soil. From this perspective, land can be characterized by physical and environmental criteria; by its uses; by the tenure status of its holders or occupants, whether customary or statutory; and by the rights it gives access to. These characteristics reflect different appreciations of the use and the social and economic functions of land. 'Land and its use may be examined from many different points of view. From an ecological perspective, land plays a vital role in the breeding and survival strategies of many living species.' Land is also defined as 'something over which individuals or communities have rights of ownership and use, that can be bought and sold and be subject to tax, and that is the basis of economic production'. Land can then be seen as a transferable or marketable asset. These various characteristics on land are complementary but they can also be contradictory or conflicting (UNECE, 1996).

Land access

Land access involves having the right to do certain things with the land. It may include the rights to use (and not to use) the land; decide how the land is used; enjoy what is produced from the land (e.g., food, shelter or profits); exclude people from the land; transfer land rights through gift, inheritance, sale, or lease; use land as security for loans; use other resources related to the land (FAO, 2006). 'Access to land is not just

about ownership. There are many rights that may be held by different people in a parcel of land, and together they make up a complex bundle of rights similar to a bundle of sticks. Different rights to the parcel of land, such as the right to use the land through a lease, the right to travel across the land, or the right to use the fruit from certain trees, may be pictured as sticks in the bundle' (ibid.).

Land conflict/land disputes

Land conflicts and land disputes are frequently associated with each other, although they do not have the exact same meaning. If we refer to the usage of these concepts in the literature, we can say that land disputes refer to disagreements between parties about specific aspects of land use or specific land rights, such as boundaries, transfers and legitimate uses, although these may extend to disputes over ownership or property rights. In contrast, land conflicts tend to refer to broader, deeper and more longstanding social conflicts between parties, which revolve around their interests in ownership and control of land and how it is to be used or developed.

Land conflict or dispute resolution

These terms designate (i) the process of resolving or settling claims between parties. Resolution mechanisms may exist through formal court structures, less formal though legally sanctioned procedures, traditional customary mechanisms, or various forms of arbitration (USAID, 2013); and (ii) the settlement of conflict between groups or individuals. The factors determining how societies deal with internal disputes are related to the formal authority structures of courts and written law or traditional authority structures of family, village councils, and leadership figures. The existence of different mechanisms and bodies for dispute resolution can raise opportunities for specialized fora and rules of procedure for different segments of society and different types of disputes. Dispute resolution may be formal (recognized by law and the state administration system for dispute resolution) or informal (such as community-based adjudication or mediation). Decisions made under informal resolution mechanisms are not always legally binding (IIED, 2000).

Land governance

Can be defined as (i) 'the bundle of rules, rights, policies, processes, institutions and structures created to

manage the use, allocation, access to, control, ownership, management, and transfer of land and natural resources found on land' and (ii) 'the rules, processes and structures through which decisions are made regarding access to and use (and transfer) of land, the manner in which those decisions are implemented and the way that conflicting interests in land are managed' (FAO (2007).

This proposed definition highlights three important dimensions of land governance: (1) institutions; (2) quality of decision-making and the translation into action; and (3) managing conflicting interests, which involves consideration of equity issues (UN-Habitat, 2011).

Land ownership

The term land ownership is subject to different interpretations. A working definition that corresponds broadly with common usage is that it refers to rights holders, whether individuals or some form of corporate group with multiple individual members, that have either real property rights or personal property rights to land that are recognized in law, and thereby they hold authority over the use of land by others. In a more restrictive interpretation, land ownership is considered to be the strongest form of property rights in land that is recognized in law, equivalent to real property rights, or freehold rights in English law, including a right to possess and use the land in perpetuity, the right to exclude others, the right to pass land to heirs by will or intestacy, and the right to transfer the land to others, either temporarily or permanently.

In common usage, land ownership generally corresponds closely to the concept of freehold in English law. It provides the owner with the largest 'bundle of rights'. Freehold, the everyday equivalent of the technical legal term *fee simple absolute*, is full ownership of land in English law. It is the strongest property right recognized by law and includes a right to possess and use the land perpetually, the right to exclude others, the right to pass land to heirs by will or intestacy, and the right to transfer the land to others, either temporarily or permanently (FAO, 2003).

Land reform

Land reform is the generic term for modifications in the legal and institutional framework governing land policy. Land reform is intended to implement changes in land policy that are designed to realize desired

changes in a changing political, economic and social environment (FAO, 2003). The most common types of land reform are probably those dealing with redistribution or reallocation of landholdings in an attempt to improve access rights to certain segments of a society. The process usually involves the breaking up of large landholdings and redistributing the land to landless people or to those who have been working on the larger landholdings (Bruce, IIED, 2000, FAO, 2003, USAID, 2013).

'Land reform' may also be used to refer to the reform of land tenure arrangements to make them more secure, the reform of land administration or land management institutions and the policy and legislative reforms that signal and accompany all of these types of changes.

Land rights

A right to land is a claim to land that is recognized by a social system or government. This definition does not apply only to land rights recognized by the state, but also to rights recognized by a local social system, such as a communal or customary community (Cornu, 2014, Payne *et al.*, 2013). There should be a range of rights in a country that are legally enforceable, and which can be asserted and defended in a forum such as a court. These rights occupy a continuum from real rights guaranteed by the state to other evidence-based and documented rights, such as personal use rights (i.e. permits to occupy), informal rights recognized locally, and the absence of any type of rights (i.e. squatter and illegal occupations).

Land tenure

Refers to the legal regime in which rights in land are exclusively assigned to an individual, a group or another entity, who is said to 'hold' the land. It can be defined as the mode by which land is held or owned, or the set of relationships among people concerning land or its product.

In a broader sense, land tenure is the relationship that individuals and groups hold with respect to land and associated natural resources, or in other words. Land tenure designates the rights (and the responsibilities) that individuals and communities have with regard to land; namely the right to occupy, to use, to develop, to inherit, and to transfer land. Land tenure should thus primarily be viewed as a *social relation* involving a complex set of rules that governs land use and land

ownership, which describes the terms under which land rights are held. While some users may have access to the entire 'bundle of rights' with full use and transfer rights, other users may be limited in their use of land resources (Fisher, 1995). The exact nature and content of these rights, the extent to which people have confidence that they will be honoured, and their various degrees of recognition by public authorities and the concerned communities, have a direct impact on how land is used (Fourie, 1999; Payne *et al.*, 2013; FAO, 2003).

Land tenure regimes

Each form of tenure exists within a regime of legal, institutional and procedural systems, of which the main ones in developing countries are:

- **Customary tenure regimes**, where ownership of the land is vested in the tribe, group or community. Land is allocated by customary authorities, such as chiefs.
- **Statutory (private) tenure regimes** are characterized by (i) ownership in perpetuity (freehold) or for a specified period (leasehold); (ii) rental of privately owned land or property; and (iii) a combination of delayed freehold and rental, in which residents purchase a stake in their property (often 50 per cent) and pay rent on the remainder to the other stakeholder (shared equity).
- **Statutory (public) tenure regimes** are characterized by rental occupation of publicly owned land or a house.
- **Religious tenure regimes:** Within Islamic societies, there are four main categories of land tenure. Waqf land is land 'held for God', whilst mulk, or private lands, are also protected in law; miri, or state-controlled land that carries tassruf or usufruct rights, is increasingly common, whilst musha, or communal land, is based on tribal practices of allocating arable land and is falling into disuse.
- **Non-formal tenure regimes** include a wide range of categories with varying degrees of legality or illegality. They include regularized and un-regularized squatting, unauthorized subdivisions on legally owned land and various forms of unofficial rental arrangements. In some cases, several forms

of tenure may co-exist on the same plot, with each party entitled to certain rights.

Land tenure systems

Access to land and its benefits are governed through land tenure systems. These determine what rights can exist and how the rights are distributed among individuals and groups. In a given jurisdiction, various types of tenure are interrelated and interact with one another, within what can be called a land tenure system. A land tenure system refers to the regulation for the allocation and security of rights in land, transactions of property, the management and adjudication of disputes regarding rights and property boundaries (Land Equity, 2006). It comprises the set of possible bases under which land may be used. As such this range encompasses both rural and urban tenures and includes ownership, tenancy, and other arrangements for the use of land, including non-statutory, or customary ones.

Open access resources

Resources – including land – to which everyone has unrestricted access and that are not considered to be the property of anyone. This does not imply that everyone has equal ability to use the resource. Open access resources may often be confused with common property resources but, unlike common property, under open access there is no explicitly defined collective or shared ownership or management arrangement. Common property resources or collective management arrangements over common property may degenerate into open access in circumstances where shared ownership or resource management arrangements break down or become dysfunctional.

Participation

Effective participation implies that women and men have the potential to articulate their needs and interests and take responsibilities for development actions. Development practice generally has viewed participation in stages – with people participating as passive recipients to active change agents. Gender and rights-based methodologies emphasize the latter.

Property

Property signifies dominion or right of use, control, and disposition, which one may lawfully exercise over

things, objects or land. One basic distinction is between real property and personal property. Real property allows the rights holder to sell, transfer and bequeath (Legal Information Institute, Cornell University), and is thus equivalent to freehold rights. Personal property, however, reflects rights ascribed to people on a personal basis that do not necessarily allow for transfer by sale or inheritance, and which may also be time-limited, although the rights are nonetheless robust.

Property rights

Property rights can be defined as a recognized interest in land or property that is vested in an individual or group and is recognized by the state. Property rights can apply separately to land or development on it. Rights may cover access, use, development, inheritance, or transfer. They can also be defined as the rights that individuals, groups and the state hold with respect to particular land, resources and other assets, and in relation to each other, so there is some overlap between the concepts of land tenure and property rights. Property rights refer to 'a bundle of rights to use, control, and transfer assets, including land'. When we speak about property rights in the context of land, we are largely referring to property rights associated with the 'immoveable' property on land. Property rights are social conventions that reflect agreement among people about how these assets are held, used and exchanged. These include the rights to occupy, enjoy and use; to restrict others from entry or use; to dispose, buy or inherit; to develop or improve; to cultivate; to sublet; to realize financial benefits; and to access services in association with land. Property rights can also include ideas and designs (copyrights, patents, and intellectual materials) (USAID, 2013).

State property

State property is a property owned by the state. Different regimes adopt different approaches to the identification of state property. The feudal system from which English land law stems identifies the Crown (the personification of the state) as the source of all land ownership, as the ultimate owner of all land. In another sense, the state is an owner of land as property in the same way as any other owner, public or private, and will acquire or dispose of land and enjoy the same rights as any other landowner (FAO, 2003).

Statutory tenure

Statutory tenure refers to types of tenure and rights to land and property, and rules and regulations for their allocation and management that originate and are defined in government legislation. The concept is best understood as referring to those forms of tenure that originate in legislation, in contrast to the concept of customary tenure. Where customary tenure is recognized in government legislation, and especially where some form of documentation recognized by the state is provided, the distinction between customary and statutory tenure may become blurred.

Tenure reform

Refers to a planned change in the terms and conditions (e.g., the adjustment of the terms of contracts between landowners and tenants, or the conversion of more informal tenancy into formal property rights). A sweeping change in land tenure usually involves the breaking-up of large estates and the widespread redistribution of the land into smallholdings but may also be land consolidation. The narrow definition is the redistribution of property or rights in land and forests for the benefit of the landless and tenants.

Land tenure reform is usually part of a broader economic and political reform process. In order to reflect the temporal/historical dimension, three 'types' or 'generations' of land reform can be recognized. The first refers to land reform in which land is issued or redistributed by the state according to defined discretionary rules. The second refers to cases in which land is purchased for redistributive purposes, and the third refers to cases in which land reform occurs in the context of a comprehensive supporting institutional framework that enshrines rights and security. And, of equal importance, the third-generation type of land reforms is distinct in that it does not concern itself solely with landless groups, but also seeks to utilize reforms as a means of strengthening the economic and productive potential of existing producers who are constrained by pre-existing tenure arrangements and institutional dysfunction (COAG, 1997).

Tenure security

Tenure security is the right of individuals and groups to effective protection by the state against evictions, i.e., under international law, 'the permanent or temporary

removal against their will of individuals, families and/communities from the home and/or the land they occupy, without the provision of, and access to, appropriate form of legal or other protection'. Security of tenure can then be defined as 'an agreement between an individual or group about land and residential property, which is governed and regulated by a legal and administrative framework. A person or household can be said to have secure tenure when they are protected from involuntary removal from their land or residence by the state, except in exceptional circumstances, and then only by means of a known and agreed legal procedure, which must itself be objective, equally applicable, contestable, and independent' (UN-Habitat, 2004; FAO, 2003). Security of tenure cannot be measured directly, and to a large extent, it is what people perceive it to be. The attributes of tenure security may change from one context to another. For example, a person may have a right to use a parcel of land for a six-month growing season, and if that person is safe from eviction during the season, the tenure is secure. Tenure security can also relate to the length of tenure, in the context of the time needed to recover the cost of investment. Thus, the person with use rights for six months will not plant trees, invest in irrigation works or take measures to prevent soil erosion as the time is too short for that person to benefit from the investment. The tenure is insecure for long-term investments even if it is secure for short-term ones (FAO 2009).

Tenure systems

Determine who can use what resources, for how long, and under what conditions. These systems can be based on written policies and laws as well as unwritten customs and practices. An individual or a group can also hold multiple rights, and these can be bundled together. For example, there can be numerous rights related to the same parcel of land, such as the right to sell the land, the right to use the land through a lease, or the right to travel across the land. Clear tenure rights can provide an incentive for sustainable management and conservation of forests, since those with secure tenure rights have a strong interest in maintaining the resource. Identifying and recognizing legitimate tenure rights, including customary tenure rights, also strengthens accountability and is essential for success in Reducing Emissions from Deforestation and Forest Degradation (FAO 2017).

Use rights

Use rights refer to the right to use land and to benefit from it in accordance with a designated and socially sanctioned purpose, which may also be subject to statutory recognition. Use rights are distinct from ownership or property rights in that they are specific to designated purposes; they are not necessarily exclusive and can be shared or combined with rights held by others on the same land; they may be temporary, seasonal or permanent. Use rights are often linked to membership of a resident community, are a central component of customary rights and are perpetuated by stable and continuous occupation and use of land, confirmed by the work carried out by family farmers (IIED, 2000).

a. Introduction

In 2013, FAO produced a technical guide on governing land for women and men¹⁴ to assist with the implementation of the principle of gender equality in national policies and laws. It identified the translation of policy issues into law as one of the key steps to achieving gender-equitable governance of land tenure. This practice manual relied on recommendations from international organizations and development agencies, including the Women's Economic and Legal Empowerment Database for Africa¹⁵, the Women, Business and the Law Project and the Framework and Guidelines on Land Policy in Africa¹⁶ which have identified good practices for gender-equitable legal frameworks. This range of international standards and good practices serve as a benchmark against which to evaluate the integration of the legal indicators into the national legal and regulatory instruments that affect men and women's tenure rights.

The African Union Strategy for Gender Equality and Women Empowerment (2018-2028) buttressed the IGAD Land Governance Strategy by further emphasizing the need for equality between males and females in sharing of property as a human right. The Strategy is informed by the findings of the 2009 policy evaluation, which translates into gender mainstreaming in all sectors including legislation and legal protection: economic empowerment and peace and security. Aspiration 6 of the African Union's Agenda 2063 too underscores gender equality.¹⁷ The AU applies a rights-based approach to development and the Maputo Protocol guarantees women's choice in all key areas. Most countries in Africa have Constitutions that prohibit discrimination based on sex and recognize socio-economic rights. But there is a significant gap between the provisions for gender equality, and the daily reality for women.

Legislative reform is a pre-requisite, but not the only condition for gender responsive governance, which

involves taking deliberate measures to transform institutions through Gender Governance Systems including Gender Responsive Budgeting (GRB) and the Maputo Protocol: National laws and judicial systems protect and fulfil women's ownership and inheritance rights, education, wage equality, civil liberties and physical integrity as provided for by the African Charter on Human and People's Rights on the Rights of Women (Maputo Protocol). By 2017, more than 80% of AU member states had ratified the Maputo Protocol.¹⁸ The Protocol guarantees comprehensive rights to women including the right to partake in political processes, social and political equality with men, reproductive health, and an end to Female Genital Mutilation (FGM). Institutions and organs of the African Union, Member States, Regional Economic Communities and Civil Society Organizations have the requisite capacity to implement existing commitments, pro-actively forecast and address new challenges and demonstrate accountability.

The world over, good intentions on gender and development have been hampered by failure to match these with strong institutional mechanisms for implementation. This manual hopes to develop gender responsive institutions. It hopes to build the capacity of land governance institutions and organs of the African Union, Member States, Regional Economic Communities and Civil Society Organisations to implement existing gender commitments, pro-actively forecast and address new challenges and demonstrate accountability. Cognizant of the fact that despite the role of women in development, their rights are often undermined by customary practices that go unchecked by formal structures.¹⁹ Building strong institutions (Goal 12 of Agenda 2063) is a key continental objective, and essential to this manual given the relative weakness and marginalization of gender-related institutions. The IGAD Land Governance Strategy also recognizes the funding challenges faced by Gender Structures and programmes aimed at achieving gender equality at a time when their role is more critical than ever, and

14 FAO 2013. Governing land for women and men: A technical guide to support the achievement of responsible gender-equitable governance land tenure. ISBN 978-92-5-107724-5. <http://www.fao.org/3/a-i3114e.pdf>

15 Mary Hallward-Driemeier, Tazeen Hasan. 2012. Empowering Women: Legal Rights and Economic Opportunities in Africa. <https://gsdrc.org/document-library/empowering-women-legal-rights-and-economic-opportunities-in-africa/>

16 AUC-ECA-AfDB Consortium, 2010. Framework And Guidelines On Land Policy In Africa: Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods. https://www.uneca.org/sites/default/files/PublicationFiles/fg_on_land_policy_eng.pdf

17 https://au.int/sites/default/files/documents/36195-doc-au_strategy_for_gender_equality_womens_empowerment_2018-2028_report.pdf.

18 African Commission on Human and Peoples' Rights, October 2017 <http://www.achpr.org/instruments/women-protocol/>

19 5 UN Women Watch fact sheet <http://www.un.org/womenwatch/feature/ruralwomen/facts-figures.html> accessed October 2017.

pledges to support efforts to strengthen these institutions. This goal is premised on The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other subsequent international, regional and national gender equity and equality instruments and programmes. Therefore, as national governments endeavour to undertake land reforms, this manual will equip them with knowledge and skills for engendering the land reforms.

Land in the IGAD region is an important resource for most households. People use land to live on, grow food, keep animals, make their livelihoods, as well as for economic growth, status, social engagement, and cultural practices. It is a cornerstone for community development, peace, and the general wellbeing of individuals, households and the community at large. However, historically, this resource has not been equally shared by all categories of land users. Land rights of women and other disadvantaged/marginalized groups (such as strangers) have, for a long time, been determined by discriminatory customary norms, laws and practices based on patriarchal ideology and other forms of discriminatory beliefs and practices. The degree to which a person has, and benefits from, land tenure security in rural areas traditionally depends in a number of ways upon his/her social status; whether the person is regarded as a 'citizen' of the community, a stranger, male or female, married or in a de facto union; and the traditional or political status accorded to that person by the community members. For example, within customary communities, land passes through male lineages within clans, and males largely control the decision-making, allocation, management, use and inheritance of land.

Regarding the equality of men, women and youth, participation in the management of community land access, use, and ownership will require capacity development for the land sector actors. These actors must understand the social, gender and legal facets of land rights. Developing in-country social and gender equitable land rights skills require having a quorum of people from different stakeholders that will sustain the momentum for capacity development. To respond to the need for skills to catalyse an impactful and meaningful participation of the male and female members of the community in the land reform process embarking on a rigorous capacity development process which covers different aspects of land rights for all.

B. Purpose of the Manual

The purpose of this manual is to provide lines for gendered land reforms in the IGAD region. The aims are:

- To improve the way knowledge about land reforms is understood, communicated and used so that decision-makers, practitioners and decentralized land governance structures, both formal and informal, are well equipped to develop and implement policies and projects that support land tenure security, livelihoods and sustainable land management.
- To provide background information to land administrators and other land professionals on why gender issues matter in land projects.
- To provide guidelines to assist development specialists and land administration agencies in ensuring that land administration enhances and protects the rights of all stakeholders.
- To create enabling conditions for the transformation of knowledge into action and ultimately of policies into practice. This will further contribute to improving land management in the IGAD Member States where land reforms are either already in place, are taking place or will commence.
- To increase capacity of multiple actors to implement land reforms in an equitable and effective manner to secure the rights of local communities (especially women), to enhance their livelihoods and foster sustainable land use and management.
- To lower uncertainties in land reform implementation and pave the way for greater tenure security among local communities.
- To provide guidelines to assist development specialists and land administration agencies in ensuring that land administration enhances and protects the rights of all stakeholders.

This manual will be used to create a pool of trainers in social and gender equitable land rights realization and protection. This manual's core concept is rooted in an understanding that different categories of men and women, boys and girls have distinct development opportunities; experience poverty differently

and face different obstacles in access, use, ownership and control of land and land-based services, access to economic growth resources and participation in decision-making opportunities. As such, the manual will help stakeholders to target interventions towards redressing gender inequalities. This trainers' manual has been developed as part of the IGAD Land Governance Programme's continued capacity development for its Member States. This Manual focuses on the social- and gender-responsive land rights and land governance. The major modules covered include gender equality, land and development, women's land rights and gender and land governance.

The manual aims to show where and why gender inclusion is important in projects and programmes that aim at improving land tenure and land administration arrangements. It provides material to raise awareness of some of the most critical gender issues that threaten access to land and its benefits. The manual emphasizes the importance of developing a better understanding of the situation for men and women when societies are undergoing great economic, social, and environmental pressures. It identifies indicators for measuring the quality and quantity of access to land and housing before, during, and after an intervention to help inform decisions.

C. Training Outcomes

Upon completion of the training, participants will have:

- Improved knowledge on gender (in)equality, land tenure and women's land rights built on development and socio-legal perspectives.
- Enhanced understanding and application of gender dimensions in their land rights work.
- Improved ability to train on gender and development and women's land rights.
- Better comprehension of key provisions of the land laws and family laws pertaining to women's land rights and land governance in the IGAD region.
- Developed skills needed to identify and include different categories of women and youths in a social/gender-responsive way to the degree envisioned by the Constitution and the land laws.

- Improved skills to articulate the root-causes of gender inequalities and power relations, and how they affect women's access to resources and development opportunities.

D. Scope and Limitations of the Manual

This manual focuses on mainstreaming gender in land reforms and governance among the IGAD Member States. The manual provides advice on mechanisms, strategies and actions that can be adopted to improve gender equity in the processes, institutions and activities of land reforms and governance. It does not include an in-depth discussion of all the outcomes of these processes and institutions but provides useful recommendations as basic guidance.

E. Who Is This Manual For, and How Should It Be Used?

Definition of Gender Training: 'A transformative process that aims to provide knowledge, techniques and tools to develop skills and changes in attitudes and behaviours. [...] It is a tool and a strategy to effect individual and collective transformation towards gender equality through consciousness raising, empowering learning, knowledge building, and skill development. Training helps men and women to build gender competence and acquire the knowledge and skills necessary for advancing gender equality in their daily lives and work.' UN Women (2016:11)

The training manual is prepared for gender, land reforms and governance implementing partners' and stakeholders working in the natural resources, land, and women's rights sectors. The trainers should use interactive teaching methods to actively involve the participants in their own learning experience and to keep them energized. This training can take the form of icebreakers, group work, presentations, demonstrations and role plays. These methods allow participants to practice the acquired skills that can be used in real work situations and increases the likelihood of retaining what is learned. Additionally, the trainer must be aware of the fact that these methods are time-consuming, thus they need to effectively manage time. The duration/time allocated to each module/session is only for guidance; the trainer should be able to tailor

session timing/duration to his/her training needs and objectives. At the end of every training course, the trainer should ask participants to evaluate the training they have received. The evaluation method can vary according to the length of the training course.

Trainers should use adult learning methods to deliver training sessions. There are several adult training methods available; however, it is always important to apply a mix of these depending upon the level of training participants have had and the training subject at hand. In any situation, it is important to use both exercises and cases in adult learning situations. The major training methods are listed below, and the trainer can try to use as many of these as the length of the training course allows:

- Group discussions
- Exercises
- Presentations by participants
- Recaps
- Case studies
- Short lectures by the trainer
- Background reading material (and websites)
- Videos
- Audio documentaries
- Role-plays
- Buzz groups

Considering that gender equality and other social change discussions challenge power relations and

other forms of socially constructed inequalities, the trainer should be graceful and composed in dealing with any form of conflict or resistance.

f. What Key Issues Do the Modules Cover?

This manual consists of Seven Modules, plus this introduction and a concluding section listing resources and references. The modular approach has been adopted because it gives every module completeness, so that each of them may be implemented independent of the others, depending on identified training needs and the target group.

The modules are progressive in approach, starting with the fundamentals, concepts and terminologies to increase understanding of different aspects of gender and gender mainstreaming in land governance. This is followed by application of skills, e.g., gender analysis, gender mainstreaming and related tools, strategies, and methods of mainstreaming gender in land reforms among others²⁰. Each module is divided into sections with the following sub-sections:

- Objectives of the topic
- Content of the topic
- Training methods
- Learning resources
- Summary
- Trainer's guidelines
- Trainer's notes

20 Ministry of Gender, Children and Social Development, Kenya (2008). *Training Manual on Gender Mainstreaming, Nairobi*.

TABLE 1:

Summary of training modules

Modules	Module description
Module 1	Introduction to Gender
Module 2	Gender Awareness, Lobbying and Advocacy
Module 3	Gender, Power and Development
Module 4	Gender Analysis
Module 5	Gender Mainstreaming and Gender Mainstreaming Tools
Module 6	Mainstreaming Gender in Land Reform Programmes and Projects
Module 7	Mainstreaming Gender in Formal and Customary Institutional Mechanisms on Land Governance

g. Introductory Session

Objectives:

- To create a pleasant environment for learning and sharing.
- To get to know each other.
- To establish training expectations.
- To present objectives of the training.
- To agree on training ground rules.

Getting started: Getting to know each other

Time: 30 Minutes

1. The trainer organizes the participants into pairs and hands each a record card (for noting the answers to the questions).
2. Each pair should exchange with each other information about themselves as a person that they think relevant (for example your name, work, educational background, hobbies, family etc.).
3. Then they should ask each other the following questions:

- How would you describe the work that you do?
- What are the main reasons for you attending this training?
- What do you expect to learn during this training?
- How will the knowledge you will acquire be useful in your work?
- In what aspects of your work do you think it might be of relevance?

4. Both should answer the following question honestly:

- 'What did you always want to do, but could not do because you are a man/woman?' (Secret wish question)

5. After 15 minutes, participants present a short portrait of their partner and reveal his/her 'secret wish' in the plenary.

The trainer then explains the importance of the activity, introduces the objectives of the training and, in collaboration with the participants, establishes the ground rules²¹.

21 Mainstreaming Gender in the Energy Sector – A Training Manual. ENERGIA International, 2012. www.energia.org

MODULE ONE: INTRODUCTION TO GENDER

MODULE: 1 INTRODUCTION TO GENDER

- OBJECTIVES** To:
- Define the term 'gender'
 - Discuss the difference between gender and sex
 - Explain other concepts related to gender
 - Describe the concept of gender mainstreaming

- CONTENT**
- Definition of gender
 - Difference between gender and sex
 - Gender related concepts
 - Concept of gender mainstreaming

DURATION 5 hours

- METHOD-
OLOGY**
- Questions and answers
 - Brainstorming
 - Discussions
 - Group exercises

- RESOURCES**
- Flipchart/flipchart stand
 - Plain papers
 - Marker pens
 - Masking tape
 - Record cards
 - LCD projector
 - Computer

1.1. Trainer's guidelines

Discussion point 1: What is gender?

- In plenary, ask participants to share and discuss their understanding of gender.
- Ask them to differentiate 'sex' from 'gender'.
- Ask them to discuss the statement 'men and women are made not born'.

Discussion point 2: Gender and land governance-related terms

- Through a brainstorming session, ask participants to write as many terms on gender as they can.
- Discuss and agree on the commonly used terms and write them on a flipchart.
- In buzz groups, assign the participants specific terms and ask them to come up with working definitions.
- Share and discuss these in plenary.

Discussion point 3: Gender mainstreaming

- Ask the participants to explain their understanding of the term 'gender mainstreaming' and agree on a working definition.

1.2. Trainer's notes

MODULE 2: GENDER AWARENESS, LOBBYING AND ADVOCACY

MODULE 2 GENDER AWARENESS, LOBBYING AND ADVOCACY

- OBJECTIVES**
- Explain the concepts of gender awareness, lobbying and advocacy
 - Identify gender concerns which need awareness, lobbying and advocacy
 - Describe approaches and methods used in creating gender awareness
 - Describe the process of developing a gender awareness, lobbying and advocacy programme

- CONTENT**
- Concepts of gender awareness, lobbying and advocacy
 - Gender concerns that need awareness and lobbying
 - Approaches and methods of gender awareness, lobbying and advocacy
 - Process of developing a gender awareness, lobbying and advocacy programme

DURATION Approx. 3 hours

- METHOD-
OLOGY**
- Brainstorming
 - Group/plenary discussions
 - Case studies
 - Role play/demonstrations
 - Questions and answers

- RESOURCES**
- Flipchart/flipchart stand
 - Plain papers
 - Marker pens
 - Masking tape
 - Record cards
 - LCD projector
 - Computer

2.1. Trainer's manual

Discussion point 1: Concepts of gender awareness, lobbying and advocacy

1. The trainer introduces the topic by asking the participants to go through exercise one on 'what is advocacy?'
2. Let the participants share and discuss their responses in plenary (the trainer can allow a few to share responses to save on time).
3. The trainer concludes by summarizing the key points.

Discussion point 2: Gender concerns that need advocacy

1. Through a brainstorming session, ask participants to identify gender concerns which need advocacy and awareness (e.g., culture, human rights, gender-based violence, discrimination, access and control of resources such as land, credit, education, etc.).
2. Discuss how these issues affect men and women in plenary.

Discussion point 3: Approaches and methods in creating gender awareness and advocacy

1. Ask the participants to share, in plenary, their experiences with creating gender awareness, lobbying and advocacy, if any.
2. Let them discuss the challenges encountered and lessons learned.
3. Discuss and agree on the best methods of carrying out gender awareness, lobbying and advocacy.

Discussion point 4: Gender advocacy and awareness strategy

1. In plenary, discuss the main steps of developing a gender awareness and advocacy strategy.
2. In groups, assign a task for participants to practice developing an advocacy strategy.
3. Let them present, discuss and agree on best practices.

2.2. Trainer's notes

Concepts of gender awareness, lobbying and advocacy

Advocacy

This is an ongoing process aimed at changing of attitudes, actions, policies and laws by influencing people and organizations with power, systems and structures at different levels of society for the betterment of those affected by the advocacy issues.

Lobbying

Refers to the art of persuading and influencing other people to see things/issues your way. Lobbying is a strategy within advocacy.

Some of the gender concerns that need lobbying

Most gender concerns are contentious and therefore need lobbying. However, the following are some of the areas likely to be contentious across many contexts: Property rights, access to credit, decision-making and leadership, citizenship, family law, gender and culture, gender and reproductive health rights.

Approaches and methods of gender awareness, lobbying and advocacy

- The people/community identify and prioritize the advocacy issue(s),
- They analyse and gather information on the issue(s) by tracing the root cause,
- They develop a goal and SMART objectives on the issue/problem,

- They identify direct targets (those who have influence over the campaign issue) and indirect targets (those who can influence (have impact/say) those who matter in the advocacy issue),
- Identify resources (ideas, researched information, funds in cash and kind, equipment, etc.),
- Create an action plan for the implementation of the advocacy issue,
- Implement, monitor and keep evaluating the advocacy issue/strategy,
- Record the changes resulting from the campaign.

Skills and techniques in advocacy:

Negotiation/bargaining skills: This refers to the process of persuading people to see or agree with your point of view. Possible outcomes in negotiation include:

- Both sides lose,
- One side wins and the other loses,
- Both sides win or at least gain something significant.

Presentation skills: This is a process of conveying ideas, opinions and information in a systematic way for the achievement of desired objectives within a specified timeframe. It is related to convincing the other party about mutual benefits. To make a presentation effective in advocacy, it is important to improve one's skills in the following areas: use of information and data to support your presentation and having organized stages in the presentation to facilitate:

- Gaining Attention – A
- Holding Interest – I
- Arousing Desire – D
- Obtaining Action – A

Lobbying and social mobilization skills

Lobbying requires the following skills:

- Ability to mobilize the community and developing groups,
- Skills in identifying persons who can help influencing the opinions,
- Skills in selling your point of view and ideas.

Strategies in advocacy

Key strategies in advocacy include the following:

- Lobbying
- Networking and coalition building
- Media relations
- Campaigns
- Publications
- Conferences and seminars
- Research

Steps towards effective advocacy

Leadership is a key element in advocacy. Such leadership requires authority and power. For a leader to

carry out advocacy work effectively, they must have legitimate power to defend their cause, negotiate solutions and lobby for support.

Step 1: Learning skills of advocacy

Advocacy requires very specific skills, most of which can be acquired through training and practice: knowledge and skills in problem-solving, decision-making, communication, negotiation, presentation, social mobilization and lobbying. This is in addition to other professional qualification if they are needed in what you are advocating for.

Step 2: Articulating advocacy issues

The application phase of advocacy involves the actual articulation of issues. This depends on the issue at hand and the prevailing circumstances. It is important to recognize all the parties to the issue at hand so that the effort of articulating is not directed towards the wrong audience. In particular, it is critical to analyse the major aspects surrounding a particular issue before attempting to tackle it.

Step 3: Evaluation of performance

It is important to evaluate the effectiveness of an advocacy activity. The results of such an evaluation will assist those involved in the advocacy to take appropriate action.

MODULE 3: GENDER, POWER AND DEVELOPMENT

MODULE: 3 GENDER, POWER AND DEVELOPMENT

OBJECTIVES	To: <ul style="list-style-type: none"> — Introduce participants to the concept of power and its use as a strategy for development — Enhance participants' understanding of gender, power and access to, and control over productive resources, e.g., land — Highlight the importance of looking at development opportunities through men's and women's differentiated needs and benefits
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CONTENT	<ul style="list-style-type: none"> — The concept of power and its application as a development strategy — Understanding of gender, power and access to, control over productive resources, e.g., land — Importance of looking at development opportunities through a gender perspective
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DURATION	Approx. 2 1/2 hours
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METHODOLOGY	<ul style="list-style-type: none"> — Group discussions — Group exercises — Brainstorming — Questions and answers
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RESOURCES	<ul style="list-style-type: none"> — Flipchart/flipchart stand — Plain papers — Marker pens — Masking tape/pins — Record cards — LCD projector — Computer
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3.1. Trainer's Guidelines

Discussion point 1: Concept of power as a strategy for development

1. In the plenary, ask participants to explain the concept of power.
2. Ask them to differentiate the two main types of power and how they are related to gender and development.
3. Trainer gives a summary of the discussions.

Discussion point 2: Gender, power and access to and control over productive resources, e.g., land.

1. Divide the participants into two groups and assign each group to discuss and explain either of the following concepts:
 - Gender relations
 - Access to and control over resources
2. Let each group present their discussions to the plenary.
3. Trainer summarizes the discussions.

Discussion point 3: Relevance of gender mainstreaming in development

1. In the plenary, ask participants to explain the importance of gender in development.
2. Ask them how a lack of gender perspective in development affects women in particular.
3. Let them briefly describe how a gender perspective can be integrated into development programmes/projects such as land reforms.
4. Trainer gives a summary of the discussions.

3.2. Trainer's Notes

The concept of power

Power is the ability to control or influence others or course of things or geographical sphere. It is also the authority to execute action. The presence of power is manifested wherever there are two or more people who have some kind of relationship. The deeper and sometimes darker aspects (negative) image whenever the factor of inequality sets in.

Power is an indispensable element in the preservation of group/community life and manifests itself in the creation of order, which is essential for the maintenance of control.

Two conceptions of power exist in society:

1. **Unilateral power:** This is a one-directional power that influences rather than being influenced. The influence may be direct or indirect, coercive or manipulative in nature. From a gender angle, unilateral power is perceived to be more masculine than feminine as it is more associated with men than women. It is more associated with oppression and subordination resulting in inequality between the person wielding the power and those under his/her influence.
2. **Relational power:** This is the ability to influence and be influenced. It involves the give and take principle. It is mutual in nature. Relational power presupposes that both the concerned parties bear some level of influence which they can exert against one another in relatively equal terms. It creates an environment for mutual understanding and fairness in its dealings.

The concepts of gender relations, access and control

1. **Gender relations:** The social interactions and power distribution between men and women and how these affect each group both in their private as well as public spheres. The interactions are often based on the traditional disposition of each gender, that is, how men and women are seen in different cultures in terms of their roles,

responsibilities and expectations, and how these affect them.

Gender relations are largely hierarchical power relations between men and women; women, in most contexts, are subordinate to men. This has the effect of either slowing down or outright preventing gender equality.

2. **Access and Control:** Access refers to one's ability to get an opportunity to use a resource. However, such a person cannot make any major decisions concerning the resource. For instance, the majority of women in different contexts may access land for cultivation of subsistence crops but they cannot do certain transactions such as transfers, renting out, etc. **Control** on the other hand gives the concerned person power to make crucial decision over the resource. It also allows the person to make decisions about who uses the resource. Base-line data in a complete gender analysis establishes whether there is any difference in men's and women's access to three key categories of resources:

- **Economic/Productive resources** (land, credit, cash income, employment)
- **Political resources** (education, political representation, leadership)
- **Time** (a critical resource, which increasingly acquires a monetary value).

In Africa, men have control over most these resources, and this has a negative impact on the lives of women and girls.

Relevance of gender mainstreaming in development²²

- Gender mainstreaming makes a gender dimension explicit in all policy sectors thus promoting gender equality. Gender equality is no longer viewed as a 'separate question', because it is a concern for all policies and programmes, including those in the land sector.
- A gender mainstreaming approach does not look at women in isolation but looks at women and

men – both as actors in the development process, and as its beneficiaries. Significantly, gender mainstreaming differs from a 'women in development' (WID) approach in that it takes as its starting point a detailed analysis of the development situation, rather than just focusing on women's roles and problems. Experience has shown that rigorous, gender-sensitive analysis reveals gender differentiated needs and priorities, as well as gender inequalities in terms of opportunities and outcomes, which are then integrated into the overall development programme/project.

- As part of a comprehensive strategy, gender mainstreaming also addresses the environment in which policies and programmes are developed and implemented. Thus, a strategy to integrate gender concerns into programming must be accompanied by a strategy to ensure that the working environment is gender-responsive, guaranteeing equal opportunities and treatment to both men and women. Sufficient political will, technical capacity and human as well as financial resources are key to successfully implement gender mainstreaming and need to be ensured.
- Progressive gender mainstreaming programmes and strategies often come with a women

empowerment package. This is because historically, women do not share equal social and economic status with men. Thus, empowering women to effectively participate in socio-economic development activities promotes good governance, access to and control over key productive resources, and contributes to poverty reduction in society.

- Gender mainstreaming contributes to equal opportunities, obligations and rights of both men and women. In other words, gender mainstreaming means making gender equality part and parcel of development policies of governments and other development entities.
- Women's direct involvement in policy and decision-making, project planning, design and implementation as a result of gender mainstreaming gives them a strong sense of value and ownership. This in return contributes to community development and generates enthusiasm for community members to join forces to innovate mechanisms for sustainable community development.
- Gender mainstreaming helps in increasing the awareness of gender issues/concerns in society and encourages their integration into development strategies.



MODULE 4: GENDER ANALYSIS

MODULE: 4 GENDER ANALYSIS

OBJECTIVES To:

- Explain the term 'gender analysis' and its purpose
- Describe some gender analysis frameworks that are relevant to land reform programmes/projects
- Identify and apply the relevant gender analysis tools

CONTENT

- Gender analysis and its purpose
- Gender analysis frameworks relevant to land reform sector
- Application of the gender analysis tools

DURATION

Approx. 4 hours

METHOD- OLOGY

- Questions and answers
- Discussions
- Demonstrations/presentations
- Group exercises and presentations

RESOURCES

- Flipchart/flipchart stand
- Plain papers
- Marker pens
- Masking tape
- Record cards
- LCD projector
- Computer

2. Ask them to explain how resources, especially land, is shared in their respective communities.
3. Let them discuss and agree on the implications for all those involved, e.g., women, men and youth.
4. Ask them to suggest what should be done to identify similar implications in different situations.

Discussion point 2: Gender analysis frameworks

1. Ask the participants to explain their understanding of the term gender analysis.
2. Ask them to explain their understanding of gender analysis frameworks and their purpose.
3. Let them state any gender analysis frameworks known to them.
4. The trainer then gives an illustration on how to apply gender analysis frameworks that are relevant to the land sector.

Discussion point 3: Gender analysis tools

1. Ask the participants to describe some tools of gender analysis known to them.
2. Introduce the relevant gender analysis tools, explaining their purposes.
3. The trainer gives exercises on relevant gender analysis tools and demonstrates how they are applied.

4.1. Trainer's Guidelines

Discussion point 1: Concept of gender analysis and its purpose

1. Ask the participants to give their understanding of gender analysis and why it is important for equitable development.

4.2. Trainer's notes

4.2.1. Gender analysis and its purpose

This is the process of critically and systematically examining how gender differences in roles, responsibilities or any other situation affect women and men, boys and girls in different contexts. Gender analysis identifies existing and potential gender gaps, raising concerns and addressing them: it investigates and identifies specific needs of women and men, girls and

boys for policy and programme development and implementation. Thus, gender analysis as an intrinsic dimension of policy analysis that examines how public policy affects women and men differently, demonstrating that policy and implementation cannot be gender neutral in gendered societies. It is supported by specific analysis tools.

Gender analysis provides the necessary data and information to integrate a gender perspective into policies, programmes, and projects. As the entry point for gender mainstreaming, gender analysis identifies the differences between and among women and men in terms of their relative position in society and the distribution of resources, opportunities, constraints and power in a given context. In this way, conducting a gender analysis allows for the development of interventions that address gender issues. Gender analysis determines the required resources to ensure that effective steps (e.g., responding to the different needs of women, men, girls and boys), are integrated into policy and programme planning, implementation and impact evaluation processes²³.

In most development initiatives, men and women perform different roles, have different responsibilities and different and often unequal statuses. Frequently, women have less access to and control over productive resources and assets such as land, limited decision-making power and fewer educational and economic opportunities than men. Due to this, women and men have different experiences, knowledge and needs. Without a deliberate consideration of these gender dynamics, women often encounter obstacles to participating in and benefiting from development processes such as land governance. Understanding gender issues is therefore essential for effective formulation of development policies and programmes for equitable socio-economic development. This calls for a thorough gender analysis of such policies and programmes.

With regard to the land sector, gender analysis raises awareness of gender issues, informs policymaking and land tool development. It also identifies gender training needs and sets the baseline to monitor and evaluate the impact of land tools. Gender analysis should explore how particular land tools respond to women's

experiences in acquiring land, for example, male preference in inheritance, obstacles to obtaining credit in the land market, discrimination in land reforms, and bias in resettlement schemes or corruption in antipov-erty programmes. It should further explore the exist- ing socio-cultural barriers to women's access to and ownership of land.

4.2.2. Gender analysis frameworks²⁴

Frameworks are approaches used to generate data and information during gender analysis. They serve different purposes depending on the situation/context and what is being analysed. The

1. following are the commonly used gender analysis frameworks:
2. Harvard gender analysis framework
3. Gender planning in the third world countries (by Caroline Moser)
4. Gender equality and empowerment framework (by Sarah Longwe)
5. People orientated planning (UNHCR)
6. Social Economic of Gender Analysis (SEAGA of FAO)
7. Gender Analysis Matrix (GAM)
8. Social relations approach
9. Capacities and Vulnerabilities Analysis framework

However, for purposes of this training manual, we will focus on those relevant to land reform programmes/ projects. These include:

1. Harvard gender analysis framework,
2. Gender planning in the third world countries or the Moser Framework,
3. Social Relations Approach.

23 <https://eige.europa.eu/gender-mainstreaming/methods-tools/genderanalysis#definitionandpurpose>

24 March, Candida et al (1999). *A Guide to Gender Analysis Frameworks*, Oxfam GB

Harvard gender analysis framework

It is one of the early frameworks of analysis and was developed by researchers at Harvard Institute for International Development in the USA. It is based on the understanding that women and men are affected by development activities differently. The framework emphasizes the role on data and information as provision of data makes women and men more visible in projects because:

- No data – no visibility; no visibility – no interest; no interest – no action; no action – no responsibility; no responsibility – no development.

The framework uses tools like activity profile, access and control profile, analysis of determinant/influencing factors and project cycle analysis.

Gender Planning in The Third World Countries/ Moser Framework

Developed by Caroline Moser, the framework takes the view that gender planning is technical and political in nature and involves a transformative process. There are six (6) tools in the framework. These tools are gender role identification, gender needs assessment, balancing of roles, WID/GAD policy matrix, disaggregating control of resources and decision-making within the household and gender awareness.

Social relations approach

Developed by Naila Kabeer, this framework puts emphasis on gender relations and particularly the social construction of gender. It emphasizes that development planners examine their organizations and institutions to understand how they can bring biases into the planning process. Concepts rather than tools are used in this framework in order to focus on the relationships between people, and their relationship to resources and activities, and how they are re-worked through institutions. These concepts are: development as increasing human well-being; social relations; institutional analysis; institutional gender policies; underlying and structural issues.

4.2.3. Steps in Gender Analysis²⁵

STEP 1 – Identifying, defining and refining the issue

Policy analysis usually begins with identifying a problem or an opportunity requiring policy development or analysis. This stage involves determining the nature, scope and importance of the issue within the context of the current policy environment that warranted placing it on the policy agenda.

STEP 2 – Defining desired goals and anticipated outcomes

In this stage, desired goals and anticipated outcomes for the policy are proposed. An analysis of intended/unintended outcomes usually examines the degree to which the policy can meet or hinder other policies or government/organizational objectives. Outcome indicators, monitoring processes, partners in defining outcomes, and accountability for achieving outcomes are usually considered in this phase.

STEP 3 – Defining the information and consultation inputs

This step is most often done along with the research phase. It looks at what knowledge is needed, and what sources can best provide it. Available and relevant data sources and partners in data gathering and analysis are identified.

STEP 4 – Conducting research

This stage clarifies the research design, and the type of analysis to be done (e.g., cost/benefit, Social impact, relationships to government, etc.). It is here that tasks and methods/tools of analysis and approaches to data presentation are discussed.

STEP 5 – Developing and analysing options

An analysis of options and their outcomes and implications are articulated and refined. The relationship of options and their impact on existing policies, programmes and legislation are also studied, e.g., economic, social, equity, community, environmental, etc. Impact analyses are developed, preferably for each

25 Ministry of Gender, Children and Social Development, Kenya (2008). *Training Manual on Gender Mainstreaming*, Nairobi.

option, while responsibility for implementation and the resources required are also examined.

STEP 6 – Making recommendations

The recommendation of options is often a collaborative effort, and sometimes draws directly on public input and consultation.

The rationale for the recommendations is derived from the analysis of options, and presents the recommendation in terms of its favourable and unfavourable impacts, implications, and the policy environment.

STEP 7 – Communicating policy

Communicating the recommended policy can play a significant role in its acceptance and implementation. Timing, choice of media, language, and public involvement are important to ensure that government intent and the impacts of the policy, programme and legislation are understood. The participation and acknowledgement of partners and consulting groups can be a key part of communicating policies inside the government and to the public.

STEP 8 – Assessing the quality of analysis

At this stage it is important to review the analysis process to determine whether it has achieved the desired results.

4.2.4. Gender Analysis Tools

There are many gender analysis tools with each depending on the prevailing situation and the specific task at hand. For the purposes of this manual, only the relevant ones are demonstrated.

4.2.5. Relevant tools under the Harvard Analytical Framework

a. Activity Profile

One of the Harvard framework tools. It gives information on gender division of labour by showing who does what at the household or community level. It can help assess the level of involvement (weighting) by each gender group.

Activity	Women	Men	Youth	
			Female	Male
Productive				
Land preparation				
Planting				
Harvesting				
Selling etc.				
Reproductive				
Cooking				
Childcare				
Fetching of water and firewood				
Cleaning etc.				
Community roles				
School meetings				
Weddings etc.				

i. Access and Control Profile:

This tool is part of the Harvard Analytical Framework. It helps practitioners to identify whether women or men have access to and control over resources such as land. The key issues here include:

- Who has access to and control over land, how and why?
- Who controls the use and the benefits of such a resource whether at household or community levels and why?

- What determines access to or control over such a resource and why?
- What are the implications of such actions/decisions for women's and men's well-being?
- What are the implications for gender equality?

The person who controls a resource is the one ultimately able to make decisions about its use, including any transactions thereof.

Access and Control Profile

Resources	Access		Control		Remarks, if any
	Women	Men	Women	Men	
Land etc.					
Benefits					
Income/dividends/bonuses					

ii. Resource/Benefits Analysis Profile/Chart

Gives info on how various resources (major or minor) and the benefits thereof are utilized in the family or community.

Resource	Product/Benefit	Mode of utilization	Who uses/benefits	Who decides on use	Challenges/Remarks
Land					
Crops etc.					

iii. Influencing Factors Chart

Allows practitioners to identify and profile those factors that influence the differences in the gender division of labour, access to and control over resources, benefits, etc. These factors are important because they present opportunities and constraints to the full involvement, especially of women in development projects and programmes.

Influencing Factors	Opportunities		Constraints		Impacts	
	Women	Men	Women	Men	Women	Men
Cultural, e.g., norms and traditions						
Demographic						
Economic						
Political						
Social, e.g., education						
Laws and policies etc.						

4.3. Relevant tools under the Moser Framework

Tool 1: Gender roles identification/triple role:

This tool includes making the gender division of labour visible. It can be carried out by mapping out all the activities of men and women (can also include girls and boys) in the household over a twenty-four-hour period. Moser identifies the triple role of women as productive, reproductive and community management roles.

Productive work: This is work that produces goods and services for consumption by the household or for income and is performed by both men and women. Women's productive work is often carried out alongside their domestic and childcare responsibilities (reproductive work) and tends to be less visible and less valued than men's productive work.

Reproductive work: This work involves the bearing and rearing of children and all the tasks associated with domestic work and the maintenance of all household members. These tasks include cooking, washing clothes, cleaning, collecting water and fuel, caring for the sick and elderly. Women and girls are mainly responsible for this work, which is usually unpaid.

Community roles or work: Women's community activities include provisioning and maintenance of resources, which are used by everyone, such as water, healthcare, and education. These activities are undertaken as an extension of their reproductive role and are normally unpaid and carried out in their free time. Politics and activities of such nature also fall under community work. However, in most parts of this world

men are mainly involved in politics at the community level. Even though this work may be paid or unpaid, it definitely increases men's status in the community.

Tool 2: Gender needs assessment: Moser developed this tool from the concept of women's gender interests, which was first developed by Maxine Molyneux in 1984. Women have particular needs because of their triple role as well as their subordinate position to men in society. Women's needs differ from men's needs and a distinction is made between practical gender needs and strategic gender interests/needs.

Practical gender needs: Practical gender needs are defined as basic needs of survival not unique to women. They include food, shelter, clothing and water. They relate to material conditions of life, are short-term, can be met through direct material inputs and operate at welfare (availability) and access (means) levels. Women and men can easily identify these needs as they often relate to living conditions. Women may identify safe water, food, health care and cash income, as immediate interests/needs that they must meet. Meeting women's practical gender needs is essential in order to improve living conditions, but in itself it will not change the prevailing disadvantaged (subordinate) position of women. It may in fact reinforce the gender division of labour.

Strategic gender interests/needs: Strategic gender needs/interests, on the other hand, refer to the socio-economic and political positions of women compared to men. They relate to structures and systems, which are embedded and therefore more difficult to deal with. Strategic gender interests/needs are those

that women themselves identify as due to their subordinate position to men in their society. They relate to issues of power and control, and to exploitation under the sexual division of labour. Strategic interests/needs may include changes in the gender division of labour (women to take on work not traditionally seen as women's work, men take more responsibility for childcare and domestic work), legal rights, an end to domestic violence, equal wages and women's control over their own bodies. They are not as easily identified by women themselves as their practical needs and therefore, they may need specific opportunities to do so. Practical and strategic gender interests/needs should not be seen as entirely distinct and separate, but rather as a continuum. Consulting women on their practical gender needs provides entry points to address gender inequalities in the longer term so that strategic gender interests/needs can be created.

Matrix – Practical Gender Needs and Strategic Gender Interests Marginalization and Exclusion in Processes such as Decision-making.

This results in women's inability to articulate their needs and interests. Discrimination: differential treatment based on factors over which an individual has no control, e.g., sex, tribe, nationality, race, etc. Objectification and assignment of less than human status and treatment to women. Infantilization and categorizing women with children, i.e., having no legal decision-making powers, voting rights or capacity to enter into contracts. Dispossession through patriarchal systems of property inheritance. Value assignment determining a woman's value by the sex and number of children she bears. Violence: physical, mental and emotional abuse, which is culturally accepted as correcting a wife or harmful practices such as female genital mutilation to subdue female sexual urge. Sub-ordination: assignment of an inferior position, e.g., treatment as second-class citizens.

Matrix – Practical Gender Needs and Strategic Gender Interests

<p>Practical needs: tend to be immediate and short-term; unique to particular women; relate to daily needs, food, housing, income, health, children, etc.; easily identifiable by women; can be addressed by provision of specific inputs such as food, hand pumps, clinics, etc.</p>	<p>Strategic needs: tend to be long-term; common to almost all women; relate to disadvantaged position, subordination, lack of resources and education, vulnerability to poverty and violence, etc.; basis of disadvantage and potential for change not always identifiable by women; can be addressed by consciousness-raising, increasing self-confidence, education, strengthening women's organizations, political mobilization, etc.</p>
<p>Addressing practical needs/interests:</p> <p>Tends to involve women as beneficiaries and perhaps as participants; can improve the condition of women's lives; generally does not alter traditional roles and relationships.</p>	<p>Addressing strategic needs:</p> <p>Involves women as agents or enables women to become agents; can improve the position of women in society; can empower women and transform relationships.</p>

Tool 3: Desegregating control of resources and decision-making within a household (intra-household resource allocation and power of decision-making within the household): As mentioned above, men and women have different access to and benefits from several resources, both within and outside of the household. An analysis of intra-household resource allocation can be used to find out who has control over resources within the household, who makes decisions about the use of these resources, and how they are made. This is also an important step in the gender analytical process so that equitable development projects and policies can be designed.

Tool 4: Balancing of roles: This relates to how women manage the balance between their productive, reproductive and community tasks. It asks whether a

planned intervention will increase a woman's workload in one role with consequences for her other roles.

Tool 5: WID/GAD policy matrix: This section traces the historical approaches to women's development and the fundamental policy shifts. Following the first Women's Conference in Mexico in 1975, the UN decided to make the next ten years the Women's Decade. This strengthened earlier studies and activism that had already highlighted the demeaned status of women's contribution to development. At the end of the decade, assessment of progress made necessary a shift to the Gender and Development approach. The two concepts are differentiated as follows:

Women in Development (WID): WID first came to prominence in the early 1970s as an approach to include women in development. Research and information collected throughout the UN Decade for Women (1975-85) highlighted the existing poverty and disadvantage of women and their invisibility in the development process. Different policy responses and interventions focused on women as a separate group resulting in women's concerns being added on and peripheral to mainstream development efforts.

WID policies and interventions have mainly concentrated on women's productive work. The failure to make an explicit link with their reproductive work often adds to women's workload. Focusing on women in isolation means that unequal gender relations in various social and economic settings remain unaddressed.

Gender and Development (GAD): The GAD or Gender and Development perspective emerged in the late 1980s as an alternative to the prevailing Women in Development or WID approach. GAD focuses on the interdependence of men and women in society and on the unequal relations of power between them. The GAD approach aims for a development process that transforms gender relations in order to enable women to participate on an equal basis with men in determining their common future. The GAD approach emphasizes the importance of women's collective organization for self-empowerment. The WID/GAD policy matrix (below) provides a framework for identifying/evaluating the approaches that have been (or can be) used to address the triple role of women and the practical and strategic gender needs of women in programmes and projects.

From Women in Development (WID) to Gender and Development (GAD) Matrix

WOMEN IN DEVELOPMENT (WID)	GENDER AND DEVELOPMENT (GAD)
The Approach: An approach which views women as the centre of a problem	The Approach: An approach to the development of women and men
The Focus: Women	The Focus: Relations between women and men
The Problem: The exclusion of women (half of the productive resources) from the development process	The Problem: Unequal relations of power (rich/poor, women/men) that prevent equitable development and women's full participation
The Goal: More efficient, effective and just development	The Goal: Equitable, sustainable development with women and men as decision-makers
The Solution: Integrate women into the existing development process	The Solution: Empower the disadvantaged and women and transform unequal relations
The Strategies: Women's projects, women's components, integrated projects, increase women's productivity, increase women's ability to look after the household	The Strategies: Identify and address practical gender needs determined by men and women to improve their lives, address women's and men's strategic gender needs, address strategic interests of the poor through people-centred development

Tool 6: Involving women, gender aware organizations and planners in planning: The aim of this tool is to ensure that practical and strategic gender needs are identified by women ensuring that real needs as opposed to perceived needs are incorporated into the planning process.

4.3.1. Relevant tools/concepts under the Social Relations Approach

Concept 1: Development as increasing human well-being: The definition of development in the Social Relations Approach is about increasing human well-being and not just about economic growth or increased productivity. The core elements of human well-being are survival, security and autonomy. Development interventions must be assessed on the extent to which they contribute to human well-being as well as what they contribute in terms of technical efficiency. Production therefore includes not only market production but encompasses a wide range of tasks that people perform, in order to reproduce human labour, to survive and to safeguard the environment.

Concept 2: Social relations: In this framework 'social relations are understood as the way in which different groups of people are positioned in relation to resources'. Social relations determine people's roles, responsibilities and claims, as well as the rights and control they have over their own lives and those of others. Social relations include gender relations, class, ethnicity, race. Social relations are not static, they can change over time and are influenced by changes at the macro level. The access people and groups have to material and intangible resources are also determined by social relations.

Concept 3: Institutional analysis: The factors which produce gender inequalities are not found solely in the family but exist across a wide range of institutions, including the international community, the state and the marketplace. An institution is defined by Kabeer as a framework of rules (formal and informal) for achieving particular economic or social goals. Social difference and inequalities are created and perpetuated by institutions. Organizations are defined as the specific structural forms that institutions take. Gender-awareness necessitates an analysis of the way these institutions create and reproduce inequalities.

The Social Relations Approach identifies four key institutions: the state, the market, the community, and the family/kinship.

INSTITUTIONAL LOCATION	ORGANIZATIONAL/STRUCTURAL FORM
State	Legal, military, administrative organizations
Market	Firms, financial corporations, farming-enterprises, multinationals, etc.
Community	Village tribunals, voluntary associations, informal networks, patron-client relationships, NGOs, faith-based organizations, etc.
Family/kinship	Household, extended families, lineage groupings, etc.

Source: UNDP Learning and Information Pack (2000)

Concept 4: Institutional gender policies: Gender policies are divided into three categories depending on the extent to which they recognize and address gender issues:

Gender-blind policies: Such policies fail to distinguish between women and men. Policies are biased in favour of existing gender relations and therefore are likely to exclude women.

Gender-aware policies: Gender-aware policies recognize that women as well as men are actors in development and that they are often constrained in a different way to men. Their needs, interests and priorities may differ and at times conflict. Gender aware policies can be sub-divided into two policy types:

Gender-neutral policies use the knowledge of gender differences in a given context to target and meet the practical needs of both women and men. Gender-neutral policies do not disturb existing gender relations.

Gender-specific policies use the knowledge of gender differences in a given situation to respond to the practical gender needs of either women or men. These policies do not address the existing division of resources and responsibilities. Gender-redistributive policies aim to transform the existing distribution of resources and responsibilities in order to create a more equal relationship between women and men. Women and

men may be targeted, or one group alone may be targeted by the intervention.

Gender-redistributive policies focus mainly on strategic gender interests but can plan to meet practical gender needs in a way which have transformational potential (provide a supportive environment for women's self-empowerment).

Concept 5: Underlying and structural causes/issues: When undertaking an analysis for the purpose of planning an intervention, this framework examines the immediate, underlying and structural factors which are responsible for the problems, and their effects on those involved.



MODULE 5: GENDER MAINSTREAMING AND GENDER MAINSTREAMING TOOLS

MODULE: 5 GENDER MAINSTREAMING AND GENDER MAINSTREAMING TOOLS	
OBJECTIVES	<p>To:</p> <ul style="list-style-type: none"> — Explain concepts of gender mainstreaming and gender mainstreaming tools — Explain the importance of gender mainstreaming in development initiatives — Identify and describe the common gender mainstreaming tools
CONTENT	<ul style="list-style-type: none"> — Concepts of gender mainstreaming and gender mainstreaming tools — Importance of gender mainstreaming in development initiatives — Common gender mainstreaming tools
DURATION	3 hours
METH-ODOLGY	<ul style="list-style-type: none"> — Questions and answers — Discussions — Group exercises and presentations
RESOURCES	<ul style="list-style-type: none"> — Flipchart/flipchart stand — Plain papers — Marker pens — Masking tape — Record cards — LCD projector — Computer

5.1. Trainer's Guidelines

Discussion point 1: Concept of gender mainstreaming

- Ask the participants to explain their understanding of the concept of gender mainstreaming.
- In plenary, let the participants list and explain the use of some of the common gender mainstreaming tools.
- Trainer expounds on the concept of gender mainstreaming as a twofold concept: *a process and a strategy*.

Discussion point 2: Importance of gender mainstreaming in development initiatives

- Ask the participants to explain why gender mainstreaming is so important in development.
- Let them briefly discuss some of the consequences of organizations such as the IGAD not embracing gender mainstreaming in their projects, e.g., land reforms.

5.2. Trainer's notes

5.2.1. What is gender mainstreaming?²⁶

The United Nations (UN) gives a twofold definition of gender mainstreaming:

1. As **a process**, gender mainstreaming assesses (analyses/examines) the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels.
2. As **a strategy**, gender mainstreaming integrates women's and men's concerns and experiences into the design, implementation, monitoring and

evaluation of policies and programmes in all political, economic and social spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of gender mainstreaming is to achieve gender equality.

Gender mainstreaming was adopted as a tool for dealing with issues of men and women in society by the international community following a series of international mandates (the Beijing Platform for Action (BPA) and the UN Economic and Social Council (ECOSOC) Resolutions 1997/2 and 2006/36). It has become part and parcel of policy and programme implementation, monitoring and evaluation in the political, economic and social spheres of nations around the world.

Gender mainstreaming integrates gender equality components in national, public and private organizations, in central or local policies, and in services and sectoral programmes. In the longer run, it aims to transform discriminatory social institutions, given that discrimination can be embedded in laws, cultural norms, and community practices that, for example, limit women's access to property rights or that restrict their access to public space. Such progressive changes rely on access to data, gender experts' sound analysis, supportive organizational cultures, budgets and the mobilization of social forces. Gender mainstreaming, if well followed through, can contribute to equal opportunities, obligations and rights of both women and men. Thus, it can ensure equitable and sustainable human development by the most effective and efficient means.

5.2.2. Importance of gender mainstreaming in Development Initiatives

1. Gender mainstreaming makes a gender dimension explicit in all policy sectors thus promoting gender equality. Gender equality is no longer viewed as a 'separate question', because it is a concern for all policies and programmes, including those in the land sector.
2. A gender mainstreaming approach does not look at women in isolation but looks at women and men – both as actors in the development process, and as its beneficiaries. Significantly, gender mainstreaming differs from a 'women in development' (WID) approach in that it takes as its starting point a detailed analysis of the development situation, rather than just focusing on women's roles and problems. Experience has shown that rigorous, gender-sensitive analysis reveals gender differentiated needs and priorities, as well as gender inequalities in terms of opportunities and outcomes, which are then integrated into the overall development programme/project.
3. As part of a comprehensive strategy, gender mainstreaming also addresses the environment in which policies and programmes are developed and implemented. Thus, a strategy to integrate gender concerns into programming must be accompanied by a strategy to ensure that the working environment is gender-responsive, guaranteeing equal opportunities and treatment to both men and women. Sufficient political will, technical

BOX 1. IMPORTANT POINTS TO NOTE ABOUT GENDER MAINSTREAMING

- Gender mainstreaming goes beyond just increasing women's participation, but also brings the experience, knowledge, and interests of women and men to bear on the development agenda. It also includes the ability to track and evaluate gender mainstreaming projects, and to apply the findings.
- The integration strategy of gender mainstreaming should continually interrogate why gender is not addressed in all activities of a project.
- Gender mainstreaming often challenges social, political, and cultural mores and will likely not be welcomed with equal enthusiasm in all countries, sectors or organizations. Therefore, a single model of gender equality for all societies and cultures will be unrealistic.
- Gender mainstreaming requires an existing gender responsive policy.

capacity and human as well as financial resources are key for successful implementation of gender mainstreaming and need to be ensured.

4. Progressive gender mainstreaming programmes and strategies often come with a women empowerment package. This is because historically, women do not share equal social and economic status with men. Thus, empowering women to effectively participate in socio-economic development activities promotes good governance, access to and control over key productive resources, and contributes to poverty reduction in society.
5. Gender mainstreaming contributes to equal opportunities, obligations and rights of both men and women. In other words, gender mainstreaming means making gender equality part and parcel of development policies of governments and other development entities.
6. Women's direct involvement in policy and decision-making, project planning, design and implementation as a result of gender mainstreaming gives them a strong sense of value and ownership. This in return contributes to community development and generates enthusiasm for community members to join forces with innovate mechanisms for sustainable community development.

7. Gender mainstreaming helps increase the awareness of gender issues/concerns in society and encourages their integration into development strategies.

5.2.3. The Process of Gender Mainstreaming

The process of gender mainstreaming should start with the understanding of the general environment in which an organization is operating. This entails helping the target group/community to understand the gender-related project intentions and the basics thereof before getting into the depths of the process. This should be followed by a thorough gender sensitive analysis to identify pertinent gender issues.

Thus, gender mainstreaming can be achieved through a simple framework which can help organizations such as the IGAD's Land Governance Unit (LGU) to fully institutionalize gender dimensions as critical variables in their land governance processes. The framework can be applied to a variety of development settings, including but not limited to, land policies, programmes and projects as well as service delivery institutions. The framework allows for assessment of critical entry points for gender mainstreaming action as shown in the table below.

Tenure Form	area & population	Legal recognition & etc.	overlaps with other forms
Freehold leasehold	Postas, Cereals board, Rest house, KWS, livestock, banks 2%	- allotment-lease agreement - M.O.U - Receipt - Minutes	- NO Community Cons - no public particip (result to conflict)
Community	- 80% Mandera County is a Community Land-ethnic based settlement & political	- receipts - free - minutes - historical records - Letters local council & chiefs	- No agreement b/w community and government. - Disagreement b/w community over access & ownership - Mushrooming settlement by politicians - change of govt systems e.g. Devolutions
Customary	- 2% of the County Land Mass -	- graves - shrines - No Religious institutions & schools	- No respect for institutions - Land Mass Land grab on institutions and govt

TABLE:

Gender Mainstreaming Framework

Critical entry points	Key questions/activities for the IGAD LGU	Remarks/Comments
Awareness	What is the level of awareness of the LGU of the existing and emerging gender issues in Regional Land Governance? Does the LGU appreciate the importance of gender issues in land reforms outcomes?	
Pertinent Gender Questions	What are the existing and emerging gender issues in the land governance sector in the region?	
Commitment	How committed are the staff of the IGAD in general and the LGU in particular to gender mainstreaming, hence equality in the land sector in the region? Is there a political will to support the activity?	
Capacity for Gender Analysis	How well is the LGU placed to carry out a gender analysis in land governance in the region?	
Application/Implementation of Findings	What is the level of willingness and capacity to implement the findings of a gender analysis in land governance in the region?	
Gender Monitoring and Evaluation (M&E)	What mechanisms does the LGU have in place to understand whether the gender mainstreaming process is achieving the intended objectives/goal?	
Lessons Learned	Does the LGU have the capacity to identify and document lessons learned and institutionalize gender perspectives into the entire land reforms programme management cycle?	

5.2.4. Prerequisites for Gender Mainstreaming

The following are the pre-requisites for translating Gender Mainstreaming theory into practice. These can easily be adapted to the land reform programme management cycle of the IGAD LGU if they are put in place. However, it is important to bear in mind that there are many factors that may affect the whole process. These mainly revolve around organizational culture, which can be summarized in two main themes:

- Clarity of organizational vision and mission as well as readiness to share those values with all staff and partners. Such attributes help to pave the way

for creating a common understanding on the rationale for adopting gender sensitive programmes and their full realization.

- The existence of a conducive working environment, as this has a direct effect on the success of the Gender Mainstreaming process.

Box 2 (below) is a summary of some of the key prerequisite elements for a successful gender mainstreaming process in an organization such as the IGAD:

BOX 2. SOME KEY ELEMENTS FOR A CONDUCIVE ENVIRONMENT FOR SUCCESSFUL GENDER MAINSTREAMING

- Explicit elaboration of goals, strategies and expected outcomes in a policy statement with regard to gender mainstreaming.
- Explicit management commitment – promoting, demanding and monitoring the process.
- Attention to gender equality issues in work programmes.
- A common understanding among staff on what the organization should be seeking to achieve in terms of gender equality.
- Inclusion of gender perspectives in organizational operational guidelines, manuals and management instructions that guide the work of professional staff.
- Adequate access to information and other relevant resources, both within and outside the organization, needed to work effectively on gender equality.

5.2.5. Tools for Mainstreaming Gender into Development Initiatives

To successfully undertake gender mainstreaming, it is essential that the LDU applies the relevant tools and methods in the process. These include:

1. Gender Analysis
2. Gender Responsive Budgeting (GRB)
3. Gender Planning and Specific Actions
4. Gender and Age Disaggregated Data
5. Gender sensitive monitoring and evaluation, learning and knowledge management system.
6. Gender Audit

1. Gender Analysis: See module for details.

2. Gender Responsive Budgeting (GRB)

Budgets are universally accepted as a powerful tool for achieving development objectives, and act as indicators of commitment to stated government/organizational policy. For example, the national budgets reflect how governments mobilize and allocate public resources, and how they aim to meet the social and economic needs of their people. Budgets can be viewed as key policy instruments that reflect an organization's priorities and demonstrate its seriousness in responding to persisting development challenges such as gender inequality, poverty, exclusion and economic injustice.

BOX 3. BUDGETS REFLECT THE VALUE OF AN ORGANIZATION IN TERMS OF ...

- Who (between men and women) it values in terms of resource allocation and why,
- Whose work it values and why,
- Who it rewards and why,
- Who and whose work it does not value and why.

GRB comprises of a variety of processes and tools that are used to assess the impact of an organization's budget on the lives and activities of women and men. It breaks down a budget (financial statement of intent on expenditure and income) according to its impact on the different genders. GRB is not a different budget for women or men but puts into consideration the differing needs and interests of both genders, thereby explicitly showing the commitment of an organization to gender equality. The organization's policy/decision-makers must show their commitment by making adequate budgetary provisions for the success of gender mainstreaming in development projects such as the IGAD's land reforms.

At the end of the day, a gender analysis of the budget process should be undertaken.

BOX 4. WHAT IS A GENDER ANALYSIS OF THE BUDGET PROCESS?

Gender analysis of the budget process entails asking whether gender concerns were incorporated into the entire budgeting process, i.e., budget preparation, budget implementation and budget monitoring and evaluation. A gender analysis of each of the successive stages can be undertaken to determine the weight of the matter.

3. Gender planning and gender specific actions

a) Gender Planning involves developing a strategy for promoting gender equality in project activities through specific measures and organizational arrangements such as:

- Balanced representation of women and men in project activities,

- Ensuring that adequate resources and expertise are available for the gender mainstreaming agenda.

b) Gender-specific actions

This should be adopted, if need be, to redress gender-based inequalities and discrimination against women and/or men in a given development context. This may include affirmative action/positive discrimination, etc.

4. Gender and age disaggregated data

Gender and age differentiated data and information are key in development processes and must be available for policy and decision-makers and practitioners to be able to assess the prevailing situation and develop appropriate, evidence-based responses and policies. It helps in detecting differences between the sexes, age groups, and key populations, and leads to a better understanding of the development needs of each of these groups and populations. The data must be collected and analysed within the policy-making process, ideally covering several years to track changes and take corrective action²⁷.

This is especially important in the land sector as accurate data and information on asset ownership and control among individuals can play an important role in informing policies on land reform and empowerment of individuals, thus contributing to gender equality. Understanding gender differences in asset ownership and wealth can also reveal the extent of economic disadvantage accumulated especially by women over the life cycle and its inter-generational implications in a stratified social system, providing a longer-term overview of the gender dimensions of economic inequality and vulnerability²⁸.

5. Gender sensitive Monitoring and Evaluation Framework

Gender Monitoring and Evaluation Frameworks are important processes for reviewing the extent to which development programmes/projects, in this case the land sector, are addressing key gender issues, including

27 MEASURE Evaluation (2017). Barriers to and Facilitators of sex and age disaggregated data in Kenya. University of North Carolina at Chapel Hill. www.measureevaluation.org

28 Talip, Kilic; Heather Moylan and Gayatri Koolwal (2020). Getting the Gender-Disaggregated Lay of the Land: Impact of Survey Respondent selection on Measuring Land ownership and Rights. A Research Working Paper No. 9151. The World Bank.

progress towards equal access to and control over the land resources. In order for monitoring and evaluation to be gender-sensitive, it is crucial that the LGU develops and integrates relevant gender-sensitive indicators into its land reforms programme/project cycle.

6. Gender Audit

Gender audit is a tool to assess and check the institutionalization of gender equality into organizations, including in their policies, programmes, projects and/or provision of services, structures, procedures and budgets²⁹. Gender audits allow organizations 'to set their own houses in order and change aspects of the organizational culture which discriminate against women

staff and women "beneficiaries"³⁰. As a method for gender mainstreaming, gender audits help organizations identify and understand gender patterns within their composition, structures, processes, organizational culture, and management of human resources, and in the design and delivery of policies and services. They also help assess the impact of organizational performance and its management on gender equality within the organization. Gender audits establish a baseline against which progress can be measured over time, identifying critical gender gaps and challenges, and making recommendations on how they can be addressed through improvements and innovations³¹.



29 Council of Europe — Directorate General of Human Rights and Legal Affairs, Gender Budgeting: practical implementation. Handbook prepared by Sheila Quinn, 2009. Available at: <https://rm.coe.int/1680599885>

30 Sweetman, C., Gender in development organisations, 1997. Available at: <http://policy-practice.oxfam.org.uk/publications/gender-in-development-organisations-121450>

31 InterAction, The Gender Audit Handbook: A tool for organisational self-assessment and transformation, 2010. Available at: <http://www.rcrc-resilience-southeastasia.org/document/the-gender-audit-handbook-a-tool-for-organisational-self-assessment-and-transformation-2010/>

MODULE 6: MAINSTREAMING GENDER IN LAND REFORM PROGRAMMES AND PROJECTS

MODULE: 6	MAINSTREAMING GENDER IN LAND REFORM PROGRAMMES AND PROJECTS
OBJECTIVES	<p>To:</p> <ul style="list-style-type: none"> — Describe the gender-related issues in land reforms — Explain the importance of gender in land reforms — Explain how to integrate gender perspectives in land reforms — Explain the concepts of strategies and methods in gender mainstreaming — Identify and explain levels of gender mainstreaming in land reforms — Explain the role of monitoring, evaluation and reporting in gender mainstreaming — Mainstreaming
CONTENT	<ul style="list-style-type: none"> — Gender-related issues in land reforms — Importance of gender in land reforms — Integrating gender perspectives in land reforms — Strategies and methods of gender mainstreaming in land reforms — Levels of gender mainstreaming in land reforms — Monitoring, evaluation and reporting in gender mainstreaming
DURATION	5 hours
METHODOLOGY	<ul style="list-style-type: none"> — Group discussions and presentations — Questions and answers — Case study
RESOURCES	<ul style="list-style-type: none"> — Flipchart/flipchart stand — Plain papers — Marker pens — Masking tape — Meta cards — Plain papers — Masking tape/pins — LCD projector — Computer

6.1. Introduction

Effective policies that benefit women and men equally can only be achieved when attention to gender issues

is given from the outset and throughout the planning cycle. Attention to gender issues should:

- Focus on gender equality as an objective, rather than women as a target group,

- Ensure that initiatives not only respond to gender differences but seek to reduce gender inequality,
- Pay more attention to men and their role in creating a more equal society.

It is essential to have information on the gender issues that are specifically related to the development problem that the policy is attempting to address, and the causes of any gender disparities. This information will

assist us in engendering the policy and project to ensure that they effectively meet the needs of and benefit all citizens. Therefore, while all steps in the planning cycle require attention from a gender perspective, 'being informed' can be considered the most critical – as without this information our efforts might be inappropriate or ineffective. Analysis will help understand the direction tenure reform takes in ensuring gender equality and the identification of entry points for mainstreaming gender in tenure reforms.

BOX 5. GENDER MAINSTREAMING CHECKLIST FOR POLICY

- **Background and Justification:** Is the gender dimension highlighted in the problem statement and background information to the intervention? For example, is it clear what the gender differences and inequalities are in relation to the policy? Does the justification include convincing arguments for gender mainstreaming and gender equality?
- **Goals:** Does the goal of the proposed intervention reflect the needs of both men and women? Does the goal seek to correct gender imbalances through addressing practical needs of men and women? Does the goal seek to transform the institutions (social and other) that perpetuate gender inequality?
- **Target Beneficiaries:** Except where interventions specifically target men or women as a corrective measure to enhance gender equality, is there gender balance within the target beneficiary group?
- **Objectives:** Do the intervention objectives explicitly address the needs of both women and men?
- **Activities:** Do planned activities involve both men and women as equally as possible? Are any additional activities needed to ensure that a gender perspective is made explicit (e.g., training in gender issues, additional research, etc)?
- **Indicators:** Have indicators been developed to measure progress towards the fulfilment of each objective? Do these indicators measure the gender aspects of each objective? Are indicators sex disaggregated? Are targets set to guarantee a sufficient balance in activities (e.g., quotas for male and female participation)?
- **Implementation:** Who will implement the planned intervention? Have these partners received gender mainstreaming training, so that a gender perspective can be sustained throughout implementation? Will both women and men participate in the implementation?
- **Monitoring and Evaluation:** Does the monitoring and evaluation strategy include a gender perspective? Will it examine both substantive (content) and administrative (process) aspects of the intervention?
- **Risks:** Has the greater context of gender roles and relations within society been considered as a potential risk (i.e., stereotypes or structural barriers that may prevent full participation of one or the other gender)? Has the potential negative impact of the intervention been considered (e.g., potential increased burden on women or social isolation of men)?
- **Budget:** Have financial inputs been 'gender-proofed' to ensure that both men and women will benefit from the planned intervention? Has the need to provide gender sensitivity training or to engage short-term gender experts been factored into the budget?
- **Annexes:** Are any relevant research papers (or excerpts) included as annexes (particularly those that provide sound justification of attention to gender)?

Trainer's Manual

Discussion point 1: Gender-related issues in land reforms

1. Ask the participants to explain what they understand by the term 'gender issues'.
2. Let them identify some of the gender issues related to land governance.
3. Ask them to explain how these issues can be mitigated.
4. The trainer gives a summary of the discussions.

Discussion point 2: Importance of gender in land reforms

1. In groups, ask the participants to explain the relevance of gender in land reforms.
2. Let them present their group work in plenary.
3. The trainer explains the importance in summary.

Discussion point 3: Integrating gender perspectives in land reforms

1. Ask the participants to explain how gender perspectives can be integrated into land reforms.
2. Using a relevant group exercise, case study or scenario setting, let them explain the implications of not integrating gender perspectives into land reforms for men and women.
3. Let them present in plenary.
4. The trainer gives a summary of the discussions.

Discussion point 4: Levels of mainstreaming gender in land reforms

1. By using the questions and answers method, ask the participants to identify the possible levels at which gender mainstreaming is done in land reforms or other development projects.
2. Let them explain why mainstreaming gender should be done at the different levels.
3. The trainer summarizes key issues in mainstreaming gender at each level.

Discussion point 5: Strategies and methods of gender mainstreaming in land reforms

1. Ask the learners to explain what they understand by the terms 'strategy' and 'methods' by giving an example of each.
2. Let them identify any strategy and methods known to them, which have been used in gender mainstreaming.
3. The trainer provides and explains some strategies and methods that are commonly used in gender mainstreaming.

Discussion point 6: Monitoring, evaluation and reporting in gender mainstreaming of land reform projects

1. In groups, the learners define the terms 'monitoring', 'evaluation' and 'reporting' and explain their purposes in gender mainstreaming.
2. Let them explain the use of indicators in each of these methods of gender mainstreaming.
3. Using a relevant group exercise, case study or scenario setting, let the learners apply these methods and present their findings in plenary.

6.2. Trainer's Notes

6.2.1. Gender-related issues in land reforms

Gender is a basic determinant of social relations and rights in households and rural communities. Together with class, ethnicity, and caste, gender determines, to a great extent, a person's opportunities, aspirations, standard of living, access to resources, status in the community, and self-perception. In addition, women's rights to resources influence their ability to produce and their behaviour as producers. In most developing countries, land is a critical asset, especially for the urban and rural poor. Land rights – whether customary or formal – act as a form of economic access to key markets, as well as a form of social access to nonmarket institutions, such as the household relations and community-level governance structures. In addition to economic and social access, rights to land also often confer rights to other local natural resources, such as trees, pasture, and water. Depending on

the norms governing intra-household and community decision-making, women may not fully participate in these benefits if they do not have independent or direct rights over land³². There is evidence that improvements in women's independent property rights have positive economic benefits.

Therefore, facilitating women's greater participation in extra-household land institutions diminishes men's dominance of community-level decision-making and builds women's organizational skills, social networks, and social capital. Women with land rights are more likely to be active members of their communities, and, as a result, community land governance institutions themselves are more likely to be strong and responsive to women's needs.

6.2.2. Importance of gender in land reforms

Why is gender an important factor for successful land reform implementation? As already indicated, gender is a basic determinant of social relations and rights in households and communities, rural or urban.

Consequently, gender is a key factor in land reforms as it ensures that the interests and needs of all people – women and men – are addressed, and that the processes and institutions for land tenure are transparent, consultative and participatory.

Gender equity in land reforms is also essential for promoting gender equality and empowering women as well as eradicating poverty and hunger.

Gender as a factor in land reforms as in other development projects is supported by firm internationally endorsed principles of non-discrimination by gender,

as, for example, set out in the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), AU Declaration on Land Issues and Challenges in Africa (2009) and the UN Sustainable Development Goals (SDGs, 2015).

Gender relations determine differences in the relative status and power of women and men. Gender and gender roles shape the opportunities and constraints that women and men face in securing their livelihoods, including their access to land, decision-making about land, and the institutions that administer land and other productive resources. Therefore, gender-equitable governance of land ensures that women and men can participate equally in their relationships to land, through both formal institutions and informal arrangements for land administration and management. This is fundamental to social and economic gender equality. However, women often face discrimination in formal, informal and customary systems of land tenure. Available evidence shows that despite progress towards greater acceptance of women's equal rights to land in laws and policies, their effectiveness often runs into significant obstacles, ranging from patriarchal attitudes and cultural practices to a general lack of political will and resources. A good example is the Kenya National Land Policy formulation process which was quite consultative and participatory. Teams were sent out to the different regions of the country to consult the citizens on what they wanted to see in the final policy document. While a few were receptive, the majority of the participants were out-right dismissive, with a few being hostile. This, we perceived, was due to patriarchal attitudes and cultural beliefs. This is what they had to say (Box 6 below):

32 Katz, E. 2003. 'The changing role of women in the rural economies of Latin America.' In Benjamin D. (ed.), Food, Agriculture and Rural Development: Current and Emerging Issues for Economic Analysis and Policy Research – II. Vol. I: Latin America and the Caribbean. Food and Agriculture Organization of the United Nations (FAO), Rome

BOX 6. WHAT SOME OF THE MALE PARTICIPANTS HAD TO SAY AT ONE OF THE REGIONAL WORKSHOPS ON THE KENYA NATIONAL LAND POLICY FORMULATION PROCESS:

1. Our culture does not allow women to own anything. She is part of my property so she can't own my land.
2. I am the man of the house and when I cough, she must come running.
3. She came without anything, how does she become part/owner of what I have!
4. Women are very cunning beings. When you allow them to co-own your property, they will end you, sell the property off and disappear with the children.
5. A woman's work is to serve her husband, give birth and take care of the kids. I provide for her and the children. Why does she need to own land and other assets?

Source: Consultant's field notes during the National Land Policy formulation process (2006).

Women suffer from discrimination and injustice in various disguises. War in some countries, HIV/AIDS, and now the Covid-19 pandemic have also disproportionately affected women's land rights. Women in informal settlements and slum areas, indigenous women, the disabled, elderly and widows and refugees are among the various categories of women who are further marginalized.

In practice, women's access to land rights are influenced by a number of inter-related factors, from the social and cultural, to the economic, legal and political,

and from the household and community to the national and international levels.

Integrating a gender dimension into land reform programmes/projects is therefore the first step in creating a gender inclusive land governance system through which gender perspectives and tooling processes can work in tandem.

This is more successful if the reform programmes follow a structured pathway and be informed by the following values:

TABLE 3.

Guiding values for land reform processes

S/No.	Guiding value	S/No.	Guiding value
1.	Consultative	7.	Based on professionalism
2.	Interactive	8.	Timely
3.	Participatory	9.	Consensus-building
4.	Inclusive	10.	Gender-responsive
5.	Transparent	11.	Cost-effective
6.	Innovative		

Source: National Land Policy, Kenya 2009.

6.3. Integrating gender perspectives in land reforms

Women and men do not benefit in the same way from initiatives in the land sector. Depending on the political, economic and cultural context, it is often women, and particularly poor women, who face significant barriers in obtaining land because social customs or patriarchal tenure systems prevent them from holding rights to land. As women often gain access to land through male relatives, their rights are vulnerable to breakdowns in relationships, divorce or to the changing priorities of male landowners.

Governance mechanisms for land and natural resources, whether part of a larger formal governance system or embedded in customary systems, often carry gender biases and may in some cases completely exclude women and other vulnerable groups like the youth. Addressing gender issues lies at the heart of effective and inclusive land and resource governance. Land governance comprises of the decision-making institutions, processes and mechanisms through which different kinds of rights of land are claimed, negotiated and regulated, through both statutory and customary systems. These institutions, processes and mechanisms range from national land policy-making processes to local land dispute resolution entities and influence how women and men access and control land, and how secure their access and control is³³.

Gender mainstreaming is the first step in creating a gender inclusive, gender responsive policies and programmes framework in land governance reforms with clear gender perspectives. Fostering an inclusive approach is essential to addressing gender goals.

Working with men and women is the most effective path to identifying and achieving gender equality in land reforms. This is particularly important in contexts where men have a dominant role in social leadership and decision-making³⁴.

Thus, mainstreaming gender concerns in land reforms can help promote prosperity and enhance the well-being of societies. This means that the mainstreaming approach should not look at women in isolation but at men and women, both as actors and beneficiaries in the land sector.

Gender issues in the land sector differ by country, region, and concrete situations. A systematic gender-sensitive analysis is required to invariably reveal gender-differentiated needs and priorities as well as gender inequalities in terms of opportunities and outcomes. Mainstreaming gender concerns in land reforms seeks to redress these inequalities within the context of land governance goals.

Mainstreaming gender should involve examining organizational, institutional and corporate environments in which land reform programmes/projects are taking place, developing a strategy to assess and build organizational capacity for addressing gender concerns, and undertaking a participatory process to create consensus among stakeholders and partners on a Gender Action Plan (GAP).

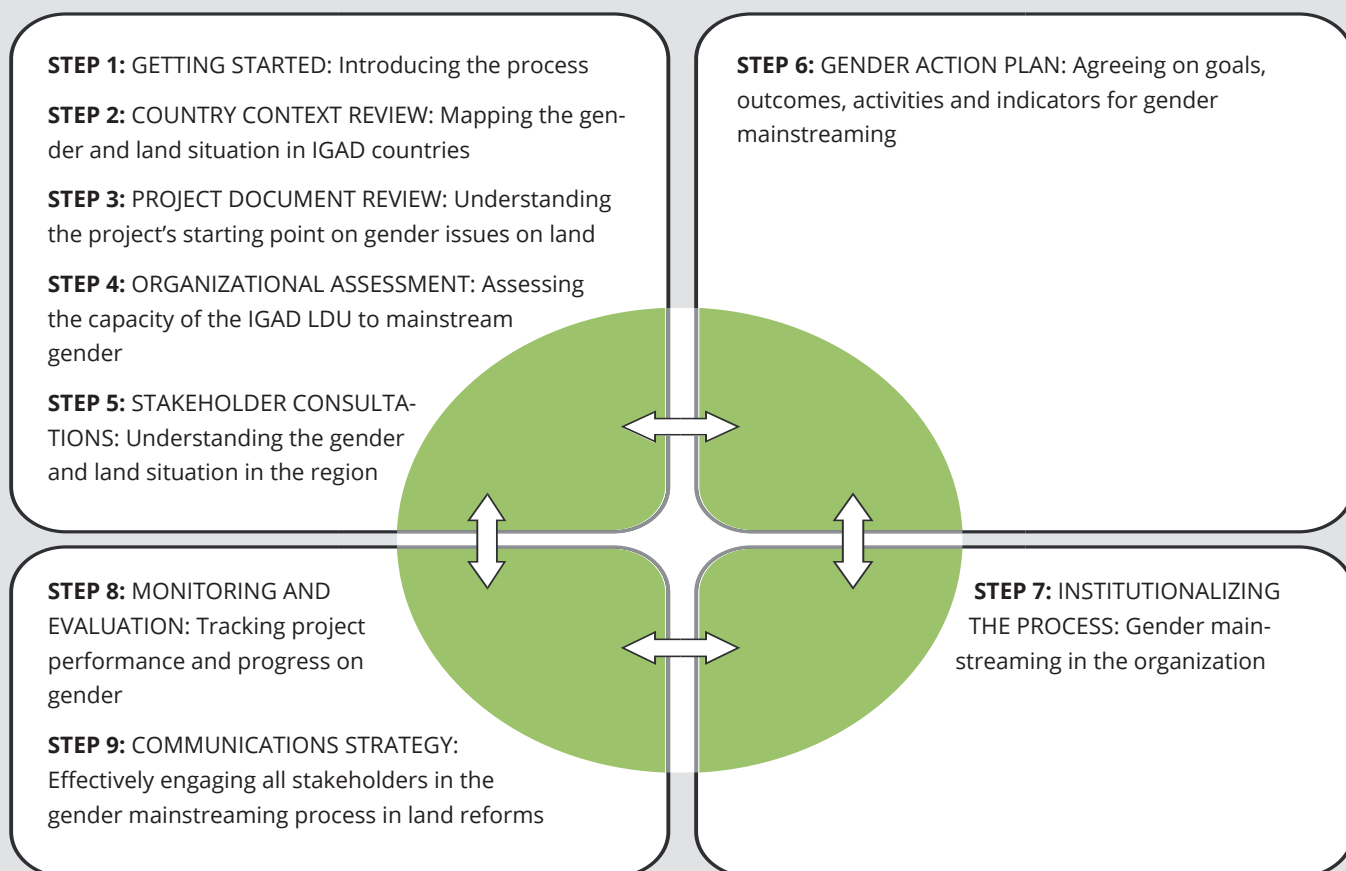
However, before developing a GAP, there are other key steps that are necessary to help the project staff and other stakeholders to gather and consolidate relevant information to go into the GAP. The steps are summarized in Figure 1 below.

33 Swiss Agency for Development and Cooperation SDC (Undated), Gender and Land Governance

34 Landesa. (2018). *ILRG Gender Integration Strategy*. Washington, DC: USAID Integrated Land and Resource Governance Task Order under the Strengthening Tenure and Resource Rights II (STARR II) IDIQ.

FIG. 1.

Stages in mainstreaming gender concerns in land reform projects



Source: Adopted and modified from Energia International Network on Gender

6.4. Strategies and methods in gender mainstreaming

A strategy is a long term and broad plan for achieving an objective, while a method is a way of carrying out the activities. The objectives of any strategy, including a gender strategy, include outlining specific actions that will be taken within a project to ensure that both men and women have the opportunity to equally participate in, and benefit from the project, and ensuring adequate access to information for both women and men and conducting gender sensitive communication activities in the project.

6.5. Levels of mainstreaming gender in land reforms

Gender mainstreaming in land reforms as in other projects can be done at the following levels:

1. Policy
2. Institutional/organizational
3. Programme/project

Effective gender mainstreaming at these levels will occur if the following are in place:

- A clear gender policy
- Practical coordination of all gender mainstreaming initiatives
- A clear manual on gender mainstreaming and best practices
- Training and capacity building
- Awareness creation and advocacy on gender mainstreaming

- Partnerships and networking for persons and institutions
- Research and information dissemination on gender issues
- Sex disaggregated data
- Resources mobilization

a) Most of the Constitutions the world over provide for gender equality in land ownership.

6.6. Considerations for Mainstreaming Gender in Land Reforms

To mainstream gender in governance of land, reforms must first of all consider legal and regulatory frameworks. The first and probably the most important entry point for mainstreaming gender is through the laws, regulations, standards and guidelines for implementing land tenure reforms.

1. **The gender analysis** required here is a review of existing legislation and can be undertaken to analyse the extent to which a gender perspective has been mainstreamed into current legislation. This should be undertaken by someone with both legal and gender expertise.

BOX 7. LEGISLATIVE REVIEW FROM A GENDER PERSPECTIVE

- Is there adequate basic legislation that prohibits discrimination on the basis of sex (Constitutional law, Equal Opportunities Act, etc.)?
- Is there any evidence of explicit discrimination against men or women in land and forest related legislation?
- Is there evidence that implementation of forestry legislation may result in indirect discrimination against men or women in other legislation?
- Was gender expertise part of the information and consultation inputs into the drafting of legislation?

2. **Capacity building of legislation stakeholders:** Strengthening the capacity of key partners who draft, review and pass legislation is critical to ensure that gender equality is adequately addressed. Particularly, training or awareness-raising of the following groups should be considered:

- Parliamentary committees – to ensure that gender equality is adequately reflected in legislation that they draft or send to Parliament; to be alert to legislative gaps in the area which committees oversee in terms of gender equality; to be capable of introducing appropriate legislation to fill these gaps.
- Parliamentary legislative department – to review and 'gender proof' all legislation that is sent to parliament.
- Parliamentarians – to be able to critically examine legislation put before them from a gender perspective.
- Ministry or Cabinet legal department staff – to integrate a gender perspective into legislation sent to Parliament from the executive branch.

Capacity building alone is insufficient to ensure that the skills and tools learned in gender training will be put into practice consistently and effectively in daily work. There are often other work priorities and usually few incentives or rewards to encourage staff to apply new knowledge and skills. In addition, there are often no sanctions for failing to consider and effectively address the gender issues and disparities that are relevant to the issues that staff deals with in their daily work.

3. **Introduction of 'gender proofing' procedures:** In order to ensure a gender perspective in any legislation that is passed, it may be helpful to introduce systematic procedures to 'gender proof' this law. This could be:

- The inclusion of a gender expert in the parliament's legislative department, whose job it is to review all legislation and prepare a statement on the law's gender implications (including recommended amendments).
- Those who submit a draft law to Parliament should prepare a statement on the gender

implications of the law as a mandatory part of its first reading in Parliament.

b) Streamlining workflow administrative processes in land administration

Staff at all levels need to be held accountable for working in a gender-responsive way and for achieving set gender equality outcomes. It is essential to institutionalize gender mainstreaming, and accountability for gender mainstreaming by the development and application of:

- Regulations
- Procedures
- Guidelines

These administrative procedures should inform and direct the routine work of implementers in the land governance offices at different levels of government to ensure that they automatically, systematically, and consistently apply the tools and techniques necessary to address gender issues in their work. Ideally the adaptation of existing regulations, procedures and guidelines to incorporate gender mainstreaming procedures will be all that is necessary, rather than the development of new structures and mechanisms – for instance, incorporating gender equality competencies into performance appraisal processes enables enhanced gender equality in tenure over forests.

The following factors are considered to be key conditions for gender mainstreaming to take hold:

1. Shared responsibility for gender equality

Gender mainstreaming as a strategy, and gender equality as an outcome of the land administration process, cannot be achieved by a few women-focused or gender-focused groups acting alone. The gender mainstreaming approach in registration and titling can only be successful when the majority understands that gender issues are inherent and are an integral part of rights recognition. Gender mainstreaming will be successful when the mainstream accepts responsibility for gender equality outcomes and commences operating in a gender-responsive manner throughout the land administration process.

2. Basic understanding of gender concepts and gender mainstreaming

For gender mainstreaming in land administration to be successful, it is critical to understand:

- What gender equality and inequality mean in practice,
- The role of power between women and men and its impact on gender inequality,
- How gender inequality contributes to and has an impact on poverty reduction and socio-economic growth,
- The difference between a woman in development (WID) approach and a gender and development (GAD) approach to achieving gender equality,
- The difference between welfare and equity objectives, practical needs and strategic interests,
- Why gender mainstreaming is currently considered the most effective approach to achieving gender equality,
- The difference between ‘mainstreaming women’ and ‘gender mainstreaming’ and when each approach is appropriate.

A clear conceptual understanding of these issues is essential for all government officers implementing land administration at both national and local levels. When decision-makers understand the relationship between gender equality, poverty reduction and growth, and understand the practicalities of gender mainstreaming as a strategy, they are much more likely to abandon the narrow focus on women and adopt a gender perspective that takes into account the impact of men’s roles and gender relations on women’s inequality. Policy makers are also more likely to broaden the focus of making it possible to ensure that gender considerations are integrated in the land administration procedures right from survey to registration.

3. Strong committed leadership from senior management in the ministry responsible for land administration

A constant theme in gender mainstreaming is the importance of both the commitment and leadership of

senior management. Only senior managers can properly oversee a cross-cutting theme which overlaps the various management structures and areas within the ministry or government department. Senior management will provide the required signals about the relative priority assigned to gender mainstreaming efforts through making demands on staff for analysis, information and updates on progress in mainstreaming gender in the different workflow on land administration. When such demands are not made, there is little incentive for action and staff are not held accountable for issues of equality.

Equally, senior management support for those leading gender equality work (Gender Equality Units and Focal Points) within the Ministry and the decentralized structures on land administration is a key to success. Mainstreaming gender equality issues is a highly sensitive issue and often meets with staff opposition as mainstreaming gender challenges their own personal beliefs, values and narratives. The authority and support of senior management is important in enabling gender focal staff along the land administration chain to continue in the face of resistance.

There are many actions that staff at all levels in the land administration chain can take in their regular work to gain management support towards a gender-responsive land administration system and gender equality objectives. Identifying opportunities to mainstream gender issues into standard management activities can be an effective way to create and build management support. Careful persistence is important to:

- Ensuring that management is aware of international and national policies and commitments in relation to gender equality and human rights.
 - Arrange gender briefing/reports specifically for senior management, in a manner that is appealing to them, that they can identify with, that meets their needs, with a specific focus on policy issues.
 - Involve senior management in gender policy development, including discussions of implementation, resource allocation and monitoring strategies.
 - Draft speaking notes and integrate key gender issues to senior management speeches/presentations on a range of issues, organize public events/talks on gender equality topics (this is an educational opportunity).
- Look for opportunities for your senior manager to meet with other high-profile leaders who are publicly gender-responsive – and arrange effective media coverage of these events, including the gender equality aspects.
 - Ensure that senior management roles and responsibilities related to the promotion of gender mainstreaming are clearly spelled out in policies, programmes and projects that are the responsibility of the Ministry responsible for land administration.
 - Provide regular briefing feedback notes to senior management demonstrating where gender equality achievements have been made, and how they have contributed to the overall goals of the ministry responsible for land administration.
 - Develop strategic alliances with women's groups and advocacy groups outside of the ministry responsible for land administration to improve information sharing and coordination of key policy efforts.
 - In relation to the election and appointment of management staff, lobby for the inclusion of an understanding of and demonstrated commitment to gender equality and women's empowerment in the TORs.

4. **Develop a gender strategy or policy framework for mainstreaming gender in land administration**

Without a formal policy on gender equality in land administration such as the gender strategy, or action plans for mainstreaming gender in land administration or even guidelines for mainstreaming gender in land administration, success will often be random or non-existent. There will be no gender equality outcomes from the land registry. The policy on gender equality in land administration should outline the commitment to gender equality at all levels of the land administration chain, identify mechanisms to achieve gender equality in the various aspects of land administration, specify the resources allocated to the efforts, and include effective accountability and monitoring and evaluation frameworks.

A policy framework might also include international commitments, such as the ratification and implementation of the Convention on the Elimination of All

Forms of Discrimination Against Women (CEDAW) or the Beijing Platform.

5. **Clear roles and responsibilities for all actors**

Any task is more likely to be successful if everyone knows and understands exactly what is expected of them in relation to the new task or how to do old tasks differently. Gender equality in land administration cannot be achieved by specific groups or with only focal persons or a few people working alone. It can only be achieved where there is strong leadership, broad commitment and action by all of staff in land administration and at all levels of land administration. It is essential that everyone knows exactly what is expected of him or her in terms of working in a gender-responsive manner. Roles and responsibilities in relation to gender mainstreaming in land administration must be:

- Specific, relevant, and realistic
- Included in staff's performance plan
- Reviewed regularly for achievements

6. **Collection and analysis of sex disaggregated data on tenure arrangements**

Collect and use sex disaggregated data in making policy choices. Sex disaggregated data enables decision-makers, research institutes, and development agencies to better understand who is using the land and forests, in what ways, the results of their actions, and any differences in the roles of women and men.

Such understanding is critical to assessing needs, examining policy alternatives, formulating effective policies and programmes, monitoring progress, and evaluating results.

Collection of baseline data that reflects the actual status on the ground is only useful if it incorporates information on land reforms by the full variety of land managers and users, including women as well as men from all communities and socio-economic groups. Within this context, collecting and using data on women's access to secure land and forest tenure, their access to credit, and their relationship to practices and activities in forests is critical. Such sex disaggregated data can be collected qualitatively or quantitatively, by various techniques according to community and/or project requirements – for instance, through such qualitative instruments as participatory assessments, community forums, or stakeholder analysis, or through quantitative surveys of income and expenditures, use of time, attitudes and preferences, etc. These data can be combined with spatial information on land uses, derived from remote sensing and other land use planning tools, in order to provide a detailed picture of forest tenure and governance.

7. **Capacity building of technical staff in land administration**

Capacity building as an entry point for mainstreaming gender must focus on establishing routine workflow for the recognition and familiarization with the integration of gender issues in daily work routines. Working

BOX 8: THE VALUE OF INFORMATION THAT PROVIDES A 'GENDER PERSPECTIVE' IS THAT IT:

- Tells you if differences for women and men exist in relation to the issue or problem (or what the risks might be of differences occurring).
- Tells you what the specific gender issues and problems are, and what the causes are.
- Tells you if there is a need to be concerned and take action to address the gender disparities.
- Points to the type of interventions that might be needed to address the gender disparities (based on addressing the cause of the disparity).
- Provides the basis for monitoring interventions to ensure that they are working.
- Statistics help promote change, disprove stereotypes, and promote understanding of the actual situation of women and men in society.

in a gender-responsive manner requires that individuals are not only given the opportunity to develop new skills and take on new responsibilities but also have the motivation to do so. Initially, new working habits will require a concerted effort on behalf of each person until working in a gender-responsive manner becomes the norm – becomes habitual and automatic. Like any change of habit, encouragement, support and incentives, along with consequences for lack of application, is likely to increase levels of motivation to adopt gender-responsive work practices. This is an important management responsibility; a factor that if successfully addressed could result in considerable achievements towards achieving key gender-equality objectives.

The key entry points for sustainably mainstreaming gender in land administration through capacity development are:

i) Change management in land administration

Gender equality in land administration is a relatively new phenomenon. Capacity development of the staff at various levels becomes important if success is to be achieved. Mainstreaming gender equality issues in land administration involves challenging the status quo – it means making changes to how the staff think, relate, and work, changing some of their long-held beliefs about the role and value of men and women in land ownership. Change is usually challenging for most people and can lead to resistance or low uptake of a reform.

For the uptake of gender equality in land administration to be successful, it must involve top management – a fact that has been proven repeatedly around the world and especially in relation to achieving gender equality. To achieve change, primary actors in the land administration chain must be willing to acknowledge and speak out about what needs changing and how to do it, and must be firm in promoting change for gender equality in the registration process.

ii) Creating a conducive learning environment for land administrators will foster the uptake of gender considerations in land administration

A well-planned gender training can only have an impact if it is carried out as part of an overall organizational strategy of learning and change. The development of conceptual understanding, practical expertise, and the ability to confidently and competently apply

gender-mainstreaming skills is an incremental and on-going process that takes time, a work environment that demands that staff work in a gender-responsive manner and supports them in doing so. Skills development in gender mainstreaming needs to be participatory, based on adult-learning theory, and importantly, must be learner-centred and designed to meet the specific needs of the staff implementing the different sections of land administration. A one size fits all approach may not yield much result. Practical on-the-job coaching support is an effective technique.

For skills development to be meaningful and successful (i.e., have an impact on daily work in land administration and development outcomes), it should be one component of an integrated system that:

- Provides flexible options for developing capacity,
- Demands that work behaviours change to reflect utilization of new skills,
- Is carried out in a work environment that consists of mechanisms to support and prompt appropriate gender equality interventions,
- Rewards excellence and incorporates an accountability mechanism that measures the extent to which gender-mainstreaming practices are being applied (i.e., build gender equality competencies into performance appraisal systems).

Gender training must be a part of an overall organizational strategy that includes a long-term rationale for the training investment, and how it 'fits' with other organizational strategies to build the capacity of staff to work gender-responsively.

iii) Administrative accountability procedures in land administration

Capacity building alone is insufficient to ensure that the skills and tools learned in gender training will be put into practice consistently and effectively in daily work of land administrators. There are often other work priorities and usually few incentives or rewards to encourage staff to apply new knowledge and skills. In addition, there are often no sanctions for failing to consider and effectively address the gender issues and disparities that are relevant to the issues that staff deals with in their daily work.

8. Adjudication and demarcation procedures

Ascertainment of rights commences with adjudication and then demarcation. This is the point at which property in land is formed. At the initial stage of capturing data, it is important to define who holds which right within the rights bundle. Land tenure should primarily be viewed as a social relation involving a complex set of rules that affects the way that land is owned and used. While some users may have access to the entire bundle of rights 'with full use and transfer rights', other users may be limited in their use of land resources (Fisher, 1995). The exact nature and content of these rights, the extent to which people have confidence that they will be honoured, and their various degrees of recognition by public authorities and the concerned communities, have a direct impact on how land is used (UN-Habitat, 2003b).

It is important to note that the level of rights can be altered by a series of restrictions concerning the use

of the land, which must conform to planning rules, development and construction norms and standards, and the type of development specified in the contract or agreement between the owner and the user of the land. The level of rights may also depend on the period of time for which rights are agreed upon and whether they are renewable and transferable. Finally, the degree of formality in rights agreements or lease contracts can affect the level of rights as they can range from informal unwritten agreements to formal contracts between landowners and occupants (leaseholds). Customary agreements can also provide various levels of rights depending on the local legal and regulatory framework.

It is important therefore to carry out typology of tenure to determine who holds which rights within the rights bundle. This will enable the surveyor or the adjudication committee to take affirmative action to ensure disenfranchisement does not happen. The typology must be applied taking into account a gender analysis.

TABLE 2:

Land Tenure Types and Characteristics

Tenure type	Characteristics	Who holds which right (F = Female, M = Male, CM = collective, Collective Male, CF = Collective Female)				
		Hold	Use	Transfer	Quiet enjoyment	Bequeath
Freehold	Ownership in perpetuity. This is found in all market economies at different levels of economic development.					
Delayed freehold	Conditional ownership. Title is granted on the completion of payments or when developments have been completed. This is also found in all market economies.					
Registered leasehold	Ownership for a specified period from a few months to 999 years. This is based on English property law and exists in most countries where this legal system applies, particularly members of the Commonwealth and countries once under British colonial administration.					

Tenure type	Characteristics	Who holds which right (F = Female, M = Male, CM = collective, Collective Male, CF = Collective Female)				
		Hold	Use	Transfer	Quiet enjoyment	Bequeath
Public rental	Rental occupation of publicly owned land. This exists in countries of all political and legal structure.					
Private rental	Rental of privately owned land or property. This exists worldwide in countries where private property applies.					
Shared ownership, including cooperative tenure and Community Land Trusts (CLTs)	Ownership is vested in the cooperative or group of which residents are co-owners. Various types exist worldwide, now a model for common property ownership.					
Customary ownership	Ownership is vested in the tribe, group or community. Land is allocated by customary authorities such as chiefs.					
Religious tenure systems (Islamic)	There are four main categories of land tenure within Islamic societies. 'Waqf' land is land 'held for God', whilst 'mulk', or private lands, are also protected in law; 'miri', or state-controlled land which carries 'tassruf' or usufruct rights, is increasingly common, whilst 'musha', or communal land, is based on tribal practices of allocating arable land and is falling into disuse.					
Non-formal tenure systems	These include a wide range of categories with varying degrees of legality or illegality. They include regularized and unregularized squatting, unauthorised subdivisions on legally owned land and various forms of unofficial rental arrangements. In some cases, several forms of tenure may coexist on the same plot, with each party entitled to certain rights.					

Adapted from UN-Habitat (2004).

I

9. Documentation and/or registration of rights

Documentation and registration of rights enables the rights holders to acquire tenure security. From a gender perspective, there are three approaches that can be used:

i) The requirement for consent to transactions on the forest or land regardless of tenure type.

It is widely acknowledged that land is an important resource on which the population depends. It is also noted that land is a problem for women given the cultural and customary factors which historically have favoured men for land ownership since time immemorial.

Whereas most constitutions guarantee the right to own property, a majority of women are denied this opportunity because they do not have the purchasing power, or for some reason or other, they are not aware of this right. Land rights are usually conceived of as the rights to use, enjoy and exploit land. Women's land rights are fragile and transient, being dependent upon age and marital status.

While a lack of security of tenure affects millions of people across the world, women face additional risks and deprivations. The vast majority of women cannot afford to buy land and usually access land through male relatives which makes their security of tenure dependent on good marital and family relations (Marjolein Benschop 2004).

The concept of co-ownership is built on the premise that there must be unity of possession between two or more individuals with respect to a particular piece of land. Co-ownership of land denotes that there is there is a joint interest of land on which the livelihoods are derived and calls for equal rights on land on a continuous basis free from imposition and interference to reap the benefits of one's labour.

Building in the requirement for a community to give consent, and specifically women within the community, safeguards their interests to land and forests.

ii) Co-ownership

Co-ownership of land arises when a joint interest in land vests in two or more persons, who may then hold the title as joint tenants or tenants in common.

Joint Tenancy arises where land is registered in the names of two or more persons without any words to show that they are to take distinct and separate shares in the land. Joint tenancy has four distinguishing characteristics, namely:

1. Concurrent possession. This means that there is no division of shares between the tenants. Each tenant is entitled to possession of all the assets.
2. Similar interest, meaning that the extent, nature and duration of the interest of each tenant is the same, for example, each holds a leasehold.
3. Common title, meaning that the same act or document is the basis of the ownership.
4. The same time of acquisition of ownership.

In the case of a collective, it means that all members of the community hold equal rights to the land or forest resource with indivisible shares.

Tenancy in Common provides for a common title, which means that the same act or document is the basis of the ownership. The respective tenants' shares in the property are distinct and fixed although undivided, and the separate interest of each owner in the single property is not affected by the death of any of the owners.

In case of a collective, it means that although rights are documented on a single title, each of the members of the community knows the extent of their rights. In this case, caution must be taken to ensure that women are not disenfranchised. The typology above will provide insights into how best to protect the rights of women in this case.

Joint tenancy and tenancy in common are primarily distinguished by the principle of survivorship, which does not affect tenancy in common. Under joint tenancy the principle of survivorship applies. This means that when one of the owners dies, the property vests or passes on to the surviving tenant(s). Under tenancy in common, the tenants' shares in the property are distinct and fixed although undivided. Each tenant has a separate interest in a single property, which is not affected by the death of the other tenants. Therefore, on the death of any one tenant, his or her heir inherits it. Only possession is required, although the four characteristics of a joint tenancy may be present.

In most legislations where there are two or more persons registered as co-owners of land, there is a presumption of joint tenancy, unless the title specifically indicates that tenancy in common is intended, for example through stating 'No survivorship' on the title.

At the point of documentation, it is important to:

- Create awareness among the public on the benefits of securing rights of both men and women to land and forests. This will reduce potential conflicts that would have ordinarily arisen as women seek to secure their interests in land.
- Include gender fields on the register. The workflow of the documentation process must ensure that the staff take gender issues into consideration. The forms must clearly demand gender fields and the guidelines and procedures must be clear.
- The encumbrance page on the register should cover gender dimensions requiring consent in case of dispositions or transaction on the property or land.
- Monitoring data should continuously be generated to ensure that there is compliance with the requirement of capturing gender information at the point of documentation or registration.

iii) Integration of women in the governance structures in the case of collective rights

Collective rights, especially where joint ownership is envisaged, may result in fuzzy rights for women due to cultural norms and practices. It is therefore important that on the governance structures of the property or land, the role of women is clearly articulated. It is important that gender equality is exercised in governance. A power analysis is important to determine whether or not there is equal representation.

5. Monitoring, evaluation and reporting in gender mainstreaming of land reform projects

Monitoring is the systematic and regular tracking of progress during planning and implementation of gender mainstreaming in land reform programmes/projects. It involves continuous observation, reflection and making decisions regarding activities implemented. Monitoring provides us with the opportunity to revise the efforts along the way if it is found that they are not

going in the direction expected or not achieving the intended gender equality objectives.

Monitoring mechanisms have been traditionally gender-blind – that is, they have failed to measure and highlight the differences for women and men in the progress towards a policy/programme/project goal.

The progress towards policy, programme and project objectives for men and women can only be understood if monitoring mechanisms are gender sensitive.

Gender-responsive monitoring

- Reveals the extent to which a policy, programme or project is
 - allocating resources equally for men and women,
 - addressing the different needs of men and women,
 - on track to reducing gender disparities, and not worsening gender disparities.
- Improves project performance during implementation and allows for mid-term corrections in implementation to be made so that policy/programme/project objectives are met equally for women and men.

The idea is not to set up new or separate monitoring mechanisms, but to ensure that existing monitoring mechanisms are designed in a way that captures the progress and impact for men and women, and that they monitor aspects that are relevant to gender-related issues.

Gender responsive monitoring involves adjusting monitoring indicators, and sometimes including specific gender-specific indicators, to ensure that they measure the progress towards programme/project objectives for men and women and check that gender disparities are not being made worse by the intervention, but rather progress is being made towards gender equality.

BOX 9: MONITORING IS AN IMPORTANT MANAGEMENT TOOL THAT HELPS:

- Measure the progress of policies, programmes and projects of the target group.
- Assess whether the targets have actually been met.
- Account for resource use (were resources used efficiently and effectively for the purposes intended?).
- Improve project performance during implementation by allowing for corrective action to be taken so that policy/programme/project goals are achieved effectively and efficiently.

Monitoring Approaches

There are many different ways to monitor. The approach taken will depend on the circumstance, the people, the skills and resources available. Monitoring should take place from two different perspectives:

- *Monitoring progress towards achieving policy/programme/project goals and objectives (have we achieved our goal?)*
- *Monitoring the implementation process (how did we go about achieving our goal?)*

Both perspectives require us to set targets (goals) and develop indicators to measure progress towards meeting those targets.

When monitoring progress towards goals and objectives, indicators must be developed that track the delivery of specified outputs (activities) and outcomes (impact).

When monitoring the implementation process, targets and indicators must be developed that track the extent to which the process itself is gender responsive. Monitoring the process will:

- Allow you to identify problems and gaps in the process that can be immediately addressed.
- Allow you to improve the design of future initiatives.
- Document obstacles to mainstreaming that can be later addressed in a wider institutional context.

Evaluation, on the other hand, refers to the periodic assessment of expected results in relation to specific objectives of the implementation of gender mainstreaming. It is important to determine who needs

what type of information, for what purpose and how often. Appropriate instruments to be used for data collection should be designed.

For a successful monitoring and evaluation system, gender-sensitive indicators should be developed at the outset of the programme/project. Monitoring is about the collection, recording, analysis, reporting, and use of information about the implementation progress of policies/programmes/projects. Monitoring is conducted and used at different levels of the system (national, local, sector, programme and project) and for different aspects of the process (inputs, process, outputs, outcomes, and impact).

After designing and implementing interventions that address gender inequalities and promote equal outcomes for men and women on forest tenure, it is important to monitor these interventions from a gender perspective, being used the way they were planned for, and that the interventions are having the impact that they were designed to have.

What needs to be monitored and evaluated?

Inputs, activities, results and context.

What tools should be used in monitoring and evaluation?

Work plans, budgets, reports and projects documentation. Reporting involves collection and documentation of information relating to the implementation of gender mainstreaming. Such reports provide feedback and sharing of information for planning and decision-making.

Reports can either be narrative/qualitative or quantitative/statistical in nature.

MODULE 7: MAINSTREAMING GENDER IN INSTITUTIONAL MECHANISMS ON LAND GOVERNANCE REFORMS

MODULE: 7	MAINSTREAMING GENDER IN INSTITUTIONAL MECHANISMS ON LAND GOVERNANCE REFORMS
OBJECTIVES	<p>To:</p> <ul style="list-style-type: none"> — Identify different ways of mainstreaming gender in land governance institutions — Identify key approaches of mainstreaming gender in formal land governance institutions at the local and national level — Identify key approaches of mainstreaming gender in informal/customary structures at community level
CONTENT	<ul style="list-style-type: none"> — Applying analytical approaches to policies, strategies and programmes of gender and forest institutions — Integrating elements of gender in procedures and work processes — Management and leadership support to mainstreaming gender — Mainstreaming gender in informal/customary structures at community level capacity development — Gender Sensitive Stakeholder Analysis — Planning for change in how traditional institutions respond to gender equality — Participation of women in the governance structures
DURATION	5 hours
METHODOLOGY	<ul style="list-style-type: none"> — Group discussions and presentations — Questions and answers — Case study
RESOURCES	<ul style="list-style-type: none"> — Flipchart/flipchart stand — Plain papers — Marker pens — Masking tape — Meta cards — Plain papers — Masking tape/pins — LCD projector — Computer

7.1. Mainstreaming Gender in Institutional Mechanisms on Land Governance Reforms

Mainstreaming gender in land and forest governance institutions is implemented in somewhat different ways in relation to activities such as research, policy development, policy analysis, programme delivery, or technical assistance activities at various levels within both formal and informal structures governing gender and forests. The opportunities and processes are different for each area of work. Mainstreaming gender must be adapted to the subject under discussion and context. The analytic approach and questions asked must be appropriate to the specific concerns being addressed. There is no set formula or blueprint that can be applied in every context. However, what is common to mainstreaming is that a gender equality concern is brought into the 'mainstream' of activities rather than dealt with as an 'add-on'.

Discussion point 1: Mainstreaming gender in formal governance structures at national and local levels

1. Ask the participants to explain what they understand by the terms formal land governance structures.
2. Let them identify some approaches to policies, strategies and programmes of gender and land governance.
3. Ask them how gender can be integrated in operational planning and strategies.
4. Ask them to explain the role of management in mainstreaming gender and implementing it in land governance structures.
5. The trainer gives a summary of the discussions.

Discussion point 2: Mainstreaming gender in informal/customary structures at community level

1. In groups, ask the participants to discuss how customary norms and practices cause gender inequality.
2. What approaches can be used to mainstream gender in customary land tenure?

3. How can women land and property rights be implemented in customary land governance structures?
4. Let the different groups present their findings for discussion in the plenary.
5. The trainer summarizes the discussions.

7.2. Mainstreaming gender in formal governance structures at national and local levels

Three key approaches are proposed for mainstreaming gender in institutional policies, strategies and programmes:

1. Analytical approaches
2. Integrating elements of gender equality in procedures and work processes
3. Management and leadership support to mainstreaming gender

1. Applying analytical approaches to policies, strategies and programmes of gender and land governance

Analytic approaches ensure that societal differences and inequalities are among the factors considered in assessing trends, problems, and possible gender equality-related policy and strategy outcomes.

The aim of this is to develop context-specific gender overviews based on the responsible institution's thematic areas as a means of incorporating elements of gender into the different strategy papers, programmes and projects during their formulation. It is based on multi-stakeholder, participatory procedures at the earliest stages of policy, strategy and programme formulation in order to systematically integrate relevant elements of gender equality.

The steps that can be applied are:

a) Problem assessment by stakeholders

Start the gender mainstreaming process with a diagnosis of the current state of gender equality in tenure over land and forests, identifying and defining the specific gender equality problems or challenges that need

to be addressed. Each problem needs to be discussed with a wide range of stakeholders to understand its fundamental drivers and what action is required.

b) Identify elements of gender equality to be mainstreamed

This depends on the problems identified which might be context or issue specific. Any of these might affect achievement of specific gender equality objectives and/or present potentials which are being ignored by development policy and activities of the institutions responsible for guaranteeing tenure rights over land and forests.

c) Identify sectors and institutional objectives into which elements of gender equality are to be mainstreamed

This also depends on the problem identified. It may require targeting a particular department, unit or programme; a particular development challenge; or a broader economic development or poverty reduction strategy. It might entail working with international agencies, government agencies, civil society and private sector organizations.

d) Identify desired gender equality development outcomes

What linked improvements in both gender equality and development have the most potential? These mainstreaming outcomes range from revised policies, plans, budgets or other decisions to behavioural, institutional, capacity and actions in the field.

e) Shape a communication strategy for promoting mainstreaming of gender in tenure over land and forests

Effective communication is essential for bringing about the changes in policy, norms and behaviour that are required for mainstreaming gender. There must be strong communication throughout the mainstreaming stages; it is vital during problem articulation, stakeholder engagement and business case development. It is important to identify who needs to change, what behaviours need to change, and what decisions, methods and instruments best bring about these changes.

f) Identify and engage stakeholders who might support or undermine progress towards desired outcomes from mainstreaming gender

This involves initial discussions about associated institutional, equality and capacity changes required to achieve desired outcomes, to identify who should be engaged. Stakeholder analysis and power mapping and a simple matrix can guide initial thoughts on who might be for and against the desired outcome and who might have the ability to influence the outcome. Engage the stakeholders with the most influence, whether for or against the desired outcome.

g) Identify enabling factors for mainstreaming gender

Existing enabling factors that need to be worked with might include:

- Political will and leadership,
- Media and public perception and awareness of importance of improved gender equality in tenure over land and forests,
- Inter-sectoral coordination,
- Transparent, accountable and inclusive institutions,
- Stakeholder participation, and
- Availability of funding.

Absent factors should inform the choice to make at step 8.

h) Identify approaches to achieve gender equality development outcomes

Various approaches may be needed. Some of these are tools to make a business case. Others are tools to enable the necessary policy and strategy development. Certain approaches can help to bring about the required reforms, such as partnerships to implement gender equality programmes.

i) Develop a business case that persuades the stakeholders who need convincing

A business case needs to be as specific as possible and to give evidence of direct benefits from strategies. Staff, donors and the relevant stakeholders should be

incentivized to integrate gender equality in programming. A good business case is key to influencing powerful but difficult-to-convince stakeholders.

Then build on the enabling opportunities identified above such as political will, availability of adequate funds and cross-departmental dialogue processes.

j) Develop a monitoring and evaluation (M&E) system for mainstreaming gender

A proper M&E system needs to be in place to guide the mainstreaming process and assess its success. M&E should focus on the approach, enabling factors and outcomes. The lessons learned through the M&E process can help fuel a process of continuous improvement and provide valuable experience to share with others. It is good practice to get your plans for mainstreaming peer reviewed by people who are doing the same thing in another department or unit. They will be able to share what has worked well or not so well for them.

2. Integrating elements of gender in procedures and work processes

Procedures and work processes should ensure that there is attention to gender equality issues at critical decision-making steps of normal work routines, such as those related to capacity development, sectoral policy and strategy development, establishing expert groups, commissioning research, planning technical assistance activities, etc. The following approaches are key:

a) Integrating gender into operational planning and strategies

It is important to ask the following questions in planning operations:

- What measures for implementing elements of gender equality need to be reflected in objectives, outputs activities, inputs, indicators, risks, management arrangements?
- What prior obligations with regard to gender equality exist?
- Which elements of gender equality should objectives, specific outputs and related activities reflect?

- Can existing inputs (personnel and materials) be used?
- How will monitoring be undertaken as a contribution to the broader social, economic and environmental development goals?
- What are the external risks that should be kept in mind?
- How do management arrangements and prior obligations take gender equality into account?

b) Capacity development within the institutions on gender equality

Significant efforts with respect to human resource capacity in gender equality is important. The form of capacity development that is most needed is competence development. Competence development refers to the efforts to assist staff to *understand* how gender equality is relevant to their responsibilities and to *identify practical ways* that individuals and divisions can act on that understanding. Competence development aims to clarify concepts and analytic approaches, but also to result in some concrete outputs. In particular, the approach centres on the mandate and professional responsibilities of work units, considering the issues they deal with and the practical opportunities for strengthening their outputs and impacts through integrating relevant elements of gender equality. The target group for this approach to competence development is all staff with responsibility for analysis, decision-making procedures, and management.

The aim of capacity development is to stimulate dialogue on elements of gender equality relevant to specific work units and engaging the staff in a process tailored to their specific subject and work methods and identifying feasible next steps by individuals within their mandates to integrate gender equality in their strategies, programmes and activities.

c) Main characteristics of a competence development approach to mainstreaming gender in land and forest equality institutions

There are four major characteristics of this approach:

i) Practical and work-related, focusing on issues and work processes rather than teaching of techniques.

The point of departure is the day-to-day work of staff rather than analytical frameworks.

Staff often have difficulties translating general analytical frameworks for use in their own work, particularly for analytic work related to policy analysis and formulation. For staff who have not worked on gender equality, or are sceptical of its value to their work, such analytical frameworks are not a useful or persuasive starting point for discussion. Thus, the approach to competence development is to use discussions and exercises based on the issues and tasks on which the staff currently work as a means of generating insights about 'how and why' gender equality is relevant in their current work.

ii) Specifically tailored to the issues and needs of each unit or division

The way in which elements of gender equality are relevant will vary with the specific role and subject matter of a particular work unit and the professional responsibilities of the staff. Discussion sessions and problem-solving exercises that are situated in the particular context in which staff find their current work challenges are more likely to engage the staff and stimulate thinking on practical follow-up possible than a more generic training programme. This requires a programme structure in which there is a preliminary step that allows for discussion between facilitators and each participating division to clarify the nature of the work done, experience in incorporating gender equality if any, gaps and constraints, etc., in order to prepare appropriate materials for a constructive training programme.

iii) Use of participatory methods to draw on the experience of staff

A participatory approach that engages staff in thinking through issues and opportunities is particularly important for adult learning. This requires the preparation of discussion sessions and problem-solving exercises that allow staff to work through the meaning of new concepts and their practical implications (as opposed to the use of lectures). The programme must allow time for discussion among participants, and the use of mechanisms such as small groups to encourage the exchange of ideas on emerging issues and problem-solving.

iv) Capacity Development should be conceived as a 'process' rather than an 'event'

Training and staff development are often approached as an event – an activity is scheduled, and a programme delivered. By contrast, the approach here is to develop a programme that consists of several steps – a preliminary step to begin the discussion and develop a relationship with a division, follow-up with a workshop specifically designed to address the issues, gaps and concerns identified, and then feedback that the division can use in its own follow-up efforts. An important element of the programme with each division is that participants identify the follow-up steps that the division will take to further explore issues and opportunities and to implement the insights gained.

Management and staff must take this further for there to be tangible results, and therefore the competence development programme must be seen as a step in an internal process of capacity development. This means that internal leadership for the programme and for follow-up must be considered when planning the programme itself.

d) Important features of staff capacity development

i) Targeted to staff working on substantive issues

As the aim of competence development is to strengthen analytic approaches to gender equality issues in the professional work of the land and forest equality institutions, the target group is staff working on substantive programmes. The approach deliberately excludes general services and support staff. Achieving results through the approach outlined above requires discussions among colleagues engaged in similar types of analyses and doing similar types of work. Addressing the role and contributions of support staff would require different discussions and exercises, which would be most productively pursued in separate activities, at least at the initial stages of competence development for mainstreaming gender.

ii) Does not address issues of gender balance

The programme is concerned with the outputs for which the institutions responsible for land and forests are responsible, and not equal opportunities or gender balance among staff. It also does not deal with issues of organizational change or management culture. While these may be important issues in themselves, and relevant to the environment for mainstreaming gender, they must be dealt with separately.

e) Improving mainstreaming gender tools and facilitating their effective implementation

Actions need to be taken at levels of corporate policies, procedures and culture in order to influence policies, strategies and day-to-day practices to integrate gender equality. Therefore, mainstreaming gender equality will only receive its legitimacy by being perceived as the responsibility of all individuals' units and divisions rather than being associated with any one unit within the institutions. In this regard, mainstreaming gender equality is based on existing functions and procedures of an organization, rather than create new ones. Therefore, the existing tools whether policies, strategies, implementation manuals or plans need to be constantly improved to integrate relevant elements of gender equality to each unit or programme. Some of the approaches to do this are:

- The improving programming approach ensures that appropriate attention is paid to elements of gender equality that are impacting on project progress or that could amplify project results.
- It is important that as part of the planning unit, consideration is given to providing programming guidance as an interactive process that creates opportunity annually for the mainstreaming of gender equality in the institutions on land and forests equality processes.
- Strategic Results Framework should clearly map out elements of gender equality in relevant procedures and workflow of the relevant institutions.

3. Management and leadership support to mainstreaming gender

Management and leadership within the institutions on land and forests ensure that management takes an active role in providing guidance to staff about objectives and responsibilities for mainstreaming gender equality and provide a conducive and supportive environment for staff to explore issues and approaches applicable to their own work and mandates.

Mainstreaming gender equality must be based on an understanding of the motivating forces operating within an organization as well as the constraints that these forces place on the process. Management therefore plays a key role in unplugging any bottlenecks that

might be experienced in the process of mainstreaming gender equality.

a) Key entry points for management support to mainstreaming gender policies, strategies and programmes on tenure security:

i) Strategies and policies

To be effective, the broader management system as well as the business planning process must integrate relevant elements of gender equality. In addition, a pre-condition to the success of this mainstreaming strategy is the involvement of all parts of the organization, with particular attention from senior management.

- **Policy Statements:** Mainstreaming gender in the land and forests governance institutions may require a clear public endorsement and ratification of a strong policy statement by those institutions' most senior management that identifies the policy's overall gender equality goals and objectives. It also requires an active commitment for follow up and implementation.
- **Management:** The implementation of the M&E system will support the management in understanding how far gender has been mainstreamed within policies, strategies and programmes. The M&E system has considerable impact on the operations of the institutions governing land and forests, including opportunities for a further consolidation of functions and mandates relating gender equality.

ii) Programming guidance

Mainstreaming gender equality implies that gender equality objectives must be synergized with social, economic and environmental objectives reflected in the strategies of the institutions responsible for land and forests governance. Internal dialogue between management and staff needs to be promoted to influence staff to integrate gender equality in their policies, strategies, programmes and budgets. Management within these institutions could foster a conducive and enabling environment for mainstreaming gender equality institution wide. As regards to the integration of elements of gender equality into practice areas, it is important for management to work with unit leads to identify priority areas of intervention and support

fundraising efforts and budget allocations for their implementation.

iii) Operational processes

Gender equality needs to be integrated into action planning for operational processes as experience has shown that plans quickly move out of date and are best managed in efforts of continual improvements. It is critical for senior management to encourage staff whose portfolios bear relevance to gender equality to set their own targets and indicators of success.

iv) Monitoring, evaluation and reporting

Reporting activities on progress made vis-à-vis mainstreaming gender equality needs to be strengthened over time. Reporting tools that better reflect management roles in advocating for mainstreaming gender equality and the accruing benefits need to be developed and reinforced.

7.3 Mainstreaming gender in informal/customary structures at community level

Research has shown that gender inequality is almost always perpetuated by customary norms and practices. It is in this arena that exclusion and discrimination happen. Gender discrimination indicates the act of restricting, excluding, not recognizing or not appreciating the role and position of men and women leading to gender inequality between men and women in all fields of social and family life.

Culture is part of the fabric of every society and shapes 'the way things are done'. Expectations about attributes and behaviours appropriate to women and men, and about relations between women and men – in other words, gender – are shaped by culture. Gender identities and gender relations are critical aspects of culture because they shape the way daily life is lived in the family, but also in the wider community and the workplace.

While the specific nature of gender relations varies amongst societies, the general pattern is that women have less personal autonomy, fewer resources at their disposal, and limited influence over decision-making processes that shape their societies and their own lives. This pattern of disparity based on gender is both

a human rights and a national development issue. However, societies and cultures are not static – they are living entities that are continually being renewed and reshaped. As with culture more generally, gender definitions change over time, in response to many factors – social, economic, legal, policy, civil society.

During this process of evolution, some values are re-affirmed, while others are challenged as no longer appropriate. Gender mainstreaming is a strategy to assist government and society to become aware of and challenge the values and beliefs that result in some members of society being denied equal recognition, opportunities, access, and outcomes to the country's development.

Mainstreaming gender equality issues involves challenging the status quo – it means making changes to how people think, relate, and work, changing some of the long-held beliefs about the role and value of men and women.

To gain uptake of gender mainstreaming in the local land governance structures, attention should be paid to gender issues, ensuring that they:

- focus on gender equality as an objective, rather than women as a target group,
- ensure that initiatives not only respond to gender differences but seek to reduce gender inequality,
- pay more attention to men and their role in creating a more equal society.

Having a gender balanced approach in mainstreaming gender equality in local and traditional structures goes a long way in creating and fostering an enabling environment for uptake and realization of gender equality outcomes.

It is therefore important to mainstream gender in how these institutions function and operate on a day-to-day basis. The key approaches to mainstreaming gender in these structures are:

1. Gender Sensitive Stakeholder Analysis
2. Capacity Development
3. Planning for change in how traditional institutions respond to gender equality

4. Participation of women in the governance structures

1. Gender Sensitive Stakeholder Analysis

In order to ensure that women's as well as men's needs, priorities, and constraints are recognized, addressed, and influence the planning and implementation processes at the community level, the following is important:

- Participatory consultation with women as well as men to establish not only what roles men and women play in the community, but how the needs of women and men can best be addressed.
- Women as well as men participate in planning and decision-making within the community structures.
- Gender equality advocates (men as well as women) working out ways to open up spaces to ensure women's active and effective involvement in consultation and decision-making processes.

The usual process of stakeholder analysis (drawing up a table of stakeholders, assessing the importance of each stakeholder and their relative power and influence, and identifying risks and assumptions that will affect the project design) should include:

- Women and men as separate stakeholder groups
- Where appropriate, different stakeholder groups amongst women (and men)
- Consultancy teams, working groups, management teams and implementation teams include women as well as men
- Gender equality advocates (in government, civil society and donor organizations) work in collaboration, thinking collectively and strategically about advocacy strategies.

2. Capacity Development

Capacity development activities aim to raise women and men's skills in a given domain at local and community levels. They should ensure that all project participants have the same knowledge to work together more effectively. Activities can also be targeted to the needs of the women participants where they are expected to play a specific role in order to achieve the

project and programme objectives. The following actions are necessary to improve capacity development.

Before selecting capacity development activities, convene stakeholders, particularly men, to explain and discuss with them the concept of gender equality and what they see as women's contribution to governance.

- Consult women at the outset of planning to determine whether capacity development activities will be useful and relevant to their needs and interests.
- Survey women and men separately in the community to assess existing capacities, strengths and weaknesses. Use this information to design tailor-made training to foster their participation in community governance structures.
- Conduct capacity development activities to further empower women.
- Consider what time of day is most conducive to women's schedules when holding capacity development trainings.

With appropriate support and training, community representatives can negotiate effectively for gender responsive actions, while increasing their understanding of gender equality issues and accept their responsibility for delivering gender-aware activities. This will take some time to be grounded in the community.

3. Planning for change in how traditional institutions respond to gender equality

All social change processes require planning, and gender mainstreaming is no exception. Traditional institutions need a clearly defined and agreed-upon simplified gender mainstreaming strategy so that action can be coordinated, and progress measured.

Developing a gender mainstreaming strategy for traditional leaders needs to be done in a consultative, and community-based manner in order to build broad understanding of the gender equality issues involved. The application of the Harvard analytical framework is key at this point.

The framework consists of three interrelated components:

1. An activities profile, listing the tasks men and women do (disaggregated by age, ethnicity, class, etc.) and where and when these tasks are performed. Activities are grouped into the three areas of productive activities, reproductive or household activities and social/political/religious activities.
2. An access and control profile, listing the resources needed to carry out the above activities and the benefits that result from them. Resources include political and social resources such as education as well as material and economic resources such as land or capital.

TABLE 4:

Land Access and Control Profile

	Access		Control	
	Women	Men	Women	Men
— Resources				
— Land				
— Equipment				
— Labour				
— Cash				
— Education/training, etc.				
— Other				
— Benefits				
— Outside income				
— Asset ownership				
— Basic needs (food, clothing, shelter, etc.)				
— Education				
— Political power/prestige				
— Other				

Source: UNDP Learning and Information Pack: Gender Analysis, 2001 reproduced from March, C, Smyth, I, Mukhopadhyay, M. (1999) A Guide to Gender-Analysis Frameworks, Oxfam, Oxford

3. An influencing factors profile, which identifies the factors that affect the division of labour and resources. These may include general economic conditions (such as poverty levels, income distribution, infrastructure, etc.), institutional structures (such as government bureaucracies), demographic factors, community norms and social hierarchy (such as family/community power structure and religious beliefs, etc.), legal parameters and political events (internal and external).
The principle is that redressing inequality is a shared responsibility by all stakeholders. High-level leaders, especially the traditional leaders, must be committed to and support the process of gender mainstreaming. They must provide clear messages about the priority assigned to gender equality and gender mainstreaming

and make demands on the communities to address gender inequalities.

4. Participation of women in the governance structures

General attitudes and culture in society, which construe men as the only real political actors, tend to legitimize men and their actions, while disqualifying women. In the same sense, women in politics are often more closely scrutinized and criticized than men. The assumption of a commonality of interests between men and women often negates the need to represent women as a social group. While 'women' are by no means a coherent, internally identical group, they do share some common needs and interests which require representation.

The inclusion of women in local and traditional governance structures over land and forests is crucial to achieving gender equality in tenure reforms. This also enables the traditional institutions to clearly identify and respond to the practical and strategic needs of women. Developing gender-sensitive partnerships between community representatives and local authorities can be an effective way to raise awareness concerning women's needs.

Practical Short-Term Needs and Strategic Long-Term Interests

The distinction between practical needs and strategic interests, mainstreaming women and mainstreaming gender are important in strengthening women's participation and the realization of gender equality outcomes.

- **Practical needs:** are immediate, concrete and often essential needs for human survival – such as food, water, shelter, fuel and health care, etc. Attention to practical needs can address immediate disadvantages and inequality but can also reinforce

the gender division of labour by helping women and men perform their traditional roles better.

Addressing practical needs usually does not change traditional gender roles and stereotypes.

- **Strategic interests:** are those needs, that when met, will actually challenge and change power relations between women and men and division of labour, and help contribute to improved gender equality. They are more long term and less visible than practical needs. Examples of strategic interests are:
 - Access to political and decision-making positions,
 - Removal of legal obstacles such as discrimination in access to land, forests and credit,
 - Training for women and men in non-traditional areas.

The ongoing participation and input of representative stakeholders (both men and women) in the local land governance structures is a key element in the creation of gender-responsive local governance structures. It is through participation of both men and women that ownership can be developed and political commitment within these structures maintained and translated into workflow of these structures that embrace gender equality.

For women who are not used to assuming positions of authority, considerable groundwork and experience may be needed for them to develop the self-confidence and assertiveness skills necessary for dealing with village authorities. Therefore, women's representatives may need special training in leadership skills, confidence building and communication (UNDP, 2001).

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