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# GENDER EQUALITY AND WOMEN'S LAND RIGHTS TRAINER'S MANUAL

LIBERIA LAND GOVERNANCE SUPPORT  
ACTIVITY (LGSA)



June 2019

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## LIBERIA LAND GOVERNANCE SUPPORT ACTIVITY (LGSA)

### **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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# ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AU	African Union
CBO	Community-Based Organization
CNDRA	Center for National Documents and Records Agency
CPL	Civil Procedure Law
CSO	Civil Society Organization
DEL	Decedents Estates Law
DRL	Domestic Relations Law
FAO	Food and Agriculture Organization of the United Nations
ERCM	Equal Rights of Customary Marriage
GAD	Gender and Development
GAM	Gender Analysis Matrix
GB	Gender Budgeting
GLTN	Global Land Tool Network
GoL	Government of Liberia
GSB	Gender Sensitive Budgeting
LGSA	Land Governance Support Activity
LPIS	Land Policy and Institutional Support
LRA	Land Rights Act
NGO	Non-Governmental Organization
SDGs	Sustainable Development Goals
UK	United Kingdom
UN	United Nations
USAID	United States Agency for International Development
WID	Women in Development
WLR	Women's Land Rights
WLRTF	Women's Land Rights Task Force

# MAJOR DEFINITIONS

**Access and Control:** Productive, reproductive and community roles require the use of resources. In general, women and men have different levels of both access (the opportunity to make use of something) to the resources needed for their work, and control (the ability to decide) over those resources.

**Adverse Possession:** gaining access to land by acquiring legal rights through possession for a prescribed period of time.

**Bundle of Rights:** The analogy that the collection of rights associated with a land parcel can be likened to a bundle of sticks: very often separate “sticks” of the bundle are held by different people; “sticks” can be acquired in different ways and held for different periods.

**Culture:** The distinctive patterns of ideas, beliefs, norms and behaviours which characterize the way of life and relations of a society or group within a society.

**Freehold:** The everyday expression for what is usually regarded as “ownership” providing the holder with use rights, control rights, and transfer rights and otherwise enjoyment of the land parcel to the extent permitted by law. The term derives from a particular type of tenure found under English common law, i.e. the land holder was free from the obligation of providing feudal services.

**GAD:** The GAD (Gender and Development) approach focuses on the socially constructed basis of differences between men and women and emphasizes the need to challenge existing gender roles and relations in order to give women and men equitable development opportunities.

**Gender:** Identifies the social relations between men and women. Gender refers to the relationship between men and women, boys and girls, and how this is socially constructed. Gender roles are dynamic and change over time.

**Gender Analysis:** Gender analysis is a critical examination of how differences in gender roles, activities, needs, opportunities and rights/entitlements affect men, women, girls and boys in certain situation or contexts. Gender analysis examines the relationships between females and males and their access to and control of resources and the constraints they face relative to each other. A gender analysis should be integrated into all sector assessments or situational analyses to ensure that gender-based injustices and inequalities are not exacerbated by interventions and that where possible, greater equality and justice in gender relations are promoted. Gender analysis requires going beyond the taken-for-granted.

**Gender Awareness:** An understanding that there are socially determined differences between women and men based on learned behaviour, which affects access to and control over resources. This awareness needs to be applied through gender analysis into projects, programs and policies.

**Gender-Based Violence:** Gender based violence is defined as any act which results in a physical, psychological, sexual and/or economic harm to somebody just because they are female or male. Such acts result in the deprivation of freedom and negative consequences. This violence may be exercised within or outside households.

**Gender-Blindness:** Failure to recognize that the roles and responsibilities of women/girls and men/boys are ascribed to, or imposed upon, them in specific social, cultural, economic and political contexts. Gender Blind Projects therefore maintain status quo and will not help transform the unequal structure of gender relations.

**Gender Discrimination:** The systematic distinction, exclusion or restriction made on the basis of individuals gender, which denies them rights, opportunities or resources. Women’s differential access to power and control of resources is central to this discrimination in all institutional spheres, i.e. the household, community, market, and state.

**Gender Division of Labour:** The socially determined ideas and practices which define what roles and activities are deemed appropriate for women and men. While the gender division of labour tends to be seen as natural and immutable, in fact, these ideas and practices are socially constructed.

**Gender Equality:** Gender equality means an equal visibility, empowerment, responsibility and participation of both sexes in all spheres of public and private life. It also means an equal access to, and distribution of resources between women and men. It means accepting and valuing equally the differences of women and men and the diverse roles they play in society.

**Gender Equity:** Entails the provision of fairness and justice in the distribution of benefits and responsibilities between women and men. The concept recognizes that women and men have different needs and power and that these differences should be identified and addressed in a manner that rectifies the imbalances between the sexes.

**Gender Mainstreaming:** Involves the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination.

**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.

**Gender Practical Needs:** Arise from roles assigned to a particular gender and is easy to meet.

**Gender Relations:** Hierarchical relations of power between women and men that tend to disadvantage women. These gender hierarchies are often accepted as 'natural' but are socially determined relations, culturally based, and are subject to change over time. They can be seen in a range of gendered practices, such as the division of labour and resources, and gendered ideologies, such as ideas of acceptable behaviour for women and men.

**Gender Roles:** Learned behaviours in a given society/community, or other special group, 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.

**Gender Sensitivity:** Encompasses the ability to acknowledge and highlight existing gender differences, issues and inequalities and incorporate these into strategies and actions.

**Land Dispute:** A disagreement over land rights, boundaries or uses. A land dispute occurs where specific individual or collective interests relating to land are in conflict.

**Land Governance:** Land governance is the process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled.

**Land Ownership:** The rights to land that are associated with the ability to use, control, transfer, or otherwise enjoy a land parcel as long as those activities are allowed by law. In statutory tenure it is often associated with freehold. However, land law does not tend to define explicitly what is meant by "ownership".

**Mainstream:** relates to the principal, dominant ideas, attitudes, practices or trends. It is where choices are considered, and decisions are made that effect economic, social and political options. It is where things happen. The mainstream determines who gets what and provides a rationale for the allocation of resources and opportunities.

**Patriarchy:** Systemic societal structures that institutionalize male physical, social and economic power over women. The concept of patriarchy is used to explain the systematic subordination of women by both overarching and localized structures. These structures work to the benefit of men by constraining women's life choices and chances.

**Patrilineal:** Tracing descent through the paternal line.

**Patrilocal:** Located at or centered on the residence of the husband's family or people.

**Resources:** Resources can be economic: such as land or equipment; political: such as representation, leadership and legal structures; social: such as childcare, family planning, education; and, time—a critical but often scarce resource.

**Sex:** Identifies the biological differences between men and women, such as women can give birth, and men provide sperm. Sex roles are universal.

**Sex-Disaggregated Data:** For a gender analysis, all data should be separated by sex in order to allow differential impacts on men and women to be measured.

**Socialization:** It is a process of informal learning which imparts certain values, attitudes, and behaviours. Socialization is a continuous and lifelong process and several institutions, starting with one's birth family, help in perpetuating gender-based behaviour. Often the socialization process is subtle and the only time its working is visible is when a person goes against the prescribed norms.

**Strategic Needs:** Arise from positions held in society. They take more time, planning and require affirmative action.

**Tenure Security:** The certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction.

**WID:** The WID (Women in Development) approach calls for greater attention to women in development policy and practice and emphasises the need to integrate them into the development process.

**Women Empowerment:** Women empowerment is achieved when women and girls acquire the power to act freely, exercise their rights, and fulfil their potential as full and equal members of society. While empowerment often comes from within, cultures, societies, and institutions create conditions that facilitate or undermine the possibilities for empowerment. Empowerment is sometimes described as being about the ability to make choices, but it must also involve being able to shape what choices are on offer. What is seen as empowering in one context may not be in another.

**Women Participation:** This is defined, as women's equal participation with men at all levels of decision-making, policy development, planning and administration. It relates particularly to development projects where participation at all stages of the project cycle is essential.

# OVERVIEW OF THE TRAINING

Land in Liberia 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. However, the 2018 Liberia Land Rights Act (LRA) has formally altered this land access and management order that has existed for generations. Altering this customary land governance system through LRA implementation and doing so with regard to 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 catalyze an impactful and meaningful participation of the male and female members of the community in the land reform process, subsequent to the LRA adoption, the United States Agency for International Development (USAID)’s Land Governance Support Activity (LGSA) project supporting the Government of Liberia’s land reform has stepped-up its capacity development program – embarking on a rigorous capacity development process which covers different aspects of land rights for all. 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 concepts are 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 in 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 LGSA’s continued capacity development for its implementing partners and stakeholders. This curriculum 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 draws on Liberia-specific land-related policy, laws, literature and practices, along with related training manuals developed for similar training needs.

Whilst the author allocates time to each module section, the trainee must always adjust the amount of time they spend working on each module section in order to address and meet their own individual training needs; the amount of time spent will, therefore, be specific to each individual trainee. For example, time can be adjusted depending upon the five levels of training mentioned earlier (also introduced in the Part One, Module II)

## **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 Rights Act and family laws pertaining to women's land rights and land governance in Liberia.
- 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 LRA.
- 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.

# TRAINING MODULE CONTENTS

## **Part One: Gender and Development**

- Module 1: Welcome and Introductions
- Module 2: Introduction to Gender Training
- Module 3: Gender, Power and Participation
- Module 4: Introduction to Gender Concepts
- Module 5: The Major Gender and Development Concepts

## **Part Two: Women, Land and Development**

- Module 6: Introduction to Land Rights
- Module 7: Women's Land Rights
- Module 8: Gender, Land Formalization and Registration
- Module 9: Gender, Land Administration and Dispute Resolution

### **Training Audience**

The training is prepared for LGSA project implementing partners' and stakeholders working in the natural resources, land and women's rights sectors. The participants will be drawn from government and Civil Society Organizations.

### **Training Methodology:**

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, presentation, 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.

### **Training Evaluation:**

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. If the trainer has delivered a very short training course (e.g. one day), s/he could ask participants to take two colored cards and to write down on one "what I have learned today", and on the other "what I felt was missing today." After a longer training course, the trainer may find it more useful to distribute a questionnaire to be completed anonymously by participants; this allows participants to make a more detailed and constructive evaluation of the training. The trainer should always analyze the results of such questionnaires carefully and take on board any useful comments. There is always room for improvement in future training courses!

# PART ONE: GENDER AND DEVELOPMENT

The first part of the gender training module covers the general introduction with a welcome and introductory session (which includes capturing participants' expectations, the definition of gender training, training goals, power and participation, and objectives, as well as highlighting the methodological approach that is applied throughout the training). Also included are icebreakers and exercises to help participants get to know each other better, to enable networking, and also to make the training environment more comfortable and favorable. Exercises that stimulate participants' contribution and expression are encouraged throughout the training.

Part One of the module covers gender equality in development (by introducing relevant gender concepts) and then moves on to discuss the major gender and development concepts: a) gender analysis, b) gender mainstreaming and c) gender budgeting. These sessions will set the scene and solidify the ground for the participants to better understand gender equality with respect to land and the need to address women's specific needs in land reform processes.

In addition, Part One of the manual—which focuses on building a strong foundation in gender issues—can also be used to support any of the five gender equality training levels that are discussed in Module Two (Awareness Raising; Knowledge Enhancement; Skills Training; Changing Attitudes, Behaviors and Practices; and Social Transformation).

Specific to the planned LGSA training that led to the development of this trainer's manual, Part One will be covered in two days, with an aim to attain the third level of gender equality training: *Skills Training*. However, the content of this manual can be used for any of the five gender equality training levels mentioned in the previous paragraph.

## MODULE ONE: WELCOME AND INTRODUCTIONS

<b>PURPOSE</b>	The purpose of this session is to introduce the training, set up training rules, discuss participants' training expectations and provide an overview of the training objectives. Upon completion of this session, participants will have clarity on the aims and objectives of the training.
<b>DURATION</b>	2 Hours
<b>MATERIALS</b>	Small cards, flip chart, marker pens, projector, laptop, USB, and presentation.

### OBJECTIVES

- Trainers introduce themselves and get to know their participants.
- Facilitate participants to get to know one another and their trainers.
- Build trust, collapse hierarchies and develop a safe environment for the duration of the workshop.
- Discuss the objectives of the training.
- Discuss participants' expectations of the training.

### TRAINER'S INSTRUCTIONS

#### MODULE I, SESSION I: SETTING THE SCENE

##### *1.1: Introductions:*

- Welcome participants and introduce the trainers.
- Ask participants to introduce themselves via the following method:
  - Ask participants to individually write down three things that describe themselves.
  - Ask participants to introduce themselves to the person seated to their right – this introduction should include individual participant's name and their three descriptors.
  - Divide a flipchart paper into two, on one side write 'women' and on the other side 'men'.
  - Record any gender-related personal description by gender (not names) and discuss them after the introductions.

##### *1.2: Leveling Participants*

- Distribute paper cards.
- To level participants' profiles, ask each participant to write their name and title on the distributed paper card.
- Ask each participant to put the paper cards in a corner (in a basket, if available).
- Explain to participants that all titles and positions of honor have been kept away until the end of the training, and that this aims to make all participants equally valued and respected.
- Explain to the participants that none of their opinions will be considered "silly" or incorrect, this is because opinions expressed by a participant(s) are highly likely to be embedded within the participant(s) own social and gender context.

##### *1.3: Ground Rules*

- Hang up a flipchart paper and ask participants to suggest ground rules (ensure that restrictions on phone usage, respect for views, full participation, minimized going in and out of session, and being on time, are included in the rules).
- Hang the ground rules in a place visible to all participants throughout the days of the training.
- Mention to the group that two participants (preferably a male and female and/or from different organizations) will volunteer each day to capture key salient points and facilitate a discussion around the previous day's key points before starting a new day's training.

#### *1.4: Gathering and Discussing Participants' Expectations*

- Ask participants about their expectations, by using questions such as:
  - “What do you hope to gain from this training; what are your expectations?”
  - “Do you have any fears or concerns about the training?”
- Discuss the objectives of the training.
- Make a summary of participants' expectations and link this with the overall objective of the workshop. If some of their experiences are outside the scope of the training explain why they cannot be addressed in this session.
- Ensure, to the extent possible, that participants have common understanding of the training objectives.

#### *1.5: Training Objectives*

- Discuss the above listed objectives to see if there are any objections or needed clarifications.
- Ask the participants if they have questions or observations.
- Respond to their questions/observations and conclude the session.

Move on the next Module.

## MODULE TWO: INTRODUCTION TO GENDER TRAINING

<b>PURPOSE</b>	This section uncovers the ‘what and why’ of gender training via the following means: introduction to gender training; how to prepare gender training; and the relationship between the training audience and the training objectives. At the end of the session, participants will have an enhanced capacity to deliver an effective gender equality training which is tailored to the objective of the training across different sectors.
<b>DURATION</b>	1 hour 30 minutes
<b>MATERIALS</b>	Flipchart, marker pens, paper, projector, presentation.

### Box 1: Definition of Gender Training

“A transformative process that aims to provide knowledge, techniques and tools to develop skills and changes in attitudes and behaviors. [...] 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)

### OBJECTIVES

- Define gender training.
- Enhance participants’ skills in preparing to deliver gender equality training.

### TRAINER’S INSTRUCTIONS

- Write the responses on the flipchart paper.
- Ask the participants if they have ever conducted/delivered trainings on gender and/or women’s land rights.
- Ask the participants to identify what level of the training they undertook (was it introductory, advanced, part of formal course work, etc.).
- Discuss the five (5) levels of gender training shown in the graphic below, and the training audience.
- Make reference to UN Women website which provides more details on gender equality training for the participants’ self-study: <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/typology-on-training-for-gender-equality-en.pdf?la=en&vs=520>, accessed on April 10, 2019.

## MODULE 2, SESSION 1: THE FIVE LEVELS OF GENDER TRAINING



**BUT**

“The trainer is either the best or worst thing [... within a training]. The trainer is an artist able to readapt and respond to what happens during the training.”

Alicia Ziffer  
Training Program Coordinator  
UN Women Training Centre

## MODULE 2, SESSION 2: TRAINING AUDIENCE PRESENTATION

It is important for the trainer to define their audience in conjunction with the goal of the training. This should happen after conducting the training capacity needs assessment. Then, the trainer should consider which appropriate level(s) of training to conduct. Considering the training on women’s land rights as an example, this particular training must be preceded by a ‘gender equality awareness training’ in order to develop participants’ understanding of the issues that underlie gender inequalities in women’s access to, use and control of land and property. However, if the ‘Training Capacity Needs Assessment’ for ‘women’s land rights training’ shows that all of the participants have already attended a ‘gender awareness training’, then the trainer might - based on available funds and time - consider starting with ‘gender and land equality skills development training’ followed by a focused ‘women land rights training’. This should be in consideration of:

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has.”

Margaret Mead  
Cultural Anthropologist  
1901-1978

- The category of the audience, e.g. this might be policy makers, activists, community members, women beneficiaries or youths (female and male) and/or international non-governmental organizations.
- The different levels of participants’ understanding of the topic. For example, if there are variety of knowledge and/or status levels within the audience then it is important that the trainer adapts the training methods to ensure that the training content is engaging for all. In some cultures, for example, it is important to address sex, age, ethnicity and other hierarchies of participants.

## MODULE 2, SESSION 3: TRAINING METHODOLOGY

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 *mixture* 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 you should try to use as many of these as the length of the training course allows:

- Group discussion

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

The trainer may not have answers to all the questions raised by the participants, as some participants may have a stronger technical background in their work areas than the trainer. The trainer ought to remain confident and feel free to ask if any of the participants can answer the question. In the majority of cases, someone will have a valid response to the question, but if none of the participants have the right response, the trainer should feel free to save it for a later time.

Considering that gender equality and other social change topics are challenging power and other forms of socially constructed inequalities, the trainer should be graceful and composed in dealing with any form of conflict or resistance. The gender equality and/or women's land rights trainer should expect an active and sometimes heated debate from the participants. Behaviors such as these can be addressed by drawing from other participants. When the debate seems to be straying, be prepared to become a 'devil's advocate' so as to steer participants to reaching the right discussion destination.

## MODULE THREE: INTRODUCTION TO GENDER, POWER AND PARTICIPATION

<b>PURPOSE</b>	<p>This module covers the relationship between power and effective participation (inclusion/exclusion) in development. As such, the module focuses upon how the social and gender dimensions of power (positive power or negative) need to be identified and addressed. Discussions are based upon the four concepts of power: <i>power over</i>, <i>power with</i>, <i>power within</i> and <i>power to</i>.</p> <p>On completion of the module, participants will understand that power dynamics in a community can hinder some members of the society from equitably using land and participating in their land governance; and that experts' (positive) power has the potential to influence change if used appropriately.</p>
<b>DURATION</b>	2 hours
<b>MATERIALS</b>	Flipchart, marker pens, paper, projector, internet, discussion, presentation.

### OBJECTIVES

- Introduce participants to power categories as they relate to land ownership and governance by and for women, men and youths from all categories of community members.
- Introduce participants to the idea of “how to” identify (positive and negative) power and use this as a strategy for development.
- Facilitate the session towards participants being fully able to identify their own (expert) power and vulnerabilities, as well as facilitating towards participants exploring and finding ways to build on their own strengths and challenges.
- Enhance participants’ understanding of gender power and access to, and control over (development) resources, particularly land.

## MODULE 3, SESSION 1: POWER AND PARTICIPATION

### TRAINER’S INSTRUCTIONS

- Ask a few participants to define power, in a few words summarize their perspectives.
- Show Robert Chambers video: Power: the elephant in the room
- Group discussion

At the end of the video, ask participants the following:

- What are the four categories of power enumerated in the video?
- What were your impressions of the video?
- How does power affect equitable participation in community development initiatives?
- How have you addressed power dynamics in your work?
- How do you understand “power to empower”?

Using the Trainer’s Guiding Notes (below) make a presentation linking power and participation in land management and governance. (1 hour)

Distribute *Handout 1: Gender and Power*.

### Box 2: Definition of Power

There are several ways to define power. In relation to participation, power can be understood to mean authority, control or domination. Those with authority over others are considered powerful, while those who are dominated are seen as powerless.

## TRAINERS GUIDING NOTES

In “A New Weave of Power, People and Politics: The action guide for advocacy and citizen participation” (2002), Lisa Vene Klasen and Valerie Miller argue that power relates to participation in the following three ways<sup>1</sup>:

- ‘Power over’ is a relationship in which one person or a group of people has power over another person or one group of people. It can also be a situation whereby one group of people has power over another group of people, or nation has power over another nation. Power over has many negative associations for people, such as repression, force, coercion, discrimination, corruption, and abuse. Having power involves taking it from someone else, and then using it to dominate and prevent others from gaining power. However, there are circumstances under which power over can be positive. For instance, a parent can have power over his/her young child.
- ‘Power to’ is about being able to act. It can begin with the awareness that it is possible to act, and can grow in the process of taking action, developing skills and capacities and realizing that one can effect change.
- ‘Power with’ describes collective action or agency and includes both the psychological and political power that comes from being united. ‘Power with’ is often used to describe how those faced with overt or covert domination can act to address their situation: from joining together with others, through building shared understandings, to planning and taking collective action.
- ‘Power within’ describes the sense of confidence, dignity and self-esteem that comes from gaining awareness of one’s situation and realizing the possibility of doing something about it. ‘Power within’ is a core idea in gender analysis, popular education, psychology and many approaches to empowerment.

“Much social theory focuses on less visible and culturally embedded forms of power to explain how social norms, hierarchies and behavior are unconsciously reproduced and resist efforts to change them.”  
Institute of Development Studies, UK

## MODULE 3, SESSION 2: GENDER AND POWER

### TRAINER’S INSTRUCTIONS

- Ice breaker: ask the participants to map gender power within a home/typical family setting.
- Link gender and power, particularly within the household.
- During the presentation, pause and ask the participants if they have questions or examples.

### TRAINER’S GUIDING NOTES

Gender is one form of power, and within the household, different household members have different power / authority to make important decisions. Social rules and gender upbringing usually give the head of household (usually a man) the main authority for making the most important household decisions.

... socialized differences in masculine and feminine traits, behavior, and roles are not responsible for power inequalities. Females and males (roughly put) are socialized differently because there are underlying power inequalities. As MacKinnon puts it, ‘dominance’ (power relations) is prior to ‘difference’ (<https://plato.stanford.edu/entries/feminism-gender/> Oct 2017 Version)

Although men and women participate “jointly” in many decisions, women do not always have real or equal say in decisions. They may be “consulted” during or about the discussion but, if they cannot change the final outcome, they do not really have equal say. In some cases, family members may

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<sup>1</sup> See <http://www.participatorymethods.org/method/power>, accessed on 1/12/18

simply be “informed” about a decision after someone else has taken it – they have no real input into or control over the decision.

When women are not empowered to make more decisions on their own the household runs less efficiently (they have to wait for another person to make decisions). When one person takes decisions for others they have a tendency (whether they realize it or not) to act in their own interest.

Within the same household, women sometimes have different perspectives, different needs, and different information from men; this information is important for making decisions that benefit everyone in the family. For instance, an increase in agricultural productivity may not lead to a decrease in household poverty or to improved family nutrition if decisions about resource allocations are solely made by the man. Women also make significant contributions to the income and care of the family; they have a right to participate in the important decisions. When families have a discussion process where both spouses, sons and daughters can participate fully in the decision-making process, they may have a better relationship and can make sounder decisions for the benefit of all family members.

## MODULE FOUR: INTRODUCTION TO GENDER CONCEPTS

PURPOSE	This section covers various gender-related definitions, concepts and history: it reviews and explains key concepts on gender, social construction of gender, gender power, gender roles and stereotypes, and gendered institutions. The section aims to sensitize participants on how gender is socially constructed and how gender shapes masculine and feminine identities, behaviors, attitudes, and practices, with particular reference to gender power and inequalities.
DURATION	6 hours 30 minutes
MATERIALS	Flipchart, marker pens, paper, handouts

### OBJECTIVES

- Solidify participants' understanding of gender and development concepts.
- Equip participants with appropriate skills to conduct training on gender.
- Introduce 'gender analysis' frameworks.
- Introduce 'gender mainstreaming' framework.

“Understanding gender requires us to go beyond the obvious and to reconsider issues we may think are self-evident and already well understood.”

Wharton (2011: 2)

## MODULE 4, SESSION 1: WHY SHOULD WE PROMOTE GENDER EQUALITY?

### TRAINER'S INSTRUCTIONS

- Hang up a flipchart paper, ask for responses and write responses – looking to “group” responses if possible.
- In a plenary discussion, ask participants why gender equality is important?
- The following four responses should be mentioned by the trainer, if they are not raised by participants:
  - Women, men, boys and girls have different needs and priorities; a gender perspective looks at these differences.
  - Gender equality is about justice (women's rights are human rights).
  - Programs and policies are more effective when gender inequalities are identified and addressed.
  - Gender equality is a means to sustainable development.

## MODULE 4, SESSION 2: INTRODUCTION TO RELEVANT GENDER CONCEPTS

### Box 3: Difference between Gender and Sex

**‘Gender’** refers to economic, social, political, and cultural roles, behavior, attributes, constraints, and opportunities associated with being male or female.

**‘Sex’** refers to the biological characteristics that categorize someone as having either a female or male *biological* features (chromosomes, sex organs, hormones, etc.).

### 4.2.1: Difference between Gender and Sex

### OBJECTIVES

- Enable participants to reflect on their current understanding of sex and gender.
- Clarify the difference between sex and gender for participants.

- Increase understanding of the concept of gender in order to support gender mainstreaming and training.

### TRAINER'S INSTRUCTIONS:

Difference between Gender and Sex exercise:

- Distribute Exercise 1, Table on gender and/or sex expressions to all participants.
- Form groups of three participants (e.g. in their sitting pattern) – where possible mix gender.
- Allow 20 minutes to read the list of statements from the distributed table and ask participants to check the box(s) as to whether the statement is an expression of gender or sex.
- Assign 10 minutes and ask each group to discuss and briefly explain why they think the statement describes gender or sex, in the observations space.
- Ask each group to come up with an example of a dominant gender stereotype from their culture/community.

Return to the plenary 30 Minutes:

- Write gender and sex on a flipchart paper divided by a line.
- Allocate five minutes to each group.
- Ask each group representative to present their opinions on whether the statement/behavior is biologically or socially determined, citing examples.
- Write key issues that highlight the difference between gender and sex for illustrations – illustrations make more sense if they are contextual.
- Discuss anything contentious, or highlights, from the plenary and close the discussion.
- With the remaining time, use the pictures below to describe how gender is socially constructed and different from community to community. (Note that the picture of the women on a truck is blurred because the author did not seek permission to use it.)



### TRAINER'S GUIDING NOTES

Although gender is a social construct, it is also important to know that women and men are not homogenous. Men and women across different categories in the society face issues that are socially, politically, legally, and economically distinct; this wide variety of situations affects men and women's meaningful participation in - and access to - development opportunities and benefits. For example, young women might face distinct issues compared to older women in attaining their land rights, or a widow might face specific challenges as regards to security of land tenure compared to a married woman. Gender equality in access to, and control over, land and property (for example) requires the identification of distinct issues faced by different categories of women and men within a certain space.

Understanding the difference between gender and sex is critical as it helps understand the cause of inequity between men and women. The cause of unequal relationship between men and women is the socially constructed attributes of men and women.

#### 4.2.2: Social Construction of Gender

##### OBJECTIVES

- Enable participants to understand the differential norms and behaviors ascribed to men and women.
- Identify sources that influence and reinforce these behaviors.
- Understand the consequences of different behavior for girls/women and boys/men.

##### **Box 4: Gender socialization**

One way to interpret [Simone de] Beauvoir's claim that one is not born but rather becomes a woman is to take it as a claim about gender socialization: females become women through a process whereby they acquire feminine traits and learn feminine behavior. Masculinity and femininity are thought to be products of nurture or how individuals are brought up. They are *causally constructed* (Haslanger 1995, 98): social forces either have a causal role in bringing gendered individuals into existence or (to some substantial sense) shape the way we are *qua* women and men. And the mechanism of construction is social learning. For instance, Kate Millett takes gender differences to have “essentially cultural, rather than biological bases” that result from differential treatment (1971, 28–9). For her, gender is “the sum total of the parents', the peers', and the culture's notions of what is appropriate to each gender by way of temperament, character, interests, status, worth, gesture, and expression” (Millett 1971, 31). Feminine and masculine gender-norms, however, are problematic in that gendered behavior conveniently fits with and reinforces women's subordination so that women are socialized into subordinate social roles: they learn to be passive, ignorant, docile, emotional helpmates for men (Millett 1971, 26). However, since these roles are simply learned, we can create more equal societies by ‘unlearning’ social roles.

<https://plato.stanford.edu/entries/feminism-gender/>, Oct. 2017 Version

##### TRAINER'S INSTRUCTIONS

###### Group discussions

###### Step 1

- Ask the participants to discuss how they understand gender socialization as a concept (with consideration of diversity, pick about four people). This will allow all participants to have some understanding of how gender is socially constructed, before breaking into group discussions.
- Ask for three volunteers and give each one a case out of the three study cases.
- Ask the three volunteers to read their cases to the whole group, so each group has an idea of what the other group is working on.

###### Step 2

- Divide participants in three groups:
  - Patriarchy, gender relations and gender stereo-types.
  - Gender roles, reproduction and production roles and opportunities (tender and time use).
  - Gender, access to and control over land.
- Assign each group one of the tasks in Exercise 2 and ask them to draw a linkage between each of the concepts in their case study's heading.
- Allow 20 min for group discussion.
- Distribute flipchart papers and markers.
- Ask the groups to select a Secretary(s) and a Rapporteur to manage discussions and time.
- Walk around during the group work to ensure that each group has understood the task clearly and that they have all the materials required to complete the task.

Sometimes, a person's genetically assigned sex does not line up with their gender identity. These individuals might refer to themselves as transgender, non-binary, or gender-nonconforming. <https://plato.stanford.edu/entries/feminism-gender/> , Version of Oct 2017

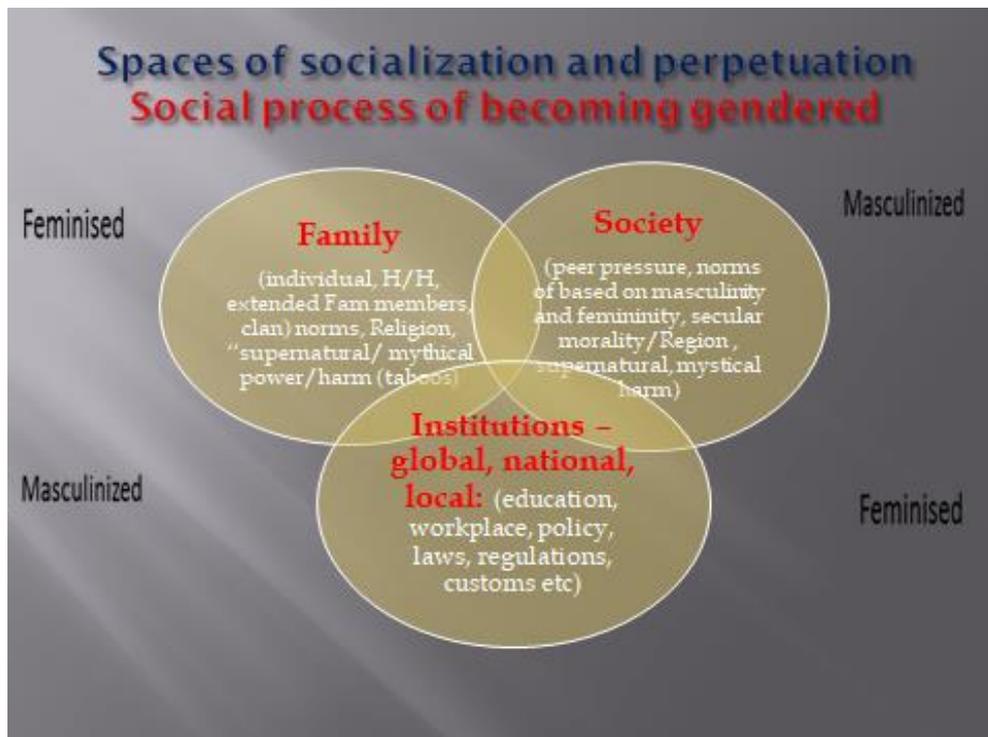
**Plenary discussion (35 minutes)**

- Reconvene the group.
- Allocate five minutes to each group to present their findings.
- Allocate one minute to the presenting group to make additions/corrections to their presentation.
- Allocate one and a half minutes to the general group for questions or observations.

After the plenary ask the following questions (20 minutes):

- How and where are these behaviors learned?
- At what stage of our lives do we learn these behaviors?
- What impact do these behaviors have on the lives of men and women?
- Distribute Handout 3: Gender Concepts and Definitions.

**Step 3:** Using the demonstrations below, explain how gender is constructed and perpetuated

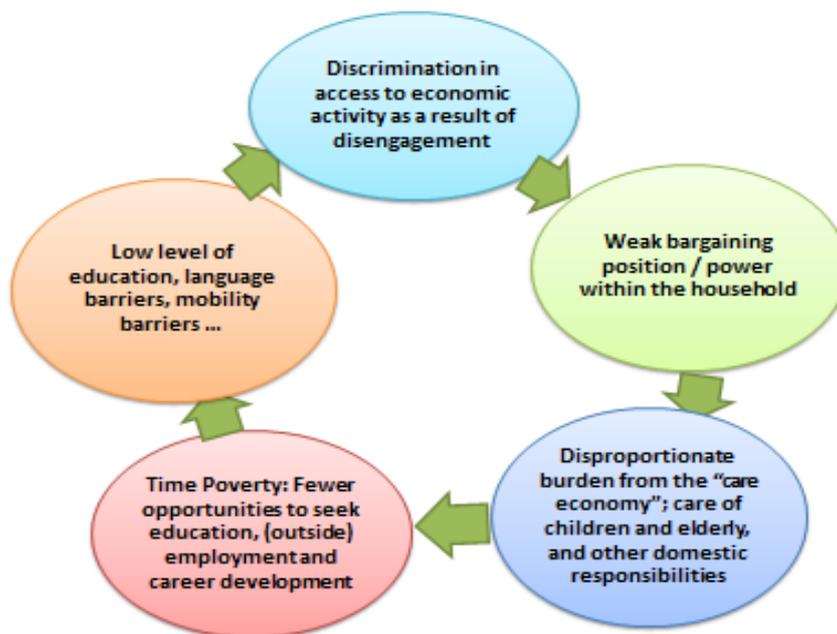


Reinforce the following gender concepts by probing the participants to give examples from their communities/work: (30 min)

- Patriarchy
- Gender Power Relations
- The Triple Gender Roles
- Gender Stereo-types
- Gender Insensitivity
- Gender Discrimination

Conclude the discussion explaining that one area of gender discrimination leads to another in a vicious cycle. The diagram below explains this idea:

## The Cycle of Gender Discrimination



See Asian Development Bank (2013) at <https://www.adb.org/sites/default/files/publication/30315/gender-equality-and-food-security.pdf>, April 23, 2019

### MODULE 4, SESSION 3: GENDER FROM A DEVELOPMENT PERSPECTIVE

#### Step 1

#### OBJECTIVE

- Highlight the importance of looking at men’s and women’s differentiated needs and benefits from development opportunities.

#### TRAINER’S INSTRUCTIONS

**Illustrative Case:** *Water Access Development Project case study (African context) Exercise 3.*

- Allow five minutes for participants to read and make notes individually.
- Then ask participants to group into pairs and allow five minutes to exchange ideas in pairs.

A gender-related objective would need to address gender differences or changing the power structures in a way that will advantage the currently disadvantaged sex. Access to water would reduce the distance to water sources but perhaps not workload or gender equality.

- Then allow 20 minutes plenary discussion using the following questions:
  - What happened in the case?
  - In your opinion, why was the well damaged so quickly?
  - Does this story have any connection with your work experience? If yes, how?
- As a development practitioner, how would you have approached this project? (E.g., hold consultations with the women and men. Address the underlying gender norms and practice. Influence gender social norms. Empower women to assert their rights.)
- Ask participants: what would a ‘gender goal’ for this case be?
- Ask participants to tell you the types of information that the project designers ought to have incorporated into the project to achieve the above gender objectives or goal/s.

### TRAINER’S GUIDING NOTES

The trainer should keep the following point in mind while discussing the story: the well was damaged because according to the culture of this particular group, digging wells is a task meant for men, but maintenance of a well and fetching water is an activity reserved for women. The women would use this time to chat with their friends about the daily problems they faced in their homes (marriage related issues). Women were, therefore, left aside from their typical traditional activity. The men who had been trained for the maintenance of the well did not really value the skill they had been given, as they considered it to be ‘a woman’s job’.

The trainer should stress that any development intervention should take into account gender dynamics, and that this project was designed without an understanding of the roles of men and women. The key questions that the project designers should have asked (at the initial design stage) were, for example: “who does what here?”, and they should have talked to women about their relationship with collecting water, e.g. “what changes would women like to see in the way they collect water?”; “who has access to what resources, benefits and opportunities?”; “who controls the resources, benefits and opportunities?”; “how do women network (socialize) with each other?”

#### Box 5: Key message:

- The basic responsibilities, entrusted socially ‘just to women’ or ‘just to men’, hinder the development of the community. In any integrated development, it is essential to understand gender dynamics and involve men and women in basic responsibilities.
- A Gender approach is an essential tool for development and one must take into account the gender aspects in the design and implementation of development projects.

## Step 2

### ‘Women in Development’ versus ‘Gender and Development’ Approaches

#### Box 6: Gender Impact

##### Key Message Notes

Through the following discussion, the trainer aims to show that ‘gender in development’ resulted in greater empowerment for women and consequently improved gender relations in the home and society for gender-responsive work outcomes.

**Gender is not only women’s matters.** It is essential to involve women *and* men at all stages of development at household, community and national levels – during project inception, design, and implementation so that both women’s and men’s specific needs are taken into account but also ensure that they benefit equally.

## OBJECTIVES

- Enable participants to understand Women in Development (WID) and Gender and Development (GAD).
- Identify differences between a gender relational and a women-focused development approach.
- Enable participants to understand why it is necessary to use both or – in exceptional circumstances – one of the two approaches in their work (and daily lives).

## TRAINER'S INSTRUCTIONS

- Break participants into small groups (depending on the number).
- Distribute Exercise 4: Increase Agriculture Produce Project and ask participants to read this exercise.
- Allow 20 minutes for group discussions.
- Ask participants how they would design this project differently, if they were to adopt a GAD approach.
- Illustrate the difference between the two approaches using specific examples; consider discussing the likely reasons why such a project would not succeed; then move on to show how the project could be designed with hindsight.
- Distribute notes on the difference between WID and GAD.

## QUESTIONS FOR GROUP DISCUSSION

### a. Overarching Questions for Participants:

- Were the intended objectives valid? Why or why not?
- Why did the project not succeed?
- What kind of information would the project designer need for developing an effective project?

### b. The Major Problems with this Approach: Why Did the Project not Succeed? The trainer should encourage the participants to explore the following points, being open to conflicting views and helping the group come to consensus on observations:

- Extension trainers were male; interaction with women was therefore difficult.
- Extension agents focused on cooking and nutrition when they spoke to women.
- Extension trainers were not trained on the subsistence crops that the women produced.
- Extension trainers went to homes to look for women during the day, when the women were actually busy cultivating their own cash crops or working on their household lands.
- It was also found that women were forced to spend time helping their husbands cultivate new commercial crops, and, therefore, had little time for new agricultural activities.
- Women had no assets in their own name to provide as collateral for loans and could not benefit from the credit scheme.
- Sustainability was a problem and funds were spent on women without any attempt to address gender socio-economic disparities.

### c. Setting Objectives:

What would sustainable gender outcomes or results for this project look like? Answers could include empowerment of women; increasing the income that women generate; and increasing productivity.

- Ask participants what a sustainable gender objective would be?
- Suggest that a gender-related objective would need to address gender differences, or changing the power structures, in ways that will advantage the currently disadvantaged gender.
- Thus, in the above project, it was expected that increasing women's income would lead to more balanced decision-making in the home on how to spend the income.

#### d. Obtaining Information:

What kinds of information should have the project designers included in the project to achieve the above gender objectives or outcomes?

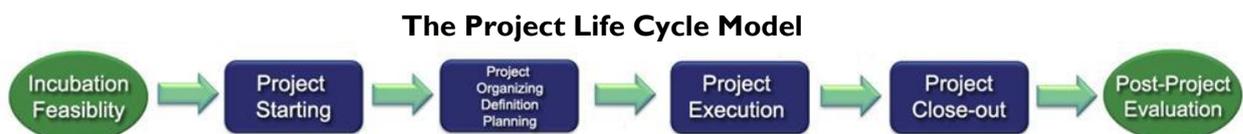
In order to design the project to achieve gender objectives, one would need to fully understand the differential roles, gender power dynamics, responsibilities, assets, skills, needs and preferences, of both women and men.

- One would need to seek information on the differentials in terms of access to, and control over, land and other assets/resources. For example, what do women own in terms of land that they cultivate; is their land qualitatively similar to men's land; what is the size of their landholdings; do they hold or have access to other land-based resources, which ones; etc.?
- Do they have the same needs in terms of extension services?
- Are current extension services reaching both women and men, as required, and relevant for both of them?
- Do women control the income they generate?
- How can you increase women's control over assets generated from the project activity, etc.?

Where would participants have found such information, and how could they have obtained it? There are different ways in which project designers collect information necessary for project design:

- The most important point is that all information-seeking activities undertaken during project inception, design and execution, must seek sex-disaggregated data as well as gender-related information.
- Thus, any interviews undertaken with stakeholders must ensure that both women and men are represented.
- When interviewing institutional stakeholders, institutions that work with women must be included.
- In addition, discuss where such information would be available.
- Also, discuss the possibility of doing qualitative assessments to understand the different perspectives of both men and women

#### e. Influencing Project Design



[https://www.iil.com/downloads/Archibald\\_Di\\_Filippo\\_ComprehensivePLCModel\\_FINAL.pdf](https://www.iil.com/downloads/Archibald_Di_Filippo_ComprehensivePLCModel_FINAL.pdf)

How would the new information influence project design? What kinds of measures would address the problems they found and ensure that women also benefited from the project?

For example, if one knew that women owned only small portions of land on which they essentially did subsistence farming and worked only as unremunerated labor on the family land, then the extension services may not be equally relevant for women as for men, unless some of the advice and services of extension agents would apply to subsistence farming.

- Focus may then need to be directed upon whether the income generated from women's subsistence farming can be increased. The budget may need to be adjusted to accommodate this focus.
- The proposed design could also include providing women with off-farm income generating activities that may be undertaken together with their subsistence farming. Once again, a budget would need to be allocated to support this activity.
- If the information indicates that women spend excessive time finding fuel and fodder, a component may be added to make such resources more accessible so that women have greater time for leisure or other productive activities.

**f. How would project implementers measure whether the project was benefiting both men and women?**

What would be a sex-disaggregated indicator?

- Number of beneficiaries receiving guidance from extension services, disaggregated by sex.
- Number of women involved in income generating activities.
- Average increase in income per woman.
- Number of women meaningfully participating on management and decision-making structures.

What would be a gender impact?

- A shift in gender relations: measuring change in gender relations at household, family, and community levels. However, it is difficult to measure whether there has been a shift in gender relations; thus, a combination of quantitative and qualitative action-oriented impact evaluation is required.

## MODULE FIVE: THE MAJOR GENDER AND DEVELOPMENT CONCEPTS

<b>PURPOSE</b>	<p>This Module covers three major concepts of gender and development during program/project life cycle (i.e. inception, design implementation/activities).</p> <p>The three major concepts are: a) gender analysis, b) gender-mainstreaming and c) gender budgeting. These gender concepts are key to identifying gender inequalities and gaps, but also to addressing the identified disparities that can be present at all levels of a program and/or the project inception, design, and implementation stages.</p> <p>Upon completion of the module participants will have gained appropriate skills to enable them to define gender equity and equality objectives in their work, and to deliver training on these gender concepts.</p>
<b>DURATION</b>	4 hours
<b>MATERIALS</b>	Flipchart, marker pens, paper, handouts

### OBJECTIVE:

- Explain the three concepts and their application to gender-responsive development interventions.
- Build and strengthen participants' skills in articulating and redressing gender inequalities in work processes and execution.

### TRAINER'S INSTRUCTIONS

- Divide the flipchart into three columns per each of the three gender concepts in question.
- Ask the participants to discuss the difference between gender analysis, gender mainstreaming and gender budgeting.
- Write their answers on the flipchart.
- Drawing on their answers, explain the relationship between gender analysis, gender mainstreaming and gender budgeting.
  - Gender analysis is a prerequisite for gender mainstreaming because it identifies gender gaps and inequalities.
  - Gender analysis informs and is an evaluative tool throughout the policy and project cycle.
  - 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 program planning, implementation and impact evaluation processes.
  - Effective gender analysis, gender budgeting and gender mainstreaming allows deconstruction and reconstruction of existing spaces of gender discrimination and the perpetuation of inequalities. The three concepts work synergistically and simultaneously to alter the social, legal, economic and political gender-based inequalities.
- Ask if they have questions or additions, respond, and then move on to the next section.

## MODULE 5 SESSION 1: GENDER ANALYSIS

### Box 7: Definition of Gender Analysis

Gender analysis provides the necessary data and information to integrate a gender perspective into policies, programs, and projects. As a starting 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 inequalities and meet the different needs of women and men.

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

### OBJECTIVE

- Strengthen participants' skills in identifying, analyzing and addressing gender inequalities in policy, program, project, and implementation.

### TRAINER'S INSTRUCTIONS

- Familiarize yourself with the gender analysis frameworks listed in the next section so that you can draw on them during this module.
- Select at least one most appropriate framework from the list provided in the next section and use it as an illustration of gender analysis.
- Briefly introduce the other frameworks.
- Distribute Handout 2: WID and GAD, on the discussion of gender analysis frameworks.
- Use the graphs provided in this session to conduct a gender analysis exercise.

### TRAINER'S GUIDING NOTES

#### a. The Major Gender Analysis Frameworks

- Harvard Analytical Framework.
- Moser Framework.
- Gender Analysis Matrix (GAM).
- Capacities and Vulnerabilities Analysis Framework.
- Women's Empowerment Framework.
- Social Relations Approach.

Although each one of these frameworks has been criticized for not being comprehensive enough, they each provide important information and guidance about how to conduct gender analysis.<sup>2</sup>

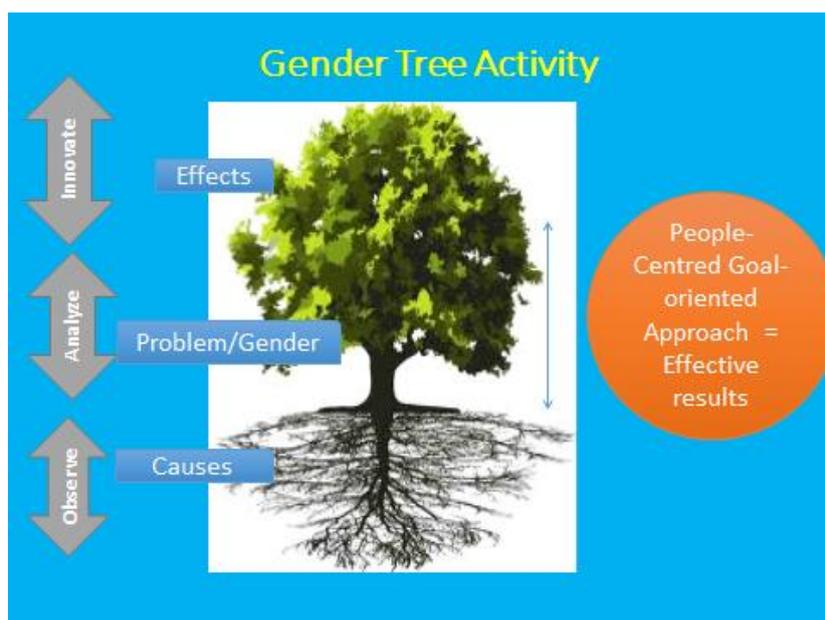
*Note: It is imperative to recognize that a trainer - based on the area of intervention - can develop their own hybrid framework that is specific to their project or training needs.*

#### b. Gender Problem Tree

Using a 'gender problem tree demonstration' (below) to explain gender analysis, the trainer can work with participants to identify the root causes of gender disparities in a particular context, rather than just identifying the problems. This helps participants to understand how to analyse and separate gender issues/problems from the causes (patriarchy, culture, etc) to effects (symptoms – gender discrimination):

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<sup>2</sup> For a more detailed critique of the Gender Analysis Frameworks see also Warren, Hannah (2007) Using gender- analysis frameworks: theoretical and practical reflections *Gender & Development*, 15:2, 187- 198 URL: <http://dx.doi.org/10.1080/13552070701391847>



Uvuza, J. "Gender Issues in Development" [PowerPoint presentation]. Landesa Center for Women's Land Rights Visiting Professionals Program, 2018.

The following Box indicates key steps for gender analysis and elaborates the information presented in the gender tree for a gender-responsive policy/program/project:

**Box 8: Holistic approach to gender analysis based on best practices.**

**Step 1: Measure and analyze**

Accurate and in-depth data collection is integral to a successful gender analysis. Data should include both qualitative and quantitative information in order to measure all aspects of gender inequality within a society or sector. A holistic approach must also include multiple levels of analysis, including both institutional and community levels.

**Step 2: Raise awareness and identify allies**

After data have been collected and weaknesses identified, steps must be taken to raise the awareness of community members, politicians and organizations. The identification of those who can serve as allies, both locally and internationally, will aid this process and ensure that what is learned in the gender analysis will actually be put into practice.

**Step 3: Plan and implement**

Programs and policies must be designed and implemented based on the unique characteristics of the context being studied. Programs should address the specific problems identified during the data collection process and utilize the full scope of support garnered during awareness raising and identification of allies.

**Step 4: Monitor and evaluate**

The final step in the process is the monitoring and evaluation of the programs and policies that have been implemented. The design of future initiatives should reflect what has been learned during this monitoring and evaluation, to continually ensure that the needs of the community in question are effectively being met.

United Nations Girl's Education Initiative, July 2012, p.15

## MODULE 5, SESSION 2: GENDER MAINSTREAMING

### OBJECTIVES

- Explain the concept of gender mainstreaming and its application in projects.
- Build and strengthen participants' skills in gender mainstreaming.

### TRAINER'S INSTRUCTIONS

- Ask participants to define gender mainstreaming as they understand it – chose both men and women.
- Ask if participants have mainstreamed gender in their work before (probing about the project life cycle key stages).
- Summarize participants' definition(s) of gender mainstreaming.
- Make a presentation on gender mainstreaming:
  - Define gender mainstreaming using the following definition developed by the European Union (see Box 9 below); this particular definition enables participants to gain deeper understanding of gender mainstreaming and challenges the narrow perspectives of 'just adding women to the existing patriarchal order'.
  - Using Moser's (2005) gender equality model, explain to participants that gender mainstreaming is used to achieve gender equality and support women's empowerment.
  - To visualize some of the key concepts discussed in this session, show the UC Berkeley video on targeted universalism: <https://www.youtube.com/watch?v=wgGcftWpwUQ>
- Ask participants if they have any questions or contributions.
- Conclude the session.

#### **Box 9: Gender mainstreaming**

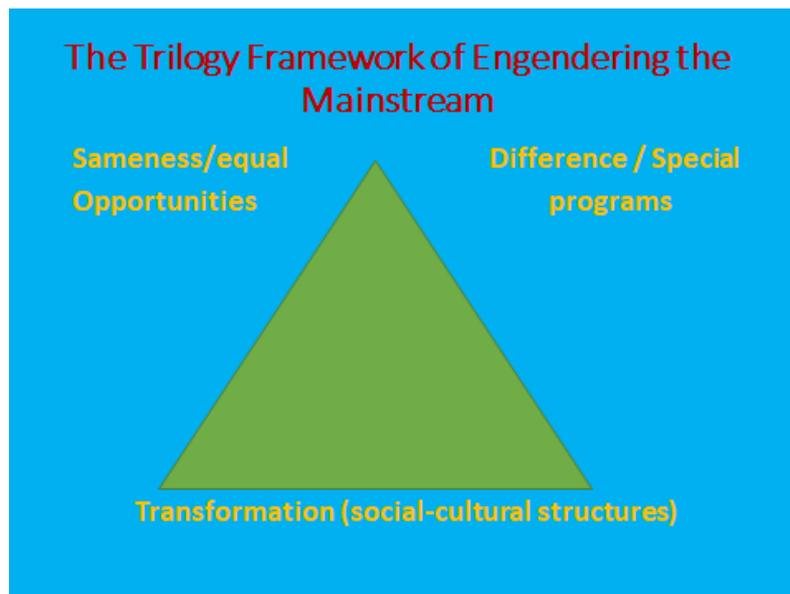
Is the "(re)organisation, improvement, development, and evaluation of policy processes - so that a gender equality perspective is incorporated into all policies at all levels and all stages – been undertaken by the actors normally involved in policy-making"? Council of Europe, (1998)

Undertaking this procedure not only add gender perspectives to the mainstream but also:

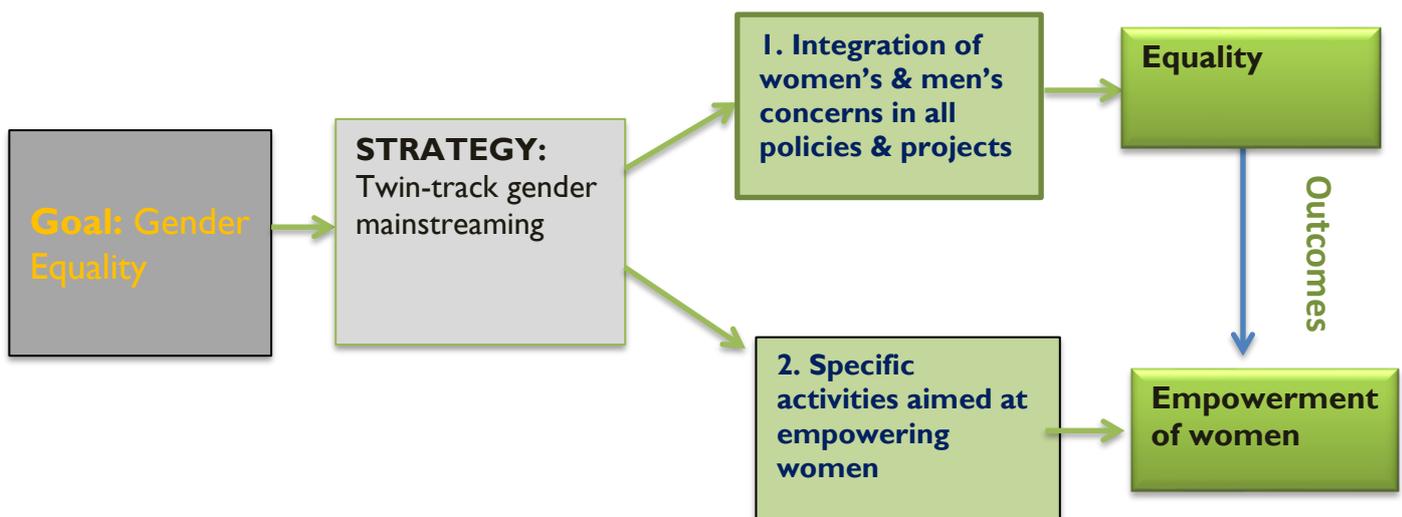
- Deconstructs and reconstructs the existing order;
- Addresses gender disparities at all stages of the Project Cycle:
  - Project Inception;
  - Project Design;
  - Project Implementation.
- Levels gender-equal playing field – conducive for men and women.

### TRAINERS GUIDING NOTES

The three models work simultaneously to bring about gender equality (Uvuza, 2014), not only between women and men but also within the same category by addressing different needs; both men and women should have equal opportunities to contribute/participate and to benefit from development programs.



Using Moser’s Gender Equality Conceptual Framework (Moser, 2005), conclude the gender mainstreaming session by linking it to engendering the budget for gender impacts through Moser’s “twin-track” gender mainstreaming strategy.



### MODULE 5, SESSION 3: GENDER RESPONSIVE BUDGETING (GRB)

#### Box 10: Gender Responsive Budgeting

“Policy commitments can only be achieved if sufficient funds are allocated for their implementation. The budget is government’s most important policy tool as without adequate funding, no other policy will be effective. Gender responsive budgeting is a tool to monitor if policy commitments related to poverty reduction and gender equality are reflected in adequate budget allocations. [...] gender responsive budgeting refers to gender mainstreaming in public finance.

Schneider (2006:32)

## OBJECTIVES

At the end of this session, participants should be able to:

- Develop a better understanding of gender budgeting.
- Show that the budget is one of the most important policy drivers of an institution's policy, program, projects and implementation.
- Show that the budget fosters an institution's economic, political and social functions through allocation of resources and participation – most important to gender equality.
- Engender their work and institution's budgets.

## TRAINER'S INSTRUCTIONS

- Ask participants what they know about their institution's budgeting processes.
- Ask them if it is important to engender budget? If yes, why? If no, why not?
- Write their answers on the flipchart, and explain any gender dimensions of budgeting.
- Explain the importance of budgets as the hallmark for realization of any institution's policy and programs.
- Describe the economic, political and social functions of a budget through budget allocation to different priorities.
- Clarify how allocation of resources to different inputs, activities, outputs and outcomes can lead gender equitable impacts.
- Divide participants into two mixed groups.
- Distribute the "Story of the Fox and the Crane".
- Ask participants to work out what was needed for the Crane and the Fox to benefit from the meals.
- Conclude the discussions with highlights from participants' presentations.

"Gender budgeting is not a special approach to budgeting or even an add-on to budgeting. Rather, gender budgeting is an approach to budgeting that can improve it, when fiscal policies and administrative procedures are structured to address gender inequality and women's development needs. When properly done, one can say that gender budgeting is good budgeting"

Stansky (2016), quoted in European Institute for Gender Equality (2017:9)

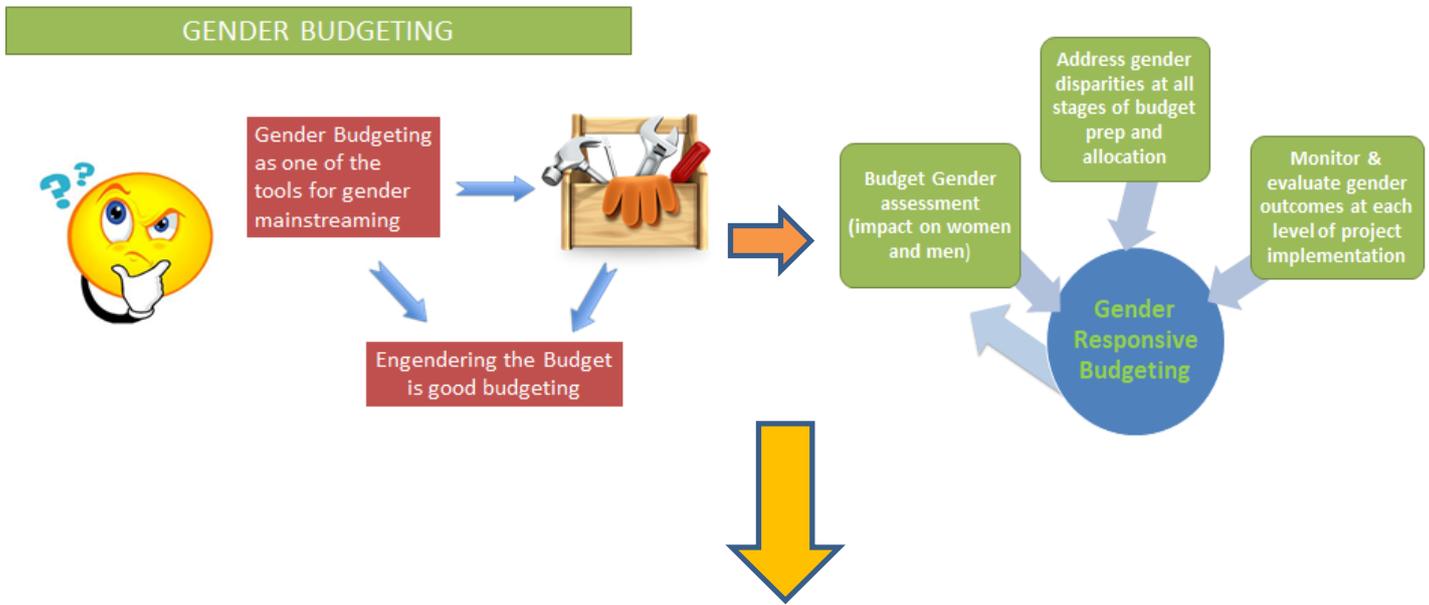
## TRAINER'S GUIDING NOTES

From the information in Box 10 above, GRB is not women's budget but rather a budget that effectively responds to the distinct needs and priorities of different categories of female and male members of the society. However, for the budget to attain gender-responsive outcomes, it might be necessary to include a women's budget in order to address the historical gender gaps. For example, a researcher might need to pay female participants' childcare in order for the women in question to attend a land rights related research meeting. While gender budgeting was introduced as a tool for engendering government budgets, the GRB principles and approaches can be used for all types of institutional budgeting and at all levels.

The major variables for a gender-responsive budget are:

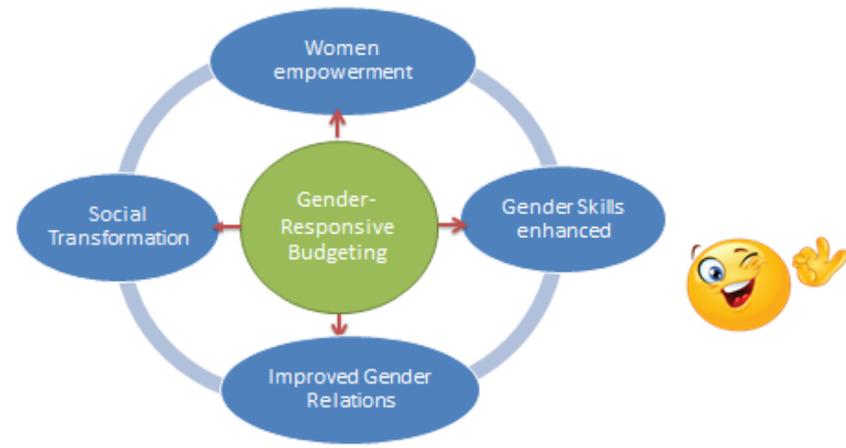
- Men, women, girls and boys lead different lives and do not have equal rights and opportunities.
- They have different life experiences, needs and priorities.
- Gender roles affect women and men differently.
- Impact of policy, programs and activities differ for women, men, boys, and girls.
- Men hold more decision-making positions in the economic, political and social spheres.
- Institution structures and culture are generally based on men's life experiences and priorities.
- Patriarchal ideologies and gender stereotypes and biases restrain women from using their full potentials

Distribute *Handout 5: Advantages of Gender Responsive Budgeting* and give the participants five minutes to read through the handout. Drawing from the listed advantages GRB provided by Katrin (2006:41) and the presentation charts on the next page, explain that gender budgeting is one of the key tools for gender equality. As a tool for gender equality, gender budgeting allows meaningful gender mainstreaming by addressing both equality and women’s empowerment gaps.



### Gender-Responsive Budgeting

**GB (resources allocation) is one of the major ways that an organisation can affirm its commitment to addressing gender inequalities – evidence for accountability.**



**Box 11: Key Messages:**  
 “Gender budgeting is most effective when it involves changes to both policy-making processes – such as determining budgeting allocations and designing programs – and administrative systems – such as tracking expenditures and monitoring program outcomes...”  
 Chakraborty (2017:8)  
 The implementation of such programs can only be considered to be gender-responsive if they lead to gender equal impacts.

## **PART TWO: WOMEN, LAND AND DEVELOPMENT**

Part Two covers the importance of land rights to justice and development with a focus on women's land rights (WLRs). Unlike Part One, which is more general and so could be used in a different country context, Part Two pays more attention to the Liberia land tenure system and security of WLRs. The module will be covered in three (3) days.

Upon completion of this part of the module, participants will understand the importance of land to development, land and gender perspectives, and the intersection between land laws, family laws, regulations and procedures that synergistically intersect and impact women's land rights. *The trainer should consider making use of the cases, examples and charts used in Part One as appropriate.*

## MODULE SIX: INTRODUCTION TO LAND RIGHTS

<b>PURPOSE</b>	The purpose of this exercise is to introduce participants to land as an independent aspect, and how land rights are developed, shaped and reshaped by cultural, social, economic and political forces (land tenure system). Upon completion of this exercise, participants will have a better understanding of the relationship between land, sources of land rights and different categories of female and male members of the society.
<b>DURATION</b>	6 hours
<b>MATERIALS</b>	Flipchart, markers, paper, blue tag, Handout 2 (“Women’s Legal Land Rights” table)

### OBJECTIVES

- Discuss the meaning and importance of land for lives and livelihoods.
- Introduce the link between land rights and economic development and empowerment.
- Introduce land rights system.

### INTRODUCTORY QUESTION

- What is land?
- Can we own land?

### TRAINER’S INSTRUCTIONS

#### In Plenary (20 Minutes)

- Show the video about the importance of land to development:  
<https://www.youtube.com/watch?v=ZhPBIRlCd7o>
- Ask the participants about their impressions of the video.
- Facilitate the participants to discuss what land means individually and collectively.
- Facilitate a discussion on whether people own land. If yes how? If no, why?
- Help the participants to develop a stronger understanding of the land rights system.
- Facilitate participants to explore the synergistic nature of the land rights system to other issues, particularly sustainable development.
- Facilitate the participants to discuss the relationship between culture and law.

#### In Groups (20 Minutes)

- Divide the participants in four groups.
- Distribute the following questions to each group for discussion.
- Ask each group to identify one person to report on their discussion in a plenary.
  - How has land tenure institutions changed for the last 30 years in Liberia?
  - What factors are influencing change in the Liberia land tenure system (past and recent)?
  - What impact has changing land tenure institutions had on individual, family and community land rights? Have the changes impacted men and women, youths and adults differently?
  - What is the link between land and economic development? How would you use land to reduce feminized poverty?

In plenary allow five minutes for each group to discuss their observations and allow two minutes to the rest of the participants to ask questions after each group’s presentation.

### TRAINER’S GUIDING NOTES

## MODULE 6, SESSION 1: LEGAL REGIMES AND BASIS FOR LAND RIGHTS

Meizen-Dick, and Gregorio (2004) highlight the major sources of land rights in the following figure. They explain that “to recognize property rights in practice, we need to look beyond state-issued titles to the resource. As illustrated in the figure, there are multiple sources of property rights, including:

- International treaties and law.
- State (or statutory) law.
- Religious law and accepted religious practices.
- Customary law, which may be formal written custom or living interpretations of custom;
- Project (or donor) law, including project or program regulations.
- Organizational law, such as rules made by user groups.”<sup>3</sup>



### 6.1.1: Legal Regime

According to Kabbah (2008), Liberia has a dual legal system “... statutory law based on Anglo American Common law for the modern sector and customary law based on unwritten customary practices for the indigenous people.”<sup>4</sup>

She outlines the primary sources of Liberia law

- The Constitution
- Statutes
- Customary Law (culture, religion)
- Court Precedents (case law)

Drawing examples from a few of the main sources of law listed above, the trainer should explain that each legal framework impacts women and men’s land rights differently and has different channels of justice, which women and men access differently.

The trainer should explain that the law must be implemented and enforced, and in order to achieve the rule of law for both men and women, there is need to address the land rights across the system.

A legal regime is a system of principles and rules governing something, and which is created by law. It is framework of legal rules.  
<https://definitions.uslegal.com/legal-regime/>

### Box 12: The Four Components of the Land System

Land rights operate in a system, and the law must work around it. **There are 4 main components of Land Systems: Land, People, Rules, and Authorities.** To secure land rights for the rural poor and the marginalized groups, including women, it is important to understand what one is working with. The need is to change a system – a land rights system whose parts are inter-related. The land system is a complex socio-economic-legal-political system that changes over time. As social norms change, as economies change, as legal rules change, as political interests change, the land rights system will invariably change to adapt to these changes. In addition, changes to law and policy are often a reaction to broader changes in a society; larger scale issues such as environmental change, war and conflict, population growth or urbanization.

<sup>3</sup> Source: [R. Meizen-Dick et al, Collective Action and Property Rights for Sustainable Development](#), accessed June 4, 2019

<sup>4</sup> <https://www.nyulawglobal.org/globalex/LIBERIA.html>, accessed on May 7, 2019

### 6.1.2: Land System

Law (by-laws)-making based on evidence carries more force than when it is one or a group of experts (outside) proposing the law because they understand the need but when that need is not fully understood by, for example, those who pass it. In the latter case, the law is likely to become unadoptable and un-implementable. During evidence collection process, it is significant to include education on issues that the law in question will address making it known before it is passed unlike when education starts after the law is passed. (See also R. & A. Seidman (2000), [Legislative Drafting for Democratic Social Change](#).)

It is important always to understand the reasons behind gender and socially-based discriminatory practice in order to tackle the problem from its roots. For example, in some cultures, daughters are discriminated against as regards to inheritance of land and property because people believe this is necessary to promote family security. In these cultures, for example in India, sons are expected to take care of the parents in their old age. Gender discriminatory practices might be rooted in complex historical and policy contexts and lacking in political interest as in Module 5, Session 2: Gender Analysis. The struggle for land rights might be long but the biggest question is whether the struggle is taking the right direction.

Law is a tool for social change but with limitations, just as the social norms are limited and sometimes require that laws provide equilibrium.

It is crucial to understand that those on the margins of society are the same ones on the margins of the legal system in a variety of ways.

### 6.1.3: Culture and Law

#### TRAINER'S INSTRUCTIONS

- Divide the participants into four groups.
- Allocate one question to each group.
- Give the participants flipchart papers and markers.
- Ask them to select a group rapporteur.
- Give them 10 minutes to discuss the question allotted to them.
- In the plenary, provide five minutes to each group to share their perspectives and to get feedback from the rest of the group.

Group discussion questions:

- What is the significance of culture for statutory law? For customary law?
- What is the place of culture in contemporary global norms/instruments setting?
- What is the place of culture in development?
- What is the relationship between culture and (land) rights?
- Summarize the discussion, reemphasizing the key takeaways from the participants' group work presentations and the following information.

People are bearers of both culture and rights; acceptance of one does not imply rejection of the other. Law and culture are both significant forces in human life: they shape and influence individuals, communities and societies' conduct and values. Community values, norms and culture evolve throughout history and are influenced by factors such as politics, migration, media, global norms and technology. Culture influences the law, and conversely the law influences culture. For instance, when the law adopts new provisions to reverse gendered cultural norms and practices, if implemented and enforced, the gender equity legal provisions will naturally become a culture of the country in question.

Change is a reflection of the on-going interaction of legal, cultural, social and human reality, which shapes and reshapes the mainstream society. One of the things that has been changing, albeit slowly, is gender relations. The way that women and other socially marginalized groups are treated under

different laws reflects changing concepts of justice. In Liberia, for example, laws and policies are grounded, in part, on historical political factors including notions of power and privilege. However, today, it is social harmony, justice and development which seem to play the most part in the reconfiguration of women and disadvantaged groups' land rights - as exemplified by the recognition of Community Land ownership by the 2018 LRA, which recognizes both the community and the individual/family within the community's land rights.

Beyond politics, there are other factors that influence the relationship between land, culture and law and these include:

- Land-based investment.
- Growing land scarcity.
- Growing population.
- The expanding market economy.
- Increased use of technology.
- Education.
- Urbanization.

Religious and spiritual beliefs (traditional, Christian and Islamic religions) interact with norms and culture to produce complex understandings regarding culture, and law where religion becomes the law or the major basis of law. However, the law does not necessarily evolve at the same pace as the economy or culture, so the marginalized/disadvantaged members of the society may lack certain legal protections if the law was adopted by the authorities/dominant groups to foster their interests in land and other natural resources or unintentionally discriminatory against certain groups if such groups, particularly women, were not consulted during the policy or law formulation process.

## **MODULE 6, SESSION 2: NORMATIVE RIGHTS FRAMEWORK (LAND AND INTERSECTING INEQUALITIES)**

### **Box 13: Definition of Rights**

Rights dominate most modern understandings of what actions are proper and which institutions are just. Rights structure the forms of our governments, the contents of our laws, and the shape of morality as we perceive it. To accept a set of rights is to approve a distribution of freedom and authority, and so to endorse a certain view of what may, must, and must not be done.

*Stanford Encyclopedia of Philosophy*

#### **Key Message:**

“A human rights argument/approach to WLR stresses non-discrimination, women’s right to equality, human dignity, women’s autonomy (independence), and economic wellbeing.”

Walker (2002).

## **OBJECTIVES**

- To strengthen participants’ understanding about how rights develop over time.
- For participants to understand how women’s land rights are situated in the broader land rights system.
- To explain the relationship between individual land rights versus other people’s rights.
- To explain how/who should protect land rights, particularly women and youth land rights.

## **TRAINER’S INSTRUCTIONS**

- In a plenary, facilitate a discussion on questions posed below.
- Write the participants perspectives on the flipchart and end with your comments if any.
- Discussion the following questions (10 minutes).
  - What does the concept “rights” mean to you?

- How are rights established?
- The facilitator should then discuss the meaning of rights.
- The three main categories of rights?
- Discuss the history of women’s rights and outline the key international and regional instruments that promote women’s rights (Handout 11).
- Distribute the reading on human rights by Langlois, (2013):  
[https://www.academia.edu/5356956/Langlois\\_2013\\_-\\_Normative\\_and\\_Theoretical\\_Foundations\\_of\\_Human\\_Rights\\_2nd\\_Ed.\\_](https://www.academia.edu/5356956/Langlois_2013_-_Normative_and_Theoretical_Foundations_of_Human_Rights_2nd_Ed._)
- Give the participants 20 minutes to read through.
- Ask the participants if they have any questions and conclude the discussion.

### TRAINER’S GUIDING NOTES

#### Three Generations of Rights

The idea of generations of rights was coined by Karel Vasak in the 1970s. Vasak adopted the rallying cry of the French Revolution—Liberty, Equality, Fraternity—as his template for organizing our understanding of human rights. Vasak’s template has become commonplace, despite being unsatisfactory either as a theoretical or as a chronological account of human rights.



<p><b>First generation rights.</b> Liberty rights are the first generation rights. These civil and political rights were the first to be established historically and have often been viewed as the basis or core of any possible rights system. These rights emerged to protect the interests and negative liberties of the individual against the power and encroachment of states, and include freedom of speech, religion, and association, rights to a fair trial, and voting rights, among others. They are codified in the UN’s <b>International Covenant on Civil and Political Rights.</b></p>	<p><b>Second generation rights.</b> The second generation rights, equality rights, in Vasak’s scheme, recognize that certain basic goods should be equally available to all people; that certain sets of political and economic circumstances are needed for human flourishing. Included are rights to basic levels of economic subsistence, education, work, housing and health care, among others. They are found in the UN’s <b>International Covenant on Economic, Social and Cultural Rights.</b> These rights are often called positive rights, as opposed to the negative rights of the first generation, because they require rights providers to act, rather than to refrain from interfering. This distinction is itself subject to much criticism (see Shue, 1980).</p>	<p><b>Third generation rights.</b> The third generation rights, fraternity, solidarity, or group rights, attends to communal aspects of human being. These rights extend the reach of human rights to matters such as the recognition of minority groups, social identity, and cultural issues. These rights are often provided for by dedicated UN human rights instrumentalities such as the Declarations on the Right of Peoples to Peace, or the Right to Development. This category of rights is the most controversial and least institutionalized.</p>
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Source: *Extracted from Langlois, 2013, p.16*

**a. To understand rights we need to understand**

- The relationship between you and self.
- The relationship between you and the State.
- The relationship between you and other people.

**UDHR, Article 1:**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**b. Sources of Human Rights:**

- Natural Law Principles (equity, justice, life, property.).
- Law (constitution, laws, international law).
- Practice/ Custom / Procedure/Usage (eminent jurists, scholarly studies).

Rights are a kind of freedom, but they come with restrictions/obligations. Men are likely to take advantage of normative rights as in most cases they are male-oriented and in most contexts, men have greater access to information than women. It is important to ascertain when a right becomes a right in order to pursue or acquire that right.

**c. Hierarchy of Rights**

There are negative/immediate rights – *obligatory* (not to be discriminated against, right not to be tortured) and progressive/positive rights – *assistance* (e.g. education, housing, health/reproduction):

- Some rights have limitations, for example, the right to land can be limited by eminent domain principle.
- Unlimited rights are, for example right to life.
- Rights must be legitimate.

**d. Land and Human Rights – Concepts:**

- Is land a right?
- The social function of land (food, water, housing, firewood, rituals, infrastructure, etc.).
- Land Rights are distinct, but divisible, independent and interrelated.
- All rights are important.

Land Rights: Rights held to land and other natural resources. More than one person may hold rights to a parcel of land which gives rise to the concept of a “bundle of rights”.

Land is a crucial resource for poverty reduction, food security and rural development. However, men and women do not always enjoy the same rights to land.

*Food and Agriculture Organization of the United Nations*

**e. Why a human right to land?**

While the right to land is contested, and there has been no universal right to land, land is prerequisite for other (progressive) rights, such as:

- Livelihood.
- Health.
- Education.
- Investment/economic development.
- Religious (traditional) practice.
- Women’s social status, agency and participation.
- Etc.

**Box 14: Definition of Security of Tenure**

Security of tenure is the certainty that a person’s rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction. Without security of tenure, households are significantly impaired in their ability to secure sufficient food and to enjoy sustainable rural livelihoods.

FAO (2002), <http://www.fao.org/docrep/005/y4307e/y4307e05.htm>

## MODULE 6, SESSION 3: SECURE LAND RIGHTS

### OBJECTIVES:

- To explain how land rights are connected to human rights and economic development.
- To strengthen the participants' understanding of the importance secure land rights to economic development and wellbeing.
- To explain the gender perspectives of insecure land rights and its impact on women, their families, their communities and the nation at large.

### TRAINER'S INSTRUCTIONS FOR GROUP WORK

- Ask the participants to share what they know about the bundle of land rights.
- With a show of a hand, ask a few to mention the elements of land rights.
- Write their contributions on the flipchart paper and add the unmentioned elements.
- Describe the meaning of a bundle of land rights.
- Introduce the continuum of land rights.
- Conclude discussions and continue with the session presentation.

### TRAINER'S GUIDING NOTES

Land rights are significant for development because “land is life” for the rural farmers. For women, land is particularly important due to gender roles related to the care of the family and the need to put food on the table. To realize gender inequality to land, it requires going beyond blind equality – that is, everyone is equal before the law – to providing substantive equality that addresses men's and women's differentiated land rights to access, use, own and control land.

Most poor people, women, men and youth, live in rural areas, and the majority have less secure tenure. Insecurity of tenure has been identified as a disincentive for rural farmers to invest in land. Secure land tenure is one of the major hallmarks for the rural people's civic, political, economic and legal rights.

#### 6.3.1: Bundle of Land Rights

Rights are often conceived as ‘sticks in a bundle.’ The breadth of rights relate to how many sticks are in the bundle. This analogy emphasizes the importance of the various socio-legal interests (sticks) into which ‘property’ (the bundle) may be divided. These sticks can include:

- Right to access.
- Right to use.
- Ownership rights.
- Right to control – decision-making/ manage.
- Right to exclude others.
- Right to withdraw (e.g. gather wood, water, plants, fibers (“secondary rights”).
- A right to derive income from the land.
- Right to transfer (e.g. sell, bequeath, inherit, gift, lease, mortgage).

#### **The first three rights in the bundle of rights are the cornerstone (prime) for WLR realization:**

- Right to access land (providing possession/occupancy – of land and its produce).
- Ownership rights (as daughters and wives as juxtaposed to their male counterparts).
- Right to control/decision making/ manage (a woman may ‘own’ land under the law but have no power to exclude others or transfer or use land rights in practice).

Land rights are “often described as being secure or insecure, though in practice, land tenure security is more accurately understood as existing along a continuum” (Giovarelli and Scalise 2013:15) – moving from weak/insecure to strong/secure rights – micro-macro holistic approach. For landholders to have secure land rights, the bundle of rights must be clearly defined. Other factors affecting the security of land rights include “the breadth, scope, and duration of rights; the social, legal, and cultural legitimacy of rights; and the adequacy and enforceability of rights.” (*Id.*) For women in particular, “[a]dditional factors include whether the rights: 1) remain unaffected by changes in social status, family structure, or social/religious norms; and 2) are exercisable in the same way they are exercisable by men - not requiring extra approval.” (*Id.*)

The Continuum as a more effective tool for land tenure security:

- Offers a powerful and practical alternative approach to the dominant focus on titling of individually held private property as the ultimate form of tenure security, or the end goal of land tenure reforms
- Recognizes that there are a number of tenure forms that are appropriate, robust, effective, legitimate – it builds on what is there
- Promotes increase of security across the continuum, with opportunity for movement between tenure forms

Global Land Tool Network (GLTN)

<http://ggim.un.org/meetings/2018-Deqing-International-Seminar/documents/1.2John-Gitau.pdf>

**Customary vs Formal rights:** The reason for changes in customs is because they change with circumstances, such as cultural migration and (armed) conflicts; unless they are formalized. In customary systems, informal norms and rules dominate. These may overlap with formal, statutory rights. In such circumstances, it may be important to explore whether customary norms can be aligned with statutes or international conventions to provide for greater gender equality.

### 6.3.2: Rural population needing legally secure land rights

Three categories of the Landed Poor:

- Absolute Landless (women and men).
- Landed poor with insecure rights (women and men).
- Most women land users in the rural areas where only the male members of the family have secure legal land rights.

The landed poor with insecure rights are the most vulnerable to:

- Land grabs/takings.
- Lack incentives to invest.
- Have restricted access to credit and government services.
- Have lower land values.
- Men and women lack legal or customary rights to land.

Insecure land rights have development implications such as:

*Human costs if land rights are insecure:*

- Poverty (e.g. see Prosterman et al., 2009).
- Hunger.
- Disease.
- Wrongful displacement.
- Rural-urban migration.

The landed poor are typically the poorest of the poor and highly vulnerable to chronic poverty. In the households where land ownership and land control is in the hands of men, women lack secure rights to land and in most cases they have (limited) land use rights. In the customary settings, often women’s land rights are temporal. For example, a daughter is highly likely to lose her land rights upon marriage, while a wife’s land rights are often conditional to her relationship with her husband or his (male) family members.

- Land abandonment.
- Avoidable deaths, including child mortality.
- Social instability, conflicts and civil unrest.
- Rural aging community.
- Potential for increased violence against women.

*Economic growth costs if land rights are insecure:*

- Poor people lack opportunity to leverage land as a productive asset so are less able to fully participate in and contribute to the broader economy.
- Limits land-based investment.
- Constrains government service delivery if no revenue is collected from land.
- Increases dependence on government or foreign assistance.
- Has the potential to retard infrastructure development, particularly in rural communities because community members cannot afford their physical development.

*Other Global Challenges:*

- Hunger / malnutrition
- Food insecurity
- Health
- Conflict
- Climate change / drought
- WLRs abuse

*6.3.3: The major reasons why landed poor people do not have secure land rights:*

- Weak laws or legal pluralism.
- Weak law implementation and enforcement.
- Limited resources (human, financial, technical).
- Patriarchal ideologies of male superiority and Patrilineality.<sup>5</sup>
- Corruption.
- Lack of government will and commitment

To secure land rights for the rural poor, it is important to understand that what one is changing is a system – a land rights system whose parts are inter-related and requires a holistic approach.

Bad Laws	Bad Law Implementation
Government Will and Capacity	<ul style="list-style-type: none"> <li>- Lack of government awareness</li> <li>- Lack of government capacity</li> <li>- Lack of government commitment</li> <li style="text-align: center;">-VS-</li> <li>- Lack of right-holders awareness</li> <li>- Lack of capacity to assert rights</li> <li>- Lack of social will/norms</li> </ul>

<sup>5</sup> Patrilineality refers to the organization of family relationships in societies by lines of descent from a person's male ancestors. The term derives from the Latin words *pater* ("father") and *linea*("thread"). A patriline consists of the generations of male descendants. Both male and female offspring belong to a patriline, but only male children can continue the line. <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/patrilineality> , accessed on May 26, 2019.

### **Box 15: The Need to Work with Governments**

To promote sustainable development, it is essential to work with governments. They are primarily responsible for designing, implementing and amending laws, policies and programs that provide secure rights to the vulnerable land users in the rural and peri-urban areas. However, to create change, actors must identify and address root causes rather than symptoms. When symptoms rather than causes are addressed, the problem will recur and sustainable development will be frustrated.

#### *6.3.4: Women's Land Rights are foundational for development*

To realize women's land rights requires going beyond blind equality – everyone is equal before the law – to providing substantive equality that addresses men's and women's legal rights. A gender equal approach to land rights requires *equality of opportunity for women and men, boys and girls*, to level the playing field in order to achieve gender-responsive outcomes for all categories of the society. To achieve this one has to address:

- Power inequality.
- Structural constraints.
- Discriminatory social-legal norms and practice.
- Multiple and intersecting inequality and discrimination.

**For women particularly, insecure land rights are due to the following major impediments:**

- Cultural or legal prohibitions to acquiring land via markets, inheritance, transfer, or gift (individually or jointly).
- Gender differences in customs around marriage, death, inheritance and marital residence.
- Gender differences in how different types of land rights are allocated, held, recognized and managed.
- Discriminatory laws and policies at central or local level; poorly drafted regulations.
- Failure of “implementation” of laws.
- Lack of awareness, information and enforcement.
- Gender differences in social roles, structures and access.

## MODULE SEVEN: WOMEN'S LAND RIGHTS

<b>PURPOSE</b>	The purpose of this module is to help participants understand and facilitate training on the importance of women's land rights as both intrinsic and instrumental rights.  Upon completion of the module, participants will have skills to draw a relationship between gender, land rights, livelihoods and well-being.
<b>DURATION</b>	10 hours
<b>MATERIALS</b>	Flipchart, markers, projector, presentation, Handouts (Women's Legal Land Rights in the Constitution, the Land Rights Act, and the major land-related rights in the Liberia family laws [marriage and inheritance laws]).

### MODULE 7, SESSION 1: GENDER AND WOMEN'S LEGAL LAND RIGHTS

#### OBJECTIVES

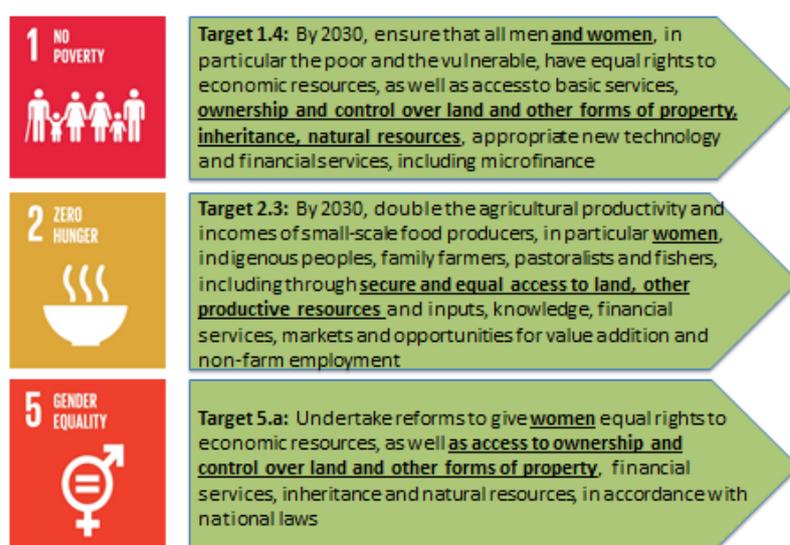
- To help the participants to understand the relationship between land rights and other rights.
- To strengthen the participants' capacity to understand, identify and address gender gaps in customary norms, law and practice.
- To describe the four land tenure categories of land ownership provided for by the LRA.

"A gender approach to land rights can enable shifts in gender power relations, and assure that all people, regardless of sex, benefit from, and are empowered by, development policies and practices to improve people's rights to land." (SIDA Brief, 2015)

#### TRAINER'S GUIDING NOTES

Liberia is a signatory to several international and Africa regional instruments and guidelines that promote and protect women's land rights (see Handout 10). For example, the Sustainable Development Goals (SDGs), also known as the Agenda 2013, calls on states to address gender disparities in access to, use of and ownership of land as shown below:

#### Women's Land Rights and Sustainable Development Goals...



[https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E), adapted in Uvuza, J. & Mor, T. "Why Do Women's Land Rights Matter" [PowerPoint presentation]. Landesa Center for Women's Land Rights Visiting Professionals Program, 2016.

Concomitantly, various national laws and policies govern women's land and property in land rights in Liberia. Broadly, the legal and policy framework consists of the following: 1) constitutional guarantees, 2) family laws regulating marital property, 3) inheritance laws, and 4) land laws and property in land laws, the major one being the LRA and community land rights.

In keeping with the provisions of the Constitution of Liberia, ownership of land is limited to Liberian citizens and non-citizen missionary, educational and other benevolent institutions.

All Community Members have equal rights to the Customary Land (the LRA Art. 2) and participation in the use and management of the community's land regardless of age, ethnicity, religion, disability and identity.

## FACILITATOR'S INSTRUCTIONS

### Step one

- Writing responses on the flipchart, ask the participants to discuss the four land tenure categories in Liberia.
- Ask the participants to tell you the difference between:
  - Private Land and Customary Land.
  - Customary Land and Public Land.
  - Public Land and Government Land.
- Conclude this discussion by highlighting the gender perspectives that arises in the discussion.

This discussion will enable the participants to know the difference between the four categories of land ownership.

### Step two

- Divide the participants in three groups and allow 10 minutes to discuss the following questions:
  - What are common problems that women face in relation to rights to land in your community?
  - List any laws you may be aware of that are discriminatory towards women.
  - Ask the participants to give examples from their work, their lived experiences or issues that they witnessed in their neighborhood/community with regards to women's land rights.
- Allow 20 minutes for feedback discussion while you write down the answers on a flip chart.
- Have a brief discussion on the most common cultural beliefs, stereotypes, practices and challenges that women face in relation to land, and how gender norms influence policy and law making and implementation.
- Point out that despite what culture and practice may be, the laws in Liberia provide the same protection for women's land rights. Close the discussion by reaffirming the constitutional guarantees for equal property rights for all Liberia citizens.

### The Sustainable Development Goals

(SDGs), otherwise known as the Global Goals, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.

These 17 Goals build on the successes of the Millennium Development Goals, while including new areas such as climate change, economic inequality, innovation, sustainable consumption, peace and justice, among other priorities. The goals are interconnected – often the key to success on one will involve tackling issues more commonly associated with another.

<https://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

### Consider:

- Where and when pursuing WLR is complicated.
- When do actors sacrifice (trade-off) certain rights to achieve other rights or benefits?
- Is there a hierarchy in which women's land rights should be prioritized?
- Should women give up their rights due to social pressure to conform to customs?

These and other questions might assist practitioners in considering contextual challenges and aligning approaches to contextual situations and available

resources. Regarding this idea, it is important to collaborate with governments (depending on government's capacity and will) and also to understand that the issues are embedded in a wider system, as discussed earlier.

Special attention should be paid to the rights of women to land. In many cultures and societies, women are excluded from owning property, including land, or they do not enjoy the same rights as the men. In marriage and family relations, women's right to property are often subject to the authority of the husband or father. Ensuring equal rights to property can translate into economic empowerment and has a direct bearing on the status of women. Denial of and/or limitations on rights to land and discrimination against women can be seen, for instance, in laws that exclude women from inheriting land.

[http://hrlibrary.umn.edu/edumat/IH-RIP/circle/modules/module 8.htm](http://hrlibrary.umn.edu/edumat/IH-RIP/circle/modules/module%208.htm)

## MODULE 7, SESSION 2: WHAT FEATURES ENABLE WOMEN TO REALIZE THEIR LAND RIGHTS

### TRAINER'S INSTRUCTIONS

- Divide the participants in groups of two (10 min).
- Distribute paper blocks to each participant.
- Ask each group to list what they consider to be the features/conditions that would be necessary to ensure that women's land rights can be fully enjoyed/realized (20 min).
- Ask one of the pairs to read their findings while you write them on the flip chart paper (20 minutes).
- Brainstorm with the participants whether or not there are major ideas missing and discuss the rationale behind having these features in place for women's land rights to be realized (10 min).

### TRAINER'S GUIDING NOTES

Secure Women's Land Rights have these features:

- Legally legitimate and socially recognized.
- Enforceable.
- Withstanding changes.
- Clear duration/ long term (e.g. leaseholds are also very useful).
- Appropriately transferable.
- Gender equal.
- Well defined.
- Exercisable without requiring additional approval for women not required for men.

It is important to recognize individual land rights for members of the household before pointing to the entire family or community land rights as a first approach. Individuals within communities have distinct rights that should be identified, respected and protected.

A law by itself is not enough to alter gender inequalities, thus, the need to adopt measures to implement and enforce the law and adopt ways to empower the communities and women to change gender relations. Features of secure land rights for women listed above are important, but not all elements must be in place for women's land rights to be secure. These features should be applied a propos of the specific land ownership category. For example, if land is owned communally, it would

be hard to claim land ownership for individual women if individual men do not own land. What is important here is to understand what rights exist, at the family, clan and community levels, and then advocate for equivalent rights for women (in all their categories). In customary land tenure, there are other layers beyond laws for poor land holders to enjoy rights, and this is more so for women.

Additionally, the features of women's land rights realization listed above are better met with stakeholders' partnership and collaboration. Land rights (the bundle of rights and the features for secure women's land rights) need to be partitioned into sections addressable by different stakeholder in a collaborative manner at different levels of the society, networking with other entities. The major stakeholders include: the government (including the Executive, Legislature, Judiciary), community, women groups, household members, media, academic institutions and CSOs. Working together, they can advance a *bundle of interventions*.

Recognition is far more than the existence of law and the presence of stakeholders to enforce the law (law enforcement entities). Recognition is also about whether the rights granted by law can actually be clearly defined and exercised within the society and whether stakeholders will actually enforce the law.

Three key components for exercising land rights:

- Recognition is about the existence of law and positive customs.
- Clearly defined: is this right stable, not affected by changing circumstances, e.g., death of the husband.
- Enforceable: whether the right is tangible.

The above sections are focused on identifying the core issue that the project (or work) seeks to address, including the systems, the roots, and the level at which the problem occurs – working towards a solution. It provides a framework for expanding a set of options to use in work, assessing options based on the specific issues one is trying to address and identifying and developing strategies for engaging change makers to reach their goal.

## **MODULE 7, SESSION 3: WHY DO WOMEN'S LAND RIGHTS MATTER?**

### **OBJECTIVE**

- To assist participants in gaining appropriate skills to identify, explain and systematically alter women's land rights insecurity (across all social categories).
- To introduce the concept of women's participation in land governance.

Upon completion of this exercise, participants will be able to understand and effectively explain the reasons behind the promotion and protection of WLRs based on policy and law and practice.

### **Box 16: Women's Land Rights and Land Governance**

“Women's land rights and gender justice in land governance are fundamental pillars in the promotion and protection of women's human rights in rural areas. Not only are they human rights themselves, being closely linked to women's status, legal capacity and inheritance and property rights, their position in family law and marriage, and their participation in public life. They also provide access to the most important physical asset in agrarian societies, land, in contexts where women provide a significant share of agricultural labor. Women's land rights are a key determinant of women's empowerment in rural areas and have profound implications on women's ability to enjoy in practice civil and political rights, social and economic rights, as well as to escape poverty and social exclusion.”

Daley, et al., (2013:4)

### **TRAINER'S GUIDING QUESTIONS**

- Why do women's land rights matter for women?
- Do women have rights to land in the rural community? If yes what rights, if no, why not?

- What do women in the rural and peri-urban areas use land for?

## TRAINER'S INSTRUCTIONS (2 hours 30 minutes)

### Step 1

- Use the first 10 minutes of the session asking the participants why they believe that women's land rights matter.
- Suggest that the participants talk about or consider their sisters, daughters, wives and mothers when discussing.
- Using the major factors provided in the Trainer's Guiding Notes section take an hour to present why women's land rights matter (to the individual woman, her family and the society).
- Ask if the participants have questions or complementary information.

### Step 2

- Distribute Handout 6: Property rights in marriage.
- In six small groups, allow 20 minutes for participants to discuss the following questions:
  - Does a woman have the right to own land by herself? Why or why not?
  - Do married and unmarried women have different rights over land? What are the differences?
  - Does a wife need her husband's permission to sell land that they farm for food? Why or why not?
  - Does a husband need his wife's or wives' permission to sell land that they farm for food? Why or why not?
  - If a man and a woman are legally married, is it legal for one spouse or other family members to chase the other spouse off family land?
- Reconvene the participants; give five minutes to each group to present their findings and two minutes for comments.
- Take 20 minutes to relate the participant's findings to Liberia's law, and explain implications that gender inequalities have on the individual woman, her male counterparts, family members and the society at large.

### Step 3: This step aims at harmonizing the previous steps and in relation to the bundle of rights.

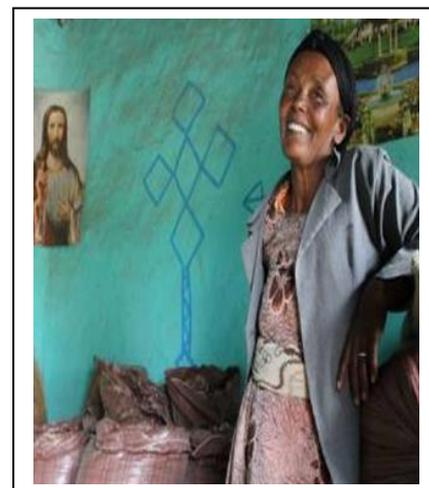
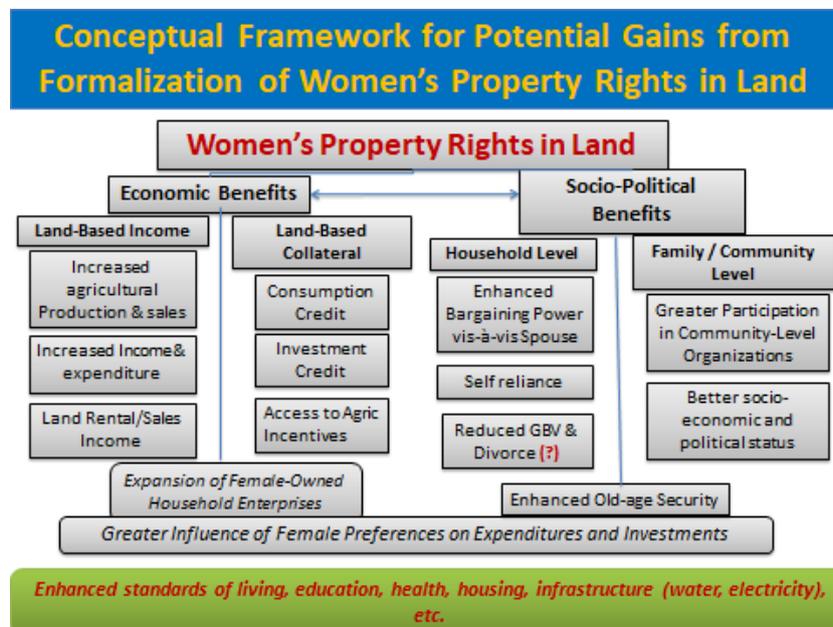
- In four groups, ask the participants to discuss and report on the following questions, which will provide a focused, better understanding of the rights and barriers women face as regards to their land rights.
- What rights do women have to land compared to their male counterparts in terms of:
  - Access, use and ownership of land;
  - Control of land and land's produce;
  - Participation in land governance; and
  - Receiving benefits from land ownership? Which benefits (from compulsory acquisition, sale of produce, rental income, etc.)?
- Allow 15 minutes for group discussions and five minutes for each group to present their findings.
- Take 15 minutes to discuss how the laws align or conflicts with the groups' findings.
- Invite the participants to ask questions.
- Conclude the discussion by correlating it with the Secure Tenure for Women's Land Rights features.

African women contribute more than 60% of their labor towards food production, but a complex set of circumstances constrains their access to and control of land under both customary and statutory realms of land governance and management.

Kagwanja, J. Head of the Land Policy Initiative, Speech at the 27th AU Summit of July 10-18, 2016, Kigali, Rwanda.

## TRAINER'S GUIDING NOTES

The following graph represents some of the benefits from securing women's land rights that were gathered from a number of studies (World Bank, 2005:4: [Gender Issues and Best Practices in Land Administration Projects: A Synthesis Report](#), adapted in Uvuza, J. & Mor, T. "Why Do Women's Land Rights Matter" [PowerPoint presentation]. Landesa Center for Women's Land Rights Visiting Professionals Program, 2016.



- Conclude the discussion on why women's land matter with the following statements:
  - Land rights are equally important to men and women.
  - Inequality is unfair.
  - Land rights provide enhanced status and voice for the woman (social, economic, political, time).
  - Land rights support improved agricultural production and economic development.
  - Land rights helps improve family nutrition, education, and health.
  - Land rights may make women less vulnerable to violence (in some contexts).
  - Inequality reduces food security.
  - Inequality hurts women and children.
- Ask the participants if they agree with these statements or if they have ideas to add to the above list.
- Ask if the participants have questions.

## MODULE 7, SESSION 4: WOMEN'S LEGAL LAND RIGHTS

### OBJECTIVES

- To introduce national laws that regulates women's land and property.
- To show the relationship between the LRA and other laws that cover women's land rights.
- To enhance the participants' ability to explain the basic legal provisions for women's land rights.

- To reinforce the participants' ability to identify different categories of women in their social categories, both as daughters and as wives.

Arts. 11 & 23 of the Liberian Constitution guarantees gender equality of ownership of property for all citizens; it does not however, define discrimination nor explicitly provide for remedies to address gender-based discrimination and inequalities.

### TRAINER'S INSTRUCTIONS

- Divide the participants into two groups. The first group should focus on women's land inheritance rights. The following questions should be discussed:
  - What is the meaning of inheritance?
  - What gender discriminatory practices regarding land inheritance exist in your community?
  - If you are a local leader /community land officer, how would you alter gender-based discrimination in land inheritance and ensure that daughters and sons, wives and husbands have equal rights to inheritance?
- The second group should focus on land rights in marriage, and should discuss the following questions:
  - What is marriage, and under what conditions is a couple regarded as married in your community?
  - List the formal forms of marriage recognized in Liberia.
  - How do the different categories of marriage mentioned above affect (different) women's land rights?
- Ask each group to identify someone to take notes and someone to serve as Rapporteur.
- In plenary allow seven minutes to each group to present their findings and two minutes for comments from the audience.
- Synthesize the discussion and ask the participants if they have questions.
- Using the notes below, make a presentation about women's legal land rights focusing on LRA, marriage laws and inheritance laws, taking note of women as daughters and as wives. Given time, consider asking volunteers to share information about two typical land rights cases that involve women that they have handled in their work.
- Ask them to explain whether it was complicated or not to handle the identified case.

### TRAINER'S GUIDING NOTES

- Women's legal land rights through community membership (LRA Handout 9).
- Women's legal land rights through marriage (Handout 6a).
- Women's legal land rights under inheritance (Handout 7).

The purpose of this exercise is for participants to understand women's land rights under the LRA and family laws (marriage and inheritance) and what this means 1) under formal and informal marriage relationships, and 2) for children born out of-wedlock and legitimate children. To broaden the trainees' understanding of land rights and marital property regimes, comparative knowledge of marital property from the region will be presented (*Handout 6b*). The trainer should aim to strengthen the participants' ability to identify key legal protections for women's land rights and correct commonly held gender biases about women's land rights in family and community settings.

#### 7.4.1: Women's Land Rights in Marriage

### OBJECTIVES

- To define marriage and explain its relationship with spouses' land rights.
- Understand issues and challenges for wives in matrimonial property systems.
- At the end of the session participants will have skills to think through concepts of marriage and how laws and norms on marital property affect men and women differently.

## TRAINER'S INSTRUCTIONS

- In plenary ask the participants to define marriage.
- Ask them to discuss the categories of marriage that exist in their country (e.g. legal, customary, presumption of marriage).
- Discuss the major factors that determine marital property tenure provided in the below box.

### Box 17: The Major Variables of Marital Property Tenure

- What kind of land—inherited, state distribution, bought
- Monogamy/polygamy
- Married/consensual union (length of time)
- Time of marriage/after marriage (separation, divorce,
- What is required for alienation?
- What is required to make separate property joint property
- What is required as to registration—what happens if mandatory but not occur?

- Make a presentation on land rights in marriage and during inheritance

## TRAINER'S GUIDING NOTES

Marriage is a contract that comes with rights and obligations. Land rights for women, particularly under marriage, can be found in various laws:

- Land laws.
- Property laws.
- Inheritance/succession laws.
- Marriage laws (marriage and divorce).
- Registration laws.
- Citizenship.
- Children's rights laws.
- Custom.

### Inequities in Liberia's Marriage laws

“[A] surviving spouse in a civil marriage is entitled to one half of her deceased husband's property during her life, while a surviving spouse in a customary marriage is entitled to 1/3 of her deceased husbands property – to be shared with other wives – until she remarries.”

Jappah, et al., (2012)

The Constitution provides for gender equality in access to land but recognizes that customary laws may contradict these laws by discriminating against wives and daughters. The Laws regulating marriage, divorce and inheritance are also not clear and reinforce discrimination against women and girls.

Key Factors to Consider:

- Who, typically, between husband and wife, sons and daughters, has the right to manage land, the right to transfer it, the right to receive benefits from land and the right to inherit?
- When does property become subject to community of property rules – at the time of the marriage or at the time of divorce or death, i.e. when does property devolve? Does community of property apply to all Liberia formal categories of marriages?
- Will all of the property obtained by both spouses be community property or will each spouse have control over separate property as well, i.e. which property is jointly owned?
- Does a woman marrying-in from another community have land rights as her husband does or from the larger community? If yes, what rights? If no, why not?
- Who normally manages community property? Why?
- If there is separate property, is any income derived from that property owned by the individual or the broader community?
- Do consensual unions trigger the joint titling rules and protections?
- Are there distinct land and property rights accorded to the sons and daughters? If yes, what are these? If no explain.
- It is important to think about this in case of ownership, management, transfers and separation/divorce.

- After 10 minutes discussion, allow five minutes for each group to present their discussion notes and two minutes of questions from the rest of the floor.
- In the plenary, facilitate a discussion on marital property regimes under Liberian law.
- Distribute handout and make a presentation on the key marital property regimes, drawing on notes below.

#### 7.4.1: Three Key Marital Regimes

There are three key marital regimes, namely, community of property regime, limited community property regime, and separation of property regime. See box below for information on the key elements of each marital regime. (Refer also to *Handout 5b Definition of Concepts*, and to <https://family.findlaw.com/marriage/what-s-mine-is-mine-what-s-yours-is-mine-who-owns-what-in.html> for a more detailed discussion in the United States marriage property context.).

#### **Box 18: Three Key Marital Regimes and their Key Elements**

##### *Community of property*

###### Key Elements:

- Spouses have equal decision-making powers over matrimonial property (administration, enjoyment, disposal and sale).
- In principle, spouses under the community of property regime both act as legal representative of the property.
- Any property registered in one spouse's name is part of the property belonging to spouses under the community of property regime.
- Spouses are jointly liable for debts contracted before and after their marriage.

##### *Limited community of property regime*

###### Key Elements:

- At the moment of the making of the marriage contract, an inventory of separate property must be created.
- If agreed and viable each party can set apart property for the basis of their household.
- Anything that is not listed as the basis of their household is considered personal property.
- Spouses co-manage the shared property.
- They both have the same right to follow up and act as legal representative of this common property.
- Each spouse has the powers of administration, enjoyment and free disposal of his/her personal property.
- Any fruits and revenues produced by the spouse's personal property is part of his/her property.
- Each spouse only inherits the property that is shared, and the rest devolves to the deceased spouse's heir/s.

##### *Separation of property regime*

###### Key Elements:

- Each spouse contributes to the expenses of the household in proportion to their respective abilities.
- Each spouse retains their own property.
- One of the spouses, at will, can transfer the power of administration of his/her property to the other spouse (in such a case the laws governing powers of attorney apply).
- Each spouse is liable for personal debts.
- Dissolution of the separation of property regime takes place due to divorce or change in the type of matrimonial regime.
- The deceased spouse's property is inherited by his/her heirs.

## 7.4.2: Women's Land Inheritance Rights (daughters/wives)

### OBJECTIVES

- To define inheritance.
- To strengthen participants' understanding of the gender aspects of land inheritance rights.
- To introduce Liberia's laws regulating inheritance.

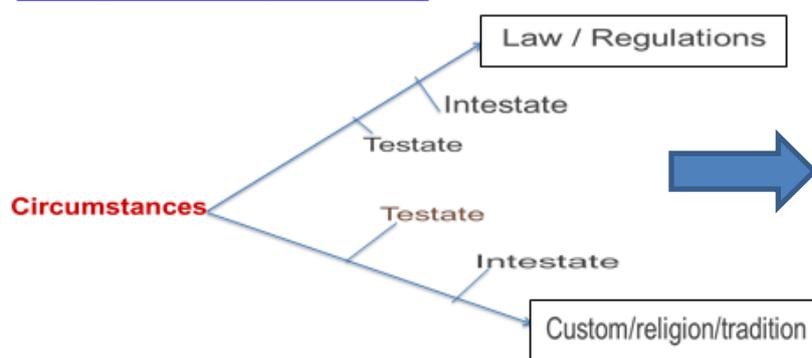
### TRAINER'S INSTRUCTIONS

- In the plenary, allow between five to 10 minutes to ask the participants to define inheritance.
- Divide the participants in three groups. Allocate the first two questions to one group and then one question for each of the other two groups:
  - How is inheritance defined in your community?
  - Who makes decisions over inheritance, and does it differ by different households and communities?
  - What customary norms influence inheritance?
  - Based on the "bundle of rights" concept discussed earlier, how does inheritance impact women's and men's bundle of rights? Use a table to show this.
- Allow 10 minutes for a discussion in groups.
- Reconvene the group and allow seven minutes for group presentation and two minutes for comments.
- Conclude the discussion and start a presentation on the gender and legal perspectives land inheritance based on the following notes.

### TRAINER'S GUIDING NOTES

#### What is Inheritance?

"Property received from a decedent, either by will or through state laws of intestate succession, where the decedent has failed to execute a valid will." <http://legal-dictionary.thefreedictionary.com/inheritance>



To fully understand women's inheritance, we need to distinguish between the rules of inheritance (whether legal or traditional) in regard to **women as daughters (in relation to their brothers / male relatives)** and **woman as wives (in both legal and in consensual unions)** across different social categories of the community.

### Key Elements of Inheritance

- Testate – inheritance regulated by a will.
- Intestate – regulated by state law or custom in customary societies.
- Property received from a decedent.
- The heir inherits both rights and obligations on the assets and liabilities.

Women's land and property rights require a strong legal system that harmonizes (different) statutory laws and custom/religious norms through policy and law and in practice.

### **Box 19: Widow Inheritance**

“Customarily, widows have no power to determine allocation of family land and property upon death of her husband or male partner. The respondents mentioned that where the sons were too young to succeed their father's land and property, the family heads decided among themselves who would inherit the widow together with the children and the property. They said that the widow who objected to their decision was scorned and evicted from the property and that her in-laws would determine whether she could/not stay on the property. If the woman's relationship with her in-laws is not considered to be “good,” she is evicted from the land and the home she lived in with her husband. Sometimes the widow is asked to leave with her children.”

Dodd, et al., 2018.

Strengthening women's rights to inherit land requires a holistic approach that includes:

- Analysis of gender gaps and issues.
- Advocacy for changes in laws, regulations and practice.
- Advocacy for domestication of regional and international instruments.
- Building government and other stakeholder's capacity to implement laws.
- Legal education and awareness-raising.
- Provide/create/train on documents/tools needed.
- Engage/collaborate with key stakeholders at national, local and grassroots levels to induce social change.

#### *7.4.3: Women's Land Rights under the Land Rights Act*

### **TRAINER'S INSTRUCTIONS**

- Distribute Handout 12, listing the LLA provisions discussed in the notes below to the participants.
- Make a presentation on the notes provided below.
- Intermittently, ask the participants to share examples of land rights cases from their work.
- Discuss the cases raised (in consideration of time). If need be, use the raised cases to cover the content of law and best practices in addressing gender perspectives of law implementation.
- Ask the participants if they have comments or questions and respond to them.
- Conclude the discussion highlighting the cultural alterations brought forth by the law.

### **TRAINER'S GUIDING NOTES** (partly extracted from *Understanding Liberia Land Rights Law*, 2018)

Women are human beings and are also citizens of Liberia. Therefore, they have the right to acquire, hold and own Private Land. **THEY ARE NOT PROPERTIES.**

#### *7.4.3.i: Women's land rights and Participation in land governance (written in Liberian English)*

- Women can now equally participate in the decisions to develop and manage land in their communities.
- Women can buy land.
- Women can become landlords.
- Women can singly, jointly or collectively own land by themselves and with others including husbands and siblings.
- Women can exercise control over the properties of their dead family members to include husbands, parents and siblings.
- All Land Management Committees require equal representation of men, women and youth.
- All decisions on Customary Land will now be made by the community members including women and youth.

- Spouses of residents of communities are considered Community Members entitled to the same rights and privileges as a community member including people who are living together as husband and wife.
- Under the various categories of marriage (statutory marriage – DEL, customary marriages – ERCML, and presumptive marriages – Civil Procedure Law) women married to community members who live in the community have the same rights as women born there or who parents come from there.
- Women as residents of a community are entitled to a residential area within customary land. Women who live in a community for at least seven years are not strangers anymore. They have the same rights as any community member.
- Residential area can be deeded in a woman's own name that will have the same legal status as Private Land.
- Women can co-own Private Land (including residential areas within Customary Land).
- A female member of the community has a right to pass-on community membership to her children as the men do (Article 35(5)).
- All women (and men) citizens of Liberia born after the LLA was passed is member of the community she was born in (Article 2).

#### *7.4.3.ii: Equal Protection*

As citizens, women who are residents, irrespective of age or gender, have equal protection under the law.

#### *7.4.3.iii: Equal Benefits*

As citizens of Liberia and community members, women are entitled to fair share from proceeds of commercial activities on the land.

## MODULE EIGHT: GENDER, LAND FORMALIZATION AND REGISTRATION

<b>PURPOSE</b>	The purpose of this exercise is for participants to understand the impact of land formalization and administration on WLRs during land reform processes (consultations, law making, land use planning, land management, information sharing, etc.). This module is particularly important for countries in the land reform process, especially before and/or during land rights formalization.
<b>DURATION</b>	5 hours
<b>MATERIALS</b>	Flipchart, markers, blue tag, projector

### Box 20: Definition of Formalization:

“...formalization is the codification of rights to own, access, or trade land and resources in a written legal or regulatory canon that is accepted by the State. However, in the course of that process, not all interests are understood or adjudicated, nor are the rights of all interested parties considered and recognized.”

### TRAINER'S INSTRUCTIONS

- Present points 1 to 4.
- Divide the participants in four groups.
- Distribute the questions in point 5 below, one for each group.
- Allow ten minutes for group discussion and three minutes for each group to present their notes.
- Summarize the discussion and continue to the next points.

### TRAINER'S GUIDING NOTES

Introductory statements:

- Consider the different ways that formalization might benefit or injure the poor.
- Consider how legal, social and bureaucratic systems, norms and practices influence the success of formalization attempts.
- Note that different partners, such as CSOs, can have an important role to play, especially in formulating and raising awareness of laws.
- What are the most pressing threats to secure women's land tenure?
  - State expropriation?
  - Private mining or logging operations?
  - Large-Scale farming?
  - Pastoralists?
  - Rival customary groups?
  - Migrants or people from other communities?
  - Group leaders?
  - Local elites?
  - Neighbors?
  - Men?
- When rights are first formalized:
  - How can the state ensure the interests of the poor (men and women) are not harmed?
  - How can interests of women be protected?
  - How can citizens be encouraged to participate in the formalization process and bureaucrats be encouraged to allow this participation?
  - How can the system be made trustworthy, sustainable and efficient?

## MODULE 8, SESSION 1: LAND TITLING AND LAND REGISTRATION

### TRAINER'S GUIDING NOTES

#### 8.1.1: Land Formalization

Land titling formalizes a person's legal rights in the land and results in issuance of land title or similar documents. This involves entering data into the registry, and it should be noted that registration is different from titling. Families are more likely to invest in improvements if they hold secure rights to land.

If rights are transact-able, property will often gain in value. Other benefits of land formalization include:

- Enhanced security against eviction.
- New opportunities for investment and savings.
- Higher productivity and higher incomes.
- Capturing increase in property value.
- Access to services.

Formalization of land without addressing gender inequalities limits access to other services by women. For instance, in communities, such as in India, access to credit, fertilizers, toilets etc. is conditional on being a farmer and only men are perceived to be rightful farmers (women are considered as being part of the household possessions).

Benefits to the poor:

- In some cases, increased access to credit.
- Enhanced social status and stability.
- Peace of mind.
- Opportunities to pass property to children.
- Reduced incidence of disputes.
- Improved stewardship of land.

In which settings might formalization injure the poor and women?

- Where state or private actors have recently stripped the poor of land rights.
- Where rights are derived from gender biased (patriarchy) custom and are administered by gender biased institutions.
- Where state or corporate interests claim forests and rangelands.
- Where women's rights are not respected in practice, formalization that omits women can further consolidate their exclusion.
- Where women's rights to land are secondary rights, formalization may ignore such rights entirely.
- If commons are claimed privately, women may lose more than men if women depend more on commons.
- Failure to include women in the land formalization process enhances insecurity of tenure for women.
- Where land and land-related laws are gender discriminatory.
- Where access to justice is unavailable or unaffordable for the poor and women.
- Where women are not included in land governance both numerically and substantively.
- Where gender roles, women's specific needs and views are not considered during land formalization, communications and public information sharing.

#### 8.1.1.i: Rights of Customary Groups

There can be some tensions between groups holding land rights. In some parts of the world, groups live in areas where there are mineral resources, making the state more likely to abuse the land user/s' land rights due to the state and the land user/s' competing land rights.

Also giving power to groups might be tricky for the states due to managing competing claims between the groups. This is especially so because often land is not properly demarcated. If the state is to recognize group rights it must also have the capacity to manage subsequent conflicts.

#### *8.1.1.ii: Land Formalization and Tax Collection*

The State needs to know who owns which land, so it can provide services and collect land taxes. The downside of this is that the people might report a small area or even not register their land in an attempt to avoid taxes. Specific to women, more particularly single women using the land for subsistence farming, they might not be able to afford government taxes, and this puts their land at risk of being taken away in payment of taxes – or forced to sell their land for a low value in fear of losing it.

Additionally, in the case of tax avoidance, women's land tenure security is at risk more than men's due to a number of gender-related factors. For example, women farmers, particularly those living in rural areas, are often not educated or not well informed about the *size* of their land. When the male relative dies, she may not claim the part of the land that is not registered, or she may be denied the rights to the land she has no title for.

Mapping the land can assist in planning its use, e.g., roads. Sometimes this might include taking land from the land users – expropriation/eviction – and the state must know which land they will take and how much compensation will be paid. Cadaster (sophisticated map) map demarcates different layers depending on the plan of the place/location. The government must have information in order to use it.

#### *8.1.1.iii: Expropriation/Eminent domain is a right that every government retains*

There are three broad areas under which public domain should be exercised by governments:

1. Purpose (should be defined by the law): public good/ good of the society.
2. Process: right to be heard, notice, informed consent.
3. Compensation: how much, how is it calculated, when and in what form, to whom among family members. For instance, if you pay cash to some poor people, they may consume it and lose their livelihood in the long run and this impacts more on women.

For women in particular, land is more than simply living space: the community they live in provides women with access to a means of livelihood, to collection of medicinal herbs, to their children's education facilities, to health care, to social networks, to family support - all of which stands to be disrupted in cases of eviction. However, in most cases, women are often those most at risk of losing their land and livelihoods to investors or government development activities; formalization is sometimes used to dispossess people of their land and, in other cases, the government can individualize land to dismantle group power or for development purposes. Furthermore, compensation is gender inequitable and based on the nature of crops, e.g. subsistence crops versus cash crops. In most cases, this means that the compensation money is simply handed over to the male members of the family, who may not use it in the best interests of the family. For women, more than men, if compensation is based only on investments made on land and the land size value, then the other uses of land outlined here will not be compensated.

#### *8.1.1.iv: Administrative Capacity and Commitment*

For successful land formalization, the key factors that the state needs in place are capacity, financial resources and commitment. If the rights of the poor and of women are going to be addressed, sufficient funds must be allocated to ensure a transparent and participatory process. For instance, this will enable the addressing of both gender relations and women's specific needs to address gender inequalities.

The government must assess the impact of formalization on the wellbeing of the poor, women and the vulnerable. For example, if formalization requires paying a fee then it is important to ask if the poor and the vulnerable can afford it, and if they will participate fully or be deterred?

People need to have, and should have, access to the land formalization system or else the system will fail. Such failure leads to people acting informally; for example, if the fees are too high or the system is too complex. Such a situation, where land transactions are being undertaken informally rather than within the land formalization system, will in turn create insecurity for land holders. These matters can be raised by NGOs on behalf of the vulnerable individuals and groups.

A social and gender equitable and accessible system will enhance and create economic activity. This idea requires a lot of thought and consultation with different stakeholders.

#### *8.1.1.v: Benefits of Land Formalization for WLR Security*

- Formalization can enhance women's land rights if it recognizes them. In some cases, formalizing WLRs will create a conflict between what is socially legitimate versus what is legally legitimate. When this happens, women's land rights become a political question, and require political will and guidance.
- Formalization can provide an opportunity to educate women and men about WLRs.
- Formalization may provide an opportunity to introduce new mechanisms to prevent a husband from transferring land without the knowledge of his wife.
- Formalization may increase land values.

## **MODULE 8, SESSION 2: LAND REGISTRATION**

### **TRAINER'S GUIDING NOTES:**

- Divide participants into two groups. Allow ten minutes for the groups to discuss the following questions:
  - What would you consider to be the features of an effective land registration?
  - Discuss and list ways in which land registration can strengthen WLR security.
  - Why does registration matter and who does it benefit?
    - What about the poor landholder?
    - What about women?
    - What about youths?
    - What about migrants?
- Allow five minutes to each group to present their notes and two minutes to the audience to ask questions.
- Summarize the discussion.
- Read the paragraph in the box below and in the general group discuss the two questions attached to it.
- Write the answers on the flipchart and go on to discuss following ideas:

“... there were cases where some women, after being allocated land refused to have their names on the offer letters as beneficiaries and instead requested that their names should be replaced with those of their husbands as farm holders.”

If you are a land officer allocating and registering land, and you came across this situation:

- What do you think would be the factors behind women's refusal of being registered as land owners instead of their husbands?
- What measure would you take to ensure gender-equitable land allocation and registration?

Two major types of land registration:

- Sporadic registration: is when each parcel of land is/was registered at different times. This system can undermine demarcations as it is done privately.
- Systematic registration: all parcels are registered at the same time, especially, through a public process that is more inclusive of all members of the community.

To reduce informal transfers, a sound registration system should be:

- Relatively simple.
- Accurate.
- Prompt.
- Affordable.
- Suitable (fit-for-purpose).

These are social issues but not legal or technical issues, and the government must be at the top of these processes. When building the system, the above elements must be incorporated.

### *8.2.1: Rights Subject to Registration*

Individual rights must be spelled out and clear

- Group rights: law should spell out how the state works with groups to define and register their territory.
- The parcel must be identified, demarcated, surveyed and mapped and posted publicly to allow challenges, preparation of certificates and entry of information into the register.

The haughtiness or assumptions of technicians and experts (both local and international) can affect the process. The rationale behind this observation is that technical experts may consider themselves to be more knowledgeable than local people and so fail to consult with the farmers (men and women) and/or community based organizations (CBOs) who hold important local knowledge.

### *8.2.2: Elements of Registration System*

- Identification of owner/s.
- Identification of rights to be registered.
- Identification of parcel (boundary as legal construction, Index map, parcel number).
- Means for the systems to record changes (change in owners, change in parcels). Parcels can also change because they are either merged or subdivided.
- Requisite coordination of legal and the technical systems (refer to slide).
- Identification of secondary land rights holders.
- Identification of land value.

## MODULE NINE: GENDER, LAND ADMINISTRATION AND DISPUTE RESOLUTION

<b>PURPOSE</b>	<p>The purpose of this exercise is to introduce participants to institutions that are involved in managing land and resolving disagreements about land; how accessing and engaging with these institutions is different for women compared to men; how these differences affect women.</p> <p>The exercise will help participants identify institutions with authority to manage land, resolve land disputes and to discuss the major access challenges that women face when they have land disputes.</p>
<b>DURATION</b>	3 hours
<b>MATERIALS</b>	Flipchart, markers, blue tag/post it notes, Handout ... (“Land Administration and Dispute Resolution Bodies”)

### OBJECTIVES

- To enhance the participants’ understanding of the social and gender perspectives of land administration.
- To enable participants to understand land-related disputes, the gender aspects of land disputes and organs that resolve and disputes.
- To enhance the participants’ ability to conduct trainings on gender and land disputes.

### Box 21: Definition of Land Administration

Land administration is the way in which the rules of land tenure are applied and made operational. Land administration, whether formal or informal, comprises an extensive range of systems and processes to administer:

- **land rights:** the allocation of rights in land; the delimitation of boundaries of parcels for which the rights are allocated; the transfer from one party to another through sale, lease, loan, gift or inheritance; and the adjudication of doubts and disputes regarding rights and parcel boundaries.
- **land-use regulation:** land-use planning and enforcement and the adjudication of land use conflicts.
- **land valuation and taxation:** the gathering of revenues through forms of land valuation and taxation, and the adjudication of land valuation and taxation disputes.

<http://www.fao.org/3/y4307e/y4307e05.htm>

### TRAINER’S INSTRUCTIONS

#### Step one

- In plenary, ask participants to discuss the different traditional, government and civil society institutions’ mandate and function over land. Discuss the challenges women face when trying to access these institutions.
- Write down the responses from the discussion on flipcharts.

#### Step two

- Divide the participants in four groups and allocate two questions to each group for discussion:
  - What are different types of land disputes women face at the community level?
  - How do institutions deal with women’s land dispute cases in comparison to men’s cases?
  - What changes would you like to see in the function of these institutions on land matters involving women?
  - If your community wants to deed and record its land, where should the community go?
  - If your community land is being used by a concession company, what institutions can help the community to receive just benefit?

- What can be done to improve women’s ability to participate in decisions about concessions, receive fair compensation for losses and participate equally in any benefits?
  - If members of your community are experiencing confusion over land, where should they go for settlement?
  - What are the requirements for legal documentation of land in your community?
- Allow five minutes for each group to present their notes and two minutes for questions from participants.
  - Write the key points for clarification on the flipchart, summarize the discussion.
  - Invite questions and observations and close the session.

### TRAINER’S GUIDING NOTES

Formal land administration deals with land demarcation, land use and management, titling and registration (or transfer) of land and users, land valuation and maintenance of the land registry. It can play a central role in creating equitable rights to land. A sound land administration system provides an opportunity to ensure that laws and policies on equality and fairness are applied appropriately. In systems of private tenure rights, land titling and registration are prerequisites for land owners to use their land as collateral; for customary/communal land tenure, land titling and registration (or transfer) may enhance security and raise confidence in their collective land ownership. Processes of land demarcation, titling and registration of tenure have to be carried out in an open, transparent and user-friendly manner which does not discriminate against women in any way and which encourages an increase in women’s right to land.

Imperative to emphasize is that gender dimension must systematically and systemically be integrated in land administration programs and projects from the starting to end point of land administration process components

When women’s land rights are securely kept in a registry, this increases both their intrinsic and instrumental land rights. Secure land rights generally improves their economic, civil and political rights as well as their family’s wellbeing – women’s land rights are human rights just as they are to the men in their communities. As regards their societies, women’s land rights are instrumental in their community’s economic sustainable development and social harmony as already discussed in the earlier chapters.

## MODULE 9, SESSION 2: ADDRESSING GENDER AND LAND DISPUTES

### Box 22: Priority Gender Issues in Land Administration Projects

In the design and implementation of a land administration project, there are many issues that should be addressed to increase the participation of women and thus improve the project's ability to recognize and legalize women's rights to landed property. Land administration is concerned with the management of the landholding system for land, natural resources, and fixed improvements such as buildings. Land administration projects might involve

- Individualization or privatization of land rights;
- Formal recognition of rights based on occupation and use;
- Conversion of rights from one legal system to another;
- Introduction of a land registration system or conversion of the documentation of rights from one form of registration to another;
- Introduction or strengthening of land valuation and taxation systems;
- Development or enhancement of land use planning and regulation, including land consolidation and reordering;
- Development or enhancement of dispute resolution systems;
- Changes in organizational structure and procedures (institutional strengthening and re-engineering).

<https://openknowledge.worldbank.org/bitstream/handle/10986/8355/325710white0co1Gender1land01public1.pdf?sequence=1&isAllowed=y>, accessed June 3, 2019

### TRAINER'S INSTRUCTIONS

**Step 1:** Facilitate a plenary discussion on the following questions:

- How does land tenure contribute to conflicts over land?
- What factors increase the chance of conflicts in your community?
- Are there land conflicts between men and women in your community? List the causes of these conflicts.
- How do men and women experience land conflict – is it the same or different? Provide example

**Step 2:** Distribute *Exercise 4: Widow Land Inheritance Rights*

- Put the participants in 4 groups (allocate the first two questions to one group), and ask the participants to discuss the following questions:
  - Is the family of Tarnue right in asking Garmai to marry a male member of her late husband's family?
  - Was Garmai right in refusing to marry a male member of her late husband's family?
  - Garmai and the children were driven out of the house and removed from the land because Garmai refused to marry someone from Tarnue's family. Was the family of Tarnue right to do so? Why or why not?
  - Where should Garmai and the children go for help?
  - Do you have similar situations taking place in your community? If yes, how have you been able to handle these situations?
- In plenary session allow five minutes for each group to present their notes.
- Allow two minutes for follow-on questions.
- Conclude the discussion emphasizing the significant gender perspectives that resulted from the discussion.

## TRAINER'S GUIDING NOTES

### **Box 23: Definition of Alternative Dispute Resolution (ADR)**

Alternative Dispute Resolution generally refers to informal dispute resolution processes in which the parties to the dispute voluntarily meet with or without a professional third party who helps them resolve their dispute, usually in a more participatory and consensual manner than traditional state courts. ADR can encompass a range of processes, including, but not limited to: mediation, arbitration, negotiation, conciliation, facilitation, and ombudsmen.

Landesa. Visiting Professional Training Presentation, 2016

There is a close link between tenure and disputes over land amongst communities, community and government, community and investors, the rural poor and elite groups, and between individuals sharing boundaries and between family members.

Land-related discords are more pronounced in informal land tenure (where land is not formalized), where land administration systems are weak (access to information, and access to justice) or inexistent and where the land tenure systems are not well defined by law. Within a society, competing claims for control and use of land may provoke conflicts.

Land reform, increased interest in and demand for land for entrepreneurship coupled with insecure land rights elevates land-based conflicts and worsens land rights for the poor land holders and vulnerable groups, such as women. Key factors that increase land related conflicts are:

- (Gender and socially irresponsible) land reform
- Population growth
- Changing economic factors (large-scale land based investment)
- War and migration
- Ambiguous and lack of land and land related laws
- Socially and gender irresponsible land-based investment
- Gender-based land laws

Much of this applies to Liberia today.

**Key ADR Terms** (more relevant to training):

- Arbitration.
- Conciliation.
- Mediation contemporary.

ADR ranges from community-based forums that have little contact with formal state structures to forums that are created by or endorsed by the state and permitted to apply customary law. These systems are often more accessible, in terms of location and costs, than formal systems, and are often seen as more legitimate than state systems for local people. But they are also often critiqued for failing to protect women's land rights, and for lacking sufficient transparency and consistency.

Where both informal and formal systems are commonly used to resolve disputes, a lack of interaction between the systems can increase legal ambiguity and confusion. A multiplicity of dispute resolution options sometimes results in forum shopping or in conflicting outcomes from different mechanisms. A multiplicity of dispute resolution options can favor the elite, who have greater capacity to move between (and influence) various forums; it can also increase opportunities for corruption. In the worst cases, confusion and conflict among dispute resolution alternatives can increase violence.

According to the literature, for instance the USAID Women's Land Rights Study (2018), the justice institutions (Alternative Dispute Resolution [ADR] mechanisms and the formal court systems) in Liberia are weak and largely gender-biased. Customary justice systems base their decisions on customary norms which often are based on patriarchal norms and are discriminatory against women.

Liberia is exploring ways to strengthen ADR mechanisms to support the work of formal courts in resolving disputes. There is a growing appreciation of the importance of recognizing and strengthening non-state mechanisms for resolving disputes. This requires identifying and building on existing community-based structures. The GoL's Land Alternative Dispute Resolution Policy (2018) bases its principles on the Constitutional guarantee to "equal protection irrespective of ethnic background, race, sex, creed, place or origin or political opinion..." Resultantly, women, as well as men, must have effective access to land-based conflict resolution justice and meaningfully participate in ADR structures.

## MODULE 9, SESSION 3: WOMEN'S LAND RIGHTS AND ADR

The USAID Women's Land Rights Study (Dodd et al., 2018: 63) findings suggest that "Traditional norms appear to hinder justice for women as women are not allowed to own property in most studied communities. At the same time, most disputes are handled by local authorities who are predominantly men. As land is passed on through the male lineage in all researched communities, decisions on land disputes are usually influenced by preference and validity of

"...women must navigate multiple dispute resolution bodies charged with adjudicating disputes on land-related issues within both the formal and customary structures. They must figure out which body to turn to for their case, which will vary from depending on the land issue, the land type, and their marital status. In bringing a case within these bodies, women may encounter laws or customs that overtly discriminate against them. While there is an opportunity for women to seek redress, including all the way up to the Supreme Court, the cases taken up predominately serve those women whose rights are more clearly articulated in the laws, such as women (single or marriage under formal law) who have clear, documented rights to private land, and also those women who likely are sufficiently well-endowed to access the formal court system."

Dodd et al., (2018:60)

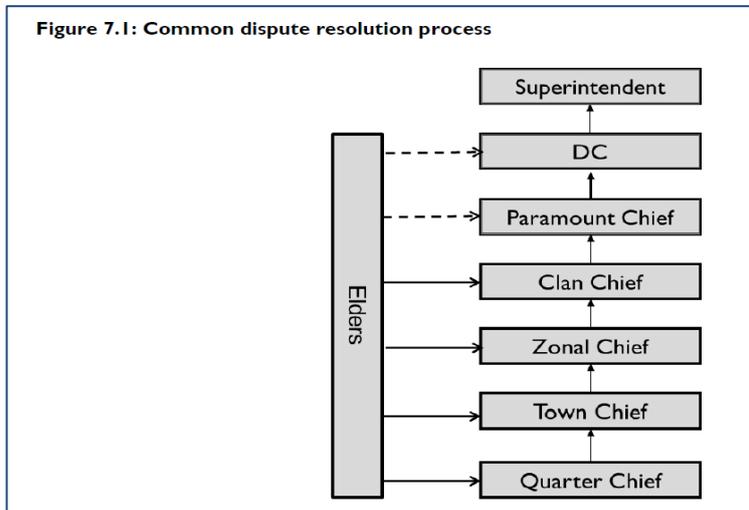
patrilineal inheritance. Many women are afraid of the repercussions of defying cultural norms (such as being subject to ostracism or violence), thus they do not defy the decisions of the elders even if they know they were biased against them." The points below indicate women's access to justice through formal courts and ADR mechanisms.

### 9.3.1: Social-Legal Context of WLRs and ADR

- The laws are ambiguous, complex and allow much room for judges to use their discretion in making decisions. This disadvantages women more than men due gender-based biases and inequality to land.
- Ambiguous laws make it harder for dispute resolution actors to reach an equitable solution. It also makes it difficult for women to understand whether and when these rights apply, when they have been violated, and how to proceed toward redress.
- Women are disadvantaged where laws fail to treat men and women equally and where there are gaps in enforcement of women's land rights. This may result in mediators and justice providers implementing discriminatory provisions in law or in their use of discretion in ways that systematically disadvantage women.
- Women often navigate multiple dispute resolution bodies charged with adjudicating disputes on land-related issues in formal and customary structures, depending upon their marital status and other factors.
- "While there is an opportunity for women to seek redress, . . . the cases taken to the formal courts predominately serve those women whose rights are more clearly articulated in the laws, such as women (single or marriage under formal law) who have clear, documented rights to private land, and also those women who likely are sufficiently well-endowed to access the formal court system." (Dodd et al., 2018:63).

### 9.3.2: How Disputes are Handled

According to the Liberia Land Authority’s *Land Alternative Dispute Resolution (ADR) Policy (2018:10)*: “ADR is particularly used in resolving customary land disputes,” primarily by customary authorities. Similarly, the USAID Land Policy and Institutional Support Project (LPIS) II Clan Study (2012:88) found that individuals consult elders before going to local-level chiefs and/or authorities higher up the hierarchy; using the following table to illustrate how disputes are resolved in the communities:



Additionally, ADR is also provided by the government’s non-judicial service providers (particularly the Liberia Land Authority [LLA]) CSOs, Land and Coordination Centers, the Community Land Development and Management Committees (established by LRA) and religious organizations.

### 9.3.3: Limitations to Women Accessing Justice

- Limited or no awareness of the (formal) laws and court processes.
- Courts are often hard to access by women due to long distances from their homes and communities.
- The high cost of taking a case through the court process, as many women cannot afford legal fees
- In the rural communities, legal aid is limited.
- Justice authorities are predominantly men, leading to increased application of gender-biased rules.

# MANUAL HANDOUTS

Specific to African contextualized understanding of key gender and development concepts refer to a gender equality curriculum developed by the Africa Women's Development and Communication Network (FEMNET)

[http://tfig.unece.org/pdf\\_files/curriculumforthetrainingoftrainersingendermainstreaming.pdf](http://tfig.unece.org/pdf_files/curriculumforthetrainingoftrainersingendermainstreaming.pdf)

## HANDOUT I: GENDER AND POWER

(<http://www.participatorymethods.org/method/power>)

### POWER

As John Gaventa, political sociologist, educator and former leader of the Participation Team, observed in a 2010 paper [Power and Making Change Happen](#), “whether concerned with participation and inclusion, realizing rights or changing policies, more and more actors seeking change are also becoming aware of the need to engage with and understand this phenomenon called power.”

There are several helpful tools and classifications which can assist us in engaging and understanding this complex but important dimension of practicing participatory approaches to development.

#### What do we mean by power?

Power is most commonly understood as a form of authority, control or domination. Those with authority over others are considered powerful, while those who are dominated are seen as powerless. This kind of power is often labelled as ‘**power over**’.

Power over others can be exercised in many ways. The most obvious is brute domination, where a person or institution controls or constrains what another is able to do. But power can also be exercised by influencing what others think they can do or even imagine as possible. It extends beyond physical or verbal domination to affecting the ways in which people view themselves, their rights and capabilities.

A useful framework which builds on and moves beyond this understanding of power is summarized by Lisa VeneKlasen and Valerie Miller, whose 2002 book [A New Weave of Power, People and Politics: The action guide for advocacy and citizen participation](#) outlines several ways of looking at power as a positive rather than a negative force. They argue that these positive expressions of power – sometimes called agency – can be recognized and supported in development cooperation efforts.

- **‘Power to’** is about being able to act. It can begin with the awareness that it is possible to act, and can grow in the process of taking action, developing skills and capacities, and realizing that one can effect change.
- **‘Power with’** describes collective action or agency and includes both the psychological and political power that comes from being united. ‘Power with’ is often used to describe how those faced with overt or covert domination can act to address their situation: from joining together with others, through building shared understandings, to planning and taking collective action.
- **‘Power within’** describes the sense of confidence, dignity and self-esteem that comes from gaining awareness of one’s situation and realizing the possibility of doing something about it. ‘Power within’ is a core idea in gender analysis, popular education, psychology and many approaches to empowerment.

These expressions of positive power or agency are reminders that power can be used positively as well as negatively, by the disempowered as well as the powerful. They encourage us to think about power as something that can be galvanized to create strategies and pursue opportunities for change.

The concepts are often used together: people need ‘power within’ in order to act, and ‘power to’ in order to act collectively, while the ‘power with’ of shared understanding and action can also strengthen self-esteem and agency.

These four types of power are discussed by Robert Chambers, one of the driving forces behind the growth of participatory methods, in a short video – [Power: the elephant in the room](#) – made for Plan International in 2013. Chambers adds a fifth type of power to those discussed above: **the power to empower**, which he sees as critical to development thinking and practice. He emphasizes that those with power cannot disown it but should instead quietly accept it, and focus on using it sensitively and meaningfully to empower others.

### **The hidden, visible and invisible faces of power**

A widely used typology for analyzing power in political decision-making and democratic participation identifies three faces or dimensions of power: the visible, the hidden and the invisible. The following summary, which draws on the theoretical work of Stephen Lukes and John Gaventa, is once again adapted from *A New Weave of Power, People and Politics*.

- **Visible power: observable decision-making.** Visible power describes the formal rules, structures, authorities, institutions and procedures of political decision-making. It also describes how those in positions of power use such procedures and structures to maintain control.
- **Hidden power: setting the political agenda.** Powerful actors also maintain influence by controlling who gets to the decision-making table and what gets on the agenda. These dynamics operate on many levels, often excluding and devaluing the concerns and representation of less powerful groups.
- **Invisible power: shaping meaning and what is acceptable.** Invisible power shapes the psychological and ideological boundaries of participation. Significant problems and issues are not only kept from the decision-making table, but also from the minds and consciousness of those affected. By influencing how individuals think about their place in the world, this level of power shapes people’s beliefs, sense of self and acceptance of the status quo. Processes of socialization, culture and ideology perpetuate exclusion and inequality by defining what is normal, acceptable and safe

VeneKlasen and Miller also summarize strategies for responding to each of these faces of power:

- Responding to **visible power** is usually about trying to change the ‘*who, how and what*’ of policy-making so that the process is more democratic, accountable and responsive to diverse needs. Visible power is countered with strategies of political advocacy and seeking access to formal decision-making processes
- Responding to **hidden power** focuses on strengthening organizations and movements of the poor, building collective power and leadership to redefine the political agenda, and raising the visibility and legitimacy of issues, voices and demands that have been silenced.
- Responding to **invisible power** focuses on re-imagining social and political culture, and raising consciousness to transform the way people perceive themselves and those around them, and how they envisage future possibilities and alternatives.

It is often easier to engage with visible and hidden power than with power that is embedded in cultural and social norms and practices. But ignoring invisible power is likely to lead to a misreading of the complex ways in which change happens and make it harder to identify which change strategies should be developed.

These three dimensions of power are not only exercised from above, as power over; they may also be exercised from below, as forms of resistance and as expressions of power to, power with or power within. Some citizen groups may be able to mobilize their own forms of hidden power or invisible power as strategies for empowerment and social change.

## Public, private and intimate realms of power

This framework is widely used in gender analysis to explore the way in which women and men experience power differently in the public, private or intimate spaces of their lives. These realms of power are frequently ignored in power analysis. As summarized by VeneKlasen and Miller,

- the **public** realm of power concerns one's experience of public interactions in areas such as employment, livelihoods, market activities, public social spaces and the community
- the **private** realm of power includes one's experience of family, relationships, friends, marriage and the household, and is usually defined by the social, cultural and religious norms of these relationships
- the **intimate** realm of power concerns personal self-esteem, confidence, dignity, relationship to one's own body, reproductive health and sexuality.

Take the case of a young professional woman as an example. She may be respected in her place of work, but lack status in her home or community. Or the reverse may be true: she may have power in her household but be marginalized in the public domain. She may feel powerful in the public or private realms, but not in the intimate realm; or, conversely, her lack of power in the intimate or private realms may serve to undermine her sense of power in the public realm.

The public, private and intimate realms of power draw attention to the ways in which experiences in particular spaces are both shaped by and can reinforce gender and other socially constructed norms. A person's sense of identity and power as defined by gender, age, ethnicity, religion or sexuality may shift from moment to moment according to which realm they are in. This framework sheds light on personal and familial sources of power which are too often ignored – even though they are experienced by everyone.

## Socialized and internalized power

Much social theory focuses on less visible and culturally embedded forms of power to explain how social norms, hierarchies and behavior are unconsciously reproduced and resist efforts to change them.

For some, the idea of invisible power is too concerned with the deliberate strategies of more powerful actors to shape the consciousness and felt needs of less powerful actors. Others explain this not as a result of intentional 'agency' or even of deterministic 'structures', but as a kind of continuous interplay between the two – where power is defined as the norms, discourses and behavior that are socialized and internalized by all actors.

Perhaps the most important of these thinkers is influential philosopher and social theorist Michel Foucault, who sees power as everywhere, embedded in the very fabric of our daily lives and institutions. In his view, power is not monolithic or coercive but takes the form of multiple points of pressure and resistance, arising from all directions, and is in constant flux. Power is in the forms of truth and knowledge that we accept as given. It is internalized in our bodies, and we learn to discipline ourselves to conform to social norms. We are usually unconscious of these effects of power, because we take so much of what is around us for granted.

Social reformers have long been concerned with how to break the cycles that reproduce these social norms and conditioned responses. Most responses call for some process of critical reflection or consciousness raising as a stimulus for 'power within' and empowerment. [Popular education](#) and [feminist pedagogy](#), for example, seek to empower by enabling people to become aware of the oppressions they face in their everyday lives, recognizing these as man-made rather than the natural order of things.

## Tools and frameworks for power analysis

## Power Matrix

The Power Matrix was developed by Just Associates for use by social movement and NGO leaders using rights-based approaches to development and social change. It is a useful tool for assessing real examples of citizen engagement in terms of the visible, hidden and invisible dimensions of power and how they interact to define the possibilities for action. It can be used to identify possible responses and strategies in relation to each dimension of power, and to explore the sequence and synergies between them.

## Powercube

Powercube is a conceptual framework that can be used to understand and analyze how power works in processes of governance and citizen participation, in organizations and in social relationships. It uses a multi-faceted approach to explore the visible, hidden and invisible dimensions of power by mapping the various spaces and levels where actors experience and exercise these forms of power. It is best used as a strategic analytic framework and is helpful as a lens for analyzing the context of an intervention, identifying entry points to support change, and for evaluation and learning.

## Peeling the Onion

Peeling the Onion explores different forms of power arising at different levels: the individual stakeholder, the group or collective, the organization or institution, and the wider society or system. It can be used with participants and key informants in a power analysis to explore both the negative or dominating forms of power, and the positive or alternative forms of power that can be mobilized for social change or supported by development co-operation strategies. (NB The above link takes you to a book on Power: see Section 2 for Peeling the Onion).

## Ethnographic research methods

Some of the best tools for observing and making sense of multiple forms of power have been developed by qualitative researchers, particularly anthropologists and sociologists. These can easily be applied within a power analysis process by including experienced, applied academics in the team. Methods like [participant observation](#), visual tools, storytelling, oral testimonies, [semi-structured interviews](#) and [focus groups](#) can all shed light on forms of power and their interaction.

## **HANDOUT 2: WOMEN IN DEVELOPMENT (WID) AND GENDER AND DEVELOPMENT (GAD) (<https://gsdrc.org/wp-content/uploads/2015/07/gender.pdf>)**

The WID project focused more on involving women in income-generating activities like micro credit or teaching of specific skills like tailoring. The basic assumption of these projects was that access to income will lead to significant change in the position of women in society. However, these projects came under criticism as the evaluation showed that they increased the workload of women and the indirect benefit of these projects were going to men in the households. An evaluation of the micro credit program in India showed that more than 70 per cent of the women in the group had taken heavy loan from the group to purchase income generating assets like a shop or a minivan for public transport which were registered in their husband's name. The income generated from these sources was under the control of the men and the women were left to deal with the loans!

Women in Development approach came into being in the 1970's when for the first time gender variables were used to assess the impact of modernization in developing countries. The dominant mainstream thinking on international development did not consider women as a separate unit of analysis till then. It was believed that all would benefit equally as societies increasingly become modernized. The spate of studies in the 1970's that used gender variables to assess the impact of development on men and women showed that women were left behind in the race to development. Research showed that new technologies that were introduced in agriculture sector were directed at men and tended to benefit them to the marginalization of women. Similarly the enrollment figures in schools showed that girls were less likely to complete school than boys. The Washington DC chapter of the Society for International Development used this evidence to draw the attention of American policy makers on issues around 'women in development'. They advocated for legal and administrative changes to ensure that women are better integrated into the economic system.

The Gender and Development approach emerged in the 1980's as an alternative to the earlier Women in Development approach. The GAD approach is not concerned with the women per se but with the social construction of gender and the assignment of specific roles, responsibilities and expectations to women and men. The GAD approach does not focus either on productive or reproductive aspect of women's (or men's) lives to the exclusion of others. It looks at women's contribution to both inside and outside the household. The three main GAD principles and practice are:

- Bring about change in gender relations
- Work in a participatory way with men and women- making sure to involve men because it takes men as well as women to change gender relations.
- Take a broader, historically informed view of gender relations and its social context – it accepts that gender relations did not develop overnight and will not change overnight.

	<b>GAD</b>	<b>WID</b>
<b>Approach</b>	Men and women in development	Looks at women as the problem
<b>Focus</b>	Men and women, girls and boys	Women
<b>Problem</b>	Gender inequalities that give men more development than women	Exclusion of women from the development process
<b>The Goal</b>	Gender-responsive and sustainable development.	Women's improved economic status
<b>Strategy</b>	Identify/address practical needs determined by women and men to improve their condition Address strategic needs of the poor through people centered in the development gender	Women only projects Increase women's productivity Increase women's income Increase women's ability to manage the household
<b>Solution</b>	Empower the disadvantaged and women and transform unequal relations and structures	Integrate women into the gendered status quo

## **HANDOUT 3: GENDER ANALYSIS FRAMEWORKS**

The *FEMNET Gender Training Manual* is very useful although one can use other frameworks that seem more relevant to their work or develop their own teaching guides. Pertaining to this training the most relevant pages are 24-28 of the manual but the trainer is encouraged to read as much as needed to get a clear understanding of analysis based on the specific topic they are training on: [http://tfig.unece.org/pdf\\_files/curriculumforthetrainingoftrainersingendermainstreaming.pdf](http://tfig.unece.org/pdf_files/curriculumforthetrainingoftrainersingendermainstreaming.pdf).

## **HANDOUT 4: THREE FUNCTIONAL FRAMEWORKS FOR RELATING BUDGETS TO GENDER EQUALITY**

There are three widely disseminated functional frameworks utilized by gender responsive budgets.

### **1. Five steps towards a gender sensitive budget**

- Describe the situation for women and men and girls and boys (and the different subgroups) in the sector.
- Check whether the policy addresses the gender issues described above (participation and benefits – author’s addition)
- Check that an adequate budget is allocated to implement the gender sensitive policy.
- Check whether the expenditure is being spent as planned. This involves checking both financially and the physical deliverables.
- Examine the impact of the policy and the expenditure and assess whether it has promoted the government's gender equity commitments.

See South African Women’s Budget Initiative and Gender Education and Training Network

(2000) *Money matters*;, Workshop materials on gender and government budgets GETNET, Cape Town, South Africa.

### **2. Developing a gender sensitive expenditure statement of an agency or sectoral budget**

- Identify expenditures according to whether they are (1) specifically targeted to women or men, girls and boys in the community or (2) ‘equal employment opportunity’ expenditures by government on their employees which are designed to change the gender and skills profile of the public sector workforce or (3) general or mainstream budget expenditure that make goods and services available to the community (‘outputs’) and need to be assessed for their gender impact (‘outcomes’).
- Use the tools of gender disaggregated expenditure analysis to assess the gender impacts of these different categories of expenditures.
- Develop a budget statement using this analysis that includes:
  - the aims and objectives of the budget program/activity
  - the resources allocated (actual for the previous year and planned for the current year)
  - the gender issues
  - the gender impacts including measures and indicators of outputs and outcomes
  - changes planned in the coming year in the light of the assessed impacts and performance indicators.

See Debbie Budlender and Rhonda Sharp (1998) *How to do a gender sensitive budget: Contemporary research and practice*, Commonwealth Secretariat and AusAid, London.

### **3. A gender analysis of the four dimensions of budgets**

- Select a Ministry or program, and over the budget cycle examine planned and realized:
  - financial inputs
  - activities financed
  - outputs delivered

- impacts on people’s wellbeing.
- Undertake a gender analysis of these budgetary dimensions using disaggregated expenditure and revenue tools and approaches (e.g. bureaucratic, participatory).
- Apply the analytical tools at the different levels of budgetary decision-making including:
  - aggregate macroeconomic strategy
  - composition of expenditures and revenues
  - effectiveness of service delivery.
- Identify the gender gaps (at the level of the individual and household, economic and social, paid and unpaid) and the budgetary and policy changes that need to be made.
- Convey the results of the analysis with the aim of bringing about changes to budgetary and policy decisions.

See Diane Elson (2002) ‘Gender responsive budget initiatives: Some key dimensions and practical examples’, in *Gender budget initiatives: Strategies, concepts and experiences*, United Nations Development Fund for Women, New York.

See <https://wbg.org.uk/wp-content/uploads/2016/11/sharp2003.pdf>, p 54 – 55, accessed May 9, 2019.

## **HANDOUT 5: ADVANTAGES OF GENDER RESPONSIVE BUDGETING MONITORING OF THE ACHIEVEMENT OF SDGS**

Gender responsive budgeting provides a tool for monitoring the extent to which the SDGs and other policy goals have been achieved in a gender-responsive manner.

### **ALLEVIATING POVERTY MORE EFFECTIVELY**

Although the available statistical data on income poverty cannot provide incontrovertible evidence that women are always more affected by income/consumption poverty than men, it is widely acknowledged that women fare worse than men with respect to social indicators; that women and men experience poverty differently (and that women experience it more severely); and that both face different constraints to overcome poverty. Women are also more affected by time poverty than men. If women's needs are not taken into account on equal terms, there is the risk that poverty reduction policies will fail.

### **ENHANCING ECONOMIC EFFICIENCY**

Several studies have shown that there is a positive correlation between diminishing gender inequality and higher growth rates. Women's productivity increases disproportionately if their access to information, credit, extension services, inputs and markets is enhanced and if their time burden is reduced through, for example, investment in labor-saving infrastructure.

### **ACHIEVING GENDER EQUITY/EQUALITY**

Achieving gender equity requires equality of outcomes for women and men. This implies the recognition of the different needs, preferences and interests that affect the way women and men benefit from the same policies.

### **ADVANCEMENT TOWARDS THE REALIZATION OF WOMEN'S RIGHTS**

Gender responsive budgeting seeks to measure the gaps between policy commitments with respect to human rights and women's rights instruments (including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the adequacy of resource allocation, and the outcomes of policies.

### **ACHIEVING GOOD GOVERNANCE**

The process of improving the delivery of goods and services to women, men, girls and boys in a fair, just, and responsible way has to be considered as an integral part of the definition of good governance. Good governance requires a participatory approach to the policymaking process, so that the different perspectives of different groups of citizens, including women, are represented.

### **ENHANCING ACCOUNTABILITY AND TRANSPARENCY**

Gender responsive budgeting is a powerful tool for highlighting gaps between international commitments (such as those established at the Fourth World Conference on Women in Beijing in 1995, as well as in national policy documents), and the amount of public spending earmarked for the achievement of gender-specific benchmarks and targets. Gender responsive budgeting necessitates the availability of sex-disaggregated data plus access to program information. By tracking how allocated money is spent, gender responsive budgeting increases both accountability and transparency.

See Katrin, (2006:41) *Manual for Training on Gender Responsive Budgeting*

## HANDOUT 6.A: MARRIAGE/DE FACTO UNIONS: LIBERIA LAW BASIC LEGAL FRAMEWORK

The formal law framework regulates statutory, customary and presumptive marriage in Liberia. It consists of constitutional provisions, statutes, regulations, and common law.

The 1986 **Constitution, in article 11**, provides that “[a]ll persons are equal before the law and are therefore entitled to the equal protection of the law.” **Article 23** establishes the marital property regime as a separate property regime, and mandates the Legislature to enact laws governing inheritance for spouses of statutory and customary marriages to give adequate protection to surviving spouses and children.

Civil law marriages are regulated by the 1973 **Domestic Relations Law (DRL)**, which regulates domestic relations between husband and wife (and every domestic relation) “except . . . Parties whose domestic relations are subject to and governed by customary laws and traditions.” The DRL in **section 2.1** defines marriage as a civil status arising out of a civil contract between a man and a woman with attendant marital rights and duties; **section 2.3** prohibits polygamy. Statutory marriage legal formalities around registration are handled by the Center for National Documents and Records Agency (CNDRA).

Customary marriages (and divorces) are managed by the Ministry of Internal Affairs. The 1998 **Equal Rights of Customary Marriage Law (ERCM)** defines customary marriage as a union that arises out of a marital contract between a man and a woman/women performed according to the tribal tradition of their locality. In contrary to the DRL which prohibits polygamy, the ERCM Law legally recognizes polygamous marriages. The Supreme Court, in *Whisnant vs. Whisnant* elaborated the ERCM provisions, saying that the ERCM Law “was promulgated to eliminate certain traditional practices meted against female spouses and ensure property rights of widows under customary marriage.”

The **Civil Procedure Law (CPL)** (1973) also recognizes *presumptive marriage* in **Article 25.3(3)**. By law, “[p]ersons who live together as husband and wife and hold themselves out as such are presumed to be married. However, this marriage arrangement is not provided for by the Constitution as the Customary and Statutory marriages. Also the CPL does not determine how property under the *presumption of marriage* will be handled.

The 2012 **Liberia Children’s Act** prohibits children under the age of 18 from both betrothal or entering into marriage. This is in conformity with the international and regional laws relating to the rights of children as stipulated in the Liberia Children’s Law Preamble:

“Liberia is a signatory to and the people of Liberia share the beliefs expressed in international human rights instruments such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women”

The 2018 Land Rights Act (Article 2 & 34.2) *in principle* considers spouses of residents of communities as Community Members entitled to the same rights and privileges as a community member including people who are living together as husband and wife (Presumption of Marriage).

## HANDOUT 6.B: EXAMPLES OF MATRIMONIAL PROPERTY REGIMES FROM DIFFERENT AFRICAN COUNTRIES

This handout contains:

1. International law and best practices (treaties and conventions?)
  - AU's Framework and Guidelines for Land Policy in Africa
2. Comparative information from African countries
  - African countries that require joint registration and titling of spousal interests include, for example:
    - Uganda
    - Tanzania
    - Kenya
    - Ethiopia
    - Namibia
    - Rwanda
  - Countries with presumption of joint ownership for property acquired by spouses during marriage for mutual benefit<sup>6</sup>

Country	Form of compulsory joint tenure	Legal basis
Burkina Faso	<ul style="list-style-type: none"> <li>• Community property in case of monogamy.</li> <li>• Compulsory joint titling if monogamous marriage.</li> </ul>	1997 Constitution Persons and Family Code of 1990
Ethiopia	<ul style="list-style-type: none"> <li>• Community property for property acquired after marriage.</li> <li>• Creates a presumption of common property for property registered in the name of one spouse.</li> <li>• Requires the consent of both spouses for transfers of common property.</li> <li>• Community property for consensual unions of more than 3 years.</li> <li>• In some States, joint titling of land is mandatory (see Section 2.3 below for more details)</li> </ul>	Family Code, 2000 Federal Proclamation No. 89/1997, Rural Land Administration Proclamation
Kenya	<ul style="list-style-type: none"> <li>• Land acquired during a marriage for use and enjoyment of spouses is presumed to be joint property</li> <li>• Spousal consent required for transfers (including mortgage) of any matrimonial property</li> </ul>	Land Registration Act, 2012 Matrimonial Property Act, 2013
Rwanda	- The Constitution (Art 26) of Rwanda specifies that only civil, monogamous marriages are recognized by law.	-2003 Rwandan Constitution

<sup>6</sup> Except for asterisked rows, this table was partly from Lastarria-Cornhiel, S. and Renee Giovarelli (2005) Shared Tenure Options for Women: A Global Overview (UN-Habitat Report), at 23.

Country	Form of compulsory joint tenure	Legal basis
	<p>-Upon entering marriage spouses choose from 3 matrimonial regimes:</p> <p>1. Community of property: the spouses have 50/50 and upon death the surviving spouse has full rights of management on behalf of other heirs. If he/she decides to remarry, 1/4 of the property is given to her/him to begin the new relationship;</p> <p>2. Limited community of acquests: the spouses only jointly own what they acquire from the day of marriage but each can bring some property from what they owned before marriage. On what they jointly own the principles of common property applies</p> <p>3. Separation of property: each spouse has private ownership of their property but cannot lavish it/waste it as this can be challenged in court by the other spouse or children.</p> <p>-the rationale behind property ownership in Rwanda is that family is an institution of co-dependence thus property belongs to the whole family (spouses and their children)</p> <p>-also spouses have a legal obligation to support their elderly parents (if they need so)</p> <p>In case no provision is made, the spouses shall be deemed to be married under the regime of community of property.</p> <p>Upon death of one spouse the surviving spouse inherits his/her property automatically.</p>	<p>- LAW N°27/2016 of 08/07/2016 Governing Matrimonial Regimes, Donations and Successions</p>
Senegal	<ul style="list-style-type: none"> <li>• For monogamous marriages only, the presumptive regime under Family Law is compulsory community property.</li> </ul>	Family Law
Tanzania	<ul style="list-style-type: none"> <li>• Spousal co-occupancy right of family land is presumed.</li> <li>• Consent of both spouses is required to mortgage the matrimonial home.</li> </ul>	Section 161 Land Act of 1999
Zambia	<ul style="list-style-type: none"> <li>• For couples legally married under the Marriage Act, property belonging to either party and acquired during the marriage is treated as joint property, except for inherited property. The courts are required to distribute assets on an equitable basis with due regard to the facts of the case and they have a wide margin of discretion. In practice, many men wish to keep their property separate and choose not to marry under the Act.</li> </ul>	Marriage Act, Cap. 50

## HANDOUT 7: KEY PROVISIONS ON INHERITANCE RIGHTS FOR WIDOWS AND DAUGHTERS

	<b>Statutory Marriage</b>	<b>Customary Marriages</b>	<b>Presumption of Marriage</b>
<b>Widow/s</b>	At death of husband, \$5,000 outright from estate for a widow with children (or \$10,000 outright for a widow without children); one-half remaining property for life to widow (with the reversionary interest in the children) (DEL § 3.2). In lieu of disposition by will or a distribution under the intestacy law, right to elect 1/3 of deceased husband's real estate for her life and to 1/3 of his personal estate (same right as widowers) (DEL § 4.1).	At death of husband, 1/3 of husband's property goes to widow (to share with other widows in case of polygamy) (ERCM Law § 3.2). Widows (but not widowers) lose their matrimonial home upon remarriage (ERCM Law § 3.3).	Not regulated – no inheritance by operation of the Civil Procedure Law, § 25.3(3).
<b>Children Born in Wedlock</b>	Daughters and sons have equal rights of inheritance (DEL §§ 3.2 & 3.4 & Children's Law art. 3:17.1).	Daughters and sons have equal rights of inheritance (ERCM Law § 3.1, incorporating DEL). All children share 2/3 the deceased father's property (ERCM Law § 3.2).	Children (should be) are presumptively born in wedlock, and subsequently they should inherit.
<b>Children Born out of Wedlock</b>	Inheritance rights from the mother, but no inheritance rights from the father unless children are legitimized or recognized by the father (DEL § 3.5 (a)(b)(c)(d) & (e); see also, <i>Catholic Relief Services vs. Junius et al.</i> , LRSC 5; 49 LLR 397 (1999)).	Inheritance rights from the mother, but no inheritance rights from the father unless children are legitimized or recognized by the father (DEL § 3.5 (a)(b)(c)(d) & (e); see also, <i>Catholic Relief Services vs. Junius et al.</i> , LRSC 5; 49 LLR 397 (1999)).	Customarily they are automatically presumed to be born out of wedlock; no inheritance rights from the father.
<b>Liberia Children's Act of 2012</b>	Section 17.2 protects children's, daughters and sons, rights to inheritance "Every child shall have the right to benefit from any inheritance left to the child by the child's parents. No guardian, caregiver, executor of a will, administrator or other such person shall dispossess any surviving child of the child's inheritance."		
<b>Land Rights Act of 2018</b>	The 2018 Land Rights Act (Article 2 & 34.2) considers spouses of residents of communities as Community Members entitled to the same rights and privileges as a community member including people who are living together as husband and wife (Presumption of Marriage). Article 31 <i>Tenancy by the Entirety</i> allows full inheritance of the property by the surviving couple.		

## HANDOUT 8: LIBERIA LAND TENURE CATEGORIES

According to the LRA (Article 7(2)) there are four (4) categories of land tenure:

1. **Public Land:** the land acquired by the Government through purchase, escheat, confiscation, gift, or otherwise, which is not presently used by the Government for its facilities and operations and is also neither Private Land nor Customary Land.
2. **Government Land:** the land owned by the Government and used for the buildings, projects, or activities of the Government, including, but not limited to, lands on which are located: the offices of ministries, agencies, and parastatal bodies; military bases; roads; public schools and public universities; public hospitals and public clinics; public libraries and public museums; public utilities; and airports.
3. **Customary Land:** the land owned by a Community and used or managed in accordance with customary practices and norms, and which includes, but is not limited to, wetlands, communal forestlands, and fallow lands.
4. **Private Land:** The land that is owned or otherwise held by private persons under the provisions of this Act and other applicable laws of Liberia.

## **HANDOUT 9: COMMUNITY MEMBERS (MALE AND FEMALE) LAND RIGHTS, LRA**

### **Article 2**

**Community member** – means a Liberian citizen irrespective of age, gender, beliefs or religious background who was (i) born in the community or (ii) parent(s) was born within a community; or (iii) who has lived in the community continuously for at least 7 years; or (iv) a spouse of a community member *both of whom reside* in the community.

**Equal benefits**- means the fair share to be received by all community members of a community relative to proceeds the use, lease or transfer of customary land or a fair share by all Liberians of the proceeds from the use, lease and/or sale of government land or public land.

### **Article 34:**

- 2) Each community should have the right and responsibility to identify its members; except that no community member of a community may be excluded from membership of the community.
- 3) All community members of a community are members of the community and have equal rights to the use and management of the community land, regardless of age, gender, ethnicity religion and disability.
- 4) The community shall not deprive a community member of his or her residential area. Any restrictions on the exercise of the land rights of a community member shall not be valid except it is in accordance with the customs and traditions of the community and are not in violation of the provisions of this act and the constitution of Liberia, provided that the community shall compensate a community member with comparable land when land is taken by a community member by the community.
- 5) The community shall be and remain an open class subject to change as birth, death and migration

### **Art 36 (6): Equal representation on the CLDMC (men, women, youths)**

The membership of the CLDMC shall consist of equal representation of the following three stakeholders' groups; men, women and youths. Except for chiefs of the Community who shall be ex-officio members of the CLDMC, the representatives of the three stakeholder groups shall be democratically elected.

### **Article 39: Residential Area**

1. Residential Areas shall include a portion of a Customary Land set aside by the Community and used exclusively for residential purpose.
2. A Community Member, irrespective of gender, shall be entitled to Residential Area for his or her exclusive possession and use as a residence.
3. Every Residential Area assigned to a Community Member shall have the legal status as Private Land.

## HANDOUT 10: LAND ADMINISTRATION AND DISPUTE RESOLUTION BODIES

Land management and administration refers to the process of determining, recording, and publishing information about the right to access, use, sell, and make decisions about land and its associated resources, and the updating of the data bases of such information. The following institutions can be consulted on issues of land management and administration:

- **Liberia Land Authority (LLA):** the primary mandate of the LLA shall be to develop policies on a continuous basis, undertake actions, and implement programs in support of land governance, including land administration and management.
- **National Traditional Council of Chiefs and Elders:** under its new mandate the National Traditional Council of Chiefs and Elders will focus mainly on peace-building, advocacy, dialogue reconciliation, and continuing to protect the cultural heritage of Liberia.
- **Local Administration:** Local Administration is the sum total of personnel who run the various political sub-divisions of the country as local government. This leadership structure comprises the following: County Superintendent, County Inspector, Statutory District Superintendent, District Commissioner, Township Commissioner, Paramount Chief, Clan Chief, General Town Chief, and City Mayor (Municipal Leader).
- **Court of Law:** a tribunal, often as a government institution, with the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal, and administrative matters in accordance with the rule of law. The court system in Liberia includes the Supreme Court (the highest court), Circuit Court, Magisterial Court, Probate Court, and other specialized courts.
- **Community Leaders:** persons who are perceived to represent a community. Community leaders are not necessarily elected to their positions, and usually have no legal powers, but they are often used by the media and the police as a way of determining the general feeling within a particular community or acting as a point of liaison between that community and authorities. These may also include traditional leaders.

## HANDOUT 11: INTERNATIONAL LAWS RELATING TO LAND RIGHTS SIGNED/RATIFIED BY LIBERIA

### OVERVIEW

Liberia government has signed and ratified a number of international and regional laws pertinent to human rights in general and land and property rights in particular. The laws and human rights bodies listed in the following table relate and/or have an indirect relationship with Land rights, land rights for all or land rights specific to women.

### STATUS OF INTERNATIONAL LAW

According to Article 2 of the Constitution of the Republic of Liberia 1986 “any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect”. While this article seems to limit application or to nullify treaties that are contradictory to Liberia Constitution, Article 95 (b) “All treaties, executive and other international agreements and obligations concluded by the Government of the People’s Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.” suggests that any regional or international law ratified by the Government of Liberia (GoL) before 1986 retains its content irrespective of the fact that some clauses might be inconsistent with the Constitution. In principle Article 2 suggests that all treaties must be domesticated in order to have force in Liberia. The author did not explore which of the following bills have been domesticated and/or enforced in Liberia courts.

International Bill of Human Rights	Signature	Ratification	Accession
<a href="#">International Covenant on Economic, Social and Cultural Rights</a>	18 Apr 1967	22 Sep 2004	
<a href="#">Universal Declaration Human Rights</a>			
<a href="#">International Covenant on Civil and Political Rights</a>	18 Apr 1967	22 Sep 2004	
<a href="#">Optional Protocol to the International Covenant on Civil and Political Rights</a>	22 Sep 2004		
<a href="#">Convention on the Elimination of All Forms of Discrimination against Women</a>			17 Jul 1984
<a href="#">Optional Protocol to the Convention on the Elimination of Discrimination against Women</a>	22 Sep 2004		
<a href="#">Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages</a>		2005	
<a href="#">Convention on the Rights of the Child</a>	26 Apr 1990	4 Jun 1993	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ( <a href="#">ICRMW</a> )	29 Sep 2004		
<b>AU Conventions</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
<a href="#">African Charter on Human and Peoples' Rights</a>	31 Jan 1983	4 Aug 1982	
<a href="#">Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa</a>	16 Dec 2003		
Resolution on Women’s Right to Land and Productive Resources, November 2013, <a href="http://www.achpr.org/sessions/54th/resolutions/262/">http://www.achpr.org/sessions/54th/resolutions/262/</a>			
<a href="#">African Charter on the Rights and Welfare of the Child</a>	14 May 1992		
<b>Large Scale Land Based Investment (LSLBI) Regional Standards</b>			
<a href="#">African Charter on Human and Peoples' Rights</a>			

<a href="#">Guiding Principles on Large Scale Land Based Investments in Africa</a>
<a href="#">Agenda 2063</a>
<b>LSLBI Global Guidelines</b>
The UN <a href="#">Guiding Principles on Business and Human Rights</a>
The <a href="#">Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security</a>
<b>Membership to Human (Land) Rights Bodies</b>
International Criminal Court
The <a href="#">African Commission on Human and Peoples' Rights</a>
The <a href="#">African Court on Human and Peoples' Rights</a>
Economic Community of West African States (ECOWAS)
<a href="#">Court of Justice of the Economic Community of West African States (ECOWAS)</a>

The legal and policy frameworks listed below range from international, regional levels:

**International:**

- 2016 –Sustainable Development Goals ([SDGs](#))
- 1995 -Beijing Platform for Action
- 1985 - Nairobi Forward Looking Strategies for the advancement of women (NFLS).

**Regional:**

- 1979 - The African Charter on the Rights and Welfare of the African Child
- 2006 - African Plan of Action on Gender Policy
- 2007 -Africa Union gender policy

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