MAKING LAND RIGHTS WORK

ZOA LAND RIGHTS GUIDELINES

Knowledge Management Fund | Knowledge Platform Security & Rule of Law

ZOA

from relief to recovery

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SUMMARY

If the aim of humanitarian and development actors is to contribute to a world with long-lasting peace, a world without poverty and hunger, then they cannot ignore the issue of land rights. Even for more short-term objectives such as settling refugees, re-covering livelihoods and re-building housing and other property, aspects relating to land rights such as access to land and water play a central role.

ZOA Experience With Land Rights Work

By 2018, about eight ZOA projects in three countries, funded by different donors had strong land rights components. In 2019, two more countries start land rights projects. In Uganda, ZOA is enabling the protection of customarily held land and improves service delivery by state actors. In Burundi, a similar project has entered its third phase, expanding its scope and improving the integration of the land rights and the agricultural component.

How To Start A Land Rights Project

The third chapter gives an introduction to starting a land rights project. A first engagement with land rights can be low-threshold and limited in scope. Land rights related questions should be considered in preparatory analyses. Elements of land rights can be integrated in food security and livelihoods projects, WASH or education. Even projects specifically focussing on land rights do not necessarily require broad scope or high financial input. A list of questions are provided that can be integrated in analyses and provide the basis for further work. Examples of activities and ways of monitoring outcomes round up the chapter.

Addressing Land Conflicts

There are numerous reasons why conflicts around land might occur. Conflict can be a necessary component of social development. Nevertheless, vulnerable individuals are likely to experience severe negative effects from land conflicts and run the risk of losing their livelihoods and shelter. The document provides an overview of types of land conflicts and provides a more extensive introduction to conflict mediation.

International Standards

Many international standards refer to land rights, establish good practices and guidelines. Among the core principles in all of them are the need to recognize different existing rights to land and that true participatory engagement with communities and individuals is required, allowing them to make informed and free decisions regarding their rights. There is consensus that the eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land.

Land Rights and Gender

Globally, women have significantly less formally recognized and protected land rights than men. In many contexts, women's rights to land are dependent on their male relatives' land rights. This has severe negative effects on not only women themselves but also negative implications for economic development. There is a positive correlation between ensuring women's rights to land and other productive resources and improved household welfare, as well as enhanced enjoyment of a broad range of rights for women. At the end of this section, ideas are provided on how to address gender issues in land rights work. The document also gives a short overview on questions related to land rights, conflict sensitivity and protection.

Practical Approaches

The document provides an overview of approaches that ZOA and its partners have applied in their land rights work. A short description provides an introduction and mentions the specific value and limitations. This entails participatory mapping, fit-for-purpose land administration and capacity building of actors.

This document establishes guidelines for ZOA, implementing partners and other actors who are working on land issues in post-conflict and post-disaster contexts.

1. PURPOSE, RATIONALE AND DEFINITIONS

If the aim of humanitarian and development actors is to contribute to a world with long-lasting peace, a world without poverty and hunger, then they cannot ignore the issue of land rights. Even for more short-term objectives such as settling refugees, re-covering livelihoods and re-building housing and other property, aspects relating to land rights such as access to land and water play a central role.

For ZOA, *Land Rights* is a sub-sector under *Peacebuilding*. Our work on land rights links to the pillars of our peacebuilding work:

- Strengthening social cohesion and trust
- Community based security, conflict prevention and conflict resolution mechanisms
- Reducing land and water conflicts
- Reducing gender based violence

However, land rights work can also be part of food security, livelihoods, shelter or WASH projects. Secure access to land and secure use of land, for housing-, agricultural- and other purposes is one of the cornerstones of making sustainable, positive development possible. It is essential for contributing to peaceful and stable communities, the primary objective of our work. Land conflict resolution and a clarification and documentation of different land rights are essential components of sustainable peacebuilding processes in many contexts. As ZOA provides relief, hope and recovery to people impacted by conflicts and disasters and works towards a world where people have hope and live dignified lives in peaceful communities, addressing land rights issues will need to be a permanent point of attention in our work.

The role of this document

Based on ZOA's experience, studies done by current and previous partners such as the *International Development Law Organization (IDLO)* and *CICAM Radboud University* and taking into account global land rights standards, **this document establishes guidelines for ZOA, implementing partners and other actors who are working on land issues in post-conflict and post-disaster contexts** (or consider doing so). The document provides a basis for developing land rights projects and establishes good practices and minimum requirements. It is intended to be a starting resource providing an introduction and practical advice including useful tools. It also refers to resources that allow for a deeper understanding of land rights issues.

Land and tenure[1] issues are increasingly placed on the global agenda because of their fundamental role in development and peacebuilding. Land rights are found in the *Sustainable Development Goals* (SDGs 1.4, 2.3 and 5.a see also below), the *Dutch Policy on Development Cooperation* and Foreign Trade and in *World Bank* policies. Land tenure issues are assumed to be "*at the center of building sustainable communities*".[2]

Furthermore, "*empirical studies carried out in developing countries over the last decade show that security of tenure is one of the most useful mechanisms for alleviating poverty.*"[3] Beyond this, land issues in the broadest sense are central to social and economic development, governance, political organization, conflict and migration.

Land Rights

Land Rights is a *fuzzy* term that can be used in a narrow sense (legal rights to land) or a broad sense (customary and legal rights to resources). Here, we are applying a broad definition[5]. Using the term *land rights* might be problematic in some contexts and it can be more useful to speak of land administration or land governance. Land governance is generally understood to be the process of decision-making regarding the access to and use of land, the manner in which these are implemented and the way that different interests are aligned. What rights to land exist in detail depends on the social and cultural context. In the literature, they are largely subsumed under property rights in the categories: private, common or public rights. Generally, land rights are understood to consist of a bundle of rights, which can vary per context. These rights can be grouped into the following categories:

1. Use rights, such as the right to:
- Access land (walk across a field)
- Exploit land for economic benefit (plant and harvest)

2. Control or decision making rights, such as the rights to
- Manage (plant a crop, decide what tree to cut, where to graze)

- Exclude (prevent others from accessing the field or forest)

3. Alienation, the right to
- Rent out
- Sell, or transfer the rights to others.[6]

4. Ownership rights are usually thought to comprise the full bundle of rights to a specific piece of land.

Security of Tenure

The meaning of *security of tenure* remains somewhat subjective. Nevertheless, a working definition based on the SDG land indicator (1.4.2) can be given as followed: *Tenure security means that people perceive their tenure rights (rights to use, access, profit from or own land) as secure, regardless of whether these rights are documented.*[7] This definition refers to customary rights as much as statutory rights. A number of factors contribute to weak tenure security such as:

- Corruption/poor governance
- Legal uncertainty
- Ambiguous/missing legal/regulatory frameworks
- Lack of information and documentation
- Lack of government capacity to administer land rights/access/manage processes
- Lack of enforcement capacity

- Rising demand for land (large-scale land acquisitions)[8] e.g. through investors
- Gender based insecurity (inheritance through male lineage, widows, divorced women) Intra-familial disputes
- Conflicting use (e.g. pastoral vs. agricultural)

This implicates, that true tenure security is achieved if rights are not only perceived as secure but are either guaranteed by a third party with the power to enforce legitimate rights or protected by a strong collective (e.g. in a customary setting). In many of the countries where ZOA works, tenure security is fragile, land is an issue of conflict and **particularly the most vulnerable suffer because of tenure insecurity**.

Lacking land security prevents people from investing in their land, it leaves agricultural land unused because of conflict and creates situations in which people are dispossessed by more powerful actors. ZOA is committing to projects that aim to improve tenure security by resolving land conflicts, documenting land use or registering rights and supporting people with agricultural activities on their land based on improved tenure security. ZOA is committed to support people who suffer because of armed conflict or natural disasters, by helping them to rebuild their homes and their livelihoods and to live peacefully together in stable communities – secure tenure rights are the foundation to achieve these objectives.

5 See also the EU Land Policy Guidelines 2004: https://ec.europa.eu/europeaid/sites/devco/files/methodology-eu-land-policy-guidelines-200411_en_2.pdf Accessed 01-11-2018

6 Deborah Barry and Ruth Meinzen-Dick: The invisible map: Community tenure rights. Contributing chapter in the book: The Social Life of Forests, University of Chicago Press. https://www.cifor.org/tenure-reform/data/files/other/books_chapters_journal_articles/bcja_other2.pdf Accessed; 26-09-2018

7 See also: Land Portal: SDGs Indicator 1.4.2. https://landportal.org/book/sdgs/142/sdgs-indicator-142 Accessed: 26-09-2018.

8 Kent Elbow, Land Tenure and Property Rights Issues and Best Practices Workshop, 30 September 2014: https://www.land-links.org/wp-content/uploads/2017/02/USAID_Land_Tenure_2014_Haiti_Training_Module_1_Presentation_1_Elbow.pdf Accessed: 26-09-2018.

This section gives an overview of some essential lessons from previous work on land rights. These are of a general nature and the following sections provide guidance on how to deal with challenges raised here.

2. ZOA EXPERIENCE WITH LAND RIGHTS WORK

Land rights in Africa

In the African Great Lakes Region where ZOA started its land rights work, poverty, conflict, displacement and land are connected in a complex relationship. Without being exhaustive, a number of ways in which these factors are related:

- Land scarcity is a cause of poverty.
- Dependence on agriculture makes land a highly valuable asset.
- Violent conflict is the cause of displacement (territorial control is often key to conflicts).
- Displacement is a driver of conflict e.g. when people migrate to areas in which resources such as land are scarce.
- The return of people to their places of origin can cause conflicts with the resident population, in particular if people have started to settle on the vacated land, and this is re-claimed by its previous owners.

In Uganda, Burundi and the Democratic Republic of Congo (DRC), these factors all come into play and numerous national and international actors are engaged with land and conflict issues. Around 2014, ZOA started engaging with land rights issues in Burundi, through a pilot project that addressed land administration, land conflicts and an improvement of food security and livelihoods for the target population. By 2018, about eight ZOA projects in three countries and funded by different donors had strong land rights components.

For example, in Uganda, ZOA is facilitating the development of a decentralized land governance system based on Certificates of *Customary Ownership* (CCO). This enables the protection of customarily held land and improves service delivery by state actors. In Burundi, a similar project has entered its third phase, expanding its scope and improving the integration of the land rights and the agricultural component.

Where ZOA started its land right works:

ZOA Uganda

ZOA Burundi

ZOA DR Congo

Land rights in other ZOA countries

It is clear that challenges around land rights play a central role in most of the contexts where ZOA operates. In Iraq, ISIS systematically expropriated whole groups of people and set up their own cadastral systems[9], in Darfur land management practices and legal provisions are at odds, strongly exacerbating existing conflicts, in Karen state of Myanmar both the government of Myanmar and the Karen National Union provide land titles to the population, and run competing land administration systems. These are just some examples of the diverse ways in which land rights contribute to conflicts and complicate progress in ZOA countries. For many humanitarian and development practitioners land rights are an unknown field. To address this complex and vital issue guidance and feasible entry-points are needed. The next sections attempt to provide both.

ZOA Iraq

2.1 LESSONS LEARNED

This section gives an overview of some essential lessons from previous work on land rights. These are of a general nature and the following sections provide guidance on how to deal with challenges raised here.

1. Improving land administration is not a goal in itself for ZOA; it is a means to an end. Central objectives are: **Improved food security, increased economic opportunities, conflict resolution, contributing to a long-term perspective for communities affected by conflict and disaster.** Ideally, land rights are addressed in integrated approaches that combine land rights, food security and livelihoods and peacebuilding in a conflict sensitive way.

2. In conflict-affected contexts, everything is essentially political and even humanitarian actors cannot escape being viewed through a political lens. Engaging with land rights issues brings **political issues (power, identity, access to resources) to the forefront**. Certain actors profit from an unclear land rights situation. Such actors can be businesses or individuals that use land without adhering to legal requirements, government actors asking for arbitrary fees, traditional or religious authorities administering land. These actors have something to loose when rights are clarified, people are empowered to claim their rights or land administration is streamlined, made more efficient and effective; therefore, these actors constitute potential spoilers. These need to be identified and engaged with from the beginning. This also means that generally,

state and traditional authorities need to be engaged with even if either of these might not have a strong practical role in day-to-day land administration.

3. Legal protection of land rights and state actors that recognize these rights and are willing and capable to enforce them are a central means for long-term tenure security. Because of that, **legal literacy of stakeholders, capacities of the judicial system and clear legal frameworks are essential for sustainable tenure security**. From previous work by ZOA and others, it has become clear that many people in poverty- and conflict-affected settings do not know or do not fully understand the legal procedures for securing tenure rights or their legal rights and obligations related to land.
This means that there are strong opportunities related to legal literacy and legal empowerment (see chapter 4).

4. Addressing **women's land rights** requires a detailed understanding of the practices and perceptions relating to the issue on the ground. Simply 'informing' people of the legal rights of women will not be sufficient to ensure adherence. It is likely that men fear an erosion of their status if women's rights are improved (enforced). This makes comprehensive strategies necessary that enable a dialogue on the status quo and the benefits of change as well as empowerment of women through various means e.g. creating greater financial independence. An indirect (subtle) approach might be more efficient than a strong push for improved women's rights. Furthermore, informal arrangements might be more effective than formal ones e.g. in customary settings.

5. Even if addressing land conflicts is not explicitly part of an intervention, **planning for how to deal with land conflicts is essential for any land rights project.** This means at a minimum that an overview of available conflict resolution mechanisms is needed (also see below).

6. Sustainable improvements in the land rights situation will take time, as they require **behavioural changes, possibly legal improvements or the resolution of long-standing conflicts**. Nevertheless, short-term improvements can be of high value and create opportunities for longer-term engagement.

2.2 PRACTICAL APPROACHES

ZOA and its partners have experiences with a range of different approaches to address land rights, which have provided positive results. Among these are: **participatory mapping, capacity building of state actors, land conflict resolution through peace and mediation committees and comprehensive communication and behaviour change strategies**.

Further approaches that have been successfully used by other actors are the development of community by-laws, negotiations between communities and investors and the setting up of land management associations. None of these practices can be prescribed as interventions a-priori, in a generic way, without detailed knowledge of the specific context and purpose. Nevertheless, based on the

existing experiences with this kind of work a better judgement of their applicability in a concrete situation will be possible. Chapter 6 gives an overview of these approaches including an indication of pro and contra arguments for using them and further reading.

2.3 INTEGRATING LAND RIGHTS, AGRICULTURE AND CLIMATE CHANGE ADAPTATION

Sustainable futures for target communities will only be achieved if land rights and food security and livelihoods (FSL) approaches are integrated so that people can improve their livelihoods in a secure, conflict-free environment. This requires not only an integration of land rights and livelihoods approaches but in many cases also climate smart practices and adaptation to climate change. Investments in climate smart practices and adaptation to climate change effects generally require people to have secure tenure. There are increasing funding opportunities for this kind of work, as the latest *Dutch Policy on Development Cooperation and Foreign Trade* demonstrates. ZOA has experience in all three types of work but so far, integrated approaches are scarce.

Creating synergies

First steps for creating synergies between land rights, climate smart and FSL work can be taken by aligning the planning of different projects or project components in areas where land rights, climate- and FSL-issues overlap. This means creating synergies of baselines and evaluations, when engaging with stakeholders and selecting beneficiaries. Stakeholder engagement on livelihoods or agriculture can be used to engage with people about land rights issues and vice versa.[10]

Agricultural projects, irrigation projects or climate adaptation measures will not be sustainable if land tenure is insecure or respectively powerful actors will benefit rather than vulnerable and marginalized groups. **ZOA Burundi** and **ZOA Uganda** are currently working towards a better integration of these issues and **ZOA DRC** has extensive experience with the challenges around integrated water resource management in conflict-affected rural areas where land rights are a central challenge.

ZOA's experience so far shows that once land rights work has started, new opportunities develop. Objectives that seem out of reach at the beginning become feasible over time.

3. HOW TO START A LAND RIGHTS PROJECT

A first engagement with land rights can be low-threshold and limited in scope, which reduces the demands towards implementers. Land rights related questions should be considered in preparatory analyses relating to agricultural, (rural) livelihoods, shelter or WASH work. Elements of land rights can be integrated in food security and livelihoods projects, WASH or education. Even projects specifically focussing on land rights do not necessarily require broad scope or high financial input.

Community mapping

Community mapping exercises can reveal land under conflict and prepare the ground for agricultural activities. Mapping will provide details on use patterns and access to land within the community, increasing the effectiveness of an intervention. A map can be produced using pen and paper as an exercise during community preparations for agricultural work. This will already increase the land rights- and conflict-sensitivity of the project and might reveal options for successively increasing the land rights components.

A legal analysis can deliver benefits without necessarily high financial demand or complex interventions. Legal avenues to improve the land rights situation often remain unexplored. Nevertheless, these can also provide entry-points for further engagement.
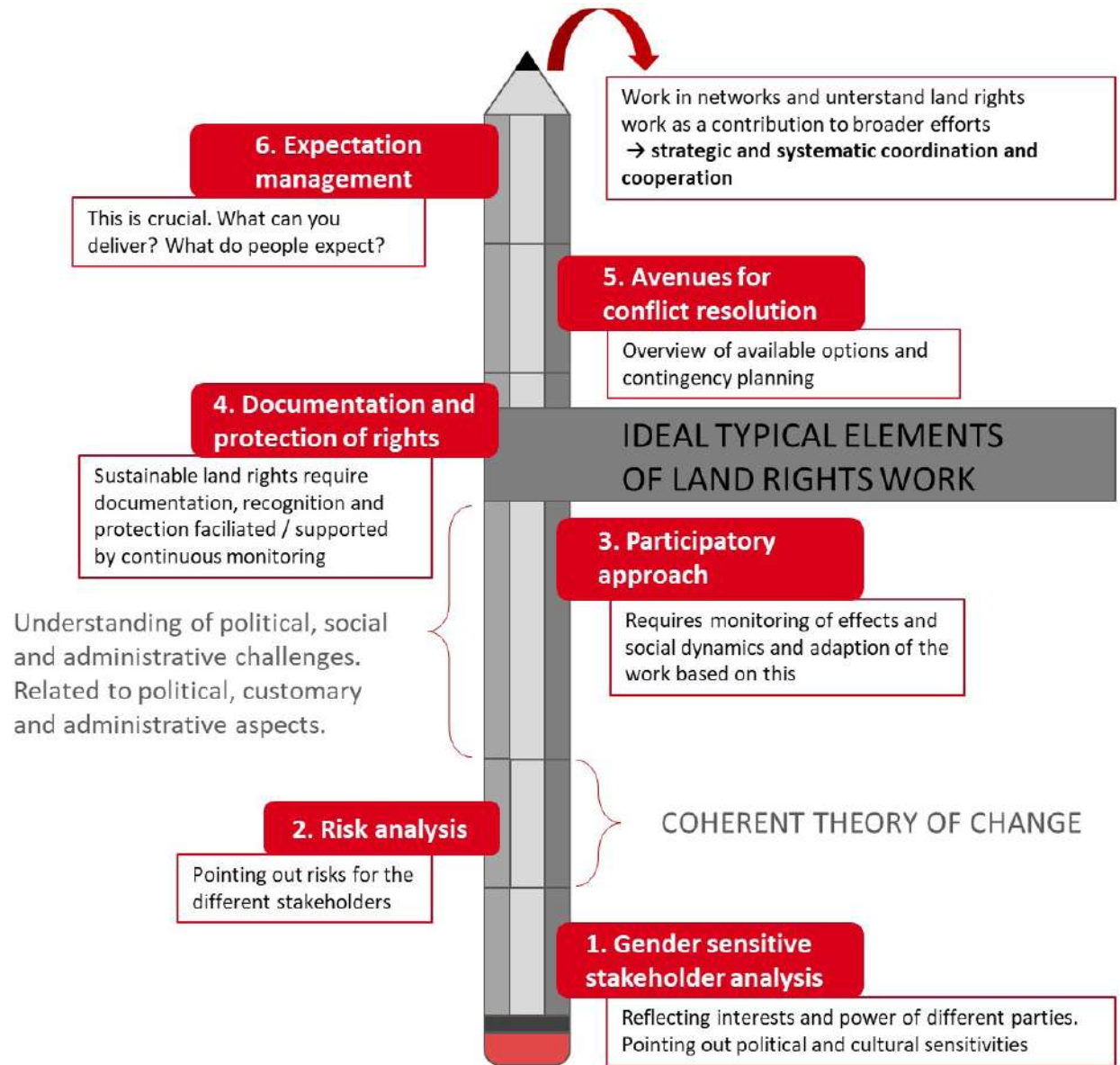

6. Expectation management
This is crucial. What can you deliver? What do people expect?

Work in networks and unterstand land rights work as a contribution to broader efforts → strategic and systematic coordination and cooperation

5. Avenues for conflict resolution
Overview of available options and contingency planning

4. Documentation and protection of rights
Sustainable land rights require documentation, recognition and protection faciliated / supported by continuous monitoring

IDEAL TYPICAL ELEMENTS OF LAND RIGHTS WORK

3. Participatory approach
Requires monitoring of effects and social dynamics and adaption of the work based on this

Understanding of political, social and administrative challenges. Related to political, customary and administrative aspects.

COHERENT THEORY OF CHANGE

2. Risk analysis
Pointing out risks for the different stakeholders

1. Gender sensitive stakeholder analysis
Reflecting interests and power of different parties. Pointing out political and cultural sensitivities

Fig. 1: Ideal-typical elements of LR work.

3.1 PLANNING

Context and stakeholder analysis

Start with a context and stakeholder analysis (refer to *Project Cycle Management Guidelines*) and integrate questions related to land into your framework (see below). This should also include an overview of ongoing land related interventions by third parties (government, NGOs, companies etc.). Even if you are unsure if land rights issues are of relevance, some standard questions can be part of your assessment to cover this aspect. These can be:

- Do people (disaggregate by gender) believe their land use and access are secure? If not: What reasons are there for insecurity?
- Is there sufficient land available for agricultural (and other economic) activities?
- Are people involved in land conflicts? With whom? For how long? Which third parties are involved? Are these issues likely to be resolved in the near future?
- Do people know about land conflicts in the area? Who is involved? What is the conflict about?
- Are displaced people living in the area?
- Have people from the area been displaced from their land?
- Have there been major land acquisitions in the recent past (by government or investors)?
- What kind of investments or other large projects are planned in the future?
- What implications do the above factors have for your work (objectives, output, impact)?

Follow-up questioning

Depending on the answers, follow-up questions will be required but in any case, you will already have an impression of the situation regarding land issues. Be aware that certain issues might not be openly discussed, such as intra-family conflicts (women's access to land, youth land rights) or conflicts with powerful actors. Conflict might also not be the greatest challenge regarding land, it could e.g. be that a general feeling of land insecurity (lacking rights protection) is preventing people from investing in their land.

Once a concrete land rights issue has been identified, possibly the most important question to start with is: **Which structures are already there to deal with this issue?** Furthermore: **Who are the trusted individuals and organisations that engage with these issues** (in particular when formal structures are dysfunctional or non-existent)? The answers to these two questions are relevant to the stakeholder analysis as well as the risk analysis. They also point to key informants who can provide essential information on the issue at hand.[11]

Since land rights are a complex issue by nature, instead of focusing on the obstacles the most pertinent question should be: **What can be done?** Further questions to identify relevant issues are:

- Are the government (or quasi-government organisations), relevant to land and property issues doing an adequate job? Are there specific weaknesses or gaps in this area?

- Are the laws and policies related to land in line with international standards and good practices and are they actually being applied in practice?
- Is there adequate institutional capacity to implement these policies and resolving disputes or does this need to be strengthened?
- Are local (provincial, regional) and national interests and policies regarding land rights aligned or clashing?
- What special factors are likely to lead to competition over particular areas of land (e.g. soil fertility, access to water, proximity to urban areas, transport links, minerals, etc.)?
- What is the status of land documents and records: how complete and reliable are they?
- If people have lost or do not possess official documents is this likely to cause them problems and what might be alternative ways for them to prove who they are and assert their tenure rights?
- How much detailed information exists about land tenure and institutions in the society and how accessible is this to those working with affected populations?
- What is the capacity of the existing institutions for dealing with land-related issues and what is the relationship between the formal system and customary mechanisms?[12]
- Who are powerful actors in this setting and what is their interest in and influence on land governance?

Experienced Outcome

ZOA's experience so far shows that once land rights work has started, new opportunities develop. Objectives that seem out of reach at the beginning become feasible over time. In Uganda, there was strong resistance to the work on CCOs in the beginning, not least because the concept was unknown. Since then, a broad support base and strong demand from communities and administrators has developed.

The following figure provides a schematic overview on how to make choices whether to progress with land rights work in a given programme/project area based on your specific context and stakeholder analysis.
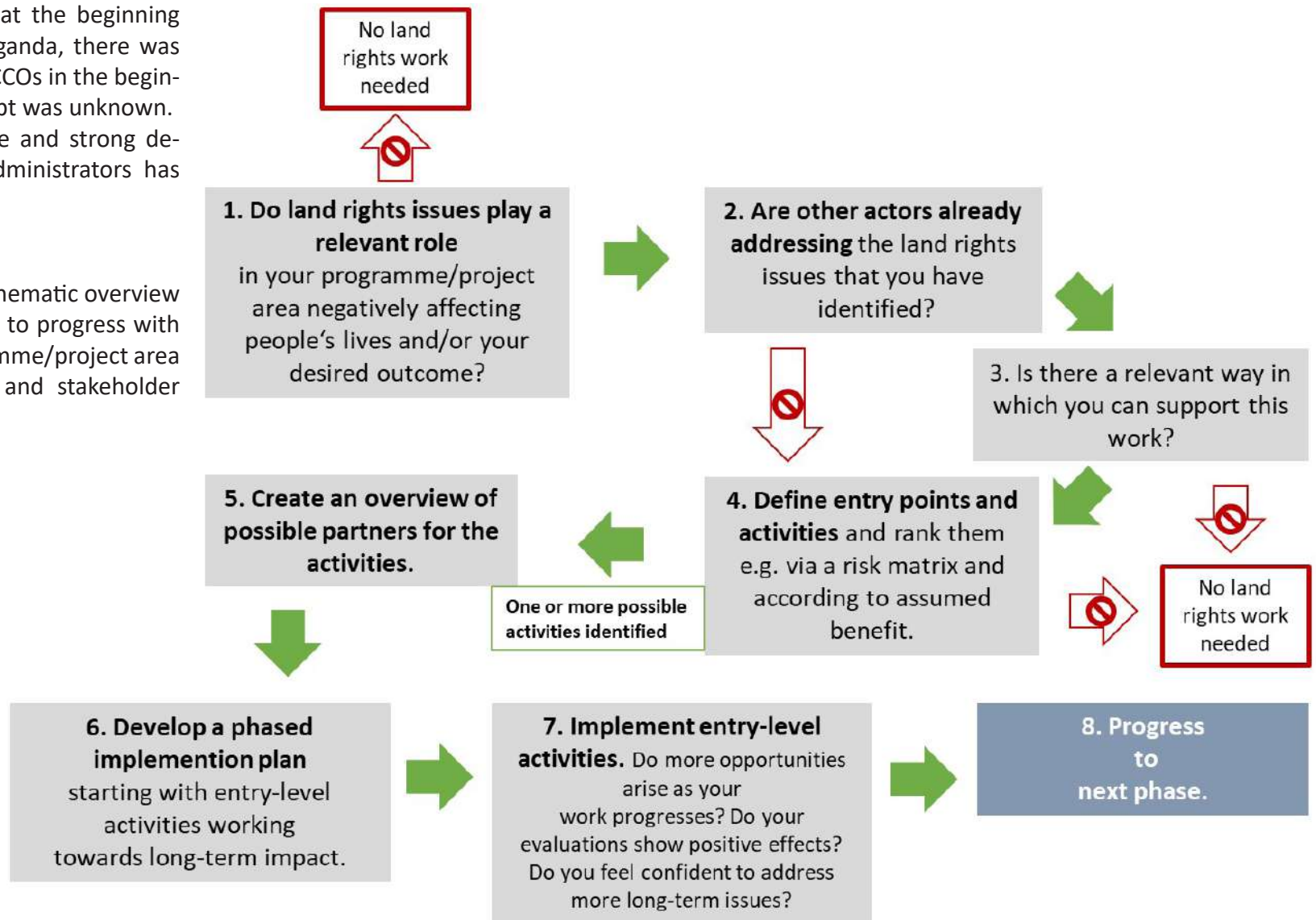
Legend:

if yes, proceed according to arrow

if no, proceed according to arrow

Fig. 2: Decision-making on land rights work.

No land rights work needed

1. Do land rights issues play a relevant role in your programme/project area negatively affecting people's lives and/or your desired outcome?

2. Are other actors already addressing the land rights issues that you have identified?

3. Is there a relevant way in which you can support this work?

5. Create an overview of possible partners for the activities.

One or more possible activities identified

4. Define entry points and activities and rank them e.g. via a risk matrix and according to assumed benefit.

No land rights work needed

6. Develop a phased implemention plan starting with entry-level activities working towards long-term impact.

7. Implement entry-level activities. Do more opportunities arise as your work progresses? Do your evaluations show positive effects? Do you feel confident to address more long-term issues?

8. Progress to next phase.

Depending on the identified challenges, the entry-points for land rights work might be on the household level, community level or administrative level. Here are a few more examples for activities on these different levels:

Activity examples

1. Household: Family tree development to illustrate (land related) decision-making, drafting of family-development vision (economic objectives) and land related opportunities in this regard; arrange inheritance of land to avoid conflict; family land use mapping.

2. Community: Participatory community land (use) mapping; drafting community (land) by-laws; community land rights awareness meetings; peace or mediation committees.

3. Administration: Infrastructure development (housing, mobility, data management); legal education; fit-for-purpose land administration; facilitation of community dialogues; mediation trainings.

Concrete outputs of this work can be:
- Family trees and (economic) development strategies (see tools).
- Sub-division of land according to inheritance agreement.
- Land rights/use maps.
- By-laws (see tools).
- Community land administration committees.
- Peace/mediation committees.
- Functioning infrastructure of land administration services.

- Implementation of fit-for-purpose land demarcation (see tools).
- Community-administration meetings.

Effect monitoring

To monitor the effects of this work the following indicators/questions can be useful:

- Percentage of women from Male Headed Household and women from Female Headed Households who make land related decisions on household level (land use, sale, lease etc.)
- Percentage of parcels with inheritance conflicts.
- Existence of land use/rights maps.
- Perception of community land administration as effective and fair.
- Percentage of population who have access to third parties who support conflict resolution.
- Percentage of population who feel effective conflict resolution mechanisms are available.
- Percentage of population who perceive land administration services to be functional and effective.
- Percentage of population who feel their land tenure is secure.
- Household food security.

There are certainly opportunities to engage with land rights that do not require starting a specific project. Based on your local expertise you can e.g. support higher-level structures with information on local challenges. You can build bridges between local actors and other levels. Based on a good context analysis that takes into account political and economic factors, the benefit that your work can bring can be assessed. Not taking into account land rights in settings where tenure security is fragile or land is a politicized factor can seriously impede the sustainability of other types of work such as WASH or food security. It can mean that in the long-run powerful actors instead of the most marginalized reap the benefit of a project.

3.2 QUALITY STANDARDS

Assessment of quality

A number of basic questions provide a rapid assessment of the quality of a land rights project. Is the project:

> 1. …following a coherent Logical Framework?
> 2. …based on a gender sensitive stakeholder and power analysis?
> 3. …based on a comprehensive risk analysis?
> 4. …based on an analysis of the legal and customary framework?
> 5. …participatory in nature, allowing for feedback from stakeholders?
> 6. …creating synergies with existing institutions and structures?
> 7. …sustainable in its orientation, paying attention to ensuring long-term solutions?
> 8. …conflict sensitive and based on contingency planning for conflicts?
> 9. …putting an emphasis on local ownership?

Again, not all of these questions might be pertinent, in particular not all to the same degree. However, some thought needs to be given to each in the preparatory phase as well as in later stages, as over time more in-depth analyses might become necessary or broader stakeholder engagement could be required. Since in particular the technical tools that can support land rights work are rapidly advancing, progress in this area should be monitored as new possibilities might arise while at the same time technology often has its own specific pitfalls.

To give some examples:

- **Drones** can make land demarcation and monitoring much more efficient but might be viewed very sceptically by government and/or population or be prohibited.
- **Handheld GPS systems** can increase the efficiency of land registration services but might lead to problems relating to accuracy depending on device and area.
- **Distributed digital ledgers** can make land administration more transparent but might be constrained by connectivity problems.
- **Blockchain (BC)** might secure and decentralise land rights data but requires strong national level buy-in and legal changes. Finding or developing the appropriate BC based solution might be very demanding.

All of the above innovations will be relevant for land rights issues in the future and might require some consideration. However, it is important not to be carried away by a technological hype.

Creating greater trust is the litmus test for any peacebuilding work and essential for any humanitarian work particularly in conflict situations. This means greater trust within and between communities and between communities and the state.

4. ADDRESSING LAND CONFLICTS

There are numerous reasons why conflicts around land might occur. Furthermore, conflicts are not generally negative or something that needs to be addressed by outside actors. It can be a necessary component of social development. Nevertheless, vulnerable individuals are likely to experience severe negative effects from land conflicts and run the risk of losing their livelihoods and shelter.

General types of land conflicts are:
- Boundary conflicts
- Inheritance conflicts
- Land ownership conflicts due to administrative or political corruption
- Land use conflicts due to lack of public participation

Types of land conflicts that might require **external intervention** can be:

- Illegal lease of state land for logging, mining or agro-industry
- Land use conflicts among farmers and pastoralists
- Land use conflicts between conservation and private/commercial use of natural resources
- Land grabbing: public officials taking state land or large investors making use of power imbalances
- Land robbery: guerrillas and other violent groups taking private land

- Land clashes between different ethnic groups[13]
- Local needs vs. investment opportunities

The role of trust
Creating greater trust is the litmus test for any peacebuilding work and essential for any humanitarian work particularly in conflict situations. This means greater trust within and between communities and between communities and the state. Land rights work has an important role to play in this regard. Furthermore, families need to be enabled to address intra family conflicts. An understanding of the legal dimension of land rights issues is required when addressing conflicts. It also needs to be clear what the level of understanding of legal aspects is on the side of stakeholders. Relevant questions in this regard are:

- Are people aware of the legal avenues to acquire a specific land right?
- Do people know which legal avenues are available to deal with land conflicts?
- Are people aware of the necessity to keep land records up to date to ensure effective legal protection?

In case land conflicts are identified which require intervention:

- Identify available dispute resolution mechanisms.
- Identify grievance mechanisms that might exist.
- Identify the biases each of these might have.
- Determine if legal empowerment is needed.
- Can paralegals be an option?

There can be reasons for which formal dispute resolution mechanism are not trusted and people rather turn to informal institutions. In that case it needs to be determined if it is more viable to support the mechanisms people currently prefer or to strengthen the capacities of those not used. This also relates to questions of legitimacy. How is legitimacy for your own work derived?

Own staff and partners should have a basic knowledge of the functioning of different conflict resolution mechanisms and the ability to increase their understanding of these (language, access). Depending on the chosen activities, legal knowledge or experience with mediation techniques might be needed. One of the most important factors will be time available to increase capacities and knowledge on land rights issues. If time pressure is high, this should be a red flag if the internal capacities and knowledge are not already significant. There are different ways to engage with land conflicts such as:

• Mediation
• Negotiation
• Justice
• De-escalation

If conflicts are boiling up, the first question should be what options there are for de-escalation. De-escalation can be facilitated by trusted third parties and grievance mechanisms might be used for people to voice their needs and concerns. The identification of trusted third parties can also be a big step towards resolving conflicts. Since mediation is often a preferred choice, it will receive particular attention here. Mediation can be a way to amicably resolve a land conflict. Its basic requirement is that the conflicting parties agree to go through the mediation process. Mediation has high demands towards the facilitators because pressure on the parties should be minimal while at the same time a lengthy process can affect people's willingness to continue.

• Mediation means having help to make a decision together, instead of a third party taking a decision (like a judge).
• The role of a mediator is to assist two parties to reach an agreement that both are satisfied with, regardless of whether that agreement in the opinion of the mediator favours one party.
• Mediators are neutrals and facilitators. They have no vested interest in the outcome of a dispute. Their interest is in helping the parties come to an agreement reflecting their interests and concerns, that resolves the dispute on terms that everyone involved can live with.
• The parties are not bound by anything in the mediation unless and until they agree to a settlement and sign a settlement agreement that can be enforced by a third party.
• Mediation can help to preserve the relationship between disputing parties.
• Stages and processes of mediation need to be followed strictly.
• Mediators need to be well trained and need to fulfil to certain character requirements – not everyone can be a good mediator.
• There should be long-term monitoring of mediation results. Do people adhere to the outcomes?

The choice for or against mediation needs to be made based on the willingness of the parties and the availability of well-equipped mediators. This requires asking the question why people are participating in mediation. Are there specific pressures? Or strong incentives related to economic gain or further benefits from an NGO intervention? This could challenge the sustainability of mediated outcomes. Conflicting parties need to be well informed about the process, objectives and potential benefits and limitations of mediation. Criminal cases and cases of extreme power imbalance with likely coercion should not be mediated. Mediation should also not be done if mediators are under serious threat during the mediation. A case that is legally clear is often not well suited for mediation. Mediation can also lead to the legitimisation of illegal situations, this needs to be avoided. There should also be attention to a value determination. Often, compensation of one party is used to settle a dispute. This needs to be based on an acceptable value of the land.

Inquiring to which international standards a government has committed, can be a first step in preparing land rights work.

5. INTERNATIONAL STANDARDS

A range of international standards refer to land rights, establish good practices and guidelines. These include: The Voluntary Guidelines on the Sustainable Governance of Tenure of Land, Fisheries and Forests (VGGT), the United Nations Declaration on the Rights of Indigenous Peoples, the African Union Framework and Guidelines on Land Policy in Africa and the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons.[14]

In detail, these standards address a large range of issues. Among the core principles common in all of them are the need to recognize the range of rights to land (continuum of land rights[15], bundle of rights[16]) and that true participatory engagement with communities and individuals is required allowing them to make informed and free decisions regarding their rights. Furthermore, there is consensus that the eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land.[17]

A first step in preparing land rights work can be to inquire to which international standards relating to land rights a national government has committed. In many cases, national law will reflect a number of these standards to some degree. Donors will very often have their own focus on certain standards (the Dutch government e.g. has strong attention for the VGGT and free-prior and informed consent principles or FPIC).[18]

ZOA can use international standards inter alia to:

- Engage with donors on requirements for funding.
- Use in discussions/advocacy towards governments as these are signatory to these conventions and guidelines.
- In M&E of own work and standards: are they compatible to these international standards?
- To inform communities about rights, empower them to claim their rights and defend their interests.

14 For references to these standards, see the tool section below.

15 Meaning tenure rights that are documented as well as undocumented, formal as well as informal, for individuals as well as groups, (pastoralists, residents of slums etc.). Legal or not legal. The continuum approach works with what is already in place and incorporates it into a land information management system that caters for the whole spectrum of formal, informal and customary land rights http://mirror.gltn.net/index.php/land-tools/gltn-land-tools/continuum-of-land-rights

16 Multiple rights can be held by several different persons or groups. This is captured by the concept of "a bundle of rights". The right to sell land, the right to use land, or the right to travel across land, may be pictured as "sticks in the bundle". Each right may be held by a different party. The bundle of rights, may e.g. be shared between owner and tenant to create a leasing or sharecropping arrangement. http://www.fao.org/docrep/005/y4307e/y4307e05.htm

17 VGGT.

18 Trainings on international standards for land rights can be facilitated by the ZOA Land Rights Sector Specialist.

5.1 LAND RIGHTS IN THE SDGS

The Sustainable Development Goals (SDGs) adopted by the UN General Assembly in September 2015 also include targets on land to achieve the goals relating to poverty reduction, food security and gender equality.

> - SDG 1 (End Poverty): Target 1.4 "ensure that all men and women have equal rights to ownership and control over land"
> - SDG 2 (End Hunger): Target 2.3 "double the agricultural productivity and incomes of small-scale farmers, in particular women, indigenous peoples…including through secure and equal access to land"
> - SDG 5 (Gender Equality): Target 5a "undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws"

Despite increasing international recognition of the importance of secure tenure to global development goals and greater formal recognition of tenure rights in some countries, significant implementation gaps remain.[19] Nevertheless, the SDG process has also increased attention for land rights issues. With Indicator 1.4.2, there is now a formal indicator to measure land rights progress, specifically: proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure by sex and by type of tenure.

5.2 LAND RIGHTS AND GENDER

Gender is a cross-cutting theme and plays a role in any type of intervention. Men and women, young and old, rich and poor are all differently affected by issues we are trying to address and our analyses and methods should reflect that. Globally, but in particular in sub-Saharan Africa, women have significantly less formally recognized and protected land rights than men. In many contexts, women's rights to land are dependent on their male relatives' land rights. This has severe negative effects on not only women themselves but also negative implications for economic development. There is a positive correlation between ensuring women's rights to land and other productive resources and improved household welfare, as well as enhanced enjoyment of a broad range of rights for women.[20] Even where appropriate laws exist, these are often not sufficiently enforced. Women also often lack the capacities to effectively claim their rights.

There are many opportunities to support women's land rights in practice, without imposing an external concept. A basic requirement for this is to engage with both women and men, understand (social) obstacles to improved women's rights protection and enforcement and facilitate exchanges within communities that allow for an open discussion of the status quo and possible/necessary changes.

Women of different social and economic background should be able to take the stage and voice their concerns and needs regarding land. Especially during baseline analyses different perspectives of women and men need to be considered to understanding the context. Gender questions relate strongly to questions of exclusion and empowerment. Generally, our work should contribute to the realisation of everyone's potential. In many cases that means giving specific support to women. Activities to strengthen women's land rights can include increasing economic independence (income), engagements on rights and obligations of household members and household economic planning (e.g. family tree, household economic development plan, see tools section). Legal support to enable claiming of rights (e.g. through paralegals on the local level) can be another opportunity. Here are some options to engage with improving women's land rights:

- Develop gender-sensitive community engagement strategies.
- Use non-gender topics as entry points such as household economic development, agricultural support or others.
- Work with role models with strong community standing.
- Work with women's rights champions (including men).

19 Action Aid: Assessing implementation of the Voluntary Tenure Guidelines and the AU Framework and Guidelines for Land Policy; A toolkit approach. 2017.
20 UN 2013: Realizing Women's Rights to Land and other productive resources. UN Women, UN Human Rights.

5.3 LAND RIGHTS AND CONFLICT SENSITIVITY

ZOA's commitment is to work in a conflict sensitive way. In the context of land rights work the necessity for being conflict sensitive is particularly high. Land is a very sensitive asset, as it is as source of income, food, identity and power. This results in a diversity of interests in land. Through changing the land rights status quo some actors will gain and others will lose. This requires ongoing conflict sensitive assessments of the situation in order to be able to deal with changing interests and behaviour. "Land policy and land governance (…) needs to be a part of any development or peacebuilding effort in conflict-affected or conflict-prone environment, as it is increasingly evident that land policy and land management are intimately linked to peace, social stability and conflict management."[21]

For long-term impact, land rights work needs to address unequal land access, land related grievances and improve land tenure security, which will not be to the benefit of all actors as some powerful actors might lose out. The work often requires improved land use policies and increased capacities of (state) actors. For land rights work to be truly conflict sensitive a continuous monitoring of its effects needs to be in place. This means e.g. having an eye on (changing) perceptions of the work within communities and among government actors as well as changes in the economic, social and political context that might affect land rights. The basic requirement is to work in a participatory and feedback oriented way that enables continuous input from various stakeholders and M&E of conflict sensitive risks and opportunities. Successes should also be communicated.

Some basic questions to increase conflict sensitivity are:

* Who wins – who loses based on the project?
* What are the risks affecting the outcomes?
* Who are potential spoilers?
* What are shared interests and commonalities of opposing groups?

Being conflict sensitive requires a good understanding of the different interests of actors and the larger political and economic context of a specific setting. Otherwise, it will be almost impossible to assess the effects that your work may have on the context and the other way around.

5.4 PROTECTION

ZOA decided to mainstream protection in all humanitarian programs. Based on ZOA sectors and experience, ZOA should focus on the Areas of Responsibility as defined by the Global Protection Cluster (GPC): Child Protection and Gender-based Violence, coordinate with other agencies in case of Mine Action, and explore the possibilities to work on mainstreaming Housing, Land and Property, with the emphasis on Land.[22]

Protection is defined by The Interagency Standing Committee (IASC) as "…all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law." It has been recognized "that violations of housing, land and property rights have often not been given the same priority as other human rights violations, despite their importance, among other things, for the sustainable return of refugees and displaced persons and the establishment of the rule of law."[23]

21 International Alert: Practice note 7: Conflict-sensitive land policy and land governance in Africa. By Joost van der Zwan.
22 ZOA Protection Position Paper
23 Scott Leckie: LEGAL AND PROTECTION POLICY RESEARCH SERIES Housing, Land and Property Rights in Post-Conflict Societies: Proposals for a New United Nations Institutional and Policy Framework, UNHCR, 2005

In the context of protection, especially in displacement situations there are a number of standard questions that can be asked to ensure that a project or programme takes land and housing issues into account in a way that ensures protection principles:

- How many people have lost land temporarily or permanently and what are the land requirements for temporary and transitional shelter?
- How much land is available for livelihood requirements of displaced and settled population?
- Has a there been a review of available land for site selection?
- Were steps taken to ensure government acquisition of land conforms to international legal standards?
- Are displaced people and the host community clear about their land rights or are there competing notions of land rights?
- In case there is a common understanding: is this common understanding supported or contradicted by the country's legal framework?
- Are the main government (or quasi-government organisations) relevant to land and property issues doing an adequate job? Are there any specific weaknesses or gaps in this area?
- What support should be given to both formal and informal dispute resolution mechanisms? Do the institutions concerned have sufficient trained personnel and how accessible are they to potential users? How fair are their decisions?
- Are there other key stakeholders who need to be involved in and supportive of programmatic interventions (e.g. large landowners, land associations, etc.)? If these are likely to oppose an intervention are there ways in which it can be reformulated to neutralize this opposition?
- What special factors are likely to lead to competition over particular areas of land (e.g. soil fertility, access to water, proximity to urban areas, transport links, minerals, etc.)?
- Would granting displaced people short-term occupancy permits help to increase tenure security?
- How well qualified and equipped are existing international agencies for dealing with land issues?[24]
- What is being done to facilitate a return of people to their own land? Can efforts in this regard be improved? Are there ways of collecting evidence on refugee's property rights e.g. through satellite data or collecting witness statements in order to facilitate their return to their property?
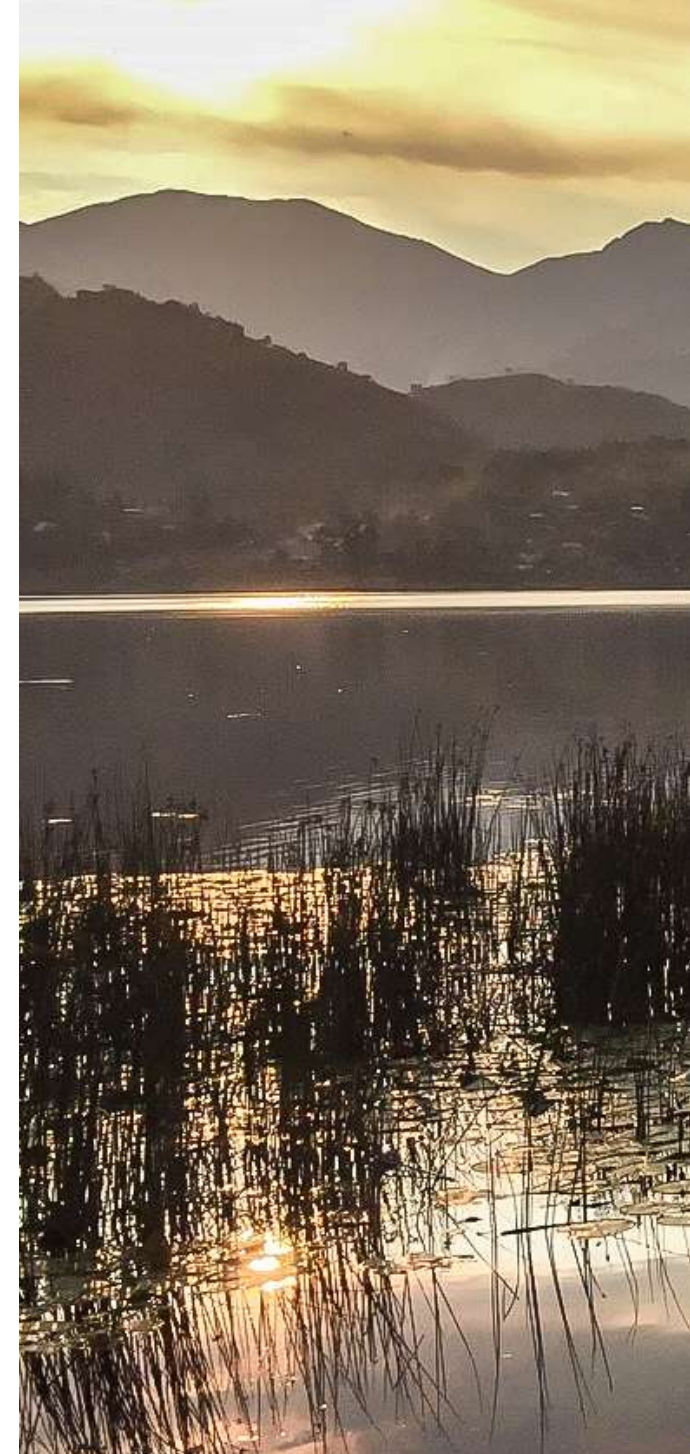
6. TOOLS

Below you find an overview of approaches that ZOA and its partners have applied in their land rights work. The short description provides an introduction and mentions the specific value and limitations. More comprehensive descriptions and/or references to existing tools and handbooks can be found further below. More information is also available on the ZOA Land Rights Sharepoint (accessible to staff only) including references to people within the organization who are knowledgeable of the specific method/tool.

Participatory mapping:
- Method for map creation through communal processes (usually facilitated by external party, possible to be self-organized and externally monitored).
- Maps can be produced manually (pen and paper) or through digital tools such as SOLA Open Tenure, Cadasta or others which are freely available (see 6.1).
- Cadasta tool land platform used by ZOA in DRC to create an overview of land use in irrigation area and provide safeguards for current users.
- (Land) Data protection and ownership can be a point of concern.

Pro:
- Can be used for different purposes such as creating overview of land use/ownership, highlighting areas under conflict, start a communal planning/land management process, plan an intervention.
- Relatively easy to conduct and to explain.
- It allows community integration at an early stage, allows tapping into local knowledge, and creates a feeling of local ownership.
- Quick and structured overview of problems. Can be the basis for tenure registration.

Con:
- Possibly time-consuming.
- Can create/enhance conflict through making problems visible.
- Can create demand/highlight the need for better land administration.

Capacity building of (state) actors
- Training of state officials and/or other eligible parties in (fit-for-purpose) land administration (see below) and/or conflict resolution. Land demarcation, setting up data infrastructure and registering transactions in conflict sensitive way. Build on existing structures and efforts. Involve broad range of stakeholders (e.g. community and state actors) and be aware of legitimacy questions (e.g. state-citizen relations). Land conflicts need to be resolved before a piece of land is registered.

Pros:
- Long-term solution to tenure insecurity.
- Improvement of citizen-state relations.
- Increased ownership and sustainability.

Cons:
- Potentially high risks involved (e.g. corruption).
- High start-up costs (depending on status quo).
- Complex intervention needing ongoing conflict sensitive monitoring.
- Potential to be perceived as biased (strong communication needed – see below).

Fit-for-purpose land administration:
- Method for improving land administration from the ground up (often facilitated by third party like ZOA, Kadaster International or other).
- Internationally recognized approach with strong potential for scale-up.
- Locally owned process for land registration involving a range of stakeholders.
- Comprehensive representation of people-to-land relationships (different rights people have) in a land registry that provides the basis for legal protection and community consensus.
- Used by ZOA in Uganda and Burundi integrated with conflict resolution and agricultural support.
- (Land) Data protection and ownership can be a point of concern.

Pro:
- Strong and growing international community including UN-Habitat/GLTN, USAID, FAO.
- Availability of technical low-cost tools (software, hardware) like: Cadasta Platform, SOLA Open Tenure, STDM (see international standards and tools) and handheld GPS devices including smartphones and tablets.
- Can provide a basis for long-term rights protection.
- If functional, enables investments in agriculture.
- Potential improvement of state-citizen relationships.
- Decreases the per-unit cost for land registration significantly.
- Provides basis for better service provision e.g spatial planning/infrastructure improvements.
- Potential basis for active and sustainable land markets.

Con:
- High start-up costs: investments in staff, expertise and local infrastructure (land offices, database etc.).
- Time consuming: broad and in-depth stakeholder engagement required before actual technical process can start.
- Political buy-in from different levels needed.
- Legal system needs to provide for this option.
- Tensions between statutory and customary law need to be addressed and are often complex.

Peace Committees, Dialogue and Mediation Committees (CDMs) etc.[25]
- Elected representatives of the community facilitate conflict mediation and resolution (in many contexts such structures exist but might require capacity support). Receive training in tools and methods. Outcome documents signed by all parties, incl. village officials to serve as proof of the outcome. Refine their methods through peer-learning or regular trainings.
- (Land) Data protection and ownership can be a point of concern.

Pros:
- Community based tool with strong participatory elements.
- Relatively low start-up costs (compared e.g. to improving formal justice system).
- Broad range of issues can be addressed.
- Can enable a more positive, constructive climate within the community.

Cons:
- Elite capture possible.
- Mediation cannot be forced – only viable if all parties agree on mediation.
- Data collection and storage is a challenge.
- Relationship with formal justice sector (and other authorities) can be difficult.
- Sustainability of outcomes difficult.
- Mediation requires the right people – selection is a challenge.
- Long-term funding required for equipment, facilities, transport.

Bottom-up and Top-down coordination:
- Strategic partnerships are essential for long-term impact, this needs to be facilitated by lead organizations such as ZOA but will be any implementer's responsibility. Changes in laws and policies are achieved through cooperation on higher levels. ZOA can inform policymakers on necessary changes. Where feasible ZOA can be a leading voice in lobbying for better laws and polices, acquiring a coordinating role. A minimum role would be advocating for the needs of the most vulnerable.

Pros:
- Long-term impact.
- Creates synergies and enables mutual learning.
- Opens doors to institutional partners (including donors).

Cons:
- Risks related to over-reaching (know what you can deliver).
- Time constraints.

25 See also section 4.3 on land conflicts.

Behaviour change strategies:
- Land rights projects usually aim to motivate and enable some form of behaviour change of individuals and communities. Therefore, a coherent communication strategy is needed. This includes: strategic approaches to awareness raising and strategic approaches for engaging with stakeholders.
- Being conscious, that awareness raising is too limited, does not facilitate empowerment to make use of increased awareness, and often is not sufficiently feedback oriented.
- Periodic review of communication practices for adaptation/improvements.

Pros:
- Strategic engagement with stakeholders including conscious messaging is a basis for do-no-harm.
- Identification of behavioural factors enabling or hindering positive outcomes strongly supports impact.
- Monitoring of strategic engagements with stakeholders contributes to accountability and transparency.

Cons:
- Danger of over-engaging, creating pressure or dissent instead of being receptive and enabling.
- Time consuming

6.1 DETAILED DESCRIPTIONS OF TOOLS AND REFERENCES

Tools for improving land administration:

Social Tenure Domain Model and Fit-For-Purpose Land Administration

Fit-for-purpose land administration (FFP) provides a pragmatic solution to land administration focused on developing countries, where current land administration solutions are not delivering. See an explanatory video here: https://www.youtube.com/watch?v=GSEjtltavTo A comprehensive overview and a concise executive summary can be found here: https://www.fig.net/news/news_2016/2016_07_gltnguide/fit-for-purpose-land-adm-guiding-principles-for-country-implementation.pdf

The Fit For Purpose Idea has some basic features:

- Flexible in the spatial data capture approaches to provide for varying use and occupation.
- Inclusive in scope to cover all tenure and all land.
- Participatory in approach to data capture and use to ensure community support.
- Affordable for the government to establish and operate, and for society to use.
- Reliable in terms of information that is authoritative and up-to-date.

- Attainable in relation to establishing the system within a short timeframe and available resources.
- Upgradeable with regard to incremental upgrading and improvement over time.[26]

The Social Tenure Domain Model (STDM) is closely related to FFP and was developed by the Global Land Tool Network and UN-Habitat. The STDM is based on the premise that land administration should be designed to meet the needs of people and their relationship to land, to support security of tenure for all and to sustainably manage land use and natural resources.

Conventional land administration systems are ill equipped to cater for customary and informal tenure systems. There is a need for complementary approaches in land administration. The concept of the Social Tenure Domain Model is to bridge this gap by providing a standard for representing 'people to land' relationships independent of the level of formality, legality and technical accuracy. The STDM is a 'specialization' of the ISO-approved Land Administration Domain Model (LADM). In this context, specialization means that there are some differences, which are mostly in the terminology and in the application area. Any form of right, responsibility or restriction in a formal system is considered as a social tenure relationship in STDM. The STDM information tool provides the front-end interface for testing and applying the STDM concept and model.

26 Stig Enemark, Keith Clifford Bell, Christiaan Lemmen, Robin McLaren: Fit-For-Purpose Land Administration, Joint FIG/World Bank publication, 2016.

Adapted from: https://stdm.gltn.net/ For more information see: http://stdm.gltn.net/STDM_-_A_Pro_Poor_Land_Tool.pdf Further information on participatory mapping: https://www.sswm.info/planning-and-programming/decision-making/deciding-community/participatory-mapping-for-decision-making

Cadasta Foundation: Founded in 2015, Cadasta Foundation develops and promotes the use of simple digital tools and technology to help partners efficiently document, analyze, store, and share critical land and resource rights information. Their approach is also aligned with the LADM and related to FFP.
Information on ZOA's work with Cadasta: https://cadasta.org/partners/zoa/
Cadasta Platform: https://cadasta.org/platform/

Sola Open Tenure: Developed by the Food and Agriculture Organization of the UN. In-the-field capture of tenure rights by communities and individuals using mobile devices. Claims can be uploaded to a Community server for review and moderation. Existing tenure data, aerial and satellite imagery can be cached on the device to support data capture in areas with no internet connectivity. http://www.flossola.org/index.php/solutions/open-tenure

Further information on recent tools and processes for land adminisatration: AN OVERVIEW OF INITIATIVES TO INNOVATE LAND TENURE RECORDATION: 2011 TO PRESENT by Monica Lengoiboni, Jaap Zevenbergen and Christine Richter. Paper prepared for presentation at the "2018 WORLD BANK CONFERENCE ON LAND AND POVERTY" The World Bank - Washington DC, March 19-23, 2018, https://research.utwente.nl/en/publications/an-overview-of-innovative-tools-for-land-tenure-documentation

Improving Land Tenure Security for Women: Starting with Women Approach: This toolkit starts with the question of what rights do women have to land in the Acholi region of Northern Uganda but the questions asked are relevant beyond this specific context. The authors ask: how can women move toward secure rights to land, and what indicators can be used to determine whether such movement is occurring? They have developed a framework for answering these questions. The framework is applicable to women all over the world and in every land tenure regime. https://landwise.resourceequity.org/record/2739

Behaviour Change Strategies/Strategic Communication:

Customer journey: there are numerous tools that can help to improve communication strategies and support the objectives of a project. One starting point can be a customer journey: https://www.nngroup.com/articles/customer-journey-mapping/ This tool helps to understand the stakeholder side of the work and can highlight points where specific attention to concise messaging and dialogue is needed to get feedback, really ensure participatory approaches as well as to provide adequate information. Mapping the different stakeholders with their interests related to land can help to understand how messages need to be framed to reach a broad understanding and enable dialogue around contentious issues rather than creating conflict.

Mapping the network of actors involved and their interests can provide a good starting point. A useful introduction to Social and Behaviour Change strategies based on health sector work can be found here: https://www.mchip.net/sites/default/files/SBC-TRM-2014.pdf

Community By-Laws: The NGO Namati developed an approach to protecting community land. There are a number of aspects in their work that we can learn from such as the following process which is the second step of their approach described in the *Community Land Protection Facilitators Guide* (to be found here: www.namati.org/communityland)

The activities in this step support communities to document their existing rules for land and resource management, then modify and add rules that increase protections for all peoples' rights. When well facilitated, these activities can support communities to: create protections for the rights of women and minority groups; hold their leaders accountable; increase community members' democratic participation in land and natural resource-related decisions; improve natural resource conservation and promote biodiversity; and align customary rules with national laws.

Creation of Community By-laws:
- Communities collectively brainstorm all existing local rules and all rules followed in the past and publish a first draft.
- Facilitators provide legal education on national laws and basic human rights.
- Communities review the first draft of their by-laws, add new rules, delete old rules, and change existing rules to reflect emerging community needs and publish a second draft.
- Facilitators, lawyers and/or judges review the 2nd Draft to ensure that it does not contradict the national constitution and other relevant laws (for details see: Community Land Protection Guide).

6.2 OTHER RESOURCES:

A-B-C's of Land Tenure and Property Rights: Definitions are Important! USAID, https://www.land-links.org/wp-content/uploads/2017/02/USAID_Land_Tenure_ABCs_of_Land_Tenure.pdf

Act On It: 4 Key Steps to Prevent Land Grabs, ActionAid, 2015: http://www.actionaid.org/sites/files/actionaid/act_on_it_-_four_key_steps_to_stop_land_grabs.pdf

African Union Framework and Guidelines on Land Policy in Africa, Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods https://www.uneca.org/sites/default/files/PublicationFiles/fg_on_land_policy_eng.pdf

A Preliminary Assessment of Housing, Land and Property Right Issues Caused by the Current Displacement Crisis in Iraq - Ina Rehema Jahn in collaboration with Peter van der Auweraert & Igor Cvetkovski, International Organization for Migration (IOM), 2015, available online.

Assessing implementation of the Voluntary Tenure Guidelines and the AU Framework and Guidelines for Land Policy; A toolkit approach, ActionAid, 2017, http://www.actionaid.org/sites/files/actionaid/aa_vggt_report_single_pages.pdf

Best Practices in Community Land Titling. International Development Law Organization (IDLO). Inception Paper 2010 https://www.files.ethz.ch/isn/139540/Land_InceptionPaper.pdf

Community Land Protection Facilitator's Guide. Namati, https://namati.org/wp-content/uploads/2016/02/Namati-Community-Land-Protection-Facilitators-Guide-Ed.1-2016-LR.pdf

Land governance Map of Donors: https://landgov.donorplatform.org/ , https://landportal.org/pt/book/dataset/dp-mod

Localizing Land governance, Strenghtening the State: Decentralization and Land Tenure Security in Uganda M. van Leeuwen, Radboud University.

Pinheiro Principles on Housing and Property Resti-tution for Refugees and Displaced Persons, 2005 https://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html

Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa, Christian Lund, Africa Spectrum 2011 https://www.jstor.org/stable/23350196?seq=1#page_scan_tab_contents

Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict, The EU-UN Partnership on Land, Natural Resources and Conflict Prevention, http://www.un.org/en/land-natural-resources-conflict/extractive-industries.shtml

Uncharted Territory - Land, conflict and humanitarian action, Edited by Sara Pantuliano, Overseas Development Institute, Practical Action Publishing, 2009, available online.

United Nations Declaration on the Rights of Indigenous Peoples, 2007 https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html

Women and Land Rights, SIDA, Factsheet, 2015 https://www.sida.se/contentassets/1cc2e9756fd04d80bba64d0d635fe158/women-and-land-rights.pdf

Voluntary Guidelines on the Sustainable Governance of Tenure of Land, Fisheries and Forests (VGGT), http://www.fao.org/docrep/016/i2801e/i2801e.pdf

7. ZOA CASE EXAMPLES

ZOA Land Rights Work in the Great Lakes Region:
On Common Ground – Addressing Land Rights in the African Great Lakes Region. Paper presented at the annual Land and Poverty conference of the World Bank, Washington, 2018. Author: David Betge. https://www.conftool.com/landandpoverty2018/index.php?page=browseSessions&print=head&doprint=yes&form_session=635&presentations=show

ZOA Land Rights Work in Burundi:
The missing link: Successes and lessons learned from an integrated approach to land tenure registration in Burundi. Paper presented at the annual Land and Poverty conference of the World Bank, Washington, 2017. Authors: David Betge, Jean Pierre Irutingabo, Hendrik Westerbeek. https://www.conftool.com/landandpoverty2017/index.php?page=browseSessions&print=head&form_session=577&presentations=show
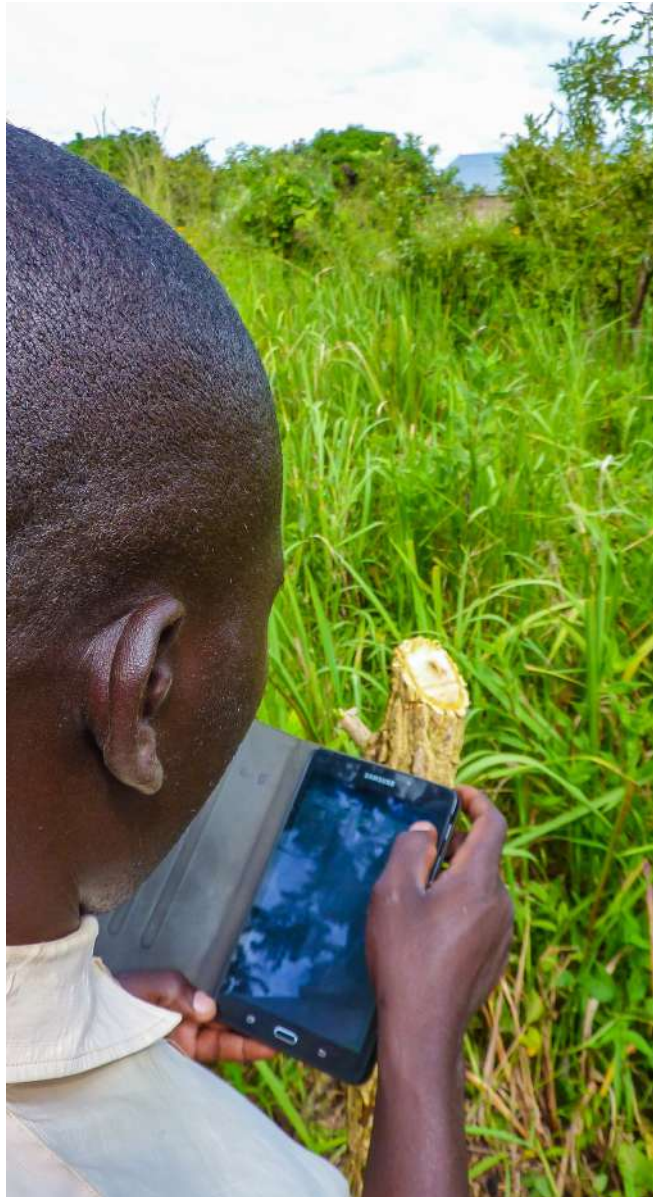
List of figures:

Figure 1: Ideal-typical elements of LR work
Figure 2: Decision-making on land rights work.

List of acronyms:

BC	– Blockchain
CCO	– Customary Ownership
CDM	– Dialogue and Mediaton Committee
DRC	– Democratic Republic of Congo
FFP	– Fit-For-Purpose Land Administration
FPIC	– Free-Prior and Informed Consent Principles
FSL	– Food Security and Livelihoods
GPC	– Global Protection Cluster
IASC	– Interagency Standing Committee
IDLO	– International Development Law Organization
LADM	– Land Administration Domain Model
SDG	– Sustainable Development Goals
STDM	– Social Tenure Domain Model
VGGT	– The Voluntary Guidelines on the Sustainable Governance of Tenure of Land, Fisheries and Forests
WASH	– Water Sanitation Hygiene

IMPRESSUM