



# We are able!

## Training Manual Inclusive Land Rights

### *Facilitators guide*



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# Introduction

This training manual has been developed out of the need for practical training material for inclusive land rights within the We are able! project. This need was expressed by the We are able! (WaA!) country teams in Burundi, the Democratic Republic of Congo (DRC) and Uganda.

In January 2021, ZOA signed a contract with the Ministry of Foreign Affairs in the Netherlands to implement the We are Able! program together with its partners the African Disability Forum, See You Foundation, The Leprosy Mission, The Hague Academy for Local Governance and VNG International. The program focusses on amplifying voices and creating resilience among people with disabilities and other excluded groups, especially those faced with food insecurity in areas of protracted crisis. The program is implemented in seven countries: Ethiopia, Burundi, Uganda, the Democratic Republic of Congo, South Sudan, Sudan and the Netherlands. The WaA! program has three pathways: 1) Community mobilization; 2) Strengthening CSOs/OPDs; and 3) Engaging authorities.

In three of the countries of implementation (DR Congo, Burundi and Uganda), We are Able! focuses on the land rights of persons with disabilities as a key aspect of the work. These countries are building on experiences of land rights projects of ZOA. In the other three countries (South Sudan, Sudan and Ethiopia), issues concerning access to land for persons with a disability also play a role in the context and they could benefit from this training material to potentially develop activities on the topic of inclusive land rights within WaA! as well.

The objective of the training manual is to provide practical tools for conducting training on (disability) inclusive land rights in the context of the We are able! project. When developing the training manual, the target audiences that we had in mind were:

- The WaA! project staff and its partners to get familiar with the topic themselves and will be able to facilitate the training themselves.
- OPDs, CSOs, Disability Inclusion Facilitator (DIF) and master trainers, under Pathway 2 of WaA!.

The training manual could also be used for other audiences, but this might require some adaptations in the texts, examples and exercises for it to fit better to these other audiences.

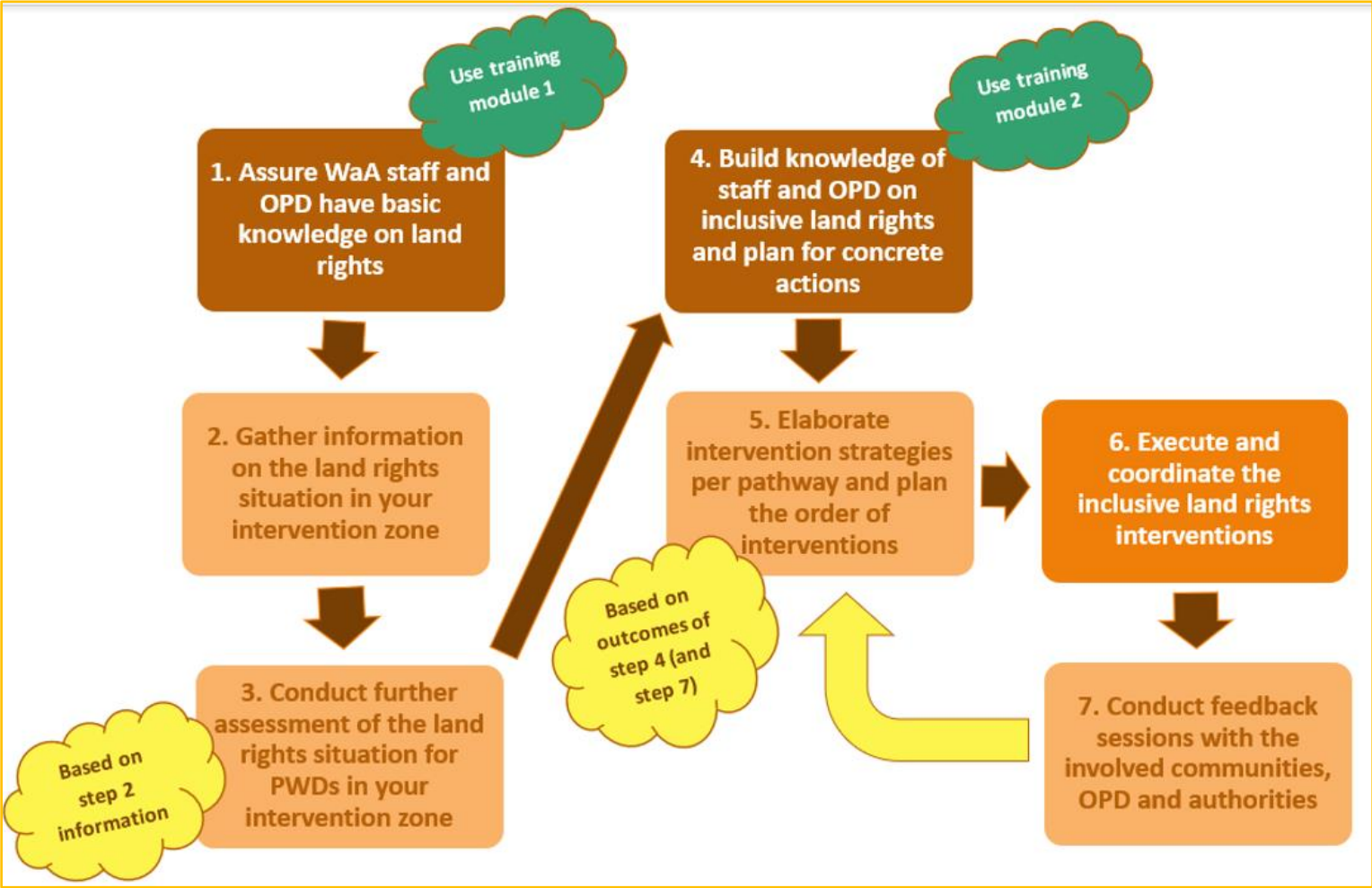
The development of this training manual was made possible through the inputs from the WaA! country teams in Burundi, D.R. Congo and Uganda; by using elements of ZOA's existing land rights training manual and guidelines; inspired by the inclusive land rights guidelines for WaA! and the inclusive governance training material from The Hague Academy for Local Governance.

The training manual consists of two modules; Module 1 is a general introduction into land rights to provide the audience with the necessary basic knowledge before engaging in any land rights activities; Module 2 is specifically focusing on *inclusive* land rights and also pays attention to lobby & advocacy towards more inclusive land rights and land governance.



The training manual comes with a PowerPoint presentation with the basic elements and activities which can be adjusted and enriched by each training facilitator. Here below you will find a roadmap for inclusive land rights interventions in We are able! and how the use of the training modules finds its place in this process. On the next page you will find a global programme outline of the training. However, it is encouraged to go through all the material as a facilitator and adapt and adjust the contents according to your goals, your target group for the training, and the timing you have available. Especially when you will work with sign language interpretations, it will be needed to calculate more time for each session.

**Roadmap for inclusive land rights intervention in We are able!**



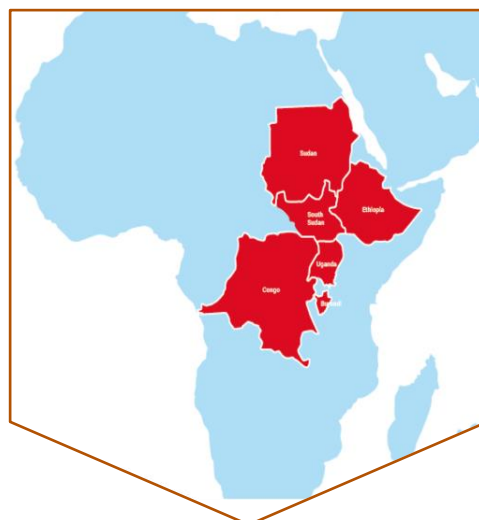
## Outline of training program

Day	Time	Session
<b>MODULE 1 General introduction on land rights</b>		
1	08h30 – 09u00	1. Introduction
	09h00 – 09h45	2. Why are land rights important? <i>Activity: Mind map</i>
	09h45 – 10h30	3. What are land rights? Definitions and terminology <i>Activity: Card clustering – defining land rights</i>
	10h30 – 11h00	<b>Break</b>
	11h00 – 11h30	3. Continued. <i>Activity: Match-it - terminology</i>
	11h30 – 13h00	4a. Land Tenure Systems and Legal Framework
	13h00 – 14h00	<b>Lunch break</b>
	14h00 – 15h00	4b. Tenure Registration (LTR) procedures in your intervention zone <i>Activity: Interview with land rights project/government staff OR Visualize the LTR procedures</i>
	15h00 – 15h15	<b>Break</b>
	15h15 – 16h45	5. Conflicts over land and conflict sensitivity <i>Activity: Role play land demarcation and conflict</i>
	16h45 – 17h00	6. Evaluation of the day
	17h00	7. Closure
	<b>MODULE 2A: Inclusive land rights</b>	
2	08h30 – 09h00	1. Recap & Introduction
	09h00 – 10h30	2. Land rights & We are able! <i>Activity: Land rights race</i>
	10h30 – 11h00	<b>Break</b>
	11h00 – 13h00	3. Land rights & groups with specific needs <i>Activity: Life stories</i> <i>Activity: Video &amp; discussion</i>
	13h00 – 14h00	<b>Break</b>
	14h00 – 15h30	4. Legal framework related to disability inclusion in your country
	15h30 – 15h45	<b>Break</b>
	15h45 – 16h45	5. Barriers for land security (first part) <i>Activity: Identify barriers in your intervention zone</i>
	16h45 -17h00	6. Evaluation of the day
	17h00	7. Closure
	<b>MODULE 2B: Inclusive land rights</b>	
3	08h30 – 09h00	1. Recap & Introduction
	09h00 – 10h00	2. Barriers for land security (continued) <i>Activity (continued): Identify barriers in your intervention zone</i>
	10h00 – 10h30	<b>Break</b>
	10h30 – 12h30	3. Strategies to overcome barriers <i>Activity: Formulate strategies to overcome barriers</i>
	12h30 -13h30	<b>Break</b>
	13h30 – 15h00	4. Lobby & advocacy for inclusive land rights <i>Activity: Develop the lobby &amp; advocacy agenda for your intervention zone</i>
	15h00 – 15h15	<b>Break</b>
	15h15 – 16h45	5. Awareness raising in an inclusive way <i>Activity: Develop the perfect inclusive awareness raising campaign</i>
	16h45 – 17h00	6. Evaluation of the day
	17h00	7. Closure



## Introduction on land rights and persons with a disability

**Objective:** Providing background information for the facilitator on the context relevant for Burundi, D.R. Congo, Uganda, Ethiopia, Sudan and South Sudan to be used in preparation of the training.



### Land rights context

In all six targeted countries of We are Able! (Burundi, D.R. Congo, Ethiopia, Sudan, South Sudan and Uganda) 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.** In Burundi, 90% of the population is directly dependent on land for survival while the average size of land for a household is only 0,3 hectare.
- **Dependence on agriculture makes land a highly valuable asset.** In North and South Kivu in D.R. Congo large areas of land are owned by wealthy and powerful landlords (“cessionnaires”) while small holder farmers struggle to have access to arable and fertile land. In parts of Ethiopia, powerful (foreign) investors are buying vast areas of land for large scale agriculture, and it is not exceptional that this comes at the expense of local communities’ access to land.
- **Violent conflict is the cause of displacement** (territorial control is often key to conflicts). All six countries are affected by violent conflict from the past and also up to this day in D.R. Congo, South Sudan, Sudan and Ethiopia. These conflicts have caused and are still causing enormous population displacements, either internally or to neighbouring countries.
- **Displacement is a driver of conflict** e.g. when people migrate to areas in which resources such as land are scarce. Both Ethiopia and Uganda are hosting large numbers of refugees of which many originate from South Sudan. This leads to pressure on the available resources in the area where refugees are hosted, while the hosting communities are often also in situations of poverty and vulnerability.
- **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. Burundian refugees who have fled to neighbouring countries during the different crises of 1972, 1993 and 2015 are now returning to their family land, but this is often leading to conflict about that land with the community members that have stayed and occupied the land.

### Legal frameworks on land rights

On top of the abovementioned factors there are gaps in policies and laws on land rights, or there are good laws in place, but they are not applied or not known at local level, and there is legal pluralism of institutions handling land rights issues. Some basic notions of the legal framework concerning land rights that are in place in Burundi, D.R. Congo, Ethiopia, Sudan, South Sudan and Uganda can be found here below.

In **Burundi** a land policy is currently (in 2023) in process of being developed in preparation the revision of the Land Code of 2011. This Land Code has promoted a decentralised system of land administration and the issuing of certificates on district level, however, to date the majority of land remains unregistered.



In **D.R. Congo** an interesting process of the revision of the Land Act is ongoing (in 2023) through the CONAREF (national land reform commission). Until this new Land Act is finalized, it is the Land Act from 1973 that is still in place stating that all land belongs to the state, and individual land rights can be derived from state concessions, or from indigenous systems of customary law. This Land Act has created uncertainty about the legal status of land occupied by communities and indigenous people.

In **Ethiopia**, all land belongs to the state which makes private land ownership impossible, while land can be leased long term. Land is governed through the Rural Land Administration and Land Use Proclamation (2005). It acknowledges the autonomy of the Regional States in administering land matters in accordance with federal laws. Ethiopia has progressive policies in place concerning the rights of refugees on their soil, including rights to have access to land use.

**Sudan's** land tenure system is dual with the formal legal system under statutory law and then there is customary, traditional land which is regulated by customary laws and institutions. There are different laws in place that speak about land access and ownership, however they are not in pace with the dynamic economic, social and environmental changes. Most land transactions are informal and not registered.

In **South Sudan**, land is mainly owned communally with the Land Act (2009) and the Constitution stating all land in South Sudan is owned by the people of South Sudan and its usage shall be regulated by the government. Land in South Sudan may be acquired, held, and transacted through customary, freehold and leasehold tenure systems.

**Uganda** has already gone through several land reforms since independence. Currently, the Land Act of 1998 is still in place (with amendments from 2004 and 2010) and sets out the powers, procedures and functions of the different institutions who manage land ownership questions. Uganda knows four land tenure systems: Freehold, Leasehold, Mailo and Customary. Like Ethiopia, Uganda has progressive policies in place concerning the rights of refugees to have access to land use.

### General situation of persons with a disability

According to the definition used by the African Disability Forum (ADF), a disability is *"a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks or actions or participate in typical daily activities and interactions"*. People with disabilities are affected by exclusionary practices, conveyed by beliefs, customs and social norms that often consider disability as a curse and people with disabilities as incapable. This results in limited access to markets, agricultural techniques, knowledge and inputs, as well as limited access to land and exclusion from food security-related decision-making, all of which negatively affects food security. In the book *"Confronting land and property problems for peace"* the authors argue that special attention is needed for land disputes because the socially disadvantaged – under which we can count persons with a disability – continue to suffer in the transition from war to peace<sup>1</sup>. In the context of the six countries targeted by We are Able!, with their histories and current realities of wars and conflicts, it is very relevant to address land issues with a specific focus on the socially disadvantaged in general and persons with a disability in particular.

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<sup>1</sup> Takeuchi *et al.*, 2016, *Confronting land and property problems for peace*, p.60, Routledge Explorations in Development Studies.



# 1. MODULE 1: General introduction on land rights

<b>Objective:</b>	Participants have a basic level on land rights and land registration procedures.
<b>Duration:</b>	One day.
<b>Key elements:</b>	Importance of land rights, definitions and terminology, types of land rights and tenure systems, legal framework, land tenure registration procedures, land conflicts and conflict sensitivity.

## Preparation: Set objectives

*As a training facilitator: Set your own objectives for the training workshop beforehand. Ask yourself the question:*

- *Who is your audience?*
- *What is the level of understanding of land rights and disability inclusion of your audience?*
- *What do you want your audience to get out of this workshop in terms of knowledge?*
- *What do you want them to be able to do after this workshop in terms of skills?*

## 1.1 Introduction

Timing: 30 minutes

*Be creative in starting the training day with your participants and make sure you include the following elements:*

- ❖ *Objective of the training and explanation of the program*
- ❖ *Rules during the training*
- ❖ *Activity to introduce to participants and facilitator to each other*
- ❖ *Ask participants for their expectations of the training workshop and share them in plenary. Ask them to formulate learning objectives on a sticky-note and stick them on a flipchart so that you can get back to them during the session and at the end of the training workshop.*

## 1.2 Why are land rights important?

Timing: 45 minutes

*Start with Activity: Mind map (see next page)*



## Activity: Mind map

Objective: Get the participants minds start to reflect on the topic of land rights and why it is important.

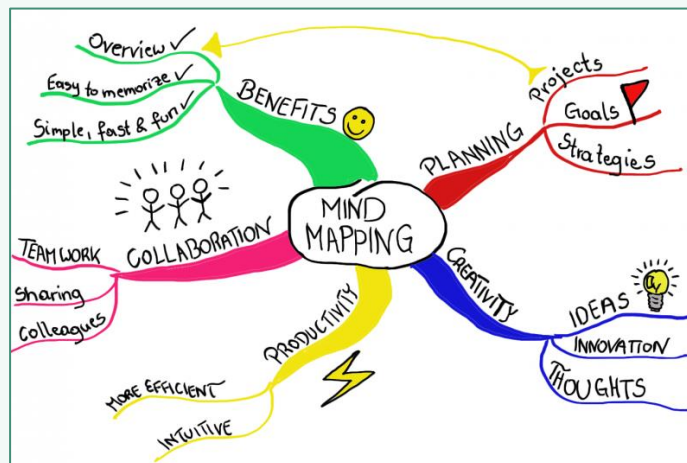
Introductory explanation: Creating a mind map is a way to share opinions and stories. A mind map is a tool to visualize information and ideas in an organized and creative way. It can help to capture and communicate complex issues. It helps the group to grasp the different aspects involved in land rights and how they might be linked to each other.

Materials needed: Flipchart papers, markers in different colours, tape to hang the flipchart papers

Time: 15 minutes group work, 15 minutes presentation and discussion.

Instructions:

- Divide the participants into groups of 4 to 5 people
- Give each group a flipchart with at the centre the words 'Why land rights are important'
- Each person writes down one or more word(s) or sentence(s) and/or illustrates this with drawings of elements related to land rights and their importance. The participants are encouraged to create linkages between the different elements and describe the nature of the relation between them.



Example of a mind map (Source: MindMeister)

- Hang the mind maps in the room and let the groups explore each other's work. Give space for clarifying questions and discussion. The facilitator might use the following questions to get the discussion going:
  - What words/sentences do you agree with? And why?
  - What words/sentences do you not agree with? And why?

After closing the Mind map activity, continue by giving some further explanations on why land rights are important. You do not have to share everything, but you can pick the elements that you find most relevant for your participants:

Land is the basis for the direct livelihood of the vast majority of the world's rural population. The fight against hunger and poverty and the sustainable use of the environment largely depends on how individuals, families and communities gain access to land. The lack of certainty of land rights and the high number of (violent) conflicts over land prevent people from investing in their land, leave farmland unused and create situations where people are dispossessed by powerful actors.

- *"It is important to understand how land and property rights are tied to issues that generate more interest and attention. When people and communities do not have secure rights to the land and resources they depend on, they are less likely to invest in irrigation systems, trees, or soil conservation. Agricultural productivity and food security can suffer, and economic growth can lag."* (Boudreaux, 2020).
- For ZOA Land Rights or Land Tenure Registration (LTR) are not an objective in itself but a means to contribute to improved food security & livelihoods, peace and stability.
- Reducing poverty because land rights underpin economic development and social inclusion (GLTN, 2016).
- Fundamental enabler for sustainable development (GeoTech4Tenure, FAO).

Everyone who has lived or worked in rural settings knows the value of land that goes well beyond monetary aspects. However, in urban settings, land very often also serves as a source of income in various ways while monetary land values are often much higher than in rural areas. As mentioned in the introduction, land rights are part of the SDGs and are **crucial to end poverty and hunger**. Addressing land rights as a topic of humanitarian interventions or development cooperation can be seen as a **strategic objective of working towards worldwide sustainable development** but it can also provide immediate relief for people affected by conflicts and hunger.

In developing countries, the majority of people are still depending on agricultural activities for their income and livelihoods. Land rights and access to land are a key precondition to reduce poverty and hunger. Farmers are often **only willing to invest in their farm when land rights are secure**. USAID formulates this as follows: *"When property rights are protected, people, groups, and businesses make forward-looking investments because they are more confident that they will capture future returns from their efforts."*

Secure land rights and the resolution of land related conflicts enable:

- Access to land and land-related inputs and services
- Investments in farm and agri-business
- Reduction of conflicts over land



This contributes to:

- 1. Sustainable farming practices, climate change adaptation and mitigation
- 2. Increased agricultural productivity and efficiency
- 3. More opportunities for value chain development, processing, marketing
- 4. Increased social cohesion

Land rights are integrated in three of the **Sustainable Development Goals** (SDGs):

- **SDG 1:** End poverty in all its forms everywhere. → “Ensure that all men and women have equal rights to ownership and control over land” (1.4.)
- **SDG 2:** End hunger, achieve food security and improved nutrition and promote sustainable agriculture → “Double the agricultural productivity and incomes of small-scale farmers, in particular women, indigenous peoples...including through secure and equal access to land” (2.3.)
- **SDG 5:** Achieve gender equality and empower all women and girls → “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” (5a).

Current research, as well as donors such as SIDA and others, emphasise that there is a direct relationship between strengthening women's land rights, social and economic empowerment and poverty reduction. When women's rights to land are secured, agricultural investment and productivity increase, and food security and nutrition improve. Promoting gender equality through land rights programming therefore goes beyond empowering women, it creates benefits for all. Gender equality is not a women's issue. It is a human issue. It affects us all. To improve gender equality in land and reduce conflict, the roles of men and women are important.

Figure 1 The Sustainable Development Goals



## 1.3 What are land rights? Definitions and terminology

*Timing: 75 minutes*

*Introductory explanation: During the workshop, make sure that the same definition of land rights is used by all participants. At the beginning of the training, everyone might have a different understanding of land rights. Therefore, this session starts with jointly defining "land rights" through activity Card clustering.*

### Activity: Card clustering → Defining land rights

Objective: The participants jointly define "land rights" so that it is clear throughout the training what we mean with land rights. *Card clustering is very useful to synthesize group ideas, encouraging consensus and prompting discussion.*

Materials needed: Sticky notes, pens/markers, flipchart.

Time: 25 minutes.

Instructions:

1. Pose the question: How do you define land rights?
2. Participants write their idea individually on the sticky notes. In large groups, you can ask sub-groups (3-4 persons) to discuss and make notes with the groups' ideas.
3. As facilitator, invite participants to share the answers on the sticky note with the group.
4. Gradually, all sticky notes are placed on flip-over paper so that everyone can see them.
5. Sticky notes will then be discussed in plenary and clustered based on similarities.
6. Once the clusters are labelled, they can be further elaborated and discussed towards one definition of land rights or one per cluster.

Evaluation:

- ➔ Ask the participants to select their personal favourite definitions, the ones they want to work with. Give everyone a limited number of choices. Let the participants decide in silence first, so that they are not swayed by others' opinions. Vote on the brainstorm post-its.
- ➔ Count the votes and determine the most popular ideas. As a group, take the most chosen definition as working definition for this training session. Make sure it does not diverge too much from the definition given above. No problem if it is longer and more detailed!

*After the activity "Card clustering", the facilitator presents further information on land rights definitions and terminology.*

**Land rights** in a narrow sense are legal rights to own and use land. Land rights in a broad sense are customary and legal rights to land and the resources stemming from it. Land rights can be divided into four categories (also see image next page):

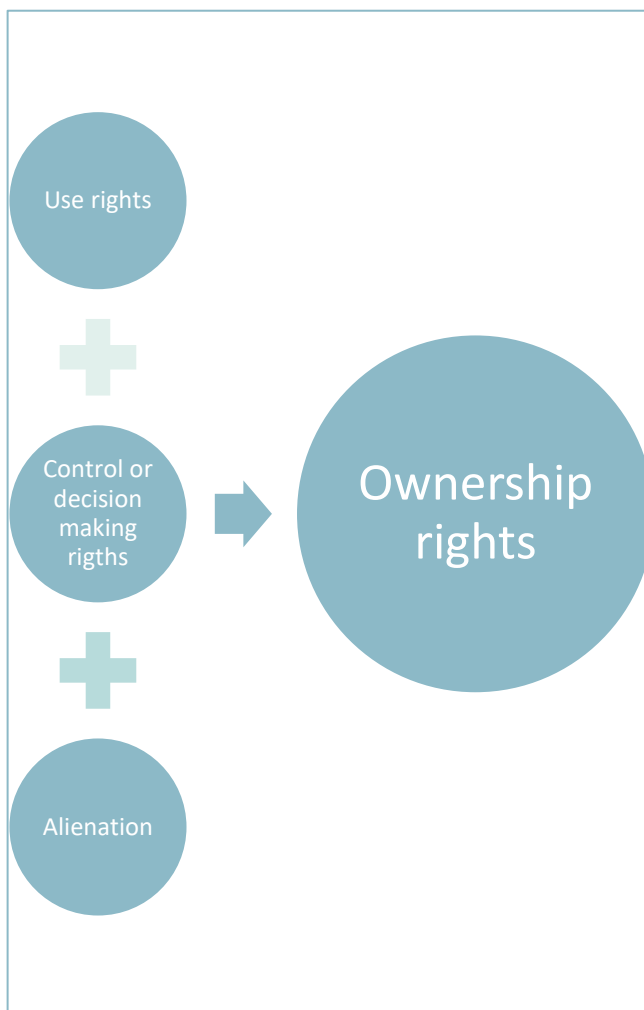
- Use rights (e.g. exploit land for economic benefits)
- Control or decision-making rights (e.g. right to exclude someone from access or use)
- Alienation (i.e. right to rent out or sell)
- Ownership rights (i.e. full bundle of rights to a specific piece of land)



What rights to land exist in detail depends on the social and cultural context. So, there is no general definition of specific land rights. Each country, even each region or local community, has its own definition of the existing land rights.

Three concepts that are closely linked to land rights are: Land governance, land administration and land tenure. These are defined and explained here below.

**Land governance**, according to the Food and Agriculture Organization (FAO) of the UN, concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed. It encompasses statutory, customary and religious institutions. It covers both the legal and policy framework for land as well as traditional and informal practices that enjoy social legitimacy.



**Land administration** relates to the documentation or the registration of land use, land ownership and land rights in cadastral systems or systems similar to a cadastre. Land parcels are documented, and this provides a basis for entering rights into a land registry. This can be a statutory (legal) system or a customary system. In every context, some form of land administration can be found. However, there can be competing systems and overlaps. This can e.g. be the case where different actors compete each other's legitimacy.

**Land tenure** is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, i.e., rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. To give an example: a woman's right to use part of her father's land as long as she is not married is a land right or 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 follows: Security of tenure means that people perceive their tenure rights (rights to use, access, enjoy or possess land) as secure, whether or not these rights are documented. This definition refers to customary as well as statutory rights.



A number of factors contribute to low land tenure security are:

- 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
- Increased demand for land (large-scale land acquisitions), for example by investors.
- Gender-related insecurity (male line inheritance, widows, divorced women)
- Intra-family conflicts
- Use conflicts (e.g. pastoral vs. agricultural)

*To really get a good understanding of the terminology, continue with the activity Match-it.*

#### Activity: Match-it

Objective: The participants master the definitions of and differences between “land tenure”, “land governance” and “land administration”.

Materials needed: Printouts of the definitions of land governance, land administration, and land tenure; printouts of the examples; tape. See next pages for the materials to be printed.

Time: 20 minutes group work, 20 minutes discussion.

Instructions:

- Divide the participants in groups of 2-3
- Each group receives printouts with the definitions of land governance, land tenure and land administration as well as 3 examples (choose these randomly!) you may hand out the same example more than once).
- As a group the participants read and discuss these examples and match them to one of the definitions.
- Let each group present the examples they have and which definition they matched them to.
- Ask them if they have more examples that would fit to the definition.
- Ask the rest of the group if they agree.

Not every example will fit one definition perfectly, that is not a problem. The most important thing is that everyone is aware that land tenure, land administration and land governance are all important and related and we need to look at these different dimensions when working on land rights.

The correct matches are:

Example 1 - Land Administration

Example 2 - Land Governance

Example 3 - Land Tenure

Example 4 - Land Tenure

Example 5 - Land Governance

Example 6 - Land Tenure

Example 7 - Land Administration

Example 8 - Land Governance





To be printed for Activity "Match-it"

According to the Food and Agriculture Organization of the United Nations (FAO), **land governance** concerns the rules, processes and structures by which decisions are made about access to and use of land, how decisions are implemented and enforced, and how competing interests in land are managed and enforced, and how competing interests in land are managed.

**Land administration** concerns the documentation or registration of land use, land ownership and land rights in cadastral or cadastral-like systems. Land parcels are documented and form the basis for the registration of rights in a land register. This may be a statutory (legal) system or a customary system.

**Land tenure** is the relationship, whether defined by law or custom, between people, as individuals or groups, with regard to land.

To be printed for Activity "Match-it"

**Example 1:** When you buy a house in the Netherlands, the buyer receives a document from the notary containing all the information about the house, such as plot size, contact details, previous owner, date of construction, etc. The notary then informs the Land Registry of the change of ownership and enters the new name(s) on the title deed. The notary then informs the Land Registry of the change of ownership and enters the new name(s) on the title deed. The new owner(s) then receive(s) a copy of this document.

----- *cut here*

**Example 2:** The land reform committee in DR Congo has been working on reforming the land sector since 2012. Important issues to consider are the relationship between customary and state actors and the authority that customary actors have over land. Another issue is that of concessions over large areas of land, which often prevent small farmers from owning land securely.

----- *cut here*

**Example 3:** In Germany, for centuries the eldest son inherited the farm. Birth order determined the right to land. Today, more and more often, none of the descendants wants to be a farmer. People are moving away from the land.

----- *cut here*

**Example 4:** Indigenous peoples often see themselves as custodians of the land on which they live. Their land is a source of income, identity and belonging. Many feel a direct link with their ancestors and their history through the land.





**Example 5:** When decisions are made about changes to land laws and policies, these processes should include the voices of women, youth and indigenous groups. The We are able program focuses on disability-sensitive law and policy changes for better access to land in the DRC, Burundi, Uganda, Ethiopia, Sudan and South Sudan.

----- *cut here*

**Example 6:** In many contexts, women's rights to access and use land depend on their husbands, fathers or brothers. This makes these rights vulnerable and women dependent on the men in their families.

----- *cut here*

**Example 7:** To demarcate land, local officials need to be trained in land demarcation methods and technologies. They must also have access to the necessary tools and be mobile.

----- *cut here*

**Example 8:** Data relating to demarcated and registered land must be stored securely. Ideally, the data is integrated into a national database. This can support infrastructure planning, land protection and investment. A national land information system requires the political support, budget and policies to make it possible.





## 1.4 Land tenure systems, Legal framework and LTR procedures

*Timing: 150 minutes*

*Start with an introductory explanation / presentation of the different types of land rights:*

Land rights can be either legally or customarily defined. In many African countries, the majority of land is under customary tenure. Customary systems of property tenure account for at least 75 per cent of the land in most African countries. Customary tenure means the rights, rules and responsibilities to possess, occupy and use land are based on community customs. At the same time, most of these existing rights are undocumented and not sufficiently legally protected. Land under customary tenure is most of the times family land and based on heritage rights. This is the case in Uganda and Burundi, for example. Statutory land on the other hand is oftentimes individualized land and fixed in formal laws.

In many contexts, land access, use and ownership may be formally regulated by statutory law and official institutions but locally subject to customary or religious law applied by traditional authorities. Such situations can exacerbate conflicts between people applying statutory rights and those applying customary rights. This can be the case in situations where formal systems do not recognize the existence of customary rules and also in situations where informal systems are recognized, but no clear relationship has been established between informal and formal systems.

Registration and certification lead to a transformation of customary rights to rights under statutory law. Since rights are differently structured under the two systems, this can lead to a series of problems, notably for women and vulnerable groups, who frequently end up dispossessed. The Ugandan government introduced a new approach to registration and certification that is supposed to protect customary systems:

### CCOs in Uganda

*The Ugandan government introduced an innovative approach to registration and certification. The approach provides registration of customary rights. Certificates of Customary Ownership (CCOs) can be used as evidence of customary ownership of the rights holders. Holders of a CCO can lease, mortgage, pledge, transfer and sell the land, subject to limitations provided for by customary law. In comparison with other systems, the CCO process directly links to the customary and the statutory system. It can be used as a standard on both the local as well as the national level. Generally, the traditional structures (clans) can continue to play their role in land governance within the CCO system. Furthermore, CCOs with good documentation provide a very high tenure security at a low-cost basis.*

The division between customary land rights and statutory land rights is not as clear as it looks. The exact manner in which rights to land are actually distributed and enjoyed is complex and ranges from informal group rights to individual ownership. The poor and vulnerable in a community mostly have user rights, at best. Within households, the specific rights may also vary, with women and youth often having more fragile rights than male heads of household. A central hurdle to women in some contexts is that they are legally not allowed to inherit land. This is for example the case in Uganda, where women can lose access to land after their husband passes away. In other cases, while legally, women's land rights might be registered, this does not always ensure the factual access to land after the death of her husband.

### Women's land rights in Burundi

While the land registration process is proceeding well, one central issue of concern remains the situation of women's land rights in the project area of ZOA. The topic is of particular sensitivity and a mixture of fears, customs and legal uncertainties results in a situation in which women's rights to land are very fragile. They do not have the rights to inherit land from their husband or father for example. Furthermore, married women highly depend on their husband concerning the management of land, despite their role as key actors in agricultural activities. Women are representing a large share of the world's agricultural workforce. However, without secure land rights and access to land, women are not able to sustainably work on the land, invest and increase agricultural production.

### Land tenure systems in Uganda:

- **Freehold:** Landowners -who must be citizens- enjoy full ownership of the land.
- **Leasehold:** Common for state-owned land held for a specific period by non-citizens and urban residents.
- **Mailo:** Dates from an agreement in 1900 between the Kingdom of Buganda and Britain. The king, his family and clan chiefs were given one-square-mile tracts of land, hence the name Mailo. Where the landowners were absent, these lands were inhabited by squatters, which often led to conflicts.
- **Customary tenure:** can involve collective (communal), family and individual land ownership, depending on use.

However, each country has a different legal and customary context for land rights. Here below, a short explanation of the legal framework of Burundi and Uganda can be found. In general, it is important to relate land registration work as much as possible to existing land laws but without ignoring local customs.

Burundi: The current land law in Burundi was supposed to integrate the existing customary system with statutory law. The 2011 land law introduced land certificates as alternatives to titles for the registration of customary land rights. The law enables the recognition of customary land tenure systems. In addition, the land administration of Burundi has been decentralized and the local court system is strengthened. The land law provides for the establishment of communal land services (SFC). SFCs measure plots, address land conflicts on local levels and deliver documents to landowners.

Uganda introduced a system of Certificates of Customary Ownership, that are meant to strengthen customary land rights. NGOs, including ZOA, set up tenure registration programs to support protection of customary land. The aim is to supply legal documents to people and generate data, which shows conclusive evidence of boundaries, and can be migrated to the National Land Information System currently under development in Uganda. The objective is to make digital information about registered customary land accessible at the national level as well as the local level and ensure existing rights are known and protected.

The Government of Uganda adopted a National Land Policy, a Land Sector Strategy, and several other pieces of legislation to address the problems related to land rights which were the result of violent conflict, displacement and general disagreements over land. Among the policies and laws that exist in Uganda that talk about land include: The constitution of Uganda 1995; The Uganda National Land Policy Implementation Action Plan 2015/16 – 2018/19; Land regulation 2001; Land (amendment act) act 2010; Physical planning (amended) act 2020; The National Forestry and Tree Planting Act, 2003 and the Mining act 2003.



It is essential in land rights work to collaborate in networks and to understand the land rights work of other organizations as well as the government. This contributes to a broader set of efforts resulting in coordination and cooperation. Instead of doing it all by yourself, connect to other stakeholders who are already supporting land rights and actively working on land rights in the country. Perhaps, you can support or join them.

It can be helpful to invite an expert to explain the legal (and/or customary) framework of land rights and the procedures of land tenure registration in your particular intervention zone. But even without an expert, you will be able to gather many inputs on the specific land rights context from within the group. Many of the participants will have knowledge from their own communities and also might have experience with legal requirements for accessing and owning land.

*For the participants to get a clear understanding of the legal framework and the LTR procedures as applied in their country and intervention zone, invite an expert who can provide a presentation and who can be interviewed by the participants. See the activity "Expert presentation and interview" here below on how to proceed.*

#### Activity: Expert presentation and interview

Objective: The participants gain knowledge and understanding of the legal framework including the involved institutions, and the concrete LTR procedures in their intervention zone.

Time: 120 minutes

- Invite an expert on land rights such as a land administrator (local), someone working in a land rights project for an NGO or international organization, and/or a lawyer with land rights experience. The expert(s) can be someone from the national level or a specific local context, ideally both (two experts).
- Ask them to join you for the training and to prepare a presentation on 1) the legal framework on land rights in the country / intervention zone including the involved institutions, and its history; and on 2) the LTR procedures in the country / intervention zone.
- Ask the participants in the training to prepare interview / discussion questions **beforehand** to ask the expert (s) after the presentation. *Examples of questions are:*
  - Which actors (national, local, formal, customary) are involved in land rights issues?
  - What is the difference between customary and statutory (formalized) land rights in Country X / the intervention zone?
  - How are customary land rights implemented in practice?
  - What kind of land rights are the most frequent (access, ownership, use)?
  - Are customary land rights included in statutory (legal) land rights? (registration)
  - Is there a difference between men and women according to the legal system?
  - What kind of land rights do women have?
  - What are the most prevalent types of conflict over land in Country x / the intervention zone?
  - In case of conflicts over land, which courts can be approached?
  - What are risks in LTR procedures and which are the (potential) marginalized groups in these procedures?

## 1.5 Conflicts over land and conflict sensitivity

*Timing: 75 minutes*

*You will find explanations on land conflicts and conflict sensitivity in this chapter. You do not have to share everything, but you can pick the elements that you find most relevant for your participants to share.*

The relationship between land and violent conflict is stark, whether we are talking about how land issues function as causal or aggravating factors in conflict, or whether we are thinking about land-related issues that arise in post-conflict settings. Land can be protected through agreement and documentation of the location of a plot of land and the dimensions of the parcel but only after resolving conflicts related to that specific parcel.

There are certain general types of land conflicts:

- Boundary conflicts (e.g. neighbours disagreeing on parcel limits);
- Inheritance conflicts (e.g. between male and female children);
- Land ownership conflicts due to administrative or political corruption (e.g. conflicts between large landholders and small farmers who are dependent on access to land but have no formal ownership rights);
- Land conflicts related to land sales or land rental contracts (e.g. when a plot of land is being sold or rented out to more than one person);
- Land conflicts related to population displacements (e.g. between a returning refugee and the person who is now living on 'his / her' land);
- Land conflicts between citizens and the state about the use of (public) land.

ZOA's land rights projects support local conflict resolution between community members before any land demarcation takes place. The importance of resolving conflicts before starting with a land rights project is illustrated here below.

### Burundi:

*The core of the land rights program is the registration of the location of a plot of land and the dimensions of the parcel but only after resolving conflicts related to that specific parcel. The combination between land registration and conflict resolution is central to the work in Burundi. Conflict resolution due to mediation between conflict parties, particularly between returnees and residents, and a recording of the results of the mediation are seen as the basis for ensuring sustainable conflict resolution and tenure security of all parties. Tenure security of land gives parties the opportunity to use their land sustainably and make profits through economic investments.*

### D.R. Congo:

*ZOA's land rights project in DR Congo was based on group titles. A crucial stage before group titles are delivered is the resolving of conflicts. Any complaints, disputes, possible errors and conflicts need to be identified and referred to specialized structures for mediation and conflict resolution, before group titles are given. Registration of secure rights to land can only take place when each interested party approves the demarcated parcels. This requires conflict resolution.*



**Conflict sensitivity** is necessary for every project we conduct. Conflict sensitivity is the ability of an organisation to:

1. Understand the context in which it is operating.
2. Understand the interactions between its interventions and that context.
3. Act upon this understanding of these interactions, in order to minimise negative impacts and maximise positive impacts on conflict.

Conflict sensitivity is important for any organization or project because it's presence and interventions can easily do harm to beneficiaries and the wider context, with high risks for the population and for the organizations' reputation. Furthermore, each of us has our own experiences and learnt social norms which shape our conscious and unconscious biases and influence our decision-making. Conflict sensitivity, as an approach, supports staff and partners to reflect on these biases and can support staff and partners to transform potentially harmful attitudes.

**Land is a very sensitive asset, as it is a 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.

The following video shows also the importance of conflict resolution in the process of land registration. This video gives more general illustration of conflicts around land. It pays also attention to the context where the project is set up, the importance of land rights and the reasons why conflicts around land occur.

Conflict Resolution in the Land Certification Project in Makamba, Burundi:

<https://www.youtube.com/watch?v=LyGTflWe3cc>.

Analysis of (land)conflicts is necessary, because the reduction of conflicts can serve as the basis for the development of a broader land rights strategy. Conflict analysis plays also a particularly valuable role in helping staff to question their own assumptions. Staff may often believe that they know their own contexts and have a deep understanding of the conflict. While this is often true, there are multiple perspectives to consider and it is important to remember that there is no one true interpretation of a conflict. Assumptions should be challenged, to ensure that we do not perpetuate biased perspectives and to identify gaps in our knowledge of conflicts.

Knowledge about different conflict resolution mechanisms is necessary. There are many ways to engage with land conflicts such as:

- Mediation
- Negotiation
- Justice
- De-escalation: facilitated by trusted third parties



Mediation is a frequently chosen option to resolve conflicts. ZOA applied it among others in Burundi and in DR Congo. Mediation is a process which can help to preserve the relationship between disputing parties. It is a process on which conflicting parties agree. Instead of a third party taking a decision, a neutral mediator helps to foster an agreement that the conflicting parties are satisfied with. The parties are not bound by anything in the mediation unless and until they sign a settlement agreement. The results of the mediation need to be monitored for a long-term period.

The box here below describes the success of dialogue and mediation committees (CDMs) in DR Congo. In addition to the successes, there are also challenges for CDMs in DR Congo and for mediation in general. Data collection and storage of the outcomes remains a difficult issue. The land rights guidelines give more details on advantages and challenges. For example, relationships with formal justice structures and other authorities can be difficult. The sustainability of the mediation outcomes is often too low. The sustainability can increase by having authorities as witnesses.

#### CDMs in DR Congo

*CDMs are made up of groups of local people who act as voluntary mediators and receive training. They have success in mediating intra-community conflicts and are becoming increasingly successful in resolving conflicts between small farmers (sharecroppers) and large landholders. In case of successful mediations documents are signed by all parties as well as village officials that serve as proof of the achieved outcome. The CDMs have used the support of political actors and other third parties to get large landholders to the negotiating table.*

*After sharing and discussing the key elements on land conflicts and conflict sensitivity with the participants, you can proceed to the activity Role play (see next page).*

## Activity: Role play land demarcation and conflict

**Objective:** Contribute towards gaining insight into the deeper roots of a land conflict.

**Description:** There are no fixed lines or rehearsals beforehand. In their roles, the actors talk and react to each other. The most important thing is to react spontaneously and by intuition, without reflecting too much. It is very useful if an additional person documents the different stages or scenes by illustrating/noting them on a board. This documentation allows for a joint analysis of the play after the performance, to ensure that everybody realizes what was happening and to check whether all participants experienced the situation in the same way.

**Scenario:**

A project has been set up to make it easier and cheaper for farmers to demarcate and to register their land and to strengthen their land rights. A male farmer who is a former army captain has heard of this and wants to demarcate and register his land. The captain wants to ensure that the widow, who has currently access to the land, leaves his land, which she received from the captain's father. He wants to legally protect his land through demarcation supported by an NGO. A local chairperson, chosen by the community coordinates and leads this exercise. Immediate neighbours are present at the demarcation meeting to agree or disagree with the demarcation exercise. This could lead to conflicts, as conflicts often turn up from/during land demarcation. The local conflict resolution/mediation team needs to mediate between the neighbours. The clan leader is member of this team and mediates between the two opposing neighbours.

**Roles:**

- Farmer/Army captain who wants to demarcate his land and get widow off
- Widow who wants to stay on the land
- Immediate neighbours who either support the widow or the farmer
- Witnesses who testify either for the widow or the farmer (chose a side)
- Can leader who leads the mediation
- Chairperson who wants demarcation to proceed

All roles are necessary (neighbours function also as witnesses).

- One illustrator/documenter

**Evaluation:** The evaluation is necessary and will show the participants that it is not common that everybody has the same perspective.

**Guiding questions:**

- How did you experience the role play as spectator(s)?
- How did you as actor experience the role play?
- Did you get any new insights through the role play?

## 1.6 Evaluation of the day

*Timing: 15 minutes*

*Be creative in evaluating the day with your participants but think about the following elements:*

- *Refer back to expectations at the start of the training: Are they met or not?*
- *What did the participant learn?*
- *What was appreciated concerning the facilitation and the logistics of the training?*
- *What can be improved concerning the facilitation and the logistics of the training?*





## 2. MODULE 2A: Inclusive land rights

<b>Objective:</b>	Participants understand the importance of an inclusive approach to land rights and develop strategies to achieve this for their context.
<b>Duration:</b>	One day.
<b>Key elements:</b>	Land Rights in We are able!, Land Rights and groups with specific needs, Legal framework for the rights of persons with a disability, Barriers to land security, and Strategies to overcome the barriers.

### 2.1 Recap & Introduction

*Timing: 30 minutes*

- *Be creative in starting the training day with your participants and make sure you include the following elements:*
- *Recap of the previous training day (you can ask one or two of the participants to prepare this in a creative way).*
- *Program of the day.*
- *Rules and logistics.*

### 2.2 Land rights & We are able!

*Timing: 90 minutes*

- *Start with asking the participants why land rights are important for persons with a disability? Plenary discussion – write down key points on a flipchart.*
- *Continue by explaining more about the We are able! program and how land rights are integrated in the approach (use also the PowerPoint presentation).*

We are able basket indicator WaA6: ***"Proportion of the total adult population with disabilities who have secure land rights, (a) with legally recognised documents, and (b) who perceive their land rights as secure, by gender and tenure type."***

Present the baseline results on this indicator (see PowerPoint presentation):

- Persons with a disability have less secure land rights than persons without a disability;
- Women have less secure land rights than men, and women with a disability have the least secure land rights.

*Move to the activity "Mind map" explained on the next page.*



### Activity: Mind map

Objective: The participants have a clearer understanding of how land security is linked to the overall objective and other elements of We are able!

Material needed: Flipchart, markers.

Time: 20 minutes.

Instructions:

- Draw a circle in the middle of a flipchart and write "land security & WaA!" in this circle.
- Ask the participants what links they see between land security and WaA! How are land rights integrated in WaA!?
- The facilitator writes and draws the participants' suggestions and tries to link them together where relevant.
- Ask the participants if they recognize the three pathways of WaA! (1. Community mobilization, 2. Strengthening OPDs / OSCs, 3. Engaging public authorities) in the elements that were mentioned / drawn on the mind map.

*After the mind map, continue explaining the links between land rights and WaA!:*

- **Link of land rights with food security** and the 4 pillars (Availability, Access, Utilization, Stability).
  - **Food security** is built up by four pillars: Availability, access, utilization and stability.
    - Availability: Land scarcity and land fragmentation, pressure on land
    - Access: A crucial aspect of access is the access to productive resources of which land is one of the main resources for food production. Barriers of physical, cultural and institutional nature can hinder persons with a disability to have access to land as a productive resource.
    - Utilization: How is land used and managed? Is there a land use planning? How are persons with a disability involved on family level and on the level of the administration?
    - Stability: Conflicts over land are a major destabilizer of an effective use of land as a productive resource. Land conflicts can be between neighbours, between citizens and the government, between IDPs or refugees and host communities, but also very often between members of the same family. This does not only destabilize the use of the land, but also the further social and economic structure of families.
- **Link of land rights and inclusion / exclusion (the most vulnerable)**
  - Working on land rights seems to always be sensitive. Not in the last place because the process might cause exclusion of certain individuals or groups if it is not done very cautiously and conscientiously. This can be women (in particular widows, separated or divorced women), persons with a disability, refugees, returnees, host communities, Internally Displaced Persons (IDPs), and landless people.
- **Link of land rights with lobby & advocacy**
  - Land rights – community level (community mobilization)
  - Land rights – OPDs / CSOs level (strengthening them)
  - Land rights – Engaging authorities



*After the explanations, continue to the activity: Land Rights Race.*

### Activity: Land Rights Race

Objective: Gain understanding how different people in different situations are affected differently by land rights interventions.

Material needed: Tape, printed profiles, printed statements ([profiles and statements on the next pages](#))

Time: 20 minutes for the exercise, 20 minutes discussion.

Instructions:

- Make a line where everyone starts (for example using tape), ideally not in the back of the room but about one third across it.
- Every participant receives a profile (all profiles are provided on the following pages).
- The facilitator reads the statements (provided on the following pages), and every participant decides if they will take one step forward, back or stay where they are.
- Ask the participants to look around them in between and remember how they feel about their position.

Evaluation:

Everyone briefly explains who they were (which profile) and how they felt, what their thoughts were during the exercise. Ask them what new perspectives or ideas they take away from this exercise.

*To be printed for Activity "Land Rights Race"*



To be printed for Activity "Land Rights Race"

**Profiles for Land Rights Race:**

**Profile 1:** Young single woman. You live on your father's land. You hope to marry your neighbour's son. You have been at school for five years; you cannot read and write very well. Your main occupation is to work on the land your father owns. Your family grows cassava, beans, groundnuts and fruit.

----- CUT HERE -----

**Profile 2:** Single young woman. You are studying medicine in the capital. Your family owns land a few hundred kilometres away. The last time you went home was at Christmas. You want to go abroad to continue your studies. You work in a café and receive an education allowance.

----- CUT HERE -----

**Profile 3:** Single young man. You finished your studies a year ago. You have been at school for six years. You have no concrete plans for the future. Your family owns some land but you do not want to become a farmer. In the area where you live, there is not much to do. There is an armed group in the mountains, and you have heard that they pay well if you join them.

----- CUT HERE -----

**Profile 4:** Married man. You and your wife have land that you bought together. Your wife works on the cassava and groundnut fields. You look after the livestock and chickens yourself. You are building a new chicken house. You want to buy your neighbour's land. You save money for this. You have three children.

----- CUT HERE -----

**Profile 5:** Widow. You live on your late husband's land. Your family owns land 20 km away. You have four children. Your main income is from the crops you grow. You also buy and sell vegetable oil and flour.

----- CUT HERE -----

**Profile 6:** Widow. You live on your brother-in-law's land. He took over your husband's land when he died. You have two daughters. Your only income is from the tomatoes you grow.

----- CUT HERE -----

**Profile 7:** Man with a disability. You have a bad leg and back problems. You do not own any land. Sometimes you work in your brother's field, but he says you are too slow and of no help.

----- CUT HERE -----

**Profile 8:** Married man. You own a large piece of land. You have rented some of this land out to sharecroppers. On the rest you have livestock and fruit trees. You also have an engine repair shop. You have five children.

----- CUT HERE -----

**Profile 9:** Refugee, head of household. You have been given a 50m x 50m plot of land to live on and use for farming. You also use the land of a neighbour who is a resident. You pay him 10 dollars a month for this. You grow some vegetables and potatoes, mainly for household consumption.

----- CUT HERE -----

**Profile 10:** Girl with a disability. You live with your mother who was chased away with you by your father when he found that his wife had given birth to a girl with a disability. Your mother has the right to use a small piece of land on her father's property where she grows vegetables. You have no hope that you can inherit land from your father or your mother's family.



*To be printed for Activity "Land Rights Race"*

**Statements for Land Rights Race:**

1. The government provides free land titles to all landowners. If you own land, step forward.
2. The vegetable harvest is poor. If you think this is having a negative effect on your income, take a step back.
3. The economy is in crisis. If you own land, take a step forward. If you have several sources of income, take a step forward.
4. Because of conflict, many people are trying to acquire more land. If your land is secure or you think you can access it, take a step forward.
5. The government is increasing taxes on land. If you have land, take a step back.
6. Your neighbour is encroaching on your land. If you think you can make him leave, stay where you are, if you think he will take your land, take a step back, if you don't care about that, take a step forward.
7. A mining company sets up in your hometown. It offers people money for their land. If you can sell a piece and keep some of the land, take a step forward. If you think your relatives might chase you away and sell the land you are using, take a step back. If you don't care or don't want to sell, stay where you are.
8. Your father dies. If you think you will inherit the land, take a step forward.
9. If you think your relatives might try to take your land, take a step back.
10. An NGO comes to help landless farmers. If you don't own land and want to farm, take a step forward.
11. Look around you to the other and reflect on your current position. If you see a positive future, take a step forward.



## 2.3 Land rights & groups with specific needs

*Timing: 120 minutes.*

Particular aspects on the inclusion of marginalized groups concerning access to land (ownership).  
The facilitator can choose which groups are most relevant for the audience and the context:

- Persons with a handicap (specify per type of handicap?)
- Women (in particular widows, divorced women, women in polygamous relations, ...)
- Youth (?)
- Secondary land rights holders
- Landless people

**Activity:** Identify who are the main marginalized groups when it comes to access to land and land ownership?

- Talk to your neighbour for 5 minutes who you see as being marginalized when it comes to access to land and ownership / decision making over land in your intervention zone.
- In plenary ask a few duos to share what they found and list them on a flipchart. Let the other groups comment and add.

### Situation of persons affected by leprosy

A case from Ethiopia: A small neighborhood (leprosy colony) where people affected by leprosy live was threatened with eviction, because a project developer wanted to build there. The people affected by leprosy living in that neighborhood had no secured rights to that land. We are Able! provided support to the local organization and actively lobbied towards the local government for this group of people who were about to be evicted. In the end the eviction was refused, and they are now working on securing the land rights of the persons affected by leprosy.

Persons affected by leprosy find themselves in similar situations in other countries as well. Important here is the extreme exclusion and denial of rights of people with leprosy, despite the fact that when people are treated there is no danger of infection or transmission, but the consequences remain visible.

Show the below image (next page) to the participants and explain the concepts of equality and equity.

- **Equality** means each individual or group of people is given the same resources or opportunities.
- **Equity** recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome.

Ask the participants how they interpret the image (next page) and how they would interpret it in the context of access to land and land security for persons with a disability and other groups with specific needs. After different participants have shared their ideas, also ask what they think the wall/fence stands for in this context, and how WaA! could contribute to lowering barriers.

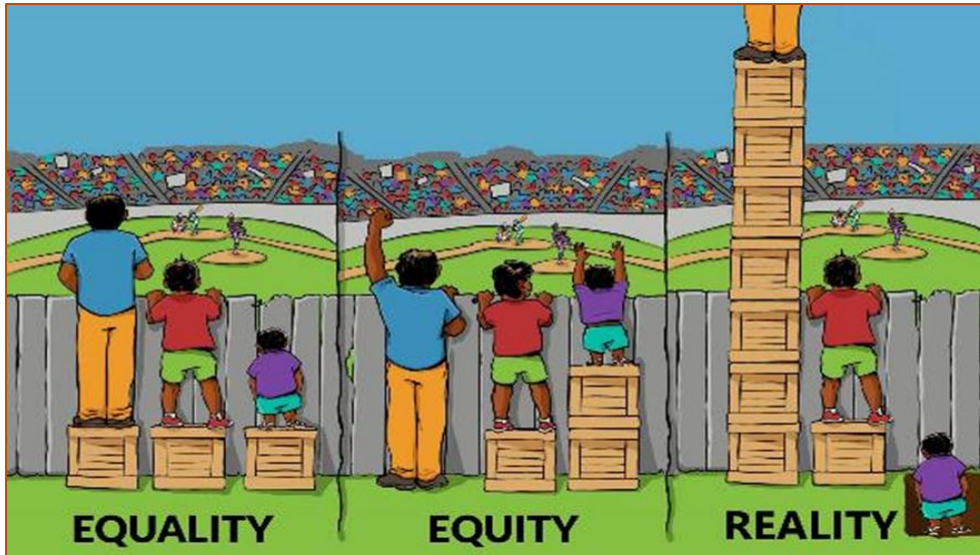


Figure 2 Symbolic image of equality, equity and reality.  
 Source: The Hague Academy for Local Governance' Inclusive governance training.

*Continue to explain about gender equality in the context of land rights.*

### Land Rights and Gender Equality

Women always played a fundamental role in African agriculture and contributed to agricultural development. However, during European colonial rule, women often lost their rights to land as a result of land reforms introduced by Europeans. The Europeans believed that cultivation was men's work. In Asia, in many countries the situation is similar. Women spend a lot of time working in agricultural activities while their contributions are often little recognized by men or policymakers.

In conflicts and fragile settings, women who lose their husband are often chased off their land by relatives or neighbours. Lacking documentation of their rights makes it is hard for them to reclaim their land even when the situation is more stable again. In other situations, women feel unable to leave abusive husbands because they have no access to land outside of their relationship and no legal protection of existing rights.

*Introduce the activity "life stories" (next page) and instruct the participants to execute this activity.*

## Activity: Life stories

**Objective:** Gain understanding from life stories of persons with a disability on the positive and negative factors in land tenure registration procedures.

**Material needed:** Printed life stories, flipchart papers, markers.

**Preparation:** Print the life stories that are on the next page or gather new life stories from your intervention zone and print them. The life stories on the next page were all collected and provided by the WaA! teams in Burundi, D.R. Congo and Uganda. The names in the life stories have been changed to secure privacy.

**Time:** 50 minutes for the exercise, 20 minutes plenary discussion.

**Instructions:**

- Divide the participants in groups of 4 to 5 persons.
- Give each group three or four printed life stories.
- In each group one person reads a life story out loud to the group.
- After hearing each life story, the group has a discussion to identify what were positive and what were negative factors for the person with a disability in the land registration process. The group lists these factors on a flipchart paper.

**Evaluation in plenary:**

- Let each group shortly present the positive and negative factors they identified from the life stories.
- Ask whether they can think of other positive and negative factors that were not reflected in the life stories.



### D.R. Congo

*In Kalehe territory, Chefferie Buhavu, Groupement Mbiga Sud, Village Tchofi, sub-village Bukonoza, Mr Francis and Ms Aline are both PVH in their community. During the distribution of the family's fields during the inheritance, they did not receive their shares from their respective families. Following sensitisation by the WaA! project on the rights and inclusion of PLHIV, they lobbied their siblings to claim their shares. The latter told them that the distribution took place at a time when the rights of PLHIV did not exist or were not known to anyone. Today they feel aggrieved because they are discriminated against in their families and communities and do not enjoy their rights to land ownership.*

### Burundi

*Louis from SHAKA village in KAYOGORO district. He lives with a disabled leg. His father is still alive, but he divided the family property over his three sons and each one registered his share during the LTR in their village. Etienne withdrew the land certificate for his property to avoid future land conflicts with his siblings. He intends to mortgage his land certificate at a microfinance to benefit from a credit to initiate income generating activities. As difficulties encountered during the land certification process, he recounts the lack of financial means for the payment of the land certificate and the long procedures related to travelling to and from the SFC for the application and withdrawal of the certificate while his financial means are limited in addition to his infirmity.*

### Uganda

*"My name is Sandra and I am 50 years old. I am married to Richard who is now 78 years old. We have 7 children (3 girls and 4 boys). Previously we had many land conflicts on our family land so when the area land committee (ALC) came to our market nearby to talk to the community about the customary land registration, we saw it as an opportunity for us to document our land. My husband has two women, and I am the second wife.*

*After getting the information from the ALC, my husband came and told me of the decision to register the land which I supported. He went and picked the form for land registration but during the filling of the form, my name and those of my children were left out. He only put the name his first wife and her son in addition to his own name.*

*I am not happy because if anything is to happen to my husband, I am sure the other wife and her children will chase me away from this land. Currently she has even taken away some plot where my husband had given me to cultivate. I would like to go with my husband to the subcounty authorities so that my name is included on the certificate. I don't want to lose my only source of livelihood. Currently I am cultivating about 2 acres as my garden, but this land is registered in the name of my husband's other wife.*

*ZOA should also ensure that persons with a disability get the correct information on land registration because as for me, I did not see all these things in the beginning, I would have sought help from the subcounty authorities earlier, now it is really complicated and expensive for me to sort out these issues."*

## Burundi

Jean is from Rusovu village, district of KAYOGORO. His lower limb was paralysed in his childhood because of poliomyelitis. In order to obtain land ownership through inheritance, his sister had to intervene because the family stigmatised him because of his infirmity. Salvator says that he is unable to afford the costs of transport and the land certificate as he is dependent on the guardian household. He added that he wants to withdraw the certificate so that his land rights are protected, and he can use it without worrying, but that he lacks the financial means.

With the systematic LTR procedures, there are people living with disabilities who have been able to register land in their names but there are others who do not have land because their families ignore them during the division of family properties, says Salvator.

To ensure that the land certification process is not discriminatory, he suggests that people living with disabilities should be identified and their land secured during the land certification process. SFC officers should facilitate their access to land certificates by organising visits to their homes when applying for certification and delivering land certificates free of charge to people living with disabilities.

## D.R. Congo

In Idjwi territory, Chefferie Ntambuka, Groupement Nyakalengwa, Village Rambo, Sandrine is a girl living with a disability. She is a community leader and sensitiser for the We are Able! project in her village. Through this project, she has been sensitised on the rights and inclusion of persons with a disability. She regularly sensitises members of her community on the rights of persons with a disability and started within her own family where she herself was discriminated. Long before the implementation of the awareness raising activities of this project in her village, during the distribution of the fields in the family inheritance, she had not received her share and had to fight afterwards to plead her case with her brothers and sisters who finally gave her her share of the inheritance. Now she considers herself happy because she also enjoys her property rights, even though she is a girl and lives with a disability.

## Uganda

Sarah is 80 years old; I have 3 children and many grandchildren. "I live with visual impairment. My husband passed on some years back and I now live with my sons. When I heard about the land registration opportunity, I called my sons for a meeting and asked them to go pick the registration form. The land has been registered in my name with my sons and their wives. I am very happy because now I know no one can take away this land from our children even if I die. My children were happy to put my name first. My advice for persons with disability is for them to take the opportunity and register their land so that they are not abused, I know the community is not very positive about us owning land, but it is important to even seek help from leaders. Some of us persons with disabilities are also very bitter, please do not be bitter it chases people away from you even those who may want to help you".

## Uganda

Mr. Emmanuel is 86 years old who was not born with disability, but it is believed by his family that someone put for him poison during a land conflict which he stepped on 10 years ago and lost his limbs. "I am the only elder left in my family now leading my father's household. When I heard about the land registration from a community meeting held here in this compound by the area land committee, I gathered all the children in the evening and we discussed about the registration. My brothers' eldest got the form from the subcounty and followed the process of the land registration. We registered this land as bigger family (Dog gang). Now the land is secured from grabbers, and I am happy for the family. However, my name is not in the certificate although I am the eldest. My brothers' children say I can't dig. But I have a son born out of wedlock living with his mother (my only child), his name is even not included on the certificate. I don't know where he will dig in future when he comes back home here since I don't have any land to give him, this worries me a lot. All this happened because my brothers' children now look at me as someone who cannot work the land. I know they may not chase me from here because I am their uncle. But what about my son? I had expected them to include my son at least but nobody paid attention to my ideas. I don't have a wheelchair so I can't travel to the subcounty, and I don't have money to go there. I will wait if the leaders come again for any meeting here, then I will try to raise my issue, I hope they will listen to me."



## 2.4 Legal framework for people with a disability

*Timing: 90 minutes.*

### Activity: Presentation on legal framework for people with a disability

Objective: Gain understanding on the legal framework concerning persons with a disability, in particular related to their right to land.

Preparation: Invite someone from the partner OPD (ADF member) to explain about the laws, convention and institutions in place for the protection of (the rights of) people with a disability, and which gaps and challenges there are concerning access to land and land security in there. Give room for participants to ask questions.

Time: 90 minutes in total: 45 minutes presentation, 45 minutes discussion / Q&A.

## 2.5 Barriers to land and land security

*Timing: 60 minutes on day 2 (continue with another 60 minutes on day 3)*

*Start with explaining the different types of barriers:*

Persons with a disability (and other marginalized groups) may experience different barriers that stand in their way to accessing and owning land. Some barriers that were identified in Burundi and Congo:

### Burundi:

- *The distance to travel from the hill to the commune is the first barrier cited by several participants in the workshop. They go to the commune to see the GPS/area survey, and since they are informed of the area surveyed on the spot at the commune and do not have the corresponding amount, they have to return to the hill to collect the amount requested, and it becomes difficult to return to pay because of the costly travel and the distance.*
- *Poverty: they are aware of the need for the certificate, but sometimes these certificates are abandoned at the commune without the document being recovered because of the poverty in which they live.*
- *Non-delegation as a guardian for the withdrawal of the certificate: They mentioned that because it is not possible to delegate someone from the house without the physical presence of the registered owner when the person is already disabled, it sometimes complicates the process of accessing this document. They went on to suggest that, if possible, the municipality could organize raids to distribute the certificates and help those people who have difficulty travelling distances, but also to bring them closer together so that the certificate cannot be accessed without physical presence.*

### D.R. Congo:

*Generally, people with disabilities do not have access to land because of their vulnerability, poverty and neglect. Some customs and families consider them as only subjects of solidarity who cannot cultivate or enjoy the land. Thus, for other families, during the sharing of the inheritance, they are not given anything but are put in charge of everyone else. So, the big beneficiaries of the inheritance can contribute to help their brothers or sisters to survive. This is why many of them end up on the street asking for charity.*



Barriers can be categorized in three types: Legal/institutional barriers; Cultural/behavioural barriers; and Physical barriers. These types of barriers are shortly explained here below.

- **Legal/institutional barriers:** Rules, laws, policies and/or procedures that systematically disadvantage persons with a disability or make it difficult or impossible for them to have access to and/or ownership over land.

*Ask a participant to give one example of a legal/institutional barrier to check if it is well understood.*

- **Cultural/behavioural barriers:** Prevailing norms, traditions and beliefs and the behaviours flowing forth from that in a certain community or society which cause hindrance or the exclusion of persons with a disability for having access to and/or ownership over land.

*Ask a participant to give one example of a cultural/behavioural barrier to check if it is well understood.*

- **Physical barriers:** structural obstacles in natural or manmade environments that prevent or block mobility and make it difficult or impossible for persons with a disability to have access to and/or ownership over land.

*Ask a participant to give one example of a physical barrier to check if it is well understood*

*If some of these terms are not easily understood by the participants, you could also choose to categorize them as follows: Barriers in the community (caused by the community); Barriers at services level (e.g. local cadastres, local authorities); Physical barriers.*

*Introduce the activity 'Identify barriers in your intervention zone' (see explanation here below). Emphasize that it is important that the barriers are very concrete for their specific zone of intervention and that they are related to access to land and land security for persons with a disability.*

**Activity: Identify barriers in your intervention zone**

Objective: Identify barriers for persons with a disability to have access to and ownership over land in your specific intervention zone.

Timing: 90 minutes (60 minutes of group work, 30 minutes of presentation and discussion). Start the group work at the end of day 2 and continue on day 3.

Instructions:

- Divide the participants in groups according to the specific intervention zone they work in.
- Each group gets a flipchart with the table below drawn on it so that each group can identify the specific legal/institutional, cultural/behavioural, and physical barriers and write them on the flipchart.
- Be as specific and concrete as possible!

Legal/institutional barriers	Cultural/behavioural barriers	Physical barriers

- Let each group present its findings.
- Give time for discussion between the groups about the findings with the opportunity to add or change barriers.



## 2.6 Evaluation of the day

*Timing: 15 minutes*

*Be creative in evaluating the day with your participants but think about the following elements:*

- *Refer back to expectations at the start of the training: Are they met or not?*
- *What did the participant learn?*
- *What was appreciated concerning the facilitation and the logistics of the training?*
- *What can be improved concerning the facilitation and the logistics of the training?*

## 3. MODULE 2B: Inclusive land rights

<b>Objective:</b>	Participants understand the importance of an inclusive approach to land rights and develop strategies to achieve this for their context.
<b>Duration:</b>	One day.
<b>Key elements:</b>	Barriers for inclusive land rights and Strategies to overcome them, Lobby & Advocacy for inclusive land rights, Awareness raising in an inclusive way.

### 3.1 Recap & Introduction

*Timing: 30 minutes*

- *Be creative in starting the training day with your participants and make sure you include the following elements:*
- *Recap of the previous training day (you can ask one or two of the participants to prepare this in a creative way).*
- *Program of the day.*
- *Rules and logistics.*

### 3.2 Barriers to land and land security (continued)

*Timing: 60 minutes (continued from the first 60 minutes on day 2).*

*Continue with the groupwork on identifying the barriers in your intervention zone (see activity below).*

#### Activity: Identify barriers in your intervention zone

**Objective:** Identify barriers for persons with a disability to have access to and ownership over land in your specific intervention zone.

**Timing:** 90 minutes (60 minutes of group work, 30 minutes of presentation and discussion). Start the group work at the end of day 2 and continue on day 3.

**Instructions:**

- Divide the participants in groups according to the specific intervention zone they work in.
- Each group gets a flipchart with the table below drawn on it so that each group can identify the specific legal/institutional, cultural/behavioural, and physical barriers and write them on the flipchart.
- Be as specific and concrete as possible!

Legal/institutional barriers	Cultural/behavioural barriers	Physical barriers

- Let each group present its findings.
- Give time for discussion between the groups about the findings with the opportunity to add or change barriers.



### 3.3 Strategies to overcome barriers

Timing: 120 minutes.

Introduce the activity "Formulate strategies to overcome barriers" as explained here below.

#### Activity: Formulate strategies to overcome barriers

Objective: Formulating applicable strategies for WaA to overcome identified barriers  
This activity is a next step of the activity where the barriers were identified.

Timing: 60 minutes group work; 60 minutes to present and discuss.

- Get back in the same groups, according to their specific intervention zones.
- Go back to the identified barriers and select 2 main barriers for each type (so 2 main legal/institutional barriers, 2 cultural/behavioural barriers, and 2 physical barriers).
  - o The selection should be guided by the severity of the effects of these barriers and the sphere of influence the project WaA! has to bring about change.
- Draw the tables below on flipcharts and fill in the selected barriers. Formulated concrete strategies that you will use the WaA! project to contribute to overcoming these barriers. (Make sure it stays within the framework of the project this means e.g., that actual land tenure registration cannot be part of the strategies.)

Legal/institutional barriers	Strategy to overcome the barrier

Cultural/behavioural barriers	Strategy to overcome the barrier

Physical barriers	Strategy to overcome the barrier

- Let each group present its strategies.
- Discuss the presented strategies and under which pathway of WaA! those strategies would be applied.

### 3.4 Lobby & Advocacy for inclusive land rights

Timing: 90 minutes

Start with explaining what lobby & advocacy is and what type of lobby & advocacy activities exist.

"Lobbying: Lobbying (also "lobby") is a form of advocacy by individuals or more usually by lobby groups with the intention of influencing decisions made by the government; it includes all attempts to influence legislators and officials, whether by other legislators, constituents, or organized groups. When applied to tenure rights it can help mobilize champions as change agents for policy or legal reforms." (GeoTech4Tenure, FAO 2022).



Some examples of lobby & advocacy activities:

- Champions as change agents: Individuals who are charismatic and influential and who can engage with (local) authorities when sharing his/her story and solutions.
- Write a letter / paper to the concerned legal or government institution in which you explain why change is needed and propose how that change can and should be done.
- Organize workshops or meetings on local and national level in which you invite the relevant authorities who can make a change. Explain the barriers and the possibilities for change during the workshop/meeting and encourage the present authorities to take concrete action.
- Use any project gathering as an opportunity to get the message across, especially when (local) authorities are present.
- Use any meeting organized by (local) authorities on a related subject to be present and actively engage in the debate to bring your message across.

*Ask the participants to add lobby & advocacy activities strategies that they know.*

- A combination of the above-mentioned activities can increase its effectiveness.
- Don't be too discouraged when your activities do not directly show result: Change is a process, and you are contributing to this! There often needs to be a change of mentality first, which takes time and it often requires that the message is repeated.
- If you really stumble on closed doors for your lobby & advocacy activities, discover if there is another level of authority that you can pass through to be heard.

*Move on to the activity "Lobby & advocacy plan".*

### Activity: Lobby & advocacy plan

Objective: A concrete lobby & advocacy agenda, strategy and action plan is formulated, based on the identified barriers and strategies for persons with a disability concerning land security.

Time: 75 minutes (45 minutes groupwork, 30 minutes presenting & discussion).

- *Use the same groups based on intervention zone.*
- *Use the group work done on the barriers and the strategies to overcome the barriers.*
- *Analyse which strategies can be transformed into lobby & advocacy strategies.*
- *Transform them in concrete lobby & advocacy goals using the table on the next page.*
  - *Feel free to simplify the table based on your training setting and participants.*

*Let the groups present their work and comment on each other. Have eye for feasibility, influence of the WaA! consortium, and if it is realistic to achieve results before the end of the intervention period.*







### 3.5 Awareness raising in an inclusive way

*Timing: 90 minutes*

*Start explaining some basics when it comes to awareness raising on land rights.*

Working on land rights touches on many sensitive issues such as social conflicts, power relations and the rights of men, women, youth and marginalized groups. In this session, the relevance of awareness raising for land rights work is discussed as well as how to get the greatest benefit from awareness raising activities.

Pathway 1 consists amongst others in awareness-raising of the community. Land rights projects often aim to motivate and enable some form of behaviour change of individuals and communities. And so it is even more for WaA! Therefore, a good communication strategy is needed. This includes strategic approaches to awareness raising.

Land rights touches on complex issues, on legal and social rules. People need to be aware of the legal and customary rules around land (often, there is disagreement even about the customary rules), people need also be aware of the different perspectives on land rights (perspective of herder vs. farmers, women vs. men, young vs. old and of course the perspective of persons with a disability vs. persons without a disability).

Issues to be addressed through awareness raising can be:

- The need to protect the land rights and social and economic benefits of persons with a disability.
- The need to protect women's land rights and the social and economic benefits.
- Economic and social benefits of resolving land conflicts and protecting land.
- The legal system to protect land rights.
- The customary system to protect land rights.

Awareness raising should not only inform people (see also the ZOA information sharing guidelines on QL) they are also a key opportunity to get input from beneficiaries. During awareness raising, teams should collect input on what people expect from a project that addresses land rights.

An understanding of the legal dimension of land rights and the position of persons with a disability is required. It also needs to be clear what level of understanding of legal aspects exists on the side of stakeholders.

Relevant questions in this regard are:

- Are people aware of the legal avenues to protect a specific land right?
- Do people know which options 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?

Providing input/answers to such questions so that everyone has the same level of awareness around land rights is important! Within the context of WaA! and in any other context, it is essential to assure that persons with disabilities are included and that your awareness raising reaches them.

*Introduce the activity "The perfect inclusive community awareness raising campaign" (next page).*

### Activity: The perfect inclusive community awareness raising campaign

Objective: The participants put in practice what they have learned in the training by organizing the “perfect” awareness raising campaign

Time: 80 minutes (40 minutes of preparing the campaigns in groups, 40 minutes performances of the campaigns and discussion)

*Divide the participants in groups of 5 to 7 persons. Each group will prepare their own awareness raising campaign and prepare to play it out for the other group(s).*

*The instructions for the groups are as follows:*

- *Determine a specific theme and objective for the campaign*
  - *Determine the target group for the awareness raising*
  - *Develop the message that you want to pass on to the community (related to inclusive land security)*
  - *Develop the methods/strategies to deliver the message (be creative and inclusive!)*
  - *Divide the tasks between the group members and practice the “performance” of the awareness raising campaign for the other groups*
- 
- *After one hour of preparation in the groups, each group gets the time to “perform” their awareness raising campaign to the other groups.*
  - *After the “performances”: Discussion on the best elements and what should be improved in our awareness raising messages and methods.*

## 3.6 Evaluation of the day

*Timing: 15 minutes*

*Be creative in evaluating the day with your participants but think about the following elements:*

- *Refer back to expectations at the start of the training: Are they met or not?*
- *What did the participant learn?*
- *What was appreciated concerning the facilitation and the logistics of the training?*
- *What can be improved concerning the facilitation and the logistics of the training?*



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