



# TRAINING OF TRAINERS MODULE

**GENDER-SENSITIVE COMMUNITY ENGAGEMENT IN  
LARGE-SCALE LAND-BASED INVESTMENTS IN AGRICULTURE**



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A civil society consortium comprising Oxfam, Plateforme Régionale des Organisations Paysannes d'Afrique Centrale (PROPAC) and the Institute for Poverty, Land and Agrarian Studies (PLAAS) (the Consortium) in partnership with the International Land Coalition has developed this four-day Training of Trainers module on the use of tools that provide evidence of women's land rights in the context of large-scale land-based investments in agriculture and that support the voices of women in this regard. The views expressed do not necessarily reflect the EU and implementing partners official policies.

**PLAAS**  
Institute for Poverty, Land and Agrarian Studies



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# ACRONYMS AND ABBREVIATIONS

|                   |  |
|-------------------|--|
| <b>ALPC</b>       | African Land Policy Centre   |
| <b>AU F&amp;G</b> | African Union Framework and Guidelines on Land Policy in Africa  |
| <b>AU GP</b>      | African Union Guiding Principles on Large Scale Land Based Investments   |
| <b>AU</b>         | African Union  |
| <b>CAADP</b>      | Comprehensive Africa Agriculture Development Programme   |
| <b>CET</b>        | Community Engagement Tool  |
| <b>CSO</b>        | Civil society organisation(s)  |
| <b>EIA</b>        | Environmental Impact Assessment  |
| <b>FAO</b>        | Food and Agriculture Organization  |
| <b>FDI</b>        | Foreign direct investment  |
| <b>FPIC</b>       | Free, prior and informed consent   |
| <b>GDP</b>        | Gross Domestic Product   |
| <b>GP</b>         | Guiding Principles on Large Scale Land Based Investments   |
| <b>IISD</b>       | International Institute for Sustainable Development  |
| <b>LPI</b>        | Land Policy Initiative   |
| <b>LSLBI</b>      | Large-scale land-based investment  |
| <b>M&amp;E</b>    | Monitoring and evaluation  |
| <b>PLAAS</b>      | Institute for Poverty, Land and Agrarian Studies   |
| <b>PROPAC</b>     | Plateforme Régionale des Organisations Paysannes d'Afrique Centrale  |
| <b>ToT</b>        | Training of Trainers   |
| <b>UNECA</b>      | United Nations Economic Commission for Africa  |
| <b>VGGT</b>       | Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security |
| <b>WLR</b>        | Women's land rights  |

# KEY TERMS

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**Community / Community members:** Used loosely in this module to refer to the people who will potentially be affected by large-scale land-based investments. There are probably several geographic communities embedded in this larger community in the affected area. Additionally, within each community, there are probably several different communities, including religious groups, pastoralists, farmers, the elite and ethnic groups.

**Compensation:** Used in this module to refer to those benefits that should be transferred to a community in exchange for access to land or land-based resources and/or the transfer of user rights of these resources. Compensation should allow women and community members to be equal or better off in terms of their quality of life during and after the implementation of the large-scale land-based investment (LSLBI). Unfortunately, investors usually offer compensation as a token (usually small amounts of money or farm inputs), which does not cover the value of land and other opportunities that communities may lose because of the LSLBI.

**Consortium:** The partnership between Oxfam, Plateforme Régionale des Organisations Paysannes d'Afrique Centrale (PROPAC) and the Institute for Poverty, Land and Agrarian Studies (PLAAS).

**Engagement:** The multiple ways in which one can be involved in a process through becoming more aware, participating, influencing and/or decision-making. Engagement involves many actions, which can change depending on circumstances, therefore this document describes what community engagement can look like for each stage of the LSLBI process.

**Entry point:** Critical opportunities to engage, either because they are of particular consequence to the affected communities, or because the planning and development processes generally require some level of community consent. The entry points become key processes to be familiar with and organise around.

**Forum shopping:** The practice of individuals bringing their cases to several courts in search of the court that they think is most likely to provide a favourable judgment.

**Investor:** Generally, anyone or any entity representing the investor or investment. It may be a private company, a group of people with business interests, a government or a partnership between the government and a private company.

**Women's secure land rights:** Women's reliable and secure access to, use of and control over land and natural resources (including forests, water and grasslands). This refers to women playing a meaningful role in decision-making, on an equal footing with men. These substantive rights, irrespective of the tenure system involved, are the focus of this module.

# GUIDELINES FOR TRAINING OF TRAINERS MODULE

## WHY THIS TRAINING OF TRAINERS (ToT) MODULE?

In 2013, the African Union (AU) commissioned an assessment study on the occurrence of large-scale land-based investments in agriculture (LSLBI). The study was commissioned under the auspices of the Land Policy Initiative (LPI), now known as the African Land Policy Centre (ALPC). Its aim was to build knowledge on and draw lessons from the experiences of AU member states with LSLBI to ensure beneficial outcomes from future LSLBI. The assessment study uncovered several critical lessons.

LSLBI are wide-spread in Africa, albeit concentrated in specific regions and countries. Weak land governance systems fail to protect the rights of smallholder communities in the face of commercial interests. As a result, wide-spread dispossession of community land rights is reported across the continent, with devastating implications for the livelihoods and well-being of these communities. The land rights and livelihoods of women are particularly vulnerable and negatively affected. Another key finding is that communities are not involved in decisions about LSLBI even when these decisions affect them. Women, in particular, have little or no say in these decisions.

In response, development actors have operationalised several responses to the challenge posed to women's land rights (WLR) by LSLBI. Under the auspices of the LPI, Guiding Principles on Large Scale Land Based Investments (GP) were developed. The GP, subsequently endorsed by AU heads of state, are intended to guide member states on principles and approaches to govern LSLBI. The aim is to protect the land rights of women and communities and to ensure positive outcomes for women, communities and investors.

Non-state actors have also taken important steps to safeguard WLR in the context of LSLBI. The International Institute for Sustainable Development (IISD) together with Oxfam developed a tool for gender-sensitive community engagement in investments in agricultural land. This tool, titled *Enabling Voices, Demanding Rights: A guide to gender-sensitive community engagement in*

*large-scale land-based investment in agriculture*, is referred to as the Community Engagement Tool (CET). This guide is based on agreed global principles for gender equality, equity, human rights, self-determination and development of communities, and national economic development. It provides a framework that operationalises international and regional guidance on land governance (including the Food and Agriculture Organization's (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) and the GP). The CET empowers women and communities to engage and participate in decisions during all stages of LSLBI operations to improve the likelihood that communities will benefit from LSLBI, promote sustainable livelihoods, secure land rights and ensure good governance.

A civil society consortium comprising Oxfam, Plateforme Régionale des Organisations Paysannes d'Afrique Centrale (PROPAC)<sup>1</sup> and the Institute for Poverty, Land and Agrarian Studies (PLAAS) (the Consortium), has developed a Scorecard for monitoring the application of AU women's land rights instruments (WLR Scorecard) in consultation with other civil society organisations under the Consortium's EU-funded project, Women's Land Rights for Inclusive Development and Growth in Africa. The purpose of the WLR Scorecard is to facilitate effective multi-country monitoring of the implementation of the selected AU women's land rights instruments. It provides a quantifiable tool to track the performance of selected countries in implementing the provisions of four WLR instruments:

- the GP
- the AU Framework and Guidelines on Land Policy in Africa (F&G)
- the VGGT
- the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol).

The Scorecard measures the performance of participating African states across five themes:

1. Provisions for equal WLR in the law
2. The protection and enforcement of WLR

1. The Regional Network of Farmer's Organizations in Central Africa

3. Women's control over the land they use
4. Women's contribution to land governance
5. The protection of WLR in the context of LSLBI

The resulting scores for these five themes are consolidated to provide an overall score for the implementation of WLR instruments for each country. In this way, the WLR Scorecard provides a measure of performance across countries (an overall country score and a score for each theme) and across different regions within countries – also an overall score for the country as well as a score for the themes or subthemes.

The Consortium<sup>2</sup> has developed this four-day ToT module on the use of tools that provide evidence of WLR in the context of LSLBI and that support the voices of women in this regard. The module is primarily based on the CET. The purpose of the module is to give a voice to women and their communities, and to the advocacy efforts of non-state actors, on WLR in the context of LSLBI.

## OBJECTIVES AND OUTCOMES OF THE ToT MODULE

The overall objective of the ToT module is to build the capacity of trainers to design and present training on the gender-sensitive inclusion of communities in LSLBI. Specifically, the module will address the following:

- The background and context of LSLBI in Africa, including prevailing land-tenure systems, WLR under these tenure systems and participation of women in land governance
- Key concepts and actors in WLR
- The nature, extent and impacts of LSLBI
- Issues, challenges and opportunities for community engagement in each stage of the LSLBI process
- Enablers of women's voices: principles, resources and platforms

The Consortium partners responsible for developing this module anticipate that 8 000 grassroots female (and male) community members will be trained on using the WLR Scorecard in the target countries during the initial project period (2017–2020). The training will build and increase knowledge on WLR, land tenure and the impact of LSLBI. The aim is to increase the number of women (and men) who engage with land tenure and tenure reform

institutions, as well as the number of LSLBI impact mitigation actors, to ensure that the land rights of women are secured and protected.

## WHO CAN BENEFIT FROM THIS ToT MODULE?

The ToT module is designed to run over four days. It is best suited for 25–30 participants, who are anticipated to be primarily non-state actors. Specifically, the module is intended to train leaders in civil society. They will, in turn, train women and communities affected by LSLBI on the gender-sensitive engagement of communities in LSLBI. In view of the actual and potential implications of LSLBI for women and communities, it is important for trainers to have access to the latest available information on how to empower women and communities to engage with and contribute meaningfully to LSLBI.

## HOW TO USE THIS ToT MODULE

The content of the training module is presented in the form of a training manual. This manual includes the following, which can be printed and handed out to participants during the training:

- Informative text boxes
- Interactive plenary sessions
- Group exercises
- Table exercises
- Checklists

Every training event is unique and should be flexible enough to meet the needs of each group of participants. The module provides participants with subject-matter notes relating to relevant themes ranging from land governance and gender equality to the combined implications of the status of land governance and LSLBI for women and communities. These notes are intended to help trainers understand the importance of the various issues, how they affect women and communities and how civil society organisations could respond to these issues alongside communities.

The ToT module is developed in English and has been translated into French and Portuguese. In this way the manual will be accessible to Anglophone, Francophone and Lusophone countries. It is anticipated that the ToT module will be a living document. This implies periodic updates to keep abreast of emerging information and tools. It will also ensure the ongoing relevance of the tool to the

2. Oxfam, PLAAS and PROPAC

situation of women and communities long after the programme has ended.

For a full understanding, this text must be read alongside the IISD and Oxfam guide, *Enabling Voices, Demanding Rights: A guide to gender-sensitive community engagement in large-scale land-based investment in agriculture* (CET).<sup>3</sup> The content in this module will be accompanied by PowerPoint presentations for use by trainers.

## HOW THIS ToT MODULE IS ARRANGED

This module provides users with guidance on staging ToT training events. It consists of explanations in the form of notes and annexures. The module also provides guidance on the type and sequencing of the various activities that are required to make the training successful. Finally, it provides the actual content that should be conveyed by the trainer. The ToT module contains occasional references to the CET itself in the form of text boxes.

The topics and exercises included in this module are organised sequentially to maximise comprehension. Time is allocated for each exercise. However, the trainer may make minor adjustments to the amount of time that should be spent on each topic based on the needs of the group. The degree of customisation required is, to a large extent, determined by the findings of the needs assessment.

## NEEDS ASSESSMENT AND POST-TRAINING EVALUATION

A needs assessment can be done through a self-administered pre-training assessment (questionnaire) for trainers to understand the knowledge capacity and gaps of the potential participants.

The pre-training needs assessment should be carried out in all cases. This allows organisers and the trainer to determine a baseline level of awareness, knowledge and skill about the areas to be covered during the training. A recommended needs assessment tool is provided in Annexure 1.

Ideally, the needs assessment should be completed at least four weeks before the training to allow for the appropriate modifications to the ToT content and programme. These modifications largely relate to

the depth of coverage of the material included in this module.

There are different ways in which participants can be recruited for training. For example, a call can be sent out inviting potential participants to apply for the training. It is critical to get the right people onto the training and to have a conversation about how the learning can go beyond the training event.

Similarly, the extent to which trainees have understood and internalised the subject matter of the ToT module is best assessed through a post-training evaluation at the conclusion of the event. A sample evaluation tool is provided in Annexure 2.

## TRAINING PHILOSOPHY

The training module has been designed to engage trainees through a highly interactive approach to teaching and learning. The trainees should ideally do most of the talking and activities in class. The role of the trainer is to facilitate training through engaging, probing and encouraging trainees to participate in class activities. The module makes use of group, paired and class activities.

Trainees should be encouraged to stand in front of the class to present their group, paired and class activities. While the outcomes are structured, the trainer is encouraged to be innovative with class activities to encourage participation. As the trainees are exposed to this progressive approach to teaching and learning, it is anticipated that they will be persuaded to similarly adopt it in their future trainings.

The training design can be adapted to make it fit for purpose, e.g. interweaving the content from the classroom with case study presentations from the trainees' own environment. This will help to draw more from the participants' experiences.

Trainers are encouraged to consider sending learning materials to participants in advance before the training event. This could include content-related briefs and short clips related to active learning. Clips could be accompanied by one or two reflection questions about the importance of active learning. The purpose of this would be to prepare participants to engage actively during the training event.

3. See [oxfamlibrary.openrepository.com/bitstream/handle/10546/620474/gd-enabling-voices-demanding-rights-technical-250518-en.pdf?sequence=2](https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620474/gd-enabling-voices-demanding-rights-technical-250518-en.pdf?sequence=2)



**Table 1: Overview of ToT programme by content**

| DAY 1<br>WOMEN, LAND AND LSLBI  | DAY 2<br>INTRODUCTION TO THE CET  | DAY 3<br>ENGAGING STAGES OF LSLBI  | DAY 4<br>THE CET IN PRACTICE  |
|---|---|--|---|
| <ul style="list-style-type: none"> <li>Land tenure systems in Africa</li> <li>WLR under prevailing tenure systems</li> <li>Key concepts and actors in WLR</li> <li>The nature, extent and impacts of LSLBI</li> </ul> | <ul style="list-style-type: none"> <li>Purpose of the CET</li> <li>CET principles and assumptions</li> <li>Concept of participation</li> <li>Issues, challenges and opportunities for community engagement in the LSLBI process</li> <li>Understanding the stages of the LSLBI</li> </ul> | <ul style="list-style-type: none"> <li>Community participation through Stages 1, 2, 3, 4 and 5 of the LSLBI</li> <li>CET proposals to engender meaningful participation of women and communities in LSLBI</li> </ul> | <ul style="list-style-type: none"> <li>Identifying entry points for engagement by communities</li> <li>The CET in practice (positioning, enabling principles, time and skills)</li> <li>Incorporating the CET into advocacy programmes</li> <li>Hands-on practical exercises by trainees</li> </ul> |





# WOMEN, LAND AND LSLBI

# DAY 1

| Estimated time     | Content / Key points                      | Instructional technique / Facilitator activity  | Trainee activity  | Resources   |
|--------------------|---|---|---|---|
| 7:30–8:00          | Arrival                                   | Facilitator distributes trainee modules and ensures that the classroom setting is ideal for a discursive approach to teaching and learning.   |   | Trainee modules, pens and notebooks   |
| 8:00–8:30          | Registration                              | Facilitator asks the trainees to sign the registers in full.  | Trainees arrive and sign register.  | Register, pen, name tags  |
| 8:30–8:50          | Introductions                             | Facilitator introduces self and invites trainees to introduce themselves.   | Trainees introduce themselves.  |   |
| 8:50–9:00          | Purpose of training and learning outcomes | Facilitator gives an overview of the module and the learning outcomes. Engage trainees through questions.   | Trainees engage with the facilitator on the learning outcomes.  | PowerPoint, flip chart and pens to record any major contributions or concerns |
| 9:00–9:15          | Ground rules                              | Facilitator discusses ground rules with the trainees.   | Trainees identify and agree on the rules. One of the trainees writes the rules on a flip chart.   | Flip chart and pens   |
| 9:15–9:45          | Land tenure systems in Africa             | Facilitator introduces interactive plenary exercise. Trainees contribute their knowledge about types and characteristics of tenure systems in their countries. Facilitator delivers summary presentation. | Trainees contribute information.  | Flip chart and pens<br>PowerPoint   |
| 9:45–10:30         | WLR under prevailing tenure systems       | Facilitator introduces table exercise for trainees to share their knowledge on the importance of women's land rights in their countries.  | Trainees contribute information through a representative.<br><br>Facilitator summarises.  | Flip chart and pens   |
| <b>10:30–11:00</b> | <b>COFFEE BREAK</b>                       |   |   |   |
| 11:00–12:00        | WLR concepts and actors                   | Facilitator introduces interactive plenary session – women's land rights problem and solution tree.   | Trainees contribute information on idea cards.<br><br>One trainee collects the cards and constructs the tree.                                 | Flip chart paper, idea cards and pens at tables                               |
| 12:00–13:00        | The nature of LSLBI                       | Facilitator provides overview of concept and drivers of LSLBI.  | Trainees receive information.   | PowerPoint  |
| <b>13:00–14:00</b> | <b>LUNCH</b>                              |   |   |   |
| 14:00–15:45        | The impacts of LSLBI                      | Facilitator introduces the case study approach to be undertaken by trainees at their tables.  | Trainees engage with case study material to identify the main impacts of LSLBI.<br><br>Plenary discussion to identify any additional impacts. | Handouts<br><br>Flip chart and pens   |
| <b>15:45–16:00</b> | <b>COFFEE BREAK</b>                       |   |   |   |
| 16:00–17:00        |   | Case study exercise continues. Facilitator summarises the session through revealing the LPI assessment study on LSLBI.  |   | Pens to record impacts  |
| 17:00–17:15        | End-of-day assessment                     | Facilitator hands out exit cards for trainees to respond to a question or two.  | Trainees provide the facilitator with their feedback of the day's proceedings and environment.  | Post-it notes (different colours)   |
| <b>17:15</b>       | <b>END OF DAY 1</b>                       |   |   |   |



# LAND TENURE SYSTEMS IN AFRICA

## INTERACTIVE PLENARY EXERCISE 1

### Land tenure systems in Africa



- What are the main land tenure systems operating in your country?
- What are the characteristics of these regimes?

#### Facilitator's tip

The depth of coverage in this section is particularly informed by the profile of participants. If participants have a good thematic knowledge of land issues, this section can be shortened considerably.

There are different types of rights associated with land. These include:

- **Use rights:** For example, the rights to use the land for grazing, growing subsistence crops and gathering minor forestry products
- **Control rights:** The right to make decisions about how the land should be used (including deciding what crops should be planted) and the right to benefit financially from the sale of crops
- **Transfer rights:** The right to sell or mortgage the land, to convey the land to others through intra-community reallocations, to transmit the land to heirs through inheritance, and to reallocate use and control rights

In African countries, tenure can be private, customary, open-access or state-owned.

### PRIVATE TENURE

Private tenure includes freehold and leasehold tenure. It is characterised by the assignment of the most comprehensive 'bundle of rights' to a private party. This private party could be an individual, a married couple, a group of people, or a corporate

body such as a commercial entity or non-profit organisation. Other individuals or entities can be excluded from using these resources if they do not have the consent of those who hold the private tenure.

### CUSTOMARY TENURE

Customary tenure is a form of land governance based on a set of rules and institutions that govern community allocation, access, use and transfer of land and other natural resources. A customary system is therefore a form of land governance centred in locally recognised institutions, culture, philosophy, principles and rules and, like other forms of land governance, is nuanced and constantly evolving (adapted from the Oxfam International Women's Land Rights Strategy).

### OPEN-ACCESS TENURE

Where there is open access, specific rights are not assigned to anyone and no one can be excluded. This could include rangelands or forests where there might be free access for all to the resources. Open-access and communal systems differ: in communal systems, people are excluded from using the land in question if they are not members of the community.

## STATE LAND TENURE

State land tenure means that rights are assigned to an authority in the public sector. For example, in some countries, forest lands fall under the mandate of the state, whether at a central or decentralised level of government.

In broad terms, land tenure rights are often classified according to whether they are 'formal' or 'informal'.

**Formal (statutory) property rights** are those that are explicitly acknowledged by the state and that can be protected using legal means. **Informal property rights** are those that lack official recognition and protection. In some cases, informal property rights are illegal, i.e. held in direct violation of the law. In many countries, illegal property holdings arise because of inappropriate laws. For example, the minimum size of a farm may be defined by law, but in practice farms might be much smaller because of informal subdivisions among heirs. Property rights might also be illegal because of their use, for example, the illegal conversion of agricultural land for urban purposes.

In the past, customary tenure could also be considered 'extra-legal', i.e. not against the law, but not recognised by the law compared to formal or statutory rights, which were recognised under prevailing law. This distinction is now becoming

blurred in a number of countries that correctly provide formal legal recognition of customary rights.

These various forms of tenure can create a complex pattern of rights and other interests. A particularly complex situation arises when statutory rights are granted without considering existing customary rights (e.g. for agriculture and grazing). This clash of de jure rights (existing because of the formal law) and de facto rights (existing in reality) often occurs in already stressed marginal rain-fed agricultural and pasture lands. Likewise, in conflict and post-conflict areas, encounters between settled and displaced populations lead to uncertainties about who has, or should have, control over what rights.

The layers of complexity and potential conflict are likely to be compounded where, for example, state ownership is statutorily declared and state grants or leases are made without consulting customary owners (who are not considered illegal), or where squatters move illegally onto the land.

In many communities across Africa, certain lands are held communally and/or customarily, i.e. individual ownership is prohibited. Communal approaches to land tenure are intended to allow lands and their resources to be used for the greater good of the community and to preserve biodiversity.

# WLR UNDER PREVAILING TENURE SYSTEMS

## TABLE EXERCISE 1

Answer the following question in three minutes  
(give bullet point answers).

- Why is it important for countries to safeguard the land rights of women?
- Now compare your answers with the following quote from the African Development Bank (see projector screen).



Data from around the world shows that economic growth is higher and poverty rates lower in countries with more gender equality. Of course, simple statistical correlation alone cannot show a causal relationship between gender equality and growth. But there are good reasons to believe that gender equality contributes to growth and poverty reduction. With increased gender equality, women enjoy higher levels of human capital, more employment and entrepreneurship, increased access to productive assets and resources, and increased rights and voice as citizens – factors that can have a profound effect on their economic incentives and their potential to contribute productively to the economy. Furthermore, these factors are likely to have long-term, intergenerational effects, by influencing the education, welfare and economic potential of children. For these reasons, it seems overwhelmingly likely that gender equality is an important factor in generating long-term growth and in making growth more inclusive.

– *African Development Bank, 2015*

Women's equal rights to land are critical to unlocking women's potential to contribute to development, as envisaged in the quote above. Women in Africa are more economically active as farmers and entrepreneurs than women in any other region of the world. It is women who grow most of Africa's food, who own a third of all businesses and who work 50% longer hours than men do.<sup>4</sup> However, ongoing discrimination against women and girls denies them the same economic, social and political opportunities enjoyed by men and boys. African women therefore only achieve 87% of the human development outcomes achieved by men.

Women face significant challenges in order to realise their potential. Key challenges are gender disparities in the way that resources essential for success in agriculture are distributed across Africa. Access to land, inputs, assets, markets, information and knowledge, time, decision-making authority and income still present a challenge for women in the sector. Because women fail to reach their potential (owing to poor access to educational, economic and

work opportunities, health information and services as well as unequal pay for work) Africa lost more than \$100 billion or 6% of its Gross Domestic Product (GDP) in 2014.<sup>5</sup> In spite of these facts, women continue to face challenges in secure access to land.

Under **customary tenure systems** women usually have weaker land rights compared with men. Their property rights are frequently tied to relationships with the men in their families (usually the head of the household). This relates especially to the right to alienate land (sell, bequeath or rent it). In many countries, these customary laws treat women as minors in terms of their rights to transact in land.

Women's secure land rights are similarly important in **urban contexts**, especially the growing informal urban and semi-urban settlements (slums) across the region. Insecure tenure in urban contexts means that all tenants and structure owners who do not have recognised land rights are in a vulnerable situation. However, women, especially widows and the growing number of single and teenage mothers,

4. AfDB, 2015  
5. UNDP, 2016

are particularly vulnerable. They are more likely to be victims of violence at the hands of men who use this as an extra-legal avenue to assert their land interests, or to be subjected to cultural norms that do not give them the same legal rights or status as men.<sup>6</sup>

Beyond its economic utility, land is an important factor in the formation of social and cultural identity. It is also an enormous political resource, defining power relations between and among individuals, families and communities, as well as between those who govern and those who are governed. Strengthening women's land rights should, therefore, have wide appeal because it simultaneously addresses factors that have an impact on social and cultural identity (including the dignity or status of women, poverty, environmental protection, demographic objectives, economic inequalities and women's health and social status).<sup>7</sup> Countries have relied on land tenure reforms to

promote economic development and strengthen land rights. However, the success of these reforms and the extent to which they have benefited WLR have been varied and context dependent.

In many communities, pressure on land resources is generally increasing as a result of population dynamics, land degradation and natural disasters, among other things. These factors increasingly bring different land users into conflict with one another. In these cases women, whose tenure over land is usually insecure, end up losing the most. This is the case for women in **pastoral communities**. Similarly, when communal land is privatised or grabbed, women have the least say in the related decisions and are the first to lose out. Conversely, when compensation for lost land is awarded, women are the least able to assert their claims to the land and so are also the least likely to benefit.<sup>8</sup> These sources of women's vulnerability are accentuated in the context of LSLBI.

In a recent study commissioned by Oxfam, PROPAC and PLAAS on Women's Land Rights in Narok county of Kenya, the key informants (drawn from grassroots-level leadership) indicated that women in their community are specifically referred to as 'children' in traditional settings. As 'minors' they cannot make key decisions on land and their claims to customary, family and private land are considered insignificant.

## WLR CONCEPTS

### INTERACTIVE PLENARY EXERCISE 2

#### WLR problem and solution tree

1. What are the root causes of denying women their land rights?
2. What are possible solutions to the root causes?



6. Odeny, 2013

7. Odeny, 2013

8. See Mbaya, 2013



## GENDER INEQUALITY AND LAND RIGHTS

Women have been and continue to be responsible for the bulk of agricultural production. In this endeavour, land is a key resource. Nevertheless, the majority of poor women in the region, most of whom depend on land for their livelihood, are either landless or have limited and insecure rights to land.<sup>9</sup> Several constraints and obstacles prevent secure land rights for women in the region.

## WOMEN ARE PRIMARY USERS OF LAND BUT WITH INSECURE RIGHTS TO LAND

Women comprise as much as 50% of the agricultural labour force in sub-Saharan Africa, with an estimated 31% of all households headed by women. The close relationship between women and agriculture means that insecure land rights pose a particular threat to the well-being of rural women and their children. In this context, improving women's ability to secure access to land is an effective way to increase gender equality and advance other key social and economic development goals.<sup>10</sup> Extensive literature shows that women access land through a variety of avenues that are generally secondary and therefore easily revocable. As a result, WLR are often insecure.

**Solution:** Women must have secure access to agricultural land and the natural resources attached to it, such as water and forests.

## PATRIARCHY IS A KEY ROOT CAUSE

Patriarchy continues to dominate and inform social organisation in many African contexts. Patriarchy discriminates against women with respect to ownership and the control of land. Women are usually treated as minors and are often relegated to accessing land through male relatives, in spite of the fact that women constitute the majority of agricultural land users.

**Solution:** Gender equality is required for the social reorganisation necessary for women to have secure land access.

## CONFLICT

Secondary access rights, the rights women hold through other (male) relatives, result in insecure tenure for women. The position women are assigned in their society (through their marital status and the age and sex of their children, among other things) contributes to their lack of secure access to land, and can also lead to violence against women, overlapping claims and conflict over land.

## WOMEN DO NOT CONTROL THE LAND THEY OCCUPY AND USE

Land control is a powerful instrument of economic and social promotion of the individual or group. Access to land, coupled with control over its use, enables women to generate income and strengthen their bargaining power. However, women often lack decision-making power, financial resources and the means of production to allow them to control and make the most efficient use of their land. Additionally, they lack control over the proceeds of the farms and the resources that are generated by the proceeds.

Improving women's access to and control of land is vital for achieving food security and economic development. According to the Food and Agricultural Organization (FAO),<sup>11</sup> when women have control over land, women's agricultural production increases by 20 to 30%. This, in turn, could potentially increase food security and benefit communities in general. In spite of this, gender inequality in access to opportunities (such as education, finance and farm inputs) persists. This inequality limits women's ability to control and use land. Sadly, development projects and land reforms implemented to address poverty are often gender-biased, failing to address the specific challenges of women.

9. Odeny, 2013

10. FAO, 2011; IFPRI, 2014

11. FAO, 2011

## GENDER INEQUALITY IN DECISION-MAKING

Women have lower decision-making power over land than men in the household. The decisions in question include those about the choice of crops, the purchase and use of farm inputs, hiring decisions and the use of proceeds from land-related activities.

However, gender inequality in decision-making also extends to women participating in community decision-making structures and processes. It also has implications for women holding positions of influence in community structures and in government. Research suggests that governance is more effective if women are included in political decision-making. This is because the presence of women in governance institutions brings greater diversity and different perspectives to governance processes.<sup>12</sup> Nevertheless, women continue to be underrepresented in decision-making positions that relate to land and land-related sectors in the region.

## INADEQUATE ACCESS TO JUSTICE HAMPERS WOMEN'S ACCESS TO LAND RIGHTS

Women continue to face huge challenges in accessing justice. This perpetuates unresolved cases

of loss of land, the inability to register their land rights and violence against women in relation to land transactions and decisions.

As a result of these and other factors, women use a variety of platforms to seek justice.<sup>14</sup> This concept of 'forum shopping' is undesirable, as it may result in duplication of resources and efforts to resolve the same dispute.

### Solutions:

- Women need support in order to benefit from formal forums to improve their land rights.
- Appoint women to positions within traditional dispute settlement structures.
- Securing women's equal access to and control of land and land-based resources requires countries to improve access to justice by and for women.

## Case Study 1: Huairou Commission study – Women's access to justice

In 2014, a Huairou Commission study involving 70 communities across seven African countries,<sup>13</sup> showed that women shun formal justice forums for several reasons:

- Fear or mistrust of formal forums
- A lack of understanding of these forums (linguistic and procedural concerns)
- Physical and financial inaccessibility of forums
- Cultural discomfort experienced in formal forums
- Protracted decision-making in formal forums

On the other hand, studies show that women tend to find customary avenues more accessible even though these are widely seen as discriminating against women. Women report that customary forums:

- are culturally familiar to women
- are deemed socially legitimate
- resolve problems quickly
- are geographically and financially accessible
- focus more on restorative consensus and reconciliation.

12. DFID, 2007

13. Cameroon, Ghana, Kenya, Tanzania, Uganda, Zambia and Zimbabwe

14. Berge, 2014

# ACTORS IN WLR

## GROUP EXERCISE 1

### Mapping the key actors in WLR



This group exercise is designed to provide trainees with an opportunity to explore the range of actors in WLR and to understand how the respective contributions of each of these actors strengthen WLR.

#### Participants are divided into six groups, as follows:

- Two groups work on CSO organisations
- Two groups work on donor and governmental organisations in the country
- Two groups work on regional, international and UN organisations

#### Questions for each group

1. Identify three organisations that belong to the assigned category.
2. What are the thematic areas of concern for each organisation?
3. What is the focus of their interventions (capacity building of women at grassroots level; research; legal aid; etc.)?
4. What is the entry point for women's groups wishing to engage (which office or which person)?

#### Report back

Each group submits its findings on a flip chart in the format provided by the facilitator (see Table 2). Display the format on the projector screen. Groups will present using the gallery-walk methodology. For more information on this methodology, visit [serc.carleton.edu/introgeo/gallerywalk/what.html](http://serc.carleton.edu/introgeo/gallerywalk/what.html).

**Table 2: Report-back format example**

| Organisation | Thematic areas   | Focus of interventions   | Entry points for women's groups   |
|--------------|--|--|---|
| Oxfam        | <ul style="list-style-type: none"> <li>• LSLBI</li> <li>• Access to justice</li> </ul> | <ul style="list-style-type: none"> <li>• Advocacy training</li> <li>• Research</li> <li>• Organising women's groups</li> </ul> | <ul style="list-style-type: none"> <li>• Contract-literacy classes</li> <li>• Annual assessments for WLR Scorecard</li> </ul> |

# THE NATURE, EXTENT AND IMPACTS OF LSLBI

## RATIONALE BEHIND LSLBI

African economies rely on their agricultural sectors, as do poor people. African heads of state and governments have recognised the poor performance

of their agricultural sectors and the importance of investing in agriculture and rural development. In 2003, they signed the Comprehensive Africa Agriculture Development Programme (CAADP), generally known as the Maputo declaration.

As the first policy framework for agricultural transformation, wealth creation, food security and nutrition, economic growth and prosperity, CAADP's main objective is to ensure that each African country allocates at least 10% of its total budget to agriculture. African governments also set themselves a target of a 6% annual growth rate for agriculture. However, progress towards these targets has been slow. As a result, countries continue to rely on development assistance and foreign direct investment (FDI) to boost investment in their agricultural sectors.

Unlike this slow growth in the agricultural sector, demand for food commodities has grown significantly over the last 50 years. This is not only because there are more people on Earth but also because their standard of living has improved and they consume more food. In addition, there is a greater demand for other products and services derived from agriculture.

The demand for food commodities has increased the demand for land. The bulk of the demand has fallen on developing countries because developed countries have gradually produced less and less of their own food requirements. The FAO has projected that an additional 1.6 billion hectares of arable land, primarily from Africa and Latin America, will be required to feed an additional 2.3 billion people by 2050.

As a result of these two trends, there has been a dramatic increase in LSLBI since 2008, which coincides with the 'triple F' crisis: food, fuel and financial. Investments in agriculture predominantly involve extensive tracts of land, fertilisers and agro-chemicals in a mono-cropping regime (where only one crop is grown, year after year).

The focus has been on crops such as sugarcane, castor oil plants, oil palm trees, jatropha, rice, maize, cassava, wheat and soybeans – usually intended

for biofuel or food exports – at the expense of food staples needed by local communities. It is noteworthy that most of the investments in biofuels have largely collapsed globally.<sup>15</sup> Research has highlighted the negative impacts of LSLBI on women and smallholder farmers.

## IMPACTS OF LSLBI

This section uses context-relevant case studies wherever possible. Appropriate cases will be identified by the facilitator on a case-by-case basis. However, facilitators can use the case studies included in the CET and those detailed below.

An assessment study conducted by the Land Policy Initiative (LPI) – now the African Land Policy Centre (ALPC) – confirmed civil society organisation (CSO) reports that LSLBI have had negative implications for women and smallholder farmers. Key among these impacts is the loss of land to investors (see Figure 1).

LSLBI tend to worsen the existing gender disparities in access to and ownership of land, since the majority of women's rights to land are not officially documented. Because women generally have limited rights, they often have no say about the sale or lease of the land they occupy when the land is privatised, as happens with most LSLBI. Similarly, women are often excluded from discussions relating to compensation for lost land and lost livelihood opportunities, or from discussions about the envisaged benefits to the community. Privatisation also tends to concentrate land in the hands of those who can successfully assert ownership, such as community leaders and male household heads. Consequently women – and communities – lose out.

In addition, land that is held communally and that women depend on to produce food and collect firewood, water, fodder and medicinal plants, is often the land earmarked for LSLBI.

15. Sulle, 2015



## Case Study 2: Lessons from Ndola, Zambia

The location of the project has a significant impact on the day-to-day lives of community members. Consider these questions before reading the case study. After reading, discuss the questions again.

1. How can people potentially be affected by investment coming to their area?
2. What type of compensation would leave the community in an equal or better situation?
3. What cannot be replaced?

### Defending land and defining project location



Photo: Vincent/Oxfam

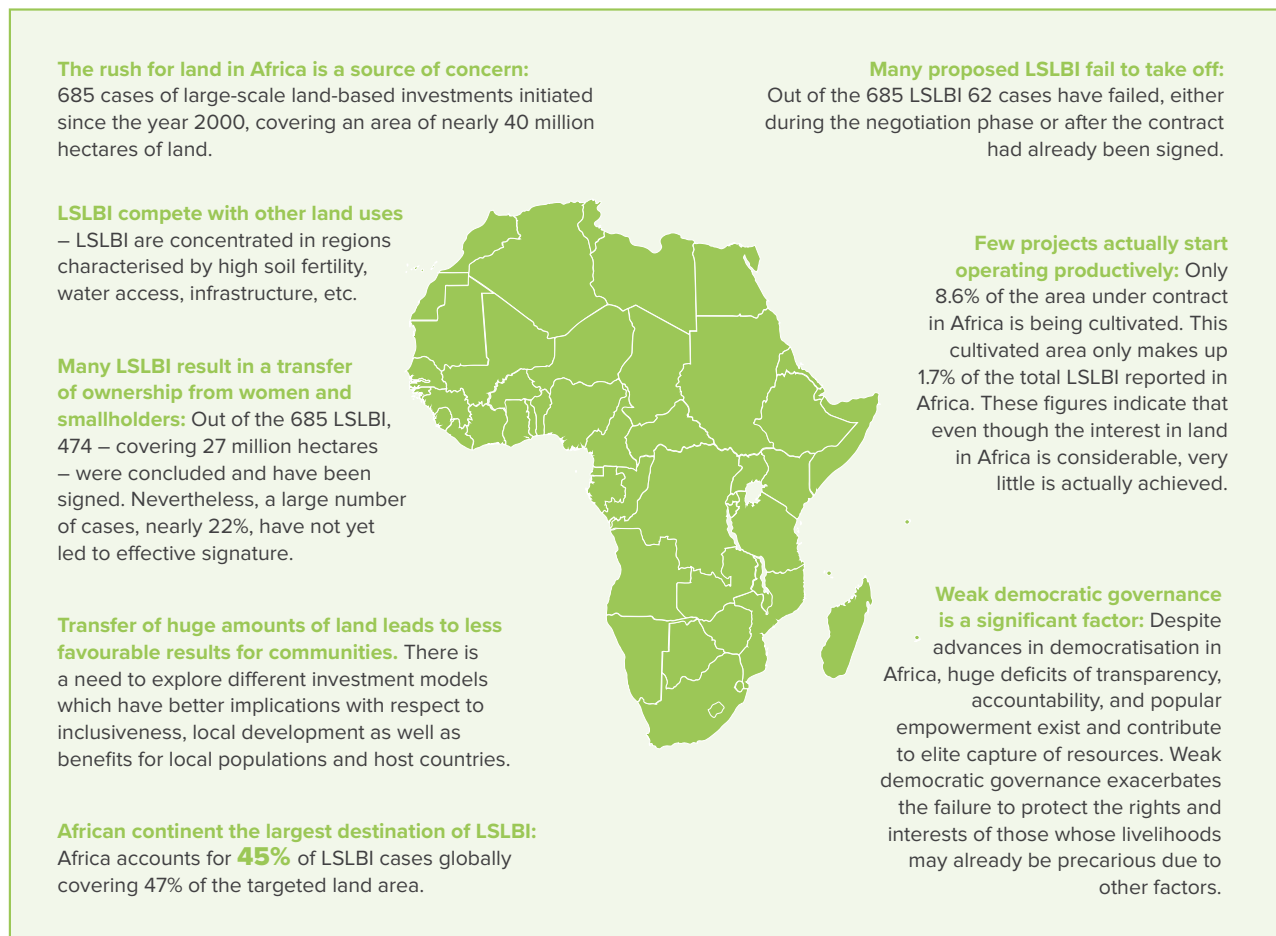
An investor in the mining industry directly approached community members about acquiring land in and around their villages in Ndola in the Copperbelt Province of Zambia. The community members told the investor that the land in question was ancestral burial land and had graves on it.

The investor was unaware that the community buried their dead on the land and agreed to modify the boundaries to avoid desecrating the tombs.

Unfortunately, the community did not realise how the location of the development would affect their daily lives once it was underway. The investor provided boreholes for the community in exchange for privatising the river. Blasting now takes place that not only shakes people's homes but has significantly changed the water table. This has affected the quality of drinking water in the boreholes.

One woman said during a community meeting, 'We know the water is poisoned but there is no time to treat the water. We have so much to do since now everything is so far. Maybe when we die, people will take notice and realise there was a problem here.'

**Source:** IISD & Oxfam, 2017



**Figure 1:** Complexities and conflict resulting from different types of land tenure  
**Source:** LPI, 2013



# INTRODUCTION TO THE CET

# DAY 2

| Estimated time     | Content / Key points                    | Instructional technique / Facilitator activity  | Trainee activity  | Resources   |
|--------------------|---|---|---|---|
| 08:30–08:45        | Recap of Day 1                          | Facilitator invites trainees to participate in an interactive method of recapping on the information trained on Day 1.  | Trainees contribute their perspectives.   | Idea cards and pens   |
| 08:45–09:30        | Introduction to the CET                 | Facilitator gives an overview of the CET: purpose, target audience and arrangement.   | Trainees receive information and engage with the facilitator on the purpose and description of the CET.                                   | PowerPoint, flip chart and pens to record any major contributions or concerns |
| 09:30–10:30        | CET content assumptions                 | Facilitator introduces the approach of the CET in partitioning LSLBI into stages.<br><br>Introduces an interactive plenary session to ascertain the usual stages at which communities become aware of an LSLBI, as well as the nature and extent of community engagement (a simple listing exercise). | Trainees receive information and engage with the content.   | PowerPoint, flip chart and pens to record any major contributions or concerns |
| <b>10:30–11:00</b> | <b>COFFEE BREAK</b>                     |   |   |   |
| 11:00–13:00        | Concepts and principles of the CET      | Facilitator presents the principles that inform the CET.<br><br>Facilitator uses the various table exercises and plenary exercises to make this content-intensive session interactive.  | Trainees receive and contribute information in order to understand and contextualise the significance of the principles.                  | PowerPoint, handouts, flip chart paper, idea cards and pens at tables         |
| <b>13:00–14:00</b> | <b>LUNCH</b>                            |   |   |   |
| 14:00–15:45        | Understanding the concept of engagement | Facilitator delivers presentation on the principle of engagement.<br><br>Facilitator uses the various table exercises and plenary exercises to make this content-intensive session interactive.   | Trainees receive and contribute information in order to understand and contextualise the principle.                                       | PowerPoint, handouts, flip chart paper, idea cards and pens at tables         |
| <b>15:45–16:00</b> | <b>COFFEE BREAK</b>                     |   |   |   |
| 16:00–17:00        | Limitations of the CET                  | Facilitator delivers presentation on what the tool does and does not do.<br><br>Facilitator asks the trainees to identify where communities can access the aspects that are not covered by the CET.   | Trainees receive and contribute information in order to understand how they can use the CET and how to backstop the CET with other tools. | PowerPoint, handouts, flip chart paper, idea cards and pens at tables         |
| 17:00–17:15        | End-of-day assessment                   | Facilitator hands out Post-it notes or idea cards.<br><br>Facilitator asks the question of the day.   | Trainees provide the facilitator and organisers with their feedback on the day's proceedings.   | Post-it notes, idea cards   |
| <b>17:15</b>       | <b>END OF DAY 2</b>                     |   |   |   |

# PURPOSE OF THE CET

The *Enabling Voices, Demanding Rights: A guide to gender-sensitive community engagement in large-scale land-based investment in agriculture* (Community Engagement Tool – CET) is a gender-sensitive community tool for use in engagements with large-scale, land-based investment projects in agriculture. It is inspired by CSO commitment to safeguard community interests where these have been undermined by LSLBI.

The CET is distinguished from other similar tools in a number of ways. The CET is written from a community perspective and provides step-by-step guidance on engagement with LSLBI. This guidance is provided throughout the lifespan of the LSLBI.

The CET focuses particularly on women, their concerns, their voices, their vulnerabilities, their strategies and the support they require to secure their interests and assert their views in relation to LSLBI.

The CET is primarily intended to guide women and communities (and CSOs supporting them) on how to ensure that women and their communities have sufficient agency to meaningfully influence LSLBI that affect them.

The CET's intention is to answer the question of how equally beneficial outcomes can be achieved for all the stakeholders involved in LSLBI (women and communities, governments and investors).

The CET aims to facilitate the implementation of existing guidelines at community level. These guidelines are mainly the AU GP on LSLBI and the FAO VGGT. The CET provides practical guidelines for actions, structures and processes relating to LSLBI, including for:

- meaningful community engagement with other stakeholders (investor and government) during each stage of the LSLBI process
- identifying the roles and responsibilities of women, the community and other actors
- raising awareness of possible challenges and pitfalls for women and communities
- identifying practical approaches to ensuring accountability by the investor
- providing some ideas of the type of support communities might require from CSOs and government (underscoring particular support required by women).

Finally, the CET recognises and supports the right of communities to evaluate prospective LSLBI with the view to provide or withhold their consent.

The CET is intended as a best-practice tool for meaningful community engagement in LSLBI. As such, it draws on and references other guidelines and technical works that provide a basis for improved governance and gender-equitable agricultural development projects, including LSLBI.

# TARGET AUDIENCE OF THE CET

LSLBI involve a wide range of actors who may facilitate or hinder meaningful engagement by communities. These actors – including investors, local government, central government, parliamentarians, donors, community-based organisations and CSOs – can all improve their understanding of the concerns of women and communities by consulting the CET. However, the CET is written specifically for use by women,

communities themselves and external facilitators. The CET is intended for use with the full participation of women and their communities, from LSLBI inception through to the investor exit stage.

Through free, prior and informed consent (FPIC), communities may decide not to participate in the LSLBI as a result of particular circumstances. These might include intentional exclusion by the investor.

Communities may also observe unacceptable risks associated with their participation in the LSLBI. Similarly, the results of impact assessments may discourage communities from participating in the LSLBI.

Communities can commence their use of the CET at any stage of the LSLBI process. It is important that women meaningfully participate in all stages and decisions involving LSLBI, from the beginning to the end. This will make the project gender-responsive.

## ARRANGEMENT OF THE CET

The CET is a compilation of three tools, designed to complement one another with regard to their content and audience.

### TECHNICAL GUIDE ON MEANINGFUL ENGAGEMENT BY COMMUNITIES WITH LSLBI

The Technical Guide is a framework tool. It is a critical, foundational document that provides a comprehensive overview of the principles underlying the CET.

The Technical Guide is intended for use by a technical audience, including development practitioners and gender activists who wish to support community engagement in LSLBI. The Technical Guide also provides the theoretical basis for and underpins the accompanying tools in the toolkit. Users will also find that the Technical Guide provides important detailed principles and definitions relating to community engagement, which are the basis of subsequent components of the toolkit.

### MATRIX FOR WOMEN'S AND COMMUNITY PARTICIPATION IN LSLBI

The Matrix for Women's and Community Engagement (Matrix Tool) is an organising tool. It is a tabular summary of the CET for use by facilitators as they support communities to engage with LSLBI processes. These facilitators could be internal or external to the community.

The Matrix Tool provides five guidelines in the form of questions for facilitating community activities

to engage with LSLBI. The intention is that, as discussions proceed, communities are able to plot (through graphic images) their envisaged priorities and actions in the same matrix format.

Using the LSLBI Matrix Tool also offers facilitators a resource to organise and accurately apply relevant tools to empower communities. The matrix describes considerations required for positive outcomes for communities and investors during each stage of the LSLBI process, while identifying the hindrances that may exist. In line with the community empowerment approach upheld by the CET, communities can review and modify aspects of the LSLBI Matrix Tool to better respond to their context. As it stands, the LSLBI Matrix Tool is considered a sufficient guide.

Together, the Technical Guide and the LSLBI Matrix Tool provide facilitators with the practical guidance and strong organising that women and communities need to position themselves to contribute to and make decisions about LSLBI.

### COMMUNITY GUIDE TO MEANINGFUL ENGAGEMENT WITH LSLBI

The Community Guide is distinguished from the Technical Guide and the Matrix Tool by its format. The Community Guide is the graphic tool of the CET. The Community Guide summarises, in a format accessible to communities, possible requirements and activities for women and communities to engage meaningfully during each stage of the LSLBI process. This tool is intended for community facilitators who support communities to take action, as opposed to the Technical Guide, which is focused on other actors who take supporting actions.



# CET CONTENT ASSUMPTIONS

## STAGES OF THE LSLBI

The CET recognises five stages of an LSLBI initiative.

### 1. Investment scoping stage

This is the time during which the investor is undertaking due diligence activities. In the past, communities were completely excluded from participating in this stage. In many cases, the investor would undertake and finalise this stage without the community, and especially women and youth, being aware of the investor's intention.

### 2. LSLBI planning stage

In this stage, there is a tacit understanding between the investor and the government that an LSLBI will be undertaken. The details, i.e. the exact nature and scope of the LSLBI, are still being developed by the investor.

### 3. The contract negotiation stage

This is the stage when the contractual terms relating to the LSLBI are being discussed by the investor and other parties. Traditionally, this stage has involved

the investor and the relevant government authority, with little or no reference to communities.

### 4. Project implementation stage

During the implementation stage, the investor's project activities are underway. This stage includes monitoring and evaluation, increasingly viewed as an ongoing exercise throughout the lifespan of any initiative. However, evidence reflects very weak monitoring and evaluation of LSLBI. Where evaluation does occur or is intended to take place, evidence shows that it happens towards the end of the conclusion of the LSLBI, and neither references nor involves communities.

### 5. Investor exit stage

This is the conclusion of the LSLBI, as symbolised by the withdrawal of the investor from the LSLBI site. This can be because the LSLBI have run their course as indicated in the contract, or are due for termination for various reasons, including non-compliance by the investor with the terms of the investment contract. Evidence in the literature is limited; however, indications are that the investor's exit is usually at the discretion of the investor.

## INTERACTIVE PLENARY EXERCISE 3

### Stages of the LSLBI

1. Consider the LSLBI that has had an impact on your community or the community with which you work. When did the community become aware of the LSLBI (during which of the five stages proposed by the CET)?
2. In your experience, what has been the nature and extent to which women and communities have engaged during each stage of the LSLBI?



## INITIAL OBSERVATIONS ON COMMUNITY ENGAGEMENT WITH LSLBI

For each of these stages, the CET provides details on how communities can be empowered to engage more meaningfully with LSLBI. Aspects that are covered include the following:

- Information which communities should receive in order to fully understand the implications of the LSLBI project and the decisions that need to be taken
- Contributions from communities in order for them to participate meaningfully
- Consent from communities to ensure that their land and other interests are safeguarded

- The content of the agreement between the communities and investors, specifying the investor's obligations to the community and the envisaged benefits for the community
- Structures that incorporate gender equity considerations and that enable communities to engage meaningfully in the processes and decisions to be made during that stage of the LSLBI
- Any other kind of support that communities might receive to position themselves to engage on an equitable basis with other parties

For each of the stages in the LSLBI process, the CET poses important questions and highlights actions that lead to meaningful engagement by women and communities:

- What is the nature of meaningful community engagement?
- How are women empowered to participate meaningfully?
- What can communities contribute?
- What is required to support community contribution?

- What must be prevented in order to promote community and women's participation?
- What is an ideal outcome for the community in this situation?

Finally, the CET proposes five possible entry points or priority areas for community engagement with LSLBI. These are points in the LSLBI process where communities should focus their efforts, in view of the enormous demands of detailed community engagement in every possible aspect of the LSLBI process:

1. Influencing the location or site of the LSLBI
2. The community giving its consent that the LSLBI may proceed
3. Agreeing on the benefits to the community
4. Actions in relation to environmental impact assessments and rights to natural resources
5. Actions if community members must be relocated

Once again, communities might choose to prioritise different points to those proposed here, based on their particular context or concerns.

## KEY CONCEPTS AND PRINCIPLES OF THE CET

### LAND GOVERNANCE

The challenge relating to LSLBI is predominantly one of good governance in land administration. Improved governance of LSLBI requires improved land governance, decentralised decision-making over land, competent and accountable structures in land administration and the engagement of women and local communities in decision-making. This concerns the management, adjudication and resolution of disputes relating to LSLBI.

**Decentralisation** of land administration systems refers to the relocation of government functions from central to more local levels. A closely related practice is devolution. **Devolution** involves the statutory delegation of powers (actual decision-making and not merely administrative presence of departments), from central government to subnational levels.

Decentralisation and devolution:

- make it possible for local land administration agencies to capture land governance information more timely and efficiently
- make it possible to offer services to those who need them in a more effective manner
- facilitate participation of communities in land administration processes.

Decentralising land governance and facilitating the devolution of decision-making and authority to local communities in this way therefore promotes land administration and LSLBI that are more responsive to the priorities of communities.

Devolution to local land governance institutions also contributes to exposing and addressing inefficiency and corruption in land governance.

Another important aspect of land governance is the manner in which land information is managed and used. A **land information system** has to support the administrative processes and must be able to capture, store and access key information and data for legal, financial and administrative purposes at all levels. In many African countries, land rights information systems are manually operated or paper-based. Systems are largely centralised, inaccessible and expensive, incapable of capturing all the legitimate rights of land users, particularly of those deriving rights from customary systems. This means that many legitimate land rights holders remain outside the information system. In order for the full benefits of land information systems (such as enjoyment of ascribed land rights) to be realised, especially in the context of investor interests in agricultural land, land information systems have to be comprehensive, up to date and readily accessible to women and communities.

In order for governments to ensure the protection of citizens' rights in the context of LSLBI, governments must modernise and better manage land information, making it accessible to communities. Unfortunately, the reality is that land administration systems have failed to provide a reliable source of information, especially statistics of ownership and cadastral information. Consequently, land rights abuses, especially of rights held by women, have characterised LSLBI. LSLBI have also been characterised by wide-spread corruption and violation of human rights (including the right to food, the right to self-determination, the right to development and the rights of indigenous peoples).

## NO PERMANENT ALIENATION OF LAND

The CET is based on the principles espoused in the AU GP on LSLBI, summarised in Box 1.

### BOX 1: AU FUNDAMENTAL GUIDING PRINCIPLES ON LSLBI

**Fundamental Principle 1:** LSLBI respect human rights of communities, contribute to the responsible governance of land and land-based resources, including respecting customary land rights, and are conducted in compliance with the rule of law.

**Fundamental Principle 2:** Decisions on LSLBI are guided by a national strategy for sustainable agricultural development which recognises the strategic importance of African agricultural land and the role of smallholder farmers in achieving food security, reducing poverty and growing the economy.

**Fundamental Principle 3:** Decisions on LSLBI and their implementation are based on good governance, including transparency, subsidiarity, inclusiveness, prior informed participation and social acceptance of the affected communities.

**Fundamental Principle 4:** LSLBI respect the land rights of women, recognise their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalisation of women.

**Fundamental Principle 5:** Decisions on the desirability and feasibility of LSLBI are made based on independent, holistic assessment of the economic, financial, social and environmental costs and benefits associated with the proposed investment, throughout the lifetime of the investment.

**Fundamental Principle 6:** Member states uphold high standards of cooperation, collaboration and mutual accountability to ensure that LSLBI are beneficial to African economies and their people.

**Source:** LPI, 2013

In keeping with the AU GP on LSLBI, the CET regards land as a critical resource for livelihoods and identity. It therefore advocates strongly that land should not be alienated or expropriated from communities by the government in favour of LSLBI investors. Evidence indicates that expropriating land is frequently accompanied by negative impacts on tenure rights and the human rights of communities.

Communities and their facilitators should therefore be vigilant and identify and document aspects of community land rights that must be protected from loss in the context of LSLBI. If loss is unavoidable, the community should be compensated in full.

The CET lists aspects that should be documented in order to protect the community (see Box 2).

## BOX 2: ASPECTS TO DOCUMENT TO PROTECT THE COMMUNITY

### CET Checklist 5

- ☐ All community claims to land and land use (whether formal or informal) in the area targeted for the LSLBI
- ☐ Individuals, families, villages and clans in the project area and its border zones and the nature of existing relationships between these groups
- ☐ All communal resources
- ☐ History of land occupation and use by local communities
- ☐ Customary or existing system of land tenure, governance and inheritance; and how land transfers are customarily regulated, both among and within communities and with outsiders
- ☐ How communities justify their claims to land and land use (e.g. customary law, ancestry, inheritance, purchase, lease or state-sponsored settlement programmes, through internal displacement (IDPs), migration or agricultural development)
- ☐ Each person's ability to access, use or benefit from resources – or their social tenure relationships – irrespective of the individual's civil and marital status (pay particular attention to identifying the rights of women, girls, youth and pastoralists or migrants) and irrespective of whether those rights have been formally registered or not
- ☐ Nature of relations between the community and the state in terms of governance and administration

**Source:** Adapted from GLTN Social Tenure Domain Model (UN-HABITAT, 2013)

## INTERACTIVE PLENARY EXERCISE 4

### What to document to protect the land rights of women and communities



Women's land rights and their rights to resources on the land are often undocumented. This means that when the potential impact of LSLBI is being considered, implications for women may not be considered. Similarly, if the investor pays compensation to those who are affected, unrecorded rights might also not be considered. Therefore, an important intervention by CSOs is to help communities document rights that are related to the land before the LSLBI starts.

In your view, what aspects should be documented?

In line with its ‘no permanent alienation of land’ principle, the CET favours investment models that allow communities to retain their land.

Arrangements that allow communities to retain their lands take different forms such as out-grower schemes, contract farming, joint ventures and other forms of collaborative production. However, evidence shows that arrangements of this nature should be well considered because it is difficult to prove the gains for communities. Specifically, studies have shown the following:

- The huge difference in negotiating power between smallholder farmers and agribusiness investors has direct implications for the design and implementation of LSLBI.
- Partly due to the power imbalances, none of the models reviewed by CSO actors can be said to be perfectly fair, nor do they offer a holistic solution to the aspirations of smallholder farmers.
- What appears to work best for smallholders, while still being attractive to investors, is a context-specific approach to determining the investment model depending on existing tenure and policy arrangements, history, culture, and environmental and demographic considerations.
- In defining the extent to which an investment shares value with local smallholders, the detailed arrangements of the scheme could be more important than the abstract model. Therefore, investor contract terms should be carefully considered.

In most cases, LSLBI models that integrate communities tend to exclude women. Land ownership is often a key criterion for entering these schemes. Consequently, contracts are generally issued to male heads of households at the expense of women who are often the primary users of land. A fundamental principle of the CET is, therefore, that every opportunity should be pursued to apply affirmative action in favour of women’s participation.

## THE CONCEPT AND PRINCIPLES OF ENGAGEMENT

Consulting and giving voice to those who are likely to be affected by a decision is a pillar of FPIC and good and accountable governance, and a principle of the AU GP on LSLBI and the FAO VGGT.

### Understanding engagement

Giving voice to affected communities is based on the premise that communities have the best perspectives on what is good for them and on how

their livelihoods are affected by certain initiatives. Accordingly, reaching agreement about changes to the governance of land and land-related resources (as is usually the case in the context of LSLBI) requires the involvement of all the interest groups within the community. This enables those groups to consider all options and implications and articulate their needs and interests in a timely and informed manner. This also ensures that decisions take the needs and interests of these groups into consideration. Where decisions and actions directly affect communities, the communities must specifically give their consent to those decisions and actions. Facilitating engagement by communities is the core objective of the CET.

It is also in the investor’s long-term interests to engage communities early in the process and to take their views into consideration. One of the main contributors to the failure of investments is the inadequate early involvement of communities, according to the FAO technical brief on Safeguarding Land Tenure Rights in the Context of Agricultural Investment. This is another gap that the CET can bridge.

### WHO should be consulted or engaged?

The CET proposes that all community members who have legitimate land rights (**even though these might not be officially documented**) and those who could be affected by decisions should be engaged in decisions relating to the LSLBI. They should be consulted irrespective of gender, age or any other social consideration (i.e. on a non-discriminatory and gender-sensitive basis).

### On WHAT should communities be consulted or engaged?

Community members should be consulted on the following:

- **All aspects of the LSLBI which have the potential to affect them:** This includes whether or not they agree with the LSLBI proceeding in the first place. If the profit motive of the investor and the developmental or cultural concerns of communities cannot be reconciled, then communities have the right to withhold their consent. Governments and investors should observe this right.
- **Alternative options for development:** If the pursuit of development is the rationale for the proposed LSLBI, there might be other ways to achieve this objective. Communities should also be informed about and/or consulted on

alternative uses of the land for the envisaged development, rather than proceeding as though there are no other options.

- **Concerns, priorities and preferences:** If communities provide their consent and the LSLBI proceeds, then the purpose of consultation is to ensure that the concerns, priorities and preferences of communities and women are accommodated in the project designs, indicators and outcomes of the LSLBI. This includes, among other things:
  - Options for the model of the investment
  - The envisaged impacts of the LSLBI and how these should be addressed
  - How the investor and community relationship should be managed
  - The nature of envisaged benefits to the community

- How these benefits to the community are to be apportioned
- How the impacts of the LSLBI on the community will be measured

### HOW should communities be consulted or engaged?

Communities should be consulted with the understanding that they **can provide or withhold consent** for any investment decision at any point. Therefore communities should receive the support they require to make their case in response to the proposals in question. Similarly, the consequences of failure to reach agreement should be highlighted, together with the mechanism for addressing situations of this nature.

## INTERACTIVE PLENARY EXERCISE 5

### Evaluating the acceptability of an LSLBI

What points should community members consider when they are evaluating the acceptability of a proposed LSLBI?



Checklist 4 of the CET highlights the points to consider when evaluating the acceptability of proposed LSLBI (see Box 3).

## BOX 3: POINTS TO CONSIDER WHEN EVALUATING THE ACCEPTABILITY OF PROPOSED LSLBI

### CET Checklist 4

Does the nature of the proposed LSLBI mean that they will:

- ☐ contribute to food security and nutrition?
- ☐ contribute to sustainable and inclusive economic development and the eradication of poverty?
- ☐ foster gender equality and women's empowerment?
- ☐ engage and empower youth?
- ☐ respect tenure of land, fisheries, forests and access to water?
- ☐ conserve and sustainably manage natural resources, increase resilience and reduce disaster risks?
- ☐ respect cultural heritage and traditional knowledge, and support diversity and innovation?
- ☐ promote safe and healthy agriculture and food systems?
- ☐ include provisions for assessing and addressing impacts?
- ☐ incorporate inclusive and transparent governance structures, processes and grievance mechanisms?

Source: CFS, 2015



Communities should be:

- given a voice at every stage of LSLBI implementation
- provided with complete information
- provided with information using appropriate methods and media
- given avenues to give their feedback
- consulted in a timely manner
- treated with respect and with no coercion
- enabled to engage directly with the investor.

Each of these points is discussed in more detail below.

### ***Given a voice at every stage of LSLBI implementation***

FPIC principles that inform the CET require affected communities to be given a voice at every stage of planning, implementation and monitoring of LSLBI projects. This includes the right of communities to determine the type of consultation, decision-making and documentation processes to ensure that these are appropriate for them. Providing initial consent for the LSLBI is critical, but it is only the first step. To satisfy FPIC requirements, communities should continue to be engaged throughout the lifetime of the LSLBI.

#### **Free, prior and informed consent**

The FPIC principles that inform the CET refer to active, free, prior, meaningful and informed consultation and participation with all those affected, including women and indigenous peoples. The issues relating to the definition of 'indigenous people' is beyond the scope of this tool. The CET interprets FPIC to be applicable to communities who are identified as the custodians of their lands and the natural resources associated with these lands, as is the case with most rural communities in Africa.

A particularly difficult stage for communities is the monitoring and evaluation (M&E) stage while the LSLBI is actively underway. Checklist 6 of the CET (see Box 4) provides some guidance on considerations that should be included in the LSLBI contract with the authorities. Inclusion of these clauses will allow authorities to hold the investor accountable and will also ensure that the contracts or arrangements avoid clauses that do not favour communities and/or host countries.

## BOX 4: CONSIDERATIONS THAT CAN BE INCLUDED IN THE LSLBI CONTRACT REGARDING NON-COMPLIANCE BY THE INVESTOR

### CET Checklist 6

Factors to be considered include:

- ☐ Material breach of social and environmental management norms that might constitute grounds for termination or rejection of LSLBI
- ☐ Sanctions against investors in cases of non-compliance with local norms and practices, including labour conditions and standards and negative impacts on water
- ☐ Sources or water rights of community members, negative impacts on soil quality and pollution resulting from agrochemicals (e.g. water pollution, chemical drift and aerial spraying)
- ☐ Obligation of the investor to address, at the investor's cost, grievances highlighted by the community
- ☐ Clear termination clauses in case of non-performance by the investor, for example the return to the community of any land that has remained unused by the LSLBI after a set period.
- ☐ Termination clauses in order to safeguard tenure rights of community members when the investment ends, including:
  - How will the LSLBI be terminated?
  - Who will have control of the land after the LSLBI is terminated?
  - Who will have control of the infrastructure developed on the land?
  - If rehabilitation of the land is required to address impacts of the LSLBI after the LSLBI is terminated, who will be responsible for the rehabilitation?

It is the view of the Consortium that communities can play an important role in monitoring LSLBI. Communities can identify indicators of the impacts of LSLBI that they are able to track and report. The CET provides some guidance in this regard (see Checklist 7 in Box 5).

## BOX 5: POSSIBLE IMPACTS AND OUTCOMES OF THE LSLBI TO BE MONITORED BY COMMUNITIES

### CET Checklist 7

The following impacts and outcomes can be monitored by communities:

- ☐ Any payments due to members of the community
- ☐ Any agreed investments in infrastructure
- ☐ Employment creation promised by investor
- ☐ Gender-sensitive employment opportunities
- ☐ That women's burden of care is not exacerbated, including childcare and family support
- ☐ Impacts on the tenure rights of community members (desegregated by gender)
- ☐ Impacts on the human rights of community members
- ☐ Impacts on livelihoods
- ☐ Impacts on the environment
- ☐ The number and types of conflicts and disputes

***Provided with complete information***

Communities should be provided with all the information they require, in a format they can access, in order to fully understand the implications of proposed decisions and how the community can respond. This includes avenues through which women and the community can seek justice should they need to do so.

***Provided with information using appropriate methods and media***

Some communication methods and media are more effective than others in reaching different audiences, depending on the availability of resources, time and control over access and use. For instance, rural women often have very limited access to print and electronic media. Therefore, to ensure that women are effectively reached, oral, visual and any other communication tools should be prioritised.

***Given avenues to give their feedback***

Engagement of women and communities should be a two-way process. This means that, in addition to providing women and communities with information, there should also be clear mechanisms to facilitate feedback from communities.

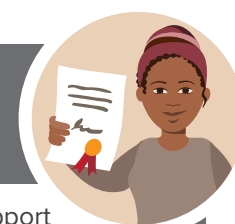
***Consulted in a timely manner***

A key indicator of meaningful engagement is its timing with regard to the decision-making process. Information should be provided in advance of decisions, with sufficient time for community members to digest and discuss the issues among themselves before they need to communicate their views and/or decisions. With this in mind, the CET maps community engagement at specific stages of the LSLBI process, highlighting the required information, consent and support required at each stage. Overall, the earlier the community is engaged, the better.

**TABLE EXERCISE 2****Importance of timing of consultation**

Discuss the following quote and share any specific experiences you have had that support the statement by the FAO.

‘The FAO technical brief on Safeguarding Land Tenure Rights in the Context of Agricultural Investment identifies the inadequate, early involvement of communities as one of the main contributors to the failure of investments.’

***Treated with respect and with no coercion***

Consultation should treat community members with respect and be free of coercion, intimidation and any other forms of interference. In addition, consultation should engage the community as a collective and must include men, women and youth, not only selected individuals. It should also consider power imbalances between communities and other parties, to ensure that all contributions are made actively and in a free, effective, meaningful and informed manner. All consultations should take into consideration the particular needs of women, who are traditionally marginalised from these processes.

***Enabled to engage directly with investor***

Evidence points to the fact that consultation is more effective when it is undertaken directly between communities and the investor, rather than through intermediaries. In cases where there are no accessible entry points, women, communities and facilitating organisations must push for and call attention to the importance of inclusive and meaningful participation. In order to assert their views, communities and women must have agency, i.e. the ability to co-decide and contribute to the process, take action, evaluate and hold accountable other actors engaged in the process. This requires support from other stakeholders.

## INTERACTIVE PLENARY EXERCISE 6

### Mitigating unequal power



What actions could be taken to address the matter of unequal power between communities and the government and/or investors?

It is evident that there are numerous challenges standing in the way of meaningful engagement by communities in decisions relating to LSLBI. Therefore, an important role of CSOs that support women and communities is to ensure the quality of consultation between communities and investors or government agencies (see Box 6).

### BOX 6: ACTIONS TO MITIGATE UNEQUAL POWER RELATIONS BETWEEN COMMUNITY AND GOVERNMENT AGENCIES OR INVESTORS

To support communities, CSOs can take the following actions to address unequal power relationships in LSLBI:

- Work in solidarity with other communities with an interest in the LSLBI, to share lessons and increase their bargaining power
- Form a legal entity and secure legal advice to ensure that the community operates on equal legal terms to the investor
- Call the attention of the investors and the government to policies and guidelines they have committed to
- Offer communities independent counsel or support
- Train communities in various topics as required and on relevant, accessible technology
- Repackage key information resources to make these more accessible to communities

## GROUP EXERCISE 2

### Ensuring quality of consultation



Checklist 1 of the CET (see Box 7) highlights considerations that contribute to the quality of consultation with women and communities. For each consideration, identify specific actions that can be taken to improve consultation with women and communities in your area. Undertake this exercise from the perspective of one of the following:

1. What can your CSO do?
2. What can the government and government agencies do?
3. What can women and communities do themselves?
4. What can community representatives do?
5. What can the investor do?

## BOX 7: ASSESSING THE QUALITY OF THE CONSULTATION PROCESS

### CET Checklist 1

- ☐ **Integrity:** The consultation has an honest intent
- ☐ **Visibility:** Those most directly affected by plans and decisions are informed of the community processes taking place, to ensure their meaningful participation in decisions relating to the LSLBI
- ☐ **Accessibility:** It is relatively easy for community members to take part in consultations, including vulnerable or marginalised groups such as women and youth
- ☐ **Confidentiality and transparency:** The investor can agree with public authorities that aspects of their discussions are confidential, as long as the investor's activities satisfy a public-interest test
- ☐ **Full disclosure:** Both the investor and communities must keep decisions open and must not conceal or withhold information that might be relevant to the dialogue
- ☐ **Fair interpretation:** This places a strict burden on the investor to analyse and interpret information (gender-desegregated, whenever possible) received from objectively consulting the community
- ☐ **Publication:** The processes and eventual outcome of the consultation are made easily accessible to all stakeholders (transparency)

Source: Modified from Arnstein, 1969

## LIMITATIONS OF THE CET

### WHAT THE CET DOES

The CET provides women and communities with guidance on how communities can engage meaningfully with LSLBI.

### WHAT THE CET DOES NOT DO

- The Consortium and its partners recognise that engagement by communities might not always be possible and that engagement might not always be in the best interests of communities. As a result, this guide does not insist that women and communities should always engage with LSLBI processes in their areas.
- An assessment of the feasibility and desirability, or appropriateness, of engagement by

communities is therefore required in each case. The CET is designed for use after such an assessment has been made and it has been determined that engagement by the community would be useful.

- The CET is not intended to provide women and communities with answers as to why LSLBI should be undertaken.
- The CET is not intended to identify and quantify the benefits of community engagement with LSLBI.
- Another limitation of the CET relates to the issue of compensation for communities if land or land-based resources and benefits are lost as a result of the LSLBI.

### TABLE EXERCISE 3

#### Limitations of the CET

1. Why is it important for any tool to highlight what it can and cannot do?
2. Consider the list of what the CET does **not** do. Where can your communities access assistance for each of these items?









# ENGAGING STAGES OF LSLBI

# DAY 3

| Estimated time     | Content / Key points   | Instructional technique / Facilitator activity  | Trainee activity   | Resources   |
|--------------------|--|---|--|---|
| 08:30–08:45        | Recap of Day 2   | Facilitator invites trainees to participate in an interactive method of recapping on the information trained in Day 2.  | Trainees contribute their perspectives.  | Idea cards and pens   |
| 08:45–10:30        | Mapping community participation through the five LSLBI stages                        | Facilitator begins by recapping the five stages.<br><br>Facilitator divides the trainees into five groups for the group exercise.   | Trainees do the exercise.  | Handouts, break-out spaces, flip chart and pens to record outputs of group work |
| <b>10:30–11:00</b> | <b>COFFEE BREAK</b>  |   |  |   |
| 11:00–13:00        | Mapping community participation through the five LSLBI stages (continued)            | Trainees continue their discussions and prepare for their report-back in the plenary session by recording outcomes on flip charts using the format provided.  | Trainees finalise the exercise and then present their observations.  | Handouts, break-out spaces, flip chart and pens to record outputs of group work |
| <b>13:00–14:00</b> | <b>LUNCH</b>   |   |  |   |
| 14:00–15:45        | Mapping community participation through the five LSLBI stages – report-back sessions | Facilitator invites representatives of groups to present group outputs.   | Trainees share and consolidate their observations.   | Flip chart paper and pens   |
| <b>15:45–16:00</b> | <b>COFFEE BREAK</b>  |   |  |   |
| 16:00–17:00        | Summary of the CET proposals to engender meaningful community participation in LSLBI | Facilitator delivers a presentation on the CET focusing on recommended approaches and invites trainees to discuss the topic based on their group work.<br><br>Facilitator invites individual trainees to engage and modify the table of actions to suit their requirements. | Trainees consolidate and personalise their understanding of the actions needed to engender community engagement. | PowerPoint, handouts, flip chart paper to record significant observations       |
| 17:00–17:15        | End-of-day assessment  | Facilitator hands out Post-it notes or idea cards.  | Trainees provide the facilitator and organisers with their feedback on the day's proceedings.                    | Post-it notes, idea cards   |
| <b>17:15</b>       | <b>END OF DAY 3</b>  |   |  |   |

# MAPPING COMMUNITY ENGAGEMENT THROUGH ALL STAGES OF THE LSLBI

## RECAPPING THE FIVE STAGES OF THE LSLBI

|  |   |
|--|---|
| <b>Investment scoping stage:</b>       | The time during which the investor is undertaking due diligence activities.   |
| <b>LSLBI planning stage:</b>           | The period during which there is a tacit understanding between the investor and the government that an LSLBI will be undertaken. The details, i.e. the exact nature and scope of the LSLBI, are still being developed by the investor.  |
| <b>The contract negotiation stage:</b> | The stage when the contractual terms relating to the LSLBI are being discussed by the investor and other parties.   |
| <b>Project implementation stage:</b>   | The period when the investor's project activities are underway. This stage includes M&E, which is increasingly viewed as an ongoing exercise throughout the lifespan of any initiative.   |
| <b>Investor exit stage:</b>            | The conclusion of the LSLBI, as symbolised by the withdrawal of the investor from the LSLBI site. This can be because the LSLBI have run the course of the contract, or due to termination for various reasons, including non-compliance by the investor with the terms of the investment contract. |

## GROUP EXERCISE 3

### Community engagement throughout the LSLBI



The LSLBI process can be long and protracted. The CET recognises five stages in the life cycle of the LSLBI. Each of these stages is characterised by distinct activities, interactions and implications for women and communities.

As a group, select one of the stages of the LSLBI. For the stage selected, make the following analysis:

1. What would meaningful participation by women and communities during this stage entail?
2. What are the main obstacles to meaningful participation by women and communities in influencing decisions and processes associated with the LSLBI?
3. How can women be empowered to participate more meaningfully in decisions and processes associated with the LSLBI? (What actions should be taken? By whom?)
4. What effort or contribution is required from communities for their meaningful participation throughout the LSLBI?
5. What support is required by communities to facilitate their participation in decisions and processes associated with the LSLBI?

## COMMUNITY ENGAGEMENT THROUGH THE FIVE STAGES

An important point to note is that the CET sees women and communities as active and empowered actors with a significant contribution to make when it comes to ensuring the best outcomes for their communities in the context of LSLBI. Engaging with LSLBI and its associated processes

requires considerable investment by women and communities in terms of personal finances, time and knowledge resources. Women and communities should evaluate the required investment and be prepared to provide this without solely relying on investment by their allies. Where communities identify gaps in their knowledge, time or financial resources, they must discuss and collectively agree on how these gaps will be addressed.

## CET PROPOSALS TO ENGENDER MEANINGFUL PARTICIPATION OF WOMEN AND COMMUNITIES IN LSLBI

The CET identifies a set of proposals that facilitators and communities can use to make the participation of communities in LSLBI more meaningful.

These proposals are summarised in Table 1 of the CET (see Figure 2).

### INDIVIDUAL TABLE EXERCISE 4

#### Personalising CET proposals for community engagement

Consider your own work and a particular scenario where a community is affected by an LSLBI. For each stage of the LSLBI that is applicable, review the list of actions proposed in Table 1 of the CET. Consider also any additional activities proposed during outcomes of the just completed group work. Using this information, customise the table for use in your situation.



## CET TABLE 1: PROPOSALS FOR ENGENDERING COMMUNITY PARTICIPATION IN LSLBI

| Concern  | Actions required  |
|--|---|
| <b>How to engender meaningful community engagement</b> | <ul style="list-style-type: none"> <li>Community receives information and capacity building to provide their views and to consent to the LSLBI</li> <li>Community mapping of land rights and impacts of LSLBI (with focus on situation of women) informs decision-making</li> <li>Communities establish gender-representative structures and processes to inform key decision points of the LSLBI</li> <li>Communities identify indicators and contribute to monitoring the impacts of LSLBI</li> <li>Communities demand that the investor enters into a binding agreement directly with communities regarding envisaged benefits the community will enjoy from LSLBI</li> <li>Communities participate in the evaluation of the LSLBI at their conclusion to determine what happens next</li> </ul> |

|   |   |
|---|---|
| <b>How women can be empowered to participate meaningfully</b>                                       | <ul style="list-style-type: none"> <li>• Women organising and caucusing</li> <li>• Capacity building for engagement and accessing opportunities (in addition to general capacity support for communities)</li> <li>• Affirmative action in participation and/or representation in decision structures and processes</li> <li>• Support from gender-analysis experts to identify and highlight particular impacts and implications for women</li> <li>• Communities require LSLBI processes (including actions by government and the investor) to take particular impacts on women into consideration and to prioritise the needs of women</li> <li>• Organise women's information, perspectives and contribution to inform LSLBI processes</li> <li>• Affirm the value of women's information, perspectives and contribution</li> </ul>   |
| <b>Required contribution by communities</b>   | <ul style="list-style-type: none"> <li>• Map and enumerate land rights and related assets</li> <li>• Identify and monitor community-level indicators of the social, economic and environmental impacts of LSLBI</li> <li>• Criteria for LSLBI processes and structures to enable active participation of women and communities in decision-making</li> <li>• Include specific considerations in the investor contract with government</li> <li>• Include considerations in community development or benefit agreement between the investor and the community</li> <li>• Informed participation in LSLBI processes and structures</li> <li>• Systematic documentation of processes and discussions</li> <li>• Selection of representative contact person</li> </ul>  |
| <b>Support required by communities</b>  | <ul style="list-style-type: none"> <li>• Community organising</li> <li>• Community contact person for representation</li> <li>• Resources relating to designated meeting spaces and inclusive processes</li> <li>• Legal aid, interpretation and negotiation support</li> <li>• Understanding of the investment process and key decision points</li> <li>• Documentation/recording capacity</li> <li>• Establishing feedback mechanisms to women and communities</li> <li>• Generating own evidence, focusing on the needs of and impacts on women</li> </ul>   |
| <b>Challenges and hindrances to avoid or address to promote community and women's participation</b> | <ul style="list-style-type: none"> <li>• Permanent alienation of land to investor or government</li> <li>• 'Informing' women and communities as opposed to seeking their contribution and consent</li> <li>• Excluding women and communities due to their perceived inability to understand technical issues and processes</li> <li>• Processes and information that are inaccessible to women and communities either due to design, language, timing or location</li> <li>• Excluding women and youth representation in decision-making structures in favour of older male community members</li> <li>• Excluding communities from any stage of the LSLBI process, especially 'technical' stages such as monitoring and evaluation</li> <li>• Ignoring community information or concerns – especially those relating to women's needs – because they are perceived to add complexity to the LSLBI process</li> </ul> |

**Figure 2:** CET Table 1 – Proposals for engendering community participation in LSLBI







# THE CET IN PRACTICE

# DAY 4

| Estimated time     | Content / Key points                               | Instructional technique / Facilitator activity  | Trainee activity  | Resources   |
|--------------------|--|---|---|---|
| 08:30–08:45        | Recap of Day 3                                     | Facilitator invites trainees to participate in a different interactive method of recapping on Day 3 of the training.  | Trainees contribute their perspectives.   | Idea cards and pens   |
| 08:45–09:45        | Entry points for community engagement with LSLBI   | Facilitator begins by giving a presentation of five CET-proposed entry points for communities.<br><br>Facilitator asks trainees to identify any alternative entry points based on CET principles. | Trainees receive and provide their own information.   | PowerPoint, flip chart and pens to record contributions               |
| 09:45–10:30        | Utility of the CET                                 | Facilitator invites trainees into a plenary discussion of their views on the usefulness or value-addition of the CET.   | Trainees provide their evaluation of the CET tool.  | Flip chart and pens   |
| <b>10:30–11:00</b> | <b>COFFEE BREAK</b>                                |   |   |   |
| 11:00–11:30        | CET in practice – positioning and enabling         | Facilitator makes a presentation on considerations for positioning the CET and enabling its success.  | Trainees receive and engage with information.   | PowerPoint  |
| 11:30–13:00        | Incorporating CET into advocacy programmes         | Facilitator hands over to the representative of the hosting organisation to lead the session on existing advocacy programmes and how the CET can be incorporated into these.                      | Trainees proactively identify how they can incorporate the CET into their advocacy programmes.  | PowerPoint, group work organised by institutional or team affiliation |
| <b>13:00–14:00</b> | <b>LUNCH</b>                                       |   |   |   |
| 14:00–16:00        | FACILITATOR PRACTICE SESSION                       | Trainees engage with practical exercises to put their trainer skills to the test and receive feedback.  | Trainees do the exercises.  | Computers, flip chart paper and pens                                  |
| <b>16:00–16:15</b> | <b>COFFEE BREAK</b>                                |   |   |   |
| 16:15–16:45        | End of module<br><br>Assessment and evaluation     | Facilitator hands out trainee assessment tool and overall workshop evaluation.  | Trainees provide the facilitator and organisers with their feedback on what they have learnt and their views on the organisation and the content of the module. | Post-training assessment tool<br><br>Workshop evaluation form         |
| 16:45–17:00        | Closing remarks and way forward and the next steps | Presentation by hosting organisation.   | Trainees contribute / agree to the way forward and the next steps.  | Flip chart paper and pens   |
| <b>17:15</b>       | <b>END OF TRAINING WORKSHOP</b>                    |   |   |   |

# ENTRY POINTS FOR COMMUNITIES

The CET identifies entry points for communities to engage with LSLBI. These opportunities are selected based on several criteria, for example:

- the entry point should touch on resources or concerns that are of particular importance to affected communities
- the decisions associated with the stage or processes of the LSLBI have such significant implications for communities that community consent is essential.

The CET-identified entry points thus become key processes that communities should be familiar with and use to organise their response.

## ENTRY POINT 1: DISCUSSIONS OF THE LOCATION OF THE PROPOSED INVESTMENT

Location is crucial to investors and people who are currently using the land. Location will determine who will be affected directly or indirectly by the project and, therefore, will be considered a beneficiary of any benefits the LSLBI might bring. Location also has an impact on the way community members experience an investment. For these reasons, it is the first entry point to be examined under the CET.

Those who are selected or elected to represent the community should approach government stakeholders and investors about co-deciding on the location of the LSLBI. Communities should ask if the location of the LSLBI has already been decided. If the location has not been decided or if there is uncertainty about the location, they will have the opportunity to influence where the LSLBI should be located.

The location will be controversial if the LSLBI displace people. Communities should consider meeting with investors to discuss different ways in which the development can be accommodated to avoid or minimise the displacement of people. In describing each way, it is important to be clear and specific about who will be affected and how (land, livelihood, access to natural resources, jobs, etc.) and how the community can participate in the relocation of the LSLBI.

## ENTRY POINT 2: COMMUNITY CONSENT TO THE LSLBI

Women and their communities should give or withhold their consent to the implementation of an LSLBI based on their perceptions of the envisaged impacts of the project. Communities should present their concerns and have these addressed by the investor or relevant authorities. Only once their concerns are fully addressed would communities give their consent themselves or through representatives who have a genuine concern for the community. The process of obtaining consent from communities is an important entry point for communities who are aware of LSLBI before they commence.

## ENTRY POINT 3: IF MEMBERS OF THE COMMUNITY HAVE TO BE RELOCATED

An Environmental Impact Assessment (EIA) is generally a minimum requirement before a company can proceed with development in an area, especially if the LSLBI is inconsistent with current land uses. The assessment, if done correctly and through participation, should look at the potential positive and negative social and economic impacts of the project on people, the environment and biodiversity. The EIA should be accompanied by a plan to mitigate and offset any negative social, economic and environmental impacts that had been identified. Where communities have to be relocated, an impact mitigation plan should provide for an equal or better location for residents. All these considerations are of particular interest and importance to communities in the context of an LSLBI. The EIA and discussions about the potential relocation of communities therefore constitute a critical entry point for communities.

## ENTRY POINT 4: COMMUNITY BENEFIT AGREEMENT

Community benefits should be part of any LSLBI investment discussion. Often, investors present a vision for development that makes big promises that

appeal to the hopes of residents. In many cases, these promises are rarely written down, implemented or realised. It is important for communities to demand a community benefits agreement that details these promises or agreements made by the investor to make them contractually binding. In some cases, investors or governments might design the community benefits agreement without the input of the community. It is important that the community benefits agreement reflects what development means to that specific community. This part of the process is critical to communities because the community benefits agreement is the vision of how the LSLBI will improve livelihood for the community.

## ENTRY POINT 5: MONITORING AND EVALUATION

Many communities do M&E informally. They observe the investor's activities and make

periodic assessments of how – and whether – the LSLBI is delivering on promises that were made. Communities often cite examples of aspects they are tracking, such as the lack of on-time payments or the actual amount paid versus what was promised. Other informal indicators include the number of people who contract cancer or other illnesses, which they suspect are caused by the LSLBI industries (especially mining) or the number of jobs that have been retained over time or that have been lost to technological advances made by the company.

**Community indicators** can also be a way of tracking progress. If a community can assert its needs and vision in the form of indicators, these can become part of collective assessments. In this case, the company or government will have to report on their progress to fulfil the community's vision, needs and priorities, which might increase the pressure on an investor to follow through on promises made.

### TABLE EXERCISE 5

#### Identifying alternative entry points for communities

The CET identifies five possible entry points for communities who decide to engage in decision-making processes related to LSLBI. It is possible for a community to find that none of the five proposed entry points is appropriate for their needs.

Can you identify an additional possible entry point?



## UTILITY OF THE CET

### INTERACTIVE PLENARY EXERCISE 7

#### Value-addition of the CET

The CET is timely in that:

- the moral, developmental and financial imperatives to assure the meaningful engagement of communities with LSLBI are evident
- demands for community voices to shape the nature and incidence of LSLBI can no longer be denied.

With this in mind, what, in your view, is the value-addition or usefulness of the CET?



According to the CET, its usefulness centres on the following two points:

- The CET adds to the existing body of knowledge in that it consolidates and builds on the theoretical basis for community engagement in LSLBI together with strategies and practical actions for operationalising this kind of engagement by women and communities.
- If the CET is used in a complementary manner by communities, CSOs and governments and is considered positively by investors, it can potentially help countries to maximise the community benefits and minimise the risks associated with LSLBI.

## ENABLING PRINCIPLES TO BE REINFORCED

Some enabling considerations are required to operationalise and make optimal use of the CET. The underlying principles must be reinforced, awareness campaigns are needed to raise awareness of the CET, and resources need to be identified and allocated for the roll-out of the CET.

### REINFORCE UNDERLYING ENABLING PRINCIPLES

#### **Advocate for implementation of AU GP on LSLBI**

The AU GP on LSLBI includes a fundamental principle stating that desirable LSLBI are those that contribute to the economic development of countries, including the socio-economic standing of communities associated with the LSLBI. The CET is designed for use in the context of this fundamental principle.

Unfortunately, in order to maximise their financial gains, investors have tended to use their advantage over communities in terms of information, financial power and negotiating capacity to limit the influence of communities in decisions relating to LSLBI.

#### **Intensify advocacy for the gender-equitable governance of land**

As already discussed, the situation of women in African communities is particularly precarious. Underlying gender-based inequalities in most African societies and in the way in which land and related resources are governed, means that, unless measures are taken to position women favourably, women are least likely to benefit from LSLBI and are most likely to carry the burden of negative LSLBI impacts. Hence, there is an urgent need to intensify

efforts to raise awareness of and address gender inequity in the governance of land. Advocating for the principle of gender equality in land governance is a long-term endeavour and is central to the ability of women to engage meaningfully and, ultimately, to benefit from LSLBI that are approved by their communities. This will benefit not only women but also their communities.

#### **Continue to raise awareness of the impacts of LSLBI on the universally accepted rights of women and communities**

Literature on LSLBI records a plethora of negative LSLBI impacts on women and communities. In order to galvanise support for the CET and similar initiatives, it is important for advocacy groups to continue to raise awareness of the impacts of LSLBI on the universally accepted rights of women and communities. These rights include rights to food, development and self-determination, as well as the right to freedom from discrimination. In this respect it is important to highlight meaningful engagement by communities in LSLBI as a critical component of the required response.

#### **Advocate vigorously to create political acceptance of community consent**

Finally, the CET is based on the principle that women and communities have the right to assert their views and to either accept an intended LSLBI, or to reject the LSLBI or those aspects of the LSLBI which they deem to have a negative impact. The reality is that current practice neither recognises nor upholds this right. Therefore, for the CET to make a meaningful contribution to the situation of communities, a political space needs to be created for community consent.

This will require concerted advocacy for the concept of community consent. At the same time, there will need to be advocacy for the acceptance of the CET by key regional organisations, including the African Union and its regional economic communities.

## **RAISE AWARENESS OF THE CET AMONG ALL ACTORS**

The CET will only be useful if it finds its way into the hands of communities and those who work with communities who are affected by LSLBI. This will require CSOs to agree on a communication and advocacy strategy related to the CET. Communities who use the CET also have an important role to play in referring and introducing the tool to other communities.

## **IDENTIFY AND ALLOCATE RESOURCES FOR THE ROLL-OUT OF THE CET (TIME, CAPACITY, FUNDS)**

It is important for CSOs to allocate resources to facilitate the contribution of women and communities to the development of the CET. Resources refer to time, personnel and finances. It is important to also allocate resources to familiarise communities with the CET and how they can use it. Closely associated with this is the need to ensure that civil society and other allies of communities are familiar with and supportive of the tool.

# **INCORPORATING CET INTO ADVOCACY PROGRAMMES**

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This component will be facilitated by the hosting organisation. The objective of the session is for trainees to identify ways in which the CET can add

value to existing advocacy programmes relating to WLR.

# ANNEXURE 1

## TOT MODULE ON GENDER-SENSITIVE COMMUNITY ENGAGEMENT IN LARGE-SCALE LAND-BASED INVESTMENTS

### PRE-TRAINING CAPACITY ASSESSMENT QUESTIONNAIRE

This women's land rights (WLR) questionnaire has been developed to assess the knowledge and capacity needs of stakeholders participating in training on the use of the *Enabling Voices, Demanding Rights: A guide to gender-sensitive community engagement in large-scale land-based investment in agriculture* (CET).

Please answer ALL the questions. For questions requiring explanations, please use the space provided to answer the question and provide as much detail as possible. For multiple-choice questions or where various aspects are mentioned, please tick the appropriate answers.

#### A. PERSONAL DETAILS OF CANDIDATE

1. Name: \_\_\_\_\_
2. Title: \_\_\_\_\_
3. Gender: \_\_\_\_\_
4. Organisation/Department: \_\_\_\_\_
5. Position in organisation/department: \_\_\_\_\_
6. Years of experience in advocacy on women's land rights: \_\_\_\_\_

#### B. CANDIDATE'S BACKGROUND

1. Please state your professional background: \_\_\_\_\_  
\_\_\_\_\_
2. Please indicate the aspects of advocacy for which you have previously received training: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Land rights and women's land rights
- ☐ Coalition building and networking
- ☐ Advocacy strategy development
- ☐ Women empowerment and gender equality
- ☐ Community training/empowerment
- ☐ Project management (and M&E)
- ☐ Stakeholder engagement
- ☐ Other:

If other, please provide details:

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## C. SUBJECT-MATTER EXPERTISE

1. Do you understand the challenges faced by rural women in accessing secure land rights?  
☐ YES ☐ SOMEWHAT ☐ NO
2. Can you easily and quickly identify the implications of large-scale land-based investments (LSLBI) for women and their land rights?  
☐ YES ☐ SOMEWHAT ☐ NO
3. Are you aware of policy and advocacy initiatives relating to LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO
4. Do you understand the issues and challenges relating to the meaningful participation of women and communities in decision-making when it comes to LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO
5. Do you have any understanding of how private sector companies secure contracts from governments for LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO

## D. TECHNICAL ADVOCACY CAPACITY

1. Do you or have you participated in conducting research and analysing information to support advocacy activities?  
☐ YES ☐ SOMEWHAT ☐ NO
2. Do you or have you had experience in measuring and reviewing the progress of advocacy-related goals and targets?  
☐ YES ☐ SOMEWHAT ☐ NO
3. If you are or have been in charge of a specific advocacy project, did you produce a comprehensive report of achievements in relation to project objectives?  
☐ YES ☐ SOMETIMES ☐ NO
4. Do you or have you had experience in working with grassroots organisations in support of their advocacy objectives?  
☐ YES ☐ SOMEWHAT ☐ NO

## E. NETWORKING SKILLS

1. Is your organisation involved in the activities of a coalition on WLR?  
☐ YES ☐ SOMEWHAT ☐ NO
2. Are you personally involved in the activities of a coalition on WLR?  
☐ YES ☐ SOMEWHAT ☐ NO
3. Have you specifically collaborated with another organisation to support a grassroots community with its concerns?  
☐ YES ☐ SOMEWHAT ☐ NO

# ANNEXURE 2

## TOT MODULE ON GENDER-SENSITIVE COMMUNITY ENGAGEMENT IN LARGE-SCALE LAND-BASED INVESTMENTS

### POST-TRAINING CAPACITY ASSESSMENT QUESTIONNAIRE

This women's land rights (WLR) questionnaire has been developed to assess the knowledge and capacity needs of stakeholders following their participation in the training course on the use of the *Enabling Voices, Demanding Rights: A guide to gender-sensitive community engagement in large-scale land-based investment in agriculture* (CET).

Please answer ALL the questions. Use the space provided to answer the question and provide as much detail as possible.

#### A. PERSONAL DETAILS OF CANDIDATE

1. Name: \_\_\_\_\_
2. Title: \_\_\_\_\_
3. Gender: \_\_\_\_\_
4. Organisation/Department: \_\_\_\_\_
5. Position in organisation/department: \_\_\_\_\_
6. Years of experience in advocacy on women's land rights: \_\_\_\_\_

#### B. SUBJECT-MATTER EXPERTISE

1. Did the module help you to better understand the challenges faced by rural women in accessing secure land rights?  
☐ YES ☐ SOMEWHAT ☐ NO
2. Did the module help you to better understand the implications of large-scale land-based investments (LSLBI) for women and their land rights?  
☐ YES ☐ SOMEWHAT ☐ NO
3. Did the module give you a better awareness of policy and advocacy initiatives relating to LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO
4. Did the module give you a better understanding of issues and challenges relating to the meaningful participation of women and communities in decision-making about LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO
5. Did the module position you to better support communities to respond to issues and challenges relating to the meaningful participation of women and communities in decision-making about LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO
6. Did the module give you a better understanding of how private sector companies secure contracts from governments for LSLBI?  
☐ YES ☐ SOMEWHAT ☐ NO

## C. TECHNICAL ADVOCACY CAPACITY

1. Please indicate the aspects of advocacy for which you feel you will require further training:
  - ☐ Land rights and women's land rights
  - ☐ Coalition building and networking
  - ☐ Advocacy strategy development
  - ☐ Women empowerment and gender equality
  - ☐ Community training/empowerment
  - ☐ Project management (and M&E)
  - ☐ Stakeholder engagement
2. Other  
If other, please provide details:
 

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3. Did the module help you to understand how CSO research can support advocacy activities on behalf of communities affected by LSLBI?
  - ☐ YES ☐ SOMEWHAT ☐ NO
4. Did the module help you to understand how your organisation can work better to support grassroots organisations in their advocacy objectives?
  - ☐ YES ☐ SOMEWHAT ☐ NO

## D. NETWORKING SKILLS

1. Did the module give you a better understanding of opportunities to collaborate with other organisations to support a grassroots community with its concerns?
  - ☐ YES ☐ SOMEWHAT ☐ NO
2. Did the module provide you with perspectives on potential opportunities and risks which your organisation would have to consider before engaging in advocacy work on WLR in the context of LSLBI?
  - ☐ YES ☐ SOMEWHAT ☐ NO
3. Did the module help you to identify ways in which your organisation can incorporate the use of the CET in existing advocacy programmes?
  - ☐ YES ☐ SOMEWHAT ☐ NO

## E. ADDITIONAL QUESTIONS

What aspects of the module did you like/enjoy the most, and why?

Liked most \_\_\_\_\_

Reason(s) \_\_\_\_\_

\_\_\_\_\_

What aspects of the model you did not like, and why?

Not liked \_\_\_\_\_

Reason(s) \_\_\_\_\_

\_\_\_\_\_

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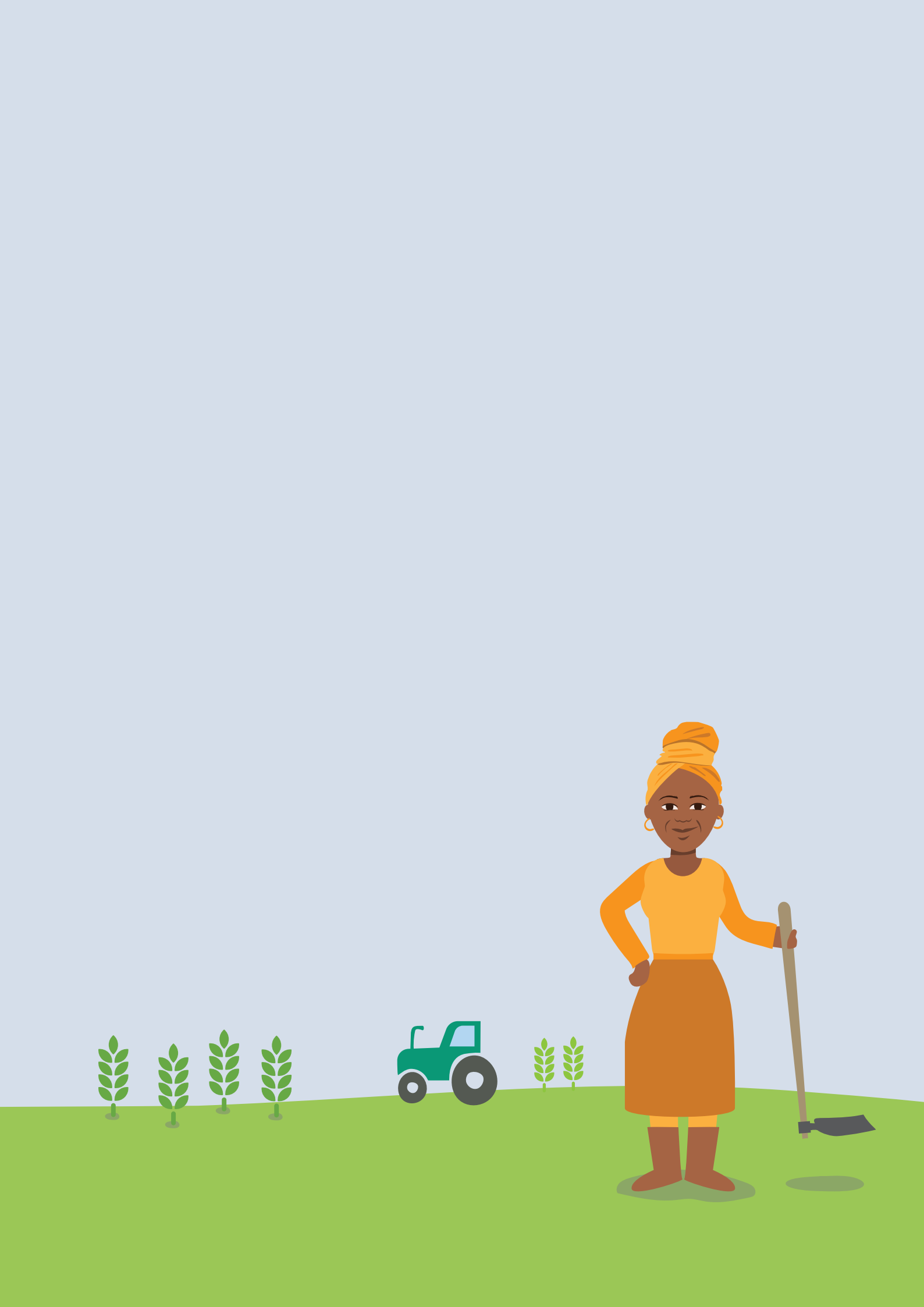
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