

Do No Harm in Land Tenure and Property Rights

designing and implementing conflict sensitive land programs

Nicole Goddard
Maureen Lempke



Introduction

Land is life. It sustains and nourishes people spiritually, culturally, physically, economically and socially, and provides natural resources necessary for life. Land is deeply associated with cultural and ethnic identity, especially for indigenous peoples; their intimate relationship with land, expressed in communal ownership and traditional practices, shaped in part by customary law, has sustained these groups over time. Land and the resources on or beneath it, provide shelter, food, and sources of livelihood. It may be a financial asset, something that can be bought, sold, or leased. It is a source of wealth, no matter what an individual or group's economic status. Land and natural resources also have the power to bring people together, even across lines of conflict or differences, providing recreation, trade, housing or common livelihood. Finally, land supports critical ecosystem functions and processes including watershed protection, maintenance of soil fertility, carbon sequestration, bio-diversity, and preservation. These ecosystem functions are not only important to sustaining the environment and consistent weather and climate patterns, they provide healthy and safe food and water, fuel, shelter, medicine, income, and recreation.

Because of these functions, land is highly valued. It and many natural resources are finite and can be degraded due to unsustainable land use practices. In this century, the demands upon land and resources are unprecedented so individuals groups and governments are competing for, and often fighting over, ownership, access and use of land. The human costs are high: insufficient land for development of urban housing and infrastructure, food insecurity, tenure insecurity for the most poor and vulnerable (including women, orphans and ethnic minorities), and unequal land distribution. Governments, speculators, and foreign investors buy up large tracts of land for industrialized farming or resource extraction. As environmental degradation increases, *all* people are at risk for natural or manmade disasters and climate change. These human costs are even higher when land laws (both formal and informal), land institutions, rural and urban land use planning, and governance structures fail to ensure land is accessible, sustainable and secure for all, to promote positive human development, and to empower land users to be stewards of its resources.

In situations of scarcity and unequal access, the chances for conflict and violence increase significantly. Moreover, experience has shown that even the most localized conflicts over land are complex, highly charged, and can spread across local, state and international lines. In other words, land conflicts can become triggering events for larger conflicts, which are difficult to contain and resolve once they begin.

Development agencies recognize that land can lead to both positive and negative development outcomes and that it serves as a driver of conflict. Programs that deal with land are frequently seen as a universal good, a vehicle to achieve principles of reconciliation, reform, equity, conservation, inclusivity, reinforcement of local capacities, and a means of preservation for local identities and values. Land programs and interventions in the areas of ***Land Tenure and Property Rights, Governance, Law, Redistributive Reforms, Land Administration, Rural and Urban Land Use Planning, Natural Resource Management, and Land Market Development*** are becoming more common. The rationale of such programs is to consider the use, access, and allocation of land in an integrated manner, to minimize conflicts, to make the most efficient use of land, and to link social and economic development with environmental protection and enhancement, thus helping to achieve the objectives of sustainable development.

Even the best-intentioned land interventions can have negative implications and impacts, which can reach far beyond the scope of the intervention itself. For example, on its face, a biodiversity conservation initiative may meet an important sustainable development goal. But if a government appropriates land and forcibly moves an indigenous group reliant on the land for its livelihood from the intended conservation area, those who were involuntarily resettled may react violently. Or if a program is developed to reform laws to facilitate inheritance of land for widows affected by the HIV and AIDS pandemic, but does not address conflicting norms or customary law, the initiative may actually harm the chances for women to have secure access to land. Even the most seemingly technical or neutral land programs may worsen the drivers of conflict. For example, a land registration or titling program that does not include consideration or documentation of existing customary land uses and ownership will result in fragmented, overlapping or unclear property rights, which could ultimately lead to conflict.

Each of the above examples demonstrates what happens when development practitioners fail to consider the existing *context* in which they are working. Practitioners must understand the interrelated conditions in which planned programs or interventions will occur. Contextual information such as population, employment, and land use factors clearly influence what strategies or adjustments are implemented to achieve an organization's programmatic goals. However, when practitioners go deeper into the *context*, to assess and document the *existing tensions* or dividers and connectors or *capacities for peace*, there can be a deeper understanding of the patterns by which their interventions can have harmful impacts and a realization of the specific opportunities for positive impacts on the context of conflict. These impacts are often unrelated to the goals of the program. These are the impacts any intervention will have on the relationships that already exist within a society. Changing the way people relate to land will change these relationships fundamentally. Those who intervene in any context must be aware of, and accountable for, the ways in which they are changing these relationships. This is what we mean by, "Do No Harm."

This tool is intended to assist in the process of designing and implementing conflict sensitive land tenure and property rights interventions.

About Do No Harm

Beginning in the early 1990s, a number of international and local NGOs collaborated through the Do No Harm Program (DNH) (formerly known as the Local Capacities for Peace Project) at CDA, a small non-profit organization based in Cambridge, Massachusetts USA¹ to learn more about how assistance given in conflict settings interacts with those conflicts. The goal of the program is to understand how aid can increase the strength of a conflict or increase people's capacities to overcome their differences. The collaboration gathered and compared the field experience of many different NGOs working in many different contexts. The goal of the *Do No Harm in Land Tenure and Property Rights Programming Tool* is to apply the Do No Harm framework to land interventions in order to identify, track, and mitigate unintended negative impacts on the *context of conflict* in a meaningful and practical way as well as identify and build upon positive impacts. It designed to help program staff in all sectors and at all levels design, implement, monitor, redesign, and evaluate their programs for conflict sensitivity. DNH helps implementers analyze and sort the factors of a complex context in order to develop an approach that is both responsive to the needs of local people and specifically tailored to the context in which it works.

¹ www.cdacollaborative.org

This is achieved through a 7-step process:

1. Understand the **Context** of Conflict.
2. Analyze **Dividers** and sources of tension in the Context.
3. Analyze **Connectors** and local capacities for peace in the context.
4. Understand the critical details of the **Intervention**.
5. Analyze the intervention's impact on Dividers and Connectors via **Resource Transfers and Behaviors and Implicit Ethical Messages**.
6. Generate programming **Options**.
7. Test options and **Redesign** the intervention.

Following these steps, *DNH in Land Tenure and Property Rights Programming Tool* will take the user(s) through the process of a DNH analysis as it relates to interventions in the land sector in order to help assistance workers understand their impacts and adjust their programs to suit the context. Adapting programs to specific contexts enables practitioners to accomplish their mandated goals, avoid doing harm, and rebind and re-connect people rather than further divide them.

Why Do No Harm for Land Interventions?

With interventions of any kind, a key component is the building of confidence in the process. If people do not trust a process, they will refuse to participate or withdraw. The keys to building trust are mindfulness of your intervention's impacts on a context, transparency, accountability for negative impacts, fairness and respect for community members. Every staff member has a role to play in building trust among the community and project beneficiaries. Do No Harm gives users guidance toward achieving these aims.

Although land-related development and humanitarian assistance programs are increasingly implemented in situations of open or latent violence, most still do not explicitly incorporate conflict sensitivity into their design, monitoring, or execution. The Do No Harm Program has found some common and very clear patterns about how assistance and conflict interact, which hold true across complex circumstances. A set of six lessons has emerged from the collaborative learning effort of the Program.

1. Whenever an intervention of any sort enters a context, it becomes part of the Context.

We cannot work in a context without changing it in some way.

2. All contexts are characterized by *Dividers and Connectors*.

In a context of conflict, the Dividers are evident and apparent, but Connectors are also always present. People will always find ways to cross the dividing lines in their societies and come together for specific purposes.

causal or aggravating factor in conflict, therefore, land issues must be approached carefully and systematically to ensure that assistance is responsive to conflict dynamics.

Using this framework, interventions of all types (development, humanitarian, peace building, etc.) have been able to minimize their negative impacts on the contexts in which they work. By minimizing these impacts they: save time, money and resources, which would have been spent managing conflict dynamics; lower risks to staff, resources and their organizational reputations; and generate better, more effective programming options.

How This Tool Works: A Road Map

The DNH in Land Tenure and Property Rights Programming Tool is divided into 3 sections.

- Section 1 sets out important things to consider, including how your organization will define vulnerable groups, and its approach to programming for women and men, before beginning a DNH analysis for a land intervention.
- Section 2 takes users through the seven-step DNH context analysis, program analysis, options generation, impact analysis, and program redesign process of the DNH Framework.
- The accompanying Workbook includes worksheets to help the user navigate the steps of Analysis and Implementation laid out in Sections 1 and 2.

Within this tool land-related technical resources are suggested as **Supporting Resources** to assist in gathering relevant data and information on land and natural resource matters, design, and sequence interventions and provide criteria for assessing the potential negative impacts of programming. The lists of available resources included here are by no means exhaustive.

Also, interspersed throughout this document are **Guidance Notes**, which offer further insight and assistance in understanding and using a specific technique or tool. And at each step of the DNH Analysis in Section 2, the tool will reference the Relationship Framework in the upper corner of the page to highlight the process of moving through the framework.

Features of This Tool

Meaningful Consideration and Integration of Gender and Vulnerability into Land Programming

Land matters to women. Women (and girls) produce nearly half of the food grown in the developing world, and are also responsible for providing their households with the basic necessities of life—food, fuel, and water. Women, however, are less likely to formally own land and the percentage of land owned by women is disproportionately small. When women have secure access to land the positive economic and social benefits to themselves, their families, and communities is high. Land ownership can mean women are less likely to be victims of domestic violence, less vulnerable to contracting HIV and AIDS, and have a better ability to participate in decisions that are made in their households. The nutrition and health of their families improves and their children have a better chance of having access to schooling—and staying in school longer. Because women may also have better access to micro credit, they can increase their ability to harvest and process vegetables, herbs, and other natural resource based products for sale in local markets. Finally, women play an important role in promoting sustainable development, not only through their *concern* for the quality and sustainability of life for present and future generations, but also through their *use* of land and natural resources.

In many rural areas around the world, women play an important role in biodiversity management, use, and conservation. They have different tasks and responsibilities in growing and providing food than men. They typically choose and improve local plant varieties, exchange seeds, and ensure that soils are fertilized.

Other groups also have an important reliance on land. For indigenous peoples, land and its related resource rights are the basis of their economic livelihood and are the source of their spiritual, cultural and social identity. In addition, HIV and AIDS, civil war, and genocide have created a new generation of orphans, many of whom are the heads of household. In Africa many orphans are heads of their households, yet their land rights are often neglected because their guardians do not always respect or recognize orphans' land rights, making them vulnerable to confiscations, even if the law protects their rights.

Despite progress on the recognition of the importance of land to women and other vulnerable groups over the last few decades, their ability to access land and to enjoy secure tenure has noticeably declined. Development practitioners have implemented programs to improve their land rights driven by the best intentions. However, these programs have not always been effective. First, the ways that women and men use land are different and context specific. In one context, agriculture may take place on a tract of irrigated land, but within that tract men may be growing cash crops, usually on an area that receives the most water, while women's household plots may be on higher elevations, further away from irrigated areas. In another context, men may use a forest area for timber harvesting, while women use this same area to harvest non-wood forest products (NWFP) to gather food and herbs for medicines. If development organizations or practitioners do not capture these gender differences in land use within the context, interventions can negatively impact either group, but in most cases, the negative impacts will be more likely to affect women.

Second, women are disproportionately affected by gender-blind or "neutral" approaches to land. Returning to the example above, if a biodiversity or conservation program is implemented to stop clear cutting of trees, and provides alternative livelihoods for harvesters only, it will be women who will be disproportionately impacted, despite the validity and good intentions of the land program.

Finally, even those land-related programs that promise to address the needs of women and other vulnerable groups within their interventions usually do this as statements of principle rather than a guide for direct actions, goals and policies within their planning and operational processes.

It is essential to have a land tool that is an aid for planning, implementation, monitoring and evaluation that can:

- Capture and assess the unique features of a given context and how various groups, including women and other vulnerable populations, use land and natural resources.
- Be easily transferable to any scale and is flexible and accessible enough to allow *anyone* to understand and adapt it as needed.
- Turn objectives in development programming, policy or principles into implementation, thereby turning abstract phrases and aspirations into concrete interventions that can be monitored and adapted or amended as needed.

Therefore, the focus of this tool is to help assistance workers better understand the complexity surrounding land tenure, property rights and natural resource management generally, and those for women and other vulnerable groups (OVGs) specifically, to ensure that rights are protected and/or

supported in a way that promotes sustainable development and is conflict sensitive. The tool assists in enabling interventions that focus not only on women's and OVGs rights to access land and natural resources, but also on the cultural and social factors that prevent them from obtaining secure rights.

Link to Global Innovations in Land Tool Development and International Protocols

In recent years, there has been considerable recognition of the centrality of land in eliminating poverty and hunger, curbing climate change, and decreasing conflict through the promotion of secure tenure rights and equitable access to land in ways that meet the goals of sustainable development.² This recognition has been realized, at least in part, through global, rights-based conventions including the Millennium Development Goals, that address human rights and tenure rights, the International Labour Organization Convention (No 169) concerning Indigenous and Tribal Peoples in Independent Countries, the Convention on Biological Diversity, the United Nations Declaration on the Rights of Indigenous Peoples, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), among others.

Other international and regional instruments and protocols, including the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests and OECD's set of core principles and measures to address the human rights challenge of large-scale land acquisitions and leases, have been developed to ensure that land-related programming and governance is done "...for the benefit of all, with an emphasis on vulnerable and marginalized people, to meet goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development."³ The *DNH in Land Tenure and Property Rights Programming Tool* seeks to link with these global efforts by providing access to these instruments for their applicable obligations, voluntary commitments, and additional guidance in developing land-related interventions.

In addition to these conventions, global efforts to develop pro-poor tools to guide land programs that are scalable, affordable and pragmatic have also been underway. They cannot do this if they assume that men and women are treated the same, use land and resources in the same ways or do not enable gender-disaggregated information to provide comparisons. To make sure that land tools don't suffer from gender-blindness, the UN's Global Land Tool Network has developed a set of gender evaluation criteria to promote more effective, efficient and equitable land programming that is driven by gender sensitivity.⁴ The *DNH in Land Tenure and Property Rights Programming Tool* also ensures that women and other vulnerable groups are considered throughout the programming process: in analyzing the context, identifying and analyzing dividers and connectors, analyzing interventions, identifying and analyzing the patterns of impact, generating options, testing options, and redesigning interventions.

Limitations of This Tool

The *DNH in Land Tenure and Property Rights Programming Tool* is *not* prescriptive. It does not make recommendations or provide explicit instructions about which interventions are appropriate in given

² FAO Voluntary Guidelines

³ FAO Voluntary Guidelines

⁴ See <http://www.glttn.net/en/on-going-initiatives/gender-mechanism-2.htm>

circumstances. Every context varies by scale, conflict dynamics, what groups are vulnerable, and what the existing land tenure and property rights situation (hereafter referred to as simply LTPR) is. Rather, this tool: 1) identifies the categories that constitute LTPR 2) organizes these categories in a visual lay-out that highlights their actual and potential relationships to the conflict, and how they impact women and other vulnerable groups 3) uses this information to help practitioners predict how planned LTPR interventions and assistance will affect the conflict, women and OVG's and 4) encourages practitioners to look for options to redesign interventions to mitigate dividers and leverage connectors within the context. Therefore, this tool provides *a process* that can help NGOs, agencies, governments, and LTPR professionals assess the unique and ever-evolving social, legal, economic, cultural, and political conditions in a region or country and, through this assessment, design appropriate interventions.

The Dimensions of Land Tenure and Property Rights

Secure and equitable access to land and natural resources *by all* is the result of well-functioning, fair, and accessible governance, property rights systems, land laws (both formal and informal), land institutions, planning processes, and land markets. Yet, too often, existing conditions—and land-related programming—create real and perceived winners and losers: land distribution may be unequal; mineral resources may only benefit foreign investors; and weak tenure rights may make women and indigenous groups vulnerable to land grabs. Therefore land and land interventions are inherently linked to conflict dynamics (prior, existing, and historical conflicts). Throughout this tool, reference is made to “land interventions” and “land programming.” These are comprised of a complex, but ultimately finite, set of dimensions, which are defined below and referred to throughout this tool.

Governance: The manner in which power is exercised in the management of a country's economic and social resources for development.⁵ Land governance is broad and multi-faceted: it can include the definition and exchange of property rights to land (for individuals and groups); the exercise of public oversight over land use, management, and taxation; the types of land that are state owned; the nature and quality of land information that is available to the public and the ease with which it can be accessed and modified; and land conflicts are resolved and managed.⁶

Legal and Regulatory Frameworks: The body of law and statutes dealing with land and the ownership use and property rights associated with it. For the purposes of this tool, this dimension of land tenure and property rights will include formal and informal (customary) laws. Customary law is a community's mechanism for regulating the right to use land through customary practice, rather than through written law.

Land Redistribution: The redistribution of landholdings, usually involving the resettlement of residents and reallocation of property rights over the land. The most common example of land redistribution is large-scale land reform involving government-initiated or government-backed property redistribution, of agricultural land, where transfer of ownership shifts from the more powerful to the less powerful.

Land Administration: The processes of determining, recording, and disseminating information about the ownership, value, and use of land when implementing land management policies. Land administration processes include the determination of rights and other attributes of the land; the survey, description, and detailed documentation of these rights; and the provision of relevant information in support of land markets and land use management.⁷

Rural and Urban Land Use and Planning: The systematic assessment of land and water potential, alternative patterns of land use and other physical, social, and economic conditions, for the purpose of selecting and adopting the land use options that are most beneficial to land users without degrading the resources or the environment, together with the selection of measures most likely to encourage such land uses. A legally binding land use plan may, for example, provide information on existing private, public, and common land rights, their boundaries and overlaps, administrative boundaries; and clarification on the responsibility for natural resources management between the state and local communities.

⁵ World Bank. 1991. *Managing Development - The Governance Dimension*. Washington D.C: The World Bank Group, p. 1

⁶ World Bank. 2011 *The Land Governance Assessment Framework: Identifying and Monitoring Good Governance*. Washington D.C: The World Bank Group, p. 12.

⁷ USAID. 2007. *Land Tenure and Property Rights: The Framework*. Washington D.C: USAID, p. 47.

Natural Resource Management and Biodiversity Conservation: The management of natural resources such as land, water, soil, plants and animals, with a particular focus on how management affects the quality of life for both present and future generations. Biodiversity conservation is the practice of protecting and preserving the abundance and variety (biodiversity) of all species, regardless of classification, ecosystems, or genetic diversity on the planet. Integrated Natural Resource Management Plans are planning documents that allow planners to implement landscape-level management of their natural resources while coordinating with various stakeholders.

Land Tenure and Property Rights: Land tenure is the relationship, legally or customarily defined, among people, as individuals or groups, with respect to land. Property rights are the bundle of rights in the use and transfer (through selling, leasing, inheritance, etc.) of land or natural resources. Different rights (strands of the bundle) may be distributed in various combinations among natural and legal persons, groups, and several publics, including many units of government. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. Land tenure systems determine who can use what resources for how long, and under what conditions.⁸

Land Markets: The mechanism by which rights in land or housing, together or separately, are voluntarily traded through transactions such as sale or leases.⁹ The intersection of where buyers and sellers of interests in land meet. The market in land rights includes a range of possible transactions, such as sales, leases, mortgages, land exchanges, and other temporary transfers. An example of a poorly performing or distorted land market can be found in areas where transactions for land or housing are made on the "grey" or "black" markets without the benefit of formal transaction.

These categories will be referenced throughout this tool to help users identify how and why their interventions intersect with conflict dynamics and generate options to improve their impacts. In addition, many development programs and sectors aimed at securing sustainable livelihoods and development also intersect with LTPR Programming:

- Gender
- Conflict Management
- Food Security
- Legal and Institutional Reform
- Rule of Law
- Agricultural Development
- Natural Resources Management and Biodiversity Conservation
- Environment
- Climate Change Adaptation and Mitigation
- Democracy and Governance
- Economic Development
- Rural and Urban Planning
- Poverty alleviation

⁸ FAO.2002. Land Tenure and Rural Development. Rome, Italy: FAO, p.1.

⁹ Palmer et. al 2009

Section 1: Before You Begin

Before using the DNH in Land Tenure and Property Rights Programming Tool, it is vital to set aside time for planning. Evidence from the DNH Program shows that analysis and especially generating options to adjust a program is done better in a team setting. The DNH in Land Tenure and Property Rights Programming Tool is designed for an individual, a team or an entire organization. This section lays out some things to consider prior to doing a DNH analysis.

All the matrices, tools and checklists noted throughout this tool are located in Section 3: The Workbook.

Understanding Gender¹⁰ and Vulnerability

Gender

Land is a finite resource. Because it is finite, there are always issues of access and control around land and the benefits derived from the land. In many cases certain groups are excluded from either Access or Control of land and its benefits. Women and girls face particular obstacles as they relate to tenure and associated tenure rights. Legal and policy frameworks may not provide adequate protection for women, indigenous peoples, or specific ethnic groups. If they do exist they may not be enforced. Or land-related procedures and processes may not be participatory, involving all affected parties. Women and vulnerable or marginalized groups within a society are excluded because of historical, cultural, or economic reasons. Before beginning any intervention, it is important to understand elements of inclusion and exclusion: who is excluded, how and why?

Key questions for consideration of Gender:

- a. How do women's and men's land usage differ?
- b. Do women and men both have access to land?
- c. Do women and men both control land?
- d. Do women and men both have access to the benefits of land (food, money, livelihoods)?
- e. Do women and men both have control over the benefits of land?

Matrix 1: Quick Analysis of Gender and Land

	How is land used?	Who has access to land?	Who has control of land?	Who has access to land benefits?	Who has control over land benefits?
Women					
Men					

¹⁰ We define gender as the social and political identity attached to a person's biological sex and physical body – what it means to be a woman or a man, which may differ in different places. Gender relations are the relations between women and men, based on the social identity attributed to each sex within a society (MacKinnon, 1987; Moore, 1994).

This quick analysis will form a baseline for understanding the gender differential in land in the zone of your intervention. If men and women have different levels of access and control over land, they will have different stakes in the intervention and will be treated differently as beneficiaries. This analysis is the first step to understanding gender differences in the intervention zone.

In terms of roles in society, gender often intersects with considerations of age. Girls and boys have different roles than women and men, who are different still from elderly men and elderly women. Understanding which roles each of these populations play will nuance your understanding of gender in society and how it interacts with social, economic and cultural factors.

Matrix 2: Activities Analysis Framework

The Matrix below forms the basis for UNHCR’s People Oriented Planning¹¹ and is meant to analyze the activities and roles of different groups in society. This analysis will help fine-tune your approach to beneficiary selection.

	Women	Men	Elderly Women	Elderly Men	Girls	Boys
Activities Where? How much Time?						
How are resources accessed?						
How are resources controlled?						

Vulnerability

Development organizations have increasingly sought to consider the needs of "vulnerable groups" in their programs and interventions. Vulnerability may be understood as “a state of high exposure to certain risks, combined with a reduced ability to protect or defend oneself against those risks and cope with their negative consequences”¹² Based on this definition, the specific vulnerable groups targeted by development organizations may be determined *depending on the context*. Certain population groups often encounter discriminatory treatment or need special attention to avoid potential exploitation. The challenge is to both understand the needs of these vulnerable groups and ensure the interventions do not further exacerbate the factors which lead to their vulnerability, but rather accentuate their capacities.

Key Questions for consideration of Vulnerability:

- a. Which groups are vulnerable in this context?
- b. How are these groups vulnerable?
- c. What capacities do each of these groups have?
- d. In what ways will the intervention incentivize vulnerability? Capacity?

¹¹ Overholt, Catherine, Mary B. Anderson, Kathleen Cloud, James E. Austin *Gender Roles in Development Projects*. 1984. Kumarian Press. *People Oriented Planning at Work: Using POP to Improve UNHCR Programming*. Mary B. Anderson 1984

¹² United Nations. 2001 “Reducing vulnerability”, *Report on the World Social Situation*. New York, USA: United Nations, Chapter 8.

In many places, the entire population exists in a state of general vulnerability. Governments can be unresponsive to or fail to provide services to whole sectors, districts or countries. In these places, even designating a specific subset of people as vulnerable can have political implications or can lead to competition over who is the “worst off” or the “most vulnerable.” In one slum in Rwanda, orphans with HIV or AIDS were targeted for material support (clothing, blankets, mattresses) but other children, even other orphans, were not. This led one child to state, “I wish I had AIDS, so I could get new clothes, too.”

It is vital to remember that although certain groups may be vulnerable in some ways, they still have capacities, which can be supported. While trying to support vulnerable groups, interventions must avoid undermining or overwhelming their existing capacities. Use Matrix 3¹³ to identify the capacities and vulnerabilities of targeted groups. In this matrix, capacities and vulnerabilities are divided into three categories: Physical/Material; Social/Organizational; and Motivational/Attitudinal. The Physical/Material category includes land, environment, people’s health, their skills and labor, infrastructure, food, housing, capital and physical technologies. The Social/Organizational category includes divisions according to race, religion, ethnicity, language or class that weaken social fabric and people’s coping mechanisms: family, group, community, organizations, distribution systems for goods and services and other inter- and intra-family decision making structures. The Motivational/Attitudinal category includes the community’s vision of itself and its ability to deal with physical/material and social/organizational vulnerabilities.

Matrix 3: Capacities and Vulnerabilities Analysis

	Group A		Group B		Group C	
	Vulnerabilities	Capacities	Vulnerabilities	Capacities	Vulnerabilities	Capacities
Physical/Material What productive resources, skills and hazards exist?						
Social/Organizational What are the relations and the organizations within the group? Between the group and others?						
Motivational/Attitudinal How does the community view its ability to create change?						

This analysis will give you a basic understanding of not only WHO is vulnerable, but HOW they are vulnerable. In addition, it highlights those factors in society which are already working to help people overcome their vulnerabilities.

After completing the analyses in this section, you should be able to answer the following questions:

1. Does the program, as it is currently planned, effectively address differences in access and control of land between men and women?
2. Does the program take into account the different ways people use land and other resources in the community?

¹³ *Rising from the Ashes*. Anderson, Mary B. and Peter Woodrow. 1998. Lynne Rienner Publishers.

3. Does the program consider its impact on other activities taking place in the community, as well as who is responsible for those activities?
4. Does the program support existing capacities within the community, or undermine them?
5. Do the program's selection criteria create perverse incentives for people to self-identify as "vulnerable"?

Supporting Resources Women and Other Vulnerable Groups

- The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2012)
- The Pinheiro Principles (2005)
- The Protocol to the African Charter on Human and People's Rights, on the Rights of Women in Africa (2003)
- The Habitat Agenda Goals and Global Plan of Action (1996)
- The World Food Summit Action Plan (1996)
- The Beijing Declaration (1995)
- Agenda 21 (1992)
- Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO No.) (1989)
- The Convention on the Rights of the Child (1989)
- The International Covenant on Civil and Political Rights (1966)
- The International Covenant on Economic, Social and Cultural Rights (1966)
- The Universal Declaration of Human Rights (1948)

Understanding the land elements of your Program

This tool is structured around the dimensions Land Tenure and Property Rights as laid out in the Introduction. Before beginning your DNH Analysis, it would be helpful to examine your intervention to determine which elements are applicable to your work.

Checklist 1: The Dimensions of Your Program

Governance

The program has elements that attempt to influence:

- *How land use is overseen, managed, or taxed,*
- *How property rights are defined or exchanged,*
- *The nature and quality of land information that is available to the public*

Legal and Regulatory Frameworks

The program has elements that attempt to influence:

- *The statutes dealing with land ownership, use and property rights*
- *The informal structures that deal with land ownership, use and property rights.*
- *The formal and informal ways land conflict are resolved.*

Land Redistribution and Distribution

The program has elements that attempt to influence:

- *The resettlement of residents (including involuntary resettlement)*
- *Land restitution*
- *Land consolidation or readjustment¹⁴*
- *Large scale land acquisition (for industrialized farming purposes or large infrastructure projects)*

Land Administration

The program has elements that attempt to influence:

- *Records about ownership, value and use of land*
- *Information distribution about ownership, value and use of land*
- *Determination about attributes of land: survey, description, and documentation*
- *Determination of land rights*
- *Provision of relevant information in support of land markets and land use management*

Land Use and Planning

The program has elements that attempt to influence:

- *Assessments of land and water potential*
- *Patterns of land use and other physical, social and economic conditions*
- *Selection and adoption of land use options*
- *Hazard or emergency planning*

¹⁴ Readjustment refers to approaches to improve the layout of structure of parcels or holdings. This may be achieved by facilitating the exchange of parcels or holdings between multiple owners and users, or through facilitating the pooling of parcels and holdings and the subsequent subdivision with new boundaries that better suit the owners and users. Land consolidation is the term for readjustment that is usually used in connection with agricultural land. FAO voluntary guidelines

Natural Resource Management

The program has elements that attempt to influence:

- *Use and management of resources (land, water, soil, plants, trees and minerals)*
- *Conservation*
- *Environmental quality for present and future generations*
- *Biodiversity conservation*
- *Climate change mitigation and/or PES programs¹⁵*

Land Tenure and Property Rights

The program has elements that attempt to influence:

- *The relationship among people with respect to land*
- *The ability of people to buy sell, lease or inherit land or natural resources*
- *How property rights are allocated*
- *How access to land is granted, controlled and transferred*

Land Markets

The program has elements that attempt to influence:

- *The purchase, lease, mortgage, exchange and sale of land*
- *Land market distortions (including land speculation) and informal land exchanges*
- *Financial and credit markets for land and housing*

¹⁵ PES or Payment for Environmental Services Payment for Environmental Services (PES) is a tool used to promote production and maintenance of public benefits generated by the natural environment, such as clean air or clean water. PES involves compensating local populations in exchange for either **not** engaging in land management practices expected to result in environment degradation or in exchange for adopting practices expected to generate environmental benefits and ecosystem services. As the effects of climate change become more apparent, PES is designed to reduce or absorb emissions of CO2 have risen to the forefront of climate change mitigation strategies. Knox et al

The Impacts of Land Programs on Sustainable Development

Programs in the areas of **Governance, Law, Land Redistribution, Land Administration, Rural and Urban Land Use Planning, Natural Resource Management and Biodiversity Conservation, Land Tenure and Property Rights**, and **Land Market Development** can be a means of mitigating conflict and unsustainable development practices and linking social and economic development with environmental protection and enhancement. This is the foundation of sustainable development. Below are a final set of criteria to ensure that sustainable development objectives of sustained biodiversity, ecosystems, natural resources and environment, cultures, groups, and places in tandem with the development of people the economy and society are met in LTPR interventions¹⁶

After identifying the LTPR elements of your program, you should ensure that its activities and interventions are developed and applied in accordance with the existing obligations under international law including international human rights and sustainable development instruments, as well as the Constitution of the state in which you are working. The text box provides an overview of international conventions and instruments on the sustainable use of land and the protection of the rights of women and other vulnerable groups in land matters. Below is a quick checklist using the dimensions of LTPR in this tool to ensure your land program meets basic criteria of human rights, gender equality, non-discrimination and justice, equity and environmental sustainability.

Supporting Resources: Sustainable Development and Biological Diversity

- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012)
- UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ("Aarhus Convention") (1998)
- Kyoto Protocol (1997)
- Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994)
- Convention on Biological Diversity (1992)
- Agenda 21 (1992)
- Convention on Climate Change (UNFCCC) (1992)
- Our Common Future: Report of the World Commission on Environment and Development ("Brundtland Report") (1987)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973)
- Convention on the Conservation of Migratory Species of Wild Animals
The International Treaty on Plant Genetic Resources for Food and Agriculture

¹⁶ See Kates, Robert, Thomas M. Parris, and Anthony A. Leiserowitz. 2005. "What is Sustainable Development?" in *Environment: Science and Policy for Sustainable Development*, Volume 47, Number 3, pages 8–21.

Checklist 2: The Dimensions of Land Tenure and Property Rights and Sustainability

Governance

- Gender, ethnicity, traditional local authorities and vulnerability are considered and included into all education, training, and information dissemination activities at *all* geographic levels (national, regional, district, village).
- Everyone, regardless of tenure status (including landless and informal settlers) is engaged in decision-making processes prior to program design, redesign and monitoring and evaluation.
- Program activities related to any aspect of governance of natural resources take into account social and cultural rights, as in the case of indigenous communities in addition to formal and informal rights.
- Program activities include measures to ensure that any legal and policy frameworks provide equal protection for women and OVGs *and* that they are implemented and enforced.

Legal & Regulatory Frameworks

- Program activities are consistent with any existing and voluntary obligations under national, regional and international law.
- Program activities support the development of impartial and competent judicial and administrative bodies to resolve disputes over tenure rights in a way that is timely, accessible, affordable, contextually appropriate and effective. Program activities also support alternative dispute resolution mechanisms, including customary.
- Program activities advance and improve legal, customary and de facto secure access to land and natural resources for women and OVGs.
- Program activities related to formal, informal and non-formal laws and norms and procedures enable dissemination and public information in applicable languages and formats accessible to all, including women and OVGs. If women or OVGs are traditionally without access to education, activities and processes are in place to share information without filtration.

Land Redistribution

- The objective of your program and its intended beneficiaries are understood by beneficiaries and non-beneficiaries.
- Redistributive reforms guarantee equitable access for everyone, including women and OVGs, to land and natural resources. Equitable access is defined by local people through their participation.
- Program activities support restitution, (including just compensation) for the loss of legitimate tenure rights to land and natural resources.

- For programs that support restitution, claimants are provided with adequate, appropriate assistance throughout the process, including legal and paralegal aid.
- Information on restitution procedures are widely disseminated to reach all, including women and OVGs, in applicable languages and through relevant methods.
- Program activities provide transparent rules on the scale, scope and nature of large-scale land transactions, no matter what the purpose.
- Program activities provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks that could arise from large-scale transactions in tenure rights.
- Social and other assessments for activities involving large-scale transactions of tenure rights, (consolidation, acquisitions and partnership agreements, upgrading, restitution) have been undertaken in order to make needed provisions for different parties, including women and other vulnerable groups.
- Land redistribution activities have been designed to be socially, economically and environmentally sustainable, and sensitive to women and OVGs.
- Environmental safeguards are in place to prevent or minimize degradation and loss of biodiversity.

Land Administration

- The program has safeguards to ensure coordination between implementing agencies, at all levels, including local and customary systems.
- Program activities support access and availability of any information related to tenure and access of land and natural resources to all, including women and OVGs.
- The program supports the development and use of socio-culturally appropriate ways of recording rights of indigenous peoples and other communities with customary tenure systems.
- Program activities take *additional or special measures* to enable women and other vulnerable groups to access land administration and legal services (e.g. mobile legal support, surveyors, mobile surveying equipment).
- Program activities prevent corruption and promote transparency as they relate to tenure rights by widely publicizing processes, requirements, fees, etc. These recordings are accessible to all regardless of language or reading ability.

Rural and Urban Land Use Planning

- Program activities related to spatial planning consider all tenure rights, including those of women and OVG's, including overlapping and periodic, seasonal rights.

- Spatial policies, strategies and actions aim to prevent and respond to the effects of climate change and minimize the potential impacts of natural disasters.
- Spatial planning activities take into account the need to promote diversified sustainable management of land and natural resources.
- Program includes activities to publicize gender-sensitive policies and laws on regulated spatial planning.
- Spatial development planning considers and integrates methods of planning and territorial development used by women and OVGs (e.g. indigenous peoples) other communities with customary tenure systems.
- Spatial planning activities reconcile and harmonize the various objectives of the use of land and natural resources.
- Program activities include provision of safeguards against improper use of spatial planning powers, particularly regarding changes to regulated use.

Natural Resource Management (Including Biodiversity Conservation)

- Both men and women are part of officially recognized NRM management bodies at the local, regional and national levels. If women have not historically been part of management bodies in this context, steps are undertaken to ensure their participation.
- Program activities are designed in recognition that natural resources and their uses are interconnected.
- Program activities reflect the social, cultural, economic and environmental significance of land and natural resources in ways that are non-discriminatory and equitable for all, including women and OVGs.
- Program activities and components been designed in light of broader social, economic and environmental objectives, including biodiversity conservation and climate change adaptation.
- Program activities support collective use and management of land rights on public lands.
- Program enables continuous monitoring of tenure status related to natural resources and makes information accessible to all, including women and OVGs.
- Program supports transparent and up-to-date public access to transactions of resources.
- Program activities in natural resources positively affect small holders and landless, who are disproportionately women and OVGs.

Tenure and Property Rights (including landlessness, informal, non-formal tenure)

- Program activities support recognition of *all* categories of legitimate tenure rights in a way that is clearly defined and publicized, through a transparent process.
- Program activities refrain from infringing on the tenure rights of others, including women and OVGs.
- If the program includes non-state actors such as businesses (including mining or other international interests), there are safeguards to avoid infringing on human rights and legitimate tenure rights, including those for women and OVGs.
- Program activities support legal, customary and de facto protection against forced evictions or refrain from in any way encouraging eviction indirectly (e.g. large scale infrastructure, mineral, housing settlements).

Land Markets

- Program activities work to eliminate legal and de facto barriers to land ownership.
- Program activities facilitate fair and transparent sale and lease markets for all, including women and OVGs.
- Program activities work to prevent land speculation land concentration and abuse of customary forms of tenure.
- Program activities facilitate the operations of efficient and transparent markets to promote participation under *equal* conditions and opportunities regardless of the size, power or resources of the respective parties.
- Administrative procedures for land transactions are affordable and accessible in order to avoid discouraging market participation by women and other vulnerable groups.
- Women and OVGs have access to credit markets to secure land.

Predicting the Impacts of your Interventions

After you have determined the various dimensions of your interventions, and you know something about land use in the context, you should outline how these dimensions will each change access, control and use of land.

Matrix 4: Predictive Change Matrix

	How will your program change...				
	How land is used?	Who has access to land?	Who has control over land?	Who has access to land benefits?	Who has control over land benefits?
Governance					
Legal and Regulatory Frameworks					
Land Redistribution					
Land Administration					
Rural and Urban Land Use Planning					
Natural Resource Management					
Tenure and Property Rights					
Land Markets					

By using Matrix 4, you will be able to articulate the types of changes you are hoping to see as a result of your program elements, as well as ask yourself what unintended changes might occur in the context as a result of the types of interventions you are planning. It is important to return periodically to this matrix as you implement your program. Are the changes you predicted taking place? Why or why not?

Using Experts

Many organizations rely on specialists or experts to implement certain program elements. These experts bring important resources and knowledge to a program. When engaging experts, you should find people with the appropriate skills or knowledge to suit the challenge. The scope, complexity and LTPR dimensions of your land program will guide the composition of the team that works with this tool. Some specializations are necessary. For example if your program relates to assessing boundaries, resolving boundary disputes and recording rights in a forest area, you will want to have someone with cadaster expertise and someone with legal experience (and knowledge about customary law). Typically, experts will include agriculture, natural resources, and property rights specialists, a land and property rights lawyer, a land administration specialist, and a gender specialist.

Planning your Analysis

When working with a team, especially one drawn from a context of conflict, it is important to consider the makeup of that team. If a team is drawn all from one region, one city, one ethnic or religious group, it may be more difficult to identify lines of conflict external to that group and it could have an impact on how beneficiaries are selected.

- Will both men and women participate in the context analysis?
- Is the analysis team drawn from the local context or from outside (the capitol city, a foreign country)? How is “local” defined in the context?
- Do local team members represent a cross-section of the groups (ethnic, social, political, economic) in the context?

Section 2: The Seven-Step DNH Process

Step 1: Understand the Context

Step 2: Identify and Analyze Dividers

Step 3: Identify and Analyze Connectors

Step 4: Analyze the Intervention

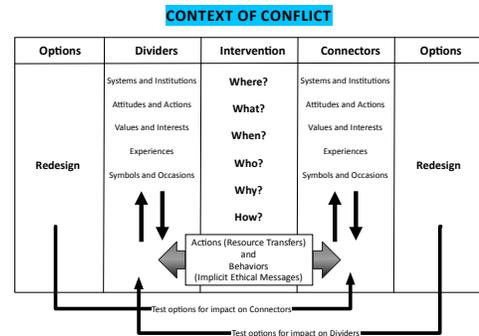
Step 5: Identify and Analyze the Patterns of Impact

Step 6: Generate Options

Step 7: Test Options and Redesign Intervention

STEP ONE: Understand the Context

Understanding the Context involves identifying the actors and factors in the context upon which your organization’s intervention will have an impact. This includes identifying existing and historical conflicts within the context. Not all of these will be violent or destructive, but it is important to track and understand the dynamics of conflicts and actors in the context in which you will be working.



Every society has groups with different interests and identities that contend with other groups. Although many of these differences do not erupt into violence, land is potent factor that causes or contributes to destruction or violence between groups. In terms of land and conflict the relationship may be obvious, as in the case of two ethnic groups fighting for contested land. Or it may be much more subtle as in the case of a land titling system that only recognizes formal, private property rights. This may leave an indigenous group repeatedly vulnerable to land confiscation or encroachment, eventually leading to an outbreak of violence. Whether we are talking about how land issues function as causal or aggravating factors in conflict, Step One can help to illuminate the scale, number and nature of conflicts in the existing context.

The idea is not to generate an analysis that tells you absolutely everything about the context, but rather to generate a sufficient and useable analysis. Your analysis will grow stronger over time as you learn more about the context. The analysis generated by the questions below is not a complete one, but it is enough to begin to identify where you will need more information and to begin working. Ultimately, context analysis is an ongoing process and generates a living document that informs your work throughout the program cycle.

There are three primary tasks in Step 1 to understand **the context of conflict**:

1. Identify the elements of the implementation area for analysis of the context.
 - What is the geographic area relevant to your organization’s work?
 - At what level will each intervention be implemented? (local, regional, national)
 - Are interventions needed at other levels, or is some combination required?

2. Identify actors in the context.
 - What groups (ethnic, political, social, etc) exist within the program implementation area?
 - What groups exist outside the implementation area?
 - Can the implementation area be defined as “belonging to” or “territory of” any particular group?
 - What other interventions are taking place that will have an impact on the context? What is the government doing? What are NGOs doing? What local efforts are taking place?

3. Identify which inter-group conflicts have caused violence or are dangerous and may escalate into violence.
 - Have any conflicts between identified groups erupted into violence? Are there non-violent conflicts with the potential to erupt into violence?

- What land-related conflicts exist in the implementation area? What non-land related conflicts exist? What is the current status of these conflicts?
- How are women and other vulnerable groups participants in or affected by these conflicts?

Guidance Note:

Use a map of the physical space you will be working in (country, intra- or inter-country region) to draw and number the different conflicts that exist in the intervention area. In addition to this mapping process, Worksheet 1 will guide your work in listing and analyzing existing and historical conflicts in the context. Worksheet 1 will also guide you to identifying the roles of women in each conflict and the impact of the conflict on vulnerability in the context.

Worksheet 1

The worksheet below is a starter conflict analysis. The questions along the top row can be changed depending on what you determine to be the most important issues for analysis. As you begin to analyze the context of conflict, make sure to consider conflicts, which are unrelated (or seem to be unrelated) to land issues. **Your land intervention will have an impact on the entire context of conflict, not only on land-related conflicts.**

Supporting Resources: Making the Link between Land and Conflict

While it may be relatively easy to describe many non-land related conflicts, it may be much more difficult to determine which land issues are related to ongoing conflicts in a particular setting. Furthermore, a seemingly well-intentioned infrastructure or mining initiative may instigate latent conflicts. Tools including Rapid Appraisal Instruments can help to clearly define the linkages among land, development assistance, and conflict.

Rapid Appraisal Instruments

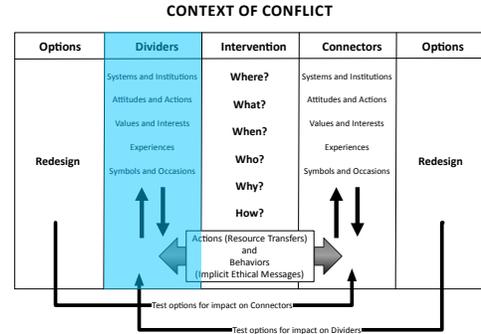
- World Agro-Forestry's RaTa: A Rapid Land Tenure Assessment Manual for Identifying the Nature of Land Tenure Conflicts
- USAID's Land and Conflict Toolkit
- Global Land Tool Network. 2009. Land and Conflict: A Handbook for Humanitarians
- UNEP. Land And Conflict Toolkit And Guidance For Preventing And Managing Land And Natural Resources Conflict

CONFLICTS	What actors, groups or institutions are involved?	Where is the conflict taking place?	What is the conflict about?	How is the conflict violent?	How long has the conflict lasted?	What is the role of women in the conflict?	Who is/has become vulnerable because of the conflict?
Conflict 1							
Conflict 2							
Conflict 3							
Conflict 4							
Conflict 5							

STEP TWO: Identify and Analyze Dividers

What is a Divider?

Dividers are those forces, capacities or inequalities that perpetuate conflict, violent and non-violent, between groups. In contexts of conflict, these are very apparent; people talk about them and highlight them as reasons for fighting. In contexts without overt conflict, dividers still exist and have the potential to lead to overt conflict. By entering a context, we will have an impact on dividers, by either strengthening them (increasing their dividing power) or weakening them.



In order to analyze Dividers, you must first know what they are and how they function to divide people. Using the dimensions of LTPR, along with categories described below, you can more clearly disaggregate your lists of dividers, see how they are related to LTPR, and understand how they work to divide people in the context.

Dividers exist within the context. Though our interventions, or the interventions of others are a part of the context in which we are working, we must first analyze what exists already, without considering our interventions. **Our interventions ARE NOT dividers or connectors, they act upon dividers or connectors in the context.**

1. **Systems and Institutions:** What national, local, economic, or cultural systems or institutions keep people apart?
Example: The Ministry of the Interior's work is seen to be exclusionary and supportive only of one ethnic group.
2. **Attitudes and Actions:** What attitudes, stereotypes, threats, acts of violence exist in the context?
Example: Propaganda used during elections demonizes the poor.
3. **Values and Interests:** How do differing (or external) values and interests divide people?
Example: One group uses a parcel of land for planting seasonal crops, the other uses it for grazing cattle.
4. **Experiences:** How do different experiences of events shape people's relationships?
Example: During the war, one side displaced people from their homes and took over the properties.
5. **Symbols and Occasions:** Do some celebrated events or icons of one group accentuate differences, excite suspicions, conflict or strife to the other?
Example: The ruling group names roads and bridges after famous generals, who were largely responsible for killing large numbers of the other group.

These categories can be helpful to sort dividers and make lists more manageable, as well as understand how different factors are actually working to divide people. Occasionally, a factor may seem to be acting as a divider in more than one category. In those cases, it is important to pull the divider apart to see what elements of it are divisive and how. We can only fully understand our impacts on dividers if we understand how those dividers operate in the context.

Worksheet 2 will help you sort dividers in the context. It is important to consistently revisit not only the list of dividers, but also the categorization to make sure they are accurately reflecting the realities of the context.

Why do we care about Dividers?

A Land Tenure and Property Rights program may not have influence over dividers like discriminatory police, propaganda or national holidays. Nonetheless, these dividers are important to track. The impacts of an intervention will reverberate through the context and can make seemingly unrelated dividers stronger. For instance, if the structures surrounding land administration, law and governance are developed along ethnic lines, which mirror existing the ethnic divides in other institutions or groups such as military or police forces force, the program may be perceived to be reinforcing discriminatory practices within the government as a whole, which could lead to conflict between groups.

The Four-Stage Process of Dividers Analysis:

1. Identify Dividers.

To start, refer to the list of existing conflicts in the area (Worksheet 1). For each conflict, generate a list of Dividers. This list should be as exhaustive as possible. Use local knowledge.

2. Sort Dividers.

Use **Worksheet 2** to sort identified dividers. Use a separate worksheet for each identified conflict.

3. Prioritize Dividers.

Use the analysis you have done in the first two stages to prioritize dividers according to their divisive power. You will not be able to track EVERY identified divider, but you can keep track of those dividers with the greatest potential to lead to or exacerbate conflict. Make a list of the 5 to 10 high priority dividers. These will change over time, so you must also revisit this list. Use local knowledge.

4. Predict Impacts on Women and Vulnerable Groups.

For each identified priority divider as yourself (or your team), “If this divider gets stronger, what will be the impact on women and groups identified as vulnerable?” and, “If this divider gets weaker, what will be the impact on women and groups identified as vulnerable?” This is simply a prediction; these impacts may not ever be realized. But as you learn more about the context and groups, you will be able to make more accurate predictions. Use **Worksheet 3** for this process.

Guidance Note: Using the Categories of Dividers and Connectors

People often say that a particular person (usually someone of importance or someone who promotes fighting) is a divider—or a connector. It is important to disaggregate this statement to understand HOW the person divides or connects people. Are they a symbol of a larger movement? Do they manipulate institutions? Do they promote warlike—or peaceful—attitudes?

Equally, when people say that a certain thing is BOTH a divider and a connector, it is important to dig deeper to understand how it connects AND how it divides. For example, in one context people may say the Ministry of Interior is both a divider and a connector. Upon further analysis, they realize that all people value of the Ministry’s work on conserving important natural places, but that it was being done to the exclusion of the needs of those who were residing in the protection area. When analyzing Dividers and Connectors, it is critical to discuss the reasons something divides and connects people.

Why do we care about Connectors?

Land Tenure and Property Rights interventions are often seen by governments and citizens as a means of reconciliation and peace building, or at the very least a way to stabilize a community, especially after prolonged conflict and large-scale displacement. As with Dividers, our interventions and even our presence has an impact on Connectors. Local systems and structures, which serve to mediate disputes or govern LTPR issues within a context can be undermined or weakened by the presence of external actors. It is important to understand what is currently functioning within a context and how our intervention might overwhelm those elements. While attention to Connectors is vital, interventions should not attempt to generate new connectors. Even when people have a deep understanding of the context, bringing people together in ways they have not come together before usually fails.

The Four-Stage Process of Connectors Analysis:

1. Identify Connectors.

To start, refer to the list of existing conflicts in the area (Worksheet 1). For each conflict, generate a list of Connectors. This list should be as exhaustive as possible. Use local knowledge. Ask local people what connects them.

2. Sort Connectors.

Use **Worksheet 4** to sort identified connectors Use a separate worksheet for each identified conflict.

3. Prioritize Connectors.

Use the analysis you have done in the first two stages to prioritize connectors according to their connecting power or what you will have the capacity to influence. You will not be able to track EVERY identified connector, but you can keep track of those connectors you will be able to work on. Make a list of the 5 to 10 high priority connectors. These will change over time, so you must also revisit this list.

4. Predict Impacts on Women and Vulnerable Groups.

For each identified priority connector as yourself (or your team), “If this connector gets stronger, what will be the impact on women and groups identified as vulnerable?” and, “If this connector gets weaker, what will be the impact on women and groups identified as vulnerable?” This is simply a prediction; these impacts may not ever be realized. But as you learn more about the context and groups, you can make more accurate predictions. Use **Worksheet 5** for this process.

Guidance Note: Linkages between Dividers and Connectors

As you move through the Dividers and Connectors analysis, you will begin to see links between certain dividers and other dividers, or between dividers and connectors. Dividers and Connectors may be closely related, or dependent on one another. These linkages are interesting and provide a deeper understanding of the context, but it is not a vital part of the analysis to look for these linkages. The most important part of a Dividers and Connectors analysis is to notice changes in the dividers and connectors in a context, and then adapt your program to address those changes.

STEP FOUR: Analyze the Intervention

Your program will have an impact on the Dividers and Connectors you identified in Steps 2 and 3.

The details matter. One of the key lessons of DNH is that it is rarely an entire intervention or program that causes negative impacts on dividers and connectors in a context; it is usually the details of HOW the program is implemented.

Understanding and analyzing the small details of an intervention is vital to understanding how those details will interact with a context of conflict. Step four of the *DNH in Land Tenure and Property Rights Programming Tool* involves a thorough review of all aspects of the assistance program. It is important to note that in land tenure and property rights interventions the distribution of assistance is not just about the distribution of assistance-related items such as computers, office equipment, or seeds and tools for agricultural interventions, it is also about the *effects* of interventions, such as the effects of land reforms, the distribution of land, the distribution of natural resources on the conflict context and even on people's rights and quality of life.

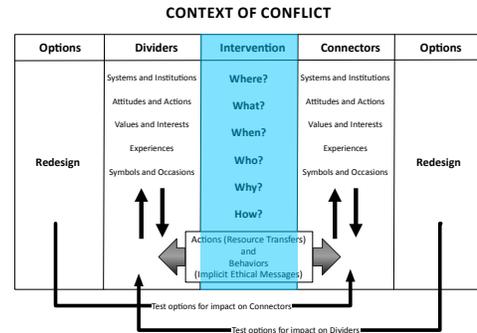
There are a few very basic questions to ask in order to begin to really examine the elements of an intervention, these are the Critical Details of your Intervention:

1. **Where** are we working?
2. **What** are we doing?
3. **When** will we do it?
4. **Who** are we working with (staff, beneficiaries and authorities)?
5. **How** will we do it?
6. **Why?** (Why us? Why now? Why there? Why with them? Why this intervention? Why this way?)

But these questions on their own will not give a full understanding of the elements of an intervention. Below are some sample questions which illustrate the depth of understanding you can achieve about your program's interaction with the local context by unpacking the elements of the intervention:

1. **Where** are we working?
 - a. Why did we choose this location?
 - b. Why not other locations?
 - c. At what scale are we working? Village, city, regional, national?
 - d. Why are we choosing to work at these levels?
 - e. Why have we not chosen to work at other levels/scales?
 - f. Where can you reach the most people?

It will be helpful to look at the table that you filled out in Step 1 to cross check your proposed interventions with the scale of existing conflicts. For example, if you propose a regional titling initiative to better formalize property rights to forest resources, but fail to consider village level tribal conflicts that were documented in step 1, you may exacerbate the conflict unless you provide formal and informal adjudication processes to resolve these smaller scale conflicts. Furthermore, if you use the same table, you can better consider the needs of women and OVG's in terms of the scale and location of interventions since their role/impact relating to the conflict have already been documented.



2. What are we doing?

- a. Which areas of LTPR will comprise our project i.e. **Governance, Law, Redistributive Reforms Land Administration, Rural and Urban Land Use Planning, Natural Resource Management (Including Biodiversity Conservation), Land Tenure and Property Rights, and Land Market Development?**
- b. Why have we chosen these dimensions of LTPR intervention?
- c. Which sectors have we chosen not to intervene in and why?
- d. What resources are we bringing to where we are working? Be specific (e.g. cadastre equipment, structures, capacity, agricultural inputs, titles, staff, office equipment)
- e. Why are we bringing these things?
- f. Why are we not bringing other resources?
- g. Will our project have indirectly bring other resources? (Land, rights, natural resources, political power?)
- h. Do project components and activities address dividers and connectors?
- i. How will we know our program has succeeded (i.e. that we have chosen the right intervention)?
- j. What other needs are there that we have decided to not address?
- k. Why have chosen to not address those needs?
- l. What changes in the context may force us to leave?
- m. What mechanisms do you employ to ensure complete saturation? How do you know women and OVGs who need this information have it?
- n. How do you address those who can't read?

For questions a-c, again, it will be useful to return to Worksheet 1, as it has already provided some of the LTPR causes of the conflict and can narrow down which dimensions of LTPR should be part of your program. Returning to the example of the regional titling initiative, you may determine that land market interventions will not be required, but governance, land administration and legal (adjudication) measures must be. For questions d-g, it is as important to look at the *distribution* of inputs and potential outcomes resulting from LTPR interventions, as these are the physical resources that come with donor assistance. Questions h-l are very important; referring back to Worksheets 2 and 3 will help to directly link interventions with dividers and connectors and ensure you are leveraging local capacities for peace and mitigating existing dividers. Finally, questions m and n underscore the importance of providing *relevant* public information for *all* beneficiaries.

3. When will we make our interventions?

- a. Is the situation post-conflict, pre-conflict, or is the conflict still "hot"?
- b. Why now at this phase of the conflict?
- c. What will be the timing and duration of our project?
- d. What will be the sequencing of activities
- e. Do we have an exit strategy?
- f. What are our criteria for selecting the timing and duration?
- g. What process have we undertaken to appropriately sequence interventions?
- h. Will we know when our project is finished?
- i. When can we reach the most people? During the day? Evenings?

There are 3 dimensions to the "when" questions: The first pertains to what stage of the conflict the proposed program is being implemented; the second pertains to when individual interventions should be implemented within the program; and the third pertains to what outcomes should be in place when the program ends. These questions require careful consideration, as they inform the nature sequencing and objectives of the program as a whole. For example, if the context is immediately post-conflict, it may be unwise to implement a titling initiative: documents may have been lost or destroyed during the war and security and livelihoods should be restored first. However, since one of the objectives of the

program are clearer use and access rights in forest areas, if the program concludes with only security and livelihoods secured, the impact on forest dwellers and users will be significant, but they will continue to have unclear and weak property rights.

4. **Who** are we working with?

- a. Who will feel the impact of our intervention? Of our departure?
- b. Staff
 - i. Why us? What is the value added that our organization brings to addressing these needs in this place?
 - ii. Who is our staff? Are they local or expatriate?
 - iii. Is all staff from one ethnic, political, religious or social group? Why?
 - iv. Who did we not hire and why?
 - v. Do they include women and OVGs?
 - vi. Do staff and institutions involved in potential project components and activities have a working knowledge of the dimensions of land tenure and property rights at all levels?
 - vii. Have all staff been trained in and are they knowledgeable about the issues and constraints relating to land tenure and property rights for women and OVGs?
 - viii. How were they selected?
 - ix. What were the criteria for hiring these people and are these criteria different in different places?
- c. Beneficiaries
 - i. Who are the beneficiaries? Do they include women and OVGs?
 - ii. Who else benefits from our presence?
 - iii. How did we choose the beneficiaries?
 - iv. Who did we leave out and why?
 - v. Do beneficiaries understand the purpose of the intervention? Can they provide feedback?
 - vi. What were the criteria for choosing some people over others?
- d. Authorities
 - i. What governmental authorities have we chosen to work with?
 - ii. How were they selected?
 - iii. What were the criteria for hiring these people and are these criteria different in different places and at different geographical scales?
 - iv. Who are we not working with and why?

Guidance Note: "Why?" and "How?" are crosscutting:

The questions, "why?" and "how?" must be applied to all of the answers to the other questions. For instance, when asking "where are we working?" the answer seems straightforward. We are working in District X. But it is important to dig deeper to really understand how this element of the intervention will have an impact on Dividers and Connectors. Why are we working in District X and not in District Y? There is just as much potential work there, and just as many willing partners. Perhaps we are being assisted by an elected official with access to District X and in need of support there. This will be important information to note as we begin interacting with communities, because our presence is even more politicized and full access to the community may be difficult. As noted in this section, how we work is important. The DNH Program has seen that how we work is as important as what we do when it comes to impacts on Dividers and Connectors. If we break down organizational actions to their basic elements there are two: The resources an organization brings, and the ways that its staff behaves. The patterns established by an organization through the transfer of resources and the messages sent by staff through their behavior are the means by which the organization has an impact on a context.

Refer back to Worksheets 1 through 5 to determine who you will work with in terms of staff, beneficiaries and partners. The context and existing conflict elements will highlight some of the dimensions of LTPR at the root of the conflict, how women and OVG's have been impacted, and where the dividers and connectors are in the conflict context. If women who rely on forest resources have been most negatively impacted by the conflict, but they are connectors since they created cooperatives to sell NWFP (non-wood forest products), and they are not explicitly stated as beneficiaries in titling activities, then the program has overlooked an important opportunity for leveraging local capacities for peace. Similarly if the program only works with formal authorities and does not include tribal or group leaders it may only further entrench existing divisions.

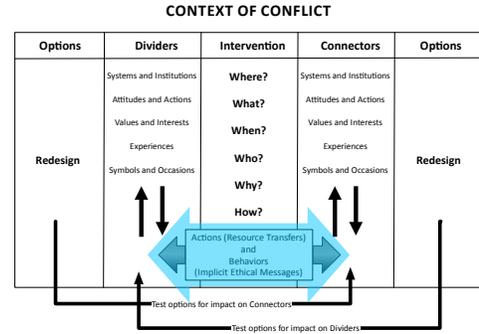
Use Worksheet 6, Critical Detail Mapping, to lay out the known details of your intervention and make explicit the criteria for decision-making. You will continue to refer to Worksheet 6 as you move forward with your analysis.

Guidance Note: Constraints and Restrictions

As you analyze any intervention, you will encounter elements that are predetermined by your agency or your funders. You will also find yourself constrained by your policies, laws and your organizational mandate. When you begin to look for Options to adapt your intervention, you will find that you do not have the power to make some changes. This is the reality of working in complex contexts. However, there are always creative ways to work within or around the constraints you find. Creative thinking, using your colleagues expertise, and reaching out to partner organizations can help overcome a restrictive funding structure, a narrow policy or the limits your organization's activities.

STEP FIVE: Analyze the Patterns of Impact (Resource Transfers and Behaviors)

In using this tool you have uncovered existing conflicts, their scale and the role and impacts of women and OVG's. You then identified dividers and connectors in the context you are working in. With this information you have determined the critical details of your program: **where** you are working, **what** you will be doing, **when** you will implement your program and the interventions within it, and **who** you will be working with. To all of these questions you have asked not only **why** (Why us? Why now? Why there? Why with them? Why this intervention? Why this way?), but **why not**, ensuring that you have anticipated all of the possible the effects and impacts of these choices, including women and other vulnerable groups.



A final and often neglected consideration is **how** you will do your work. Step 5 involves analyzing the interactions of each aspect of the development program, and the LTPR interventions therein, to determine how it will have an impact on Dividers and Connectors in the context.

BEHAVIOR AND THE MESSAGES IT SENDS

Organizational staff send messages to communities through their behavior, as much as through their words. And their behavior, positive or negative, has consequences for individuals and for the organizations they represent. In fact, often, an outsider's behavior is a more trusted barometer for their intentions than what they say. The DNH Program has arrived at four broad categories of the patterns of behavior that have an impact, positive or negative, on local people. Behavior that falls in line with the positive patterns builds trust among the communities an organization serves and encourages those same behaviors among community members. Positive patterns of behavior help people engage in calm and level-headed ways and lead to substantive interaction that lays the groundwork for true partnership and involvement. Negative patterns of behavior can undermine an intervention's efforts and put staff in danger. Negative patterns lead to relationships that are antagonistic and untrusting. In extreme cases, it can lead to violence against an organization or within a community.

1. Respectful vs. Disrespectful

Respectful interactions with local people are calm, collaborative, trusting and sensitive to local concerns. Disrespectful interactions are suspicious, indifferent, belligerent and dismissive. Respectful interactions are open to and encouraging of feedback and grievances. Disrespectful interactions are opaque, give information and present solutions not grounded in the context.

Some of the questions to ask to ensure Respect may include:

- Is the program designed to recognize the inherent dignity and the equal and inalienable human rights of all individuals?
- Are staff trained in and sensitive to local concerns, local definitions of dignity and appropriate interactions with local communities? With women and OVGs?
- How does the program promote participation that is active, free, effective, meaningful and informed?

- Do project staff, activities and components respect all legitimate tenure right holders and their rights?
- Will program activities in any way *repress, alienate or delegitimize* the unique identities of women and OVGs?

2. **Accountable vs. Unaccountable**

Organizations and staff display accountability for their actions and decisions by taking action, rather than displaying powerlessness, by taking responsibility for their errors rather than displaying impunity and by abiding by the rule of law rather than relying on arms to display power. Accountability in this field is generally focused upward, to headquarters, donors and organizational higher ups. However, Accountability here refers to local people and responsiveness to local concerns. If staff refuse to accept responsibility for their errors, or take action when action is required, local people will lose trust in the organization as a whole to respond to their needs.

Some of the questions to ask to ensure accountability may include:

- Is there a feedback mechanism in place?
- Do staff comply with all policies related to communication and behavior?
- Do program interventions and activities related to gender and OVG's include a clear strategy for implementation?
- Are specific staff delegated to these activities to ensure they are implemented?
- What are the benchmarks for measuring success or failure? Are women and OVG's included in these benchmarks?

3. **Fair vs. Unfair**

Patterns of behavior that are fair recognize the value of the input of all members of a community, rather than assigning different value to different lives. This is of particular concern when confronting issues intersecting with the roles of women and vulnerable groups. Interventions and behaviors should be responsive to the expressed needs and goals of the entire community, not only those with voice, power or influence. It is important to note, however, that equal access and equal distribution are not always considered to be fair. It is important to understand local, contextual and historical definitions of fair treatment and distribution in order to determine what *equitable* distribution or access looks like.

Some of the questions to ask to ensure fairness may include:

- Has the project been designed to enable the gathering and monitoring of data/information needed to address existing disparities and discriminatory factors including women and OVGs?
- Does the program and the agencies it supports serve the entire population, delivering program related activities and services to all, including women and OVGs and those in remote locations?
- Are there sufficient resources to properly implement all activities, including those related to gender and OVGs?
- How do local communities define fair and equitable distribution of services, goods, attention and benefits? Does the program consider these community norms?

3. **Transparent vs. Non-transparent**

Transparency cuts across all of the other patterns of behavior. Being clear and open about an intervention and its aims, inviting local people to participate in the process, give their feedback and share their concerns reinforces positive patterns of behavior. Shielding an intervention from critique or criticism from outsiders leads to perceptions that an organization does not respect or trust local

people, and is not willing to be held accountable for their actions. Only through transparency can an organization design an intervention that is Respectful, Accountable and Fair as defined in the local context.

Some of the questions to ask to ensure transparency may include:

- Are local people adequately informed, and do they have input into various elements of the intervention?
- Are program components and activities designed to enable capture of data disaggregated by gender and OVGs?
- Is there a feedback mechanism or grievance procedure in place? How do people access these mechanisms?
- Are staff able to explain to local people the reasoning behind decisions made at the headquarters level?
- Does the overall program include processes and mechanisms to monitor and analyze progress in order to develop encourage on-going improvements?

It is often difficult to know what to be transparent about. **Worksheet 7** can help to sort what, how, and why to be transparent. It will vary from context to context, but evidence from CDA's programs shows that people primarily want transparency about selection criteria, project goals and project timeframes (including exit strategies and timelines).

In terms of land tenure and property rights interventions, staff may think that their jobs are technical, and do not involve "behavior" or interaction with local people. The following questions can help identify program elements, which may lead staff toward negative patterns of behavior. Some of the ways to check whether *all* programmatic interventions, including LTPR, adhere to the **R.A.F.T.**, respect, accountability, fairness and transparency include checking your program against the following criteria:

- Will program activities in any way *contain, control, or segregate* ethnic or other vulnerable groups along territorial or geographic lines?
- Will program activities in any way *exclude* either implicitly (through purposeful methods of information, distortion, and meaningless forms of public consultations, etc.) or explicitly (through top-down decision making and lack of adherence to substantive or procedural due process, etc.) women or other vulnerable groups from meaningful participation in decision-making, thereby contributing to their *marginalization and repression*?
- Will program activities in any way *maintain or widen socioeconomic gaps* or access to natural resources through the allocation of costs and benefits in keeping with the interests of dominant groups (economic, ethnic, governmental, etc.)? Do activities promote socio-economic deprivation or dependence by women or OVGs on dominant groups?
- Have program activities been designed in keeping with *local capacity* (human and financial) to implement?

THE IMPACTS OF RESOURCES ON A CONTEXT

All interventions bring resources into a context. Resources can be money, staff, and equipment, building materials or goods for distribution. Bringing resources into a context will have an impact on that context and those impacts can influence the dynamics of an ongoing conflict or set in motion a new conflict. LTPR interventions have impacts on the context by virtue of how laws, policies or processes affect the

allocation, costs and distribution of land and natural resources by interacting with conflict in the following ways:

1. Theft or Diversion

The resources brought into a context can be stolen (by fighters, community people or others) or diverted (by governments or “taxed”) and used either for the fighters themselves or sold and used to fund a conflict. Computers, building equipment, salaries (sometimes paid in cash to local people) are all targets of theft or diversion. Natural resource or conservation initiatives that do not consider the food security or livelihood needs of those who rely on these resources and areas may result in their theft or unsustainable use by those who need them for survival.

2. Market Effects

People may decide to sell their property, rents may increase as a result of non-local staff presence, and local people may be priced out of their own communities. LTPR programs that attempt to mitigate land market distortions or unsustainable resource use will have an effect on land markets and perhaps the costs associated with the use, access and sale of natural resources such as water, minerals, and forest products. In these cases, people will occasionally choose to fight one another for resources, land or livelihoods

3. Distribution Effects

Inequitable distribution of resources, time or attention can cause conflicts to arise, especially when the inequalities mirror the lines of an existing conflict. Redistribution of land via land reform, consolidation and agrarian reforms can create "winners" and “losers," which may lead to new outbreaks of conflict or violence.

4. Substitution Effects

When organizations and government interventions enter a context, the accompanying flood of resources and staff can overwhelm and undermine the ongoing efforts of local people to solve their own problems. Likewise, outside organizations can substitute for the role of government, which can free up government resources to fight. The creation of parallel structures related to LTPR, such as donor-funded land adjudication, land governance or land administration institutions may be unsustainable or fail to build the capacity of existing institutions to continue these functions once the program ends.

5. Legitimization Effects

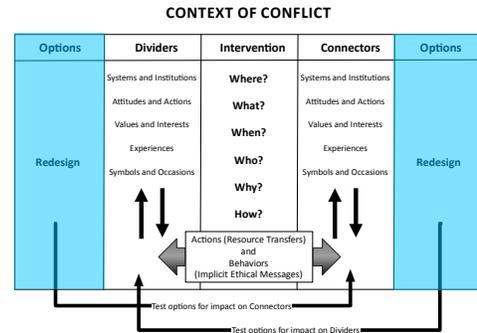
When negotiating access to an area, it is often necessary to deal with local leaders, elected or customary and sometimes leaders who have gained their positions by force. Negotiating with or including leaders of any kind in an intervention lends legitimacy to the leader’s position. However, lending legitimacy to a leader or government is not always a bad thing. Sometimes, new governments need the legitimacy that involvement in an intervention provides. Other times, it reinforces a violent ruler’s methods and lends credibility to their actions. If an LTPR program that includes legal reforms and considers customary or religious law and practices by codifying custom into new land law, it may help to legitimize new leadership and government.

It is possible to minimize the impact of resources and negative staff behaviors on a context, especially a context of conflict. In order to do this, it is important to bear in mind that it is rarely necessary to scrap an entire intervention; rather, small adjustments can be made to mitigate negative impacts by revisiting the analysis of the intervention.

STEP SIX: Generate Options

In complex contexts, it is hard to know when you have done enough analysis. The 7 Steps to *DNH in Land Tenure and Property Rights Programming Tool* require thorough analysis and sustained effort to unpack the elements and impacts of your interventions. Often, you find out there are gaps in your knowledge only after you begin implementing a project.

Implementers make mistakes all the time. Agencies, or individuals, miscalculate or fail to predict their impacts all the time. And organizations are sometimes constrained by their mandate, their donors, their policies or their budget. These constraints can lead to unintended impacts on Dividers and Connectors. When these constraints are in place, it is vital to be transparent about the reasoning behind them. Thankfully, it is possible to course-correct and adjust interventions in small ways that can have a big impact on the context. Unfortunately, there is no prescription for positive impacts; options for change must be context specific.



As you have worked your way through this analysis, you have most likely started to identify the areas of your program that can be adjusted to have better impacts on the context of conflict. As we have said, it is rarely a whole program that has a negative impact. The details are important. Review your program analysis to find the details that stand out as potentially unfair, disrespectful, not accountable, unevenly distributed or not transparent. These small details are often possible to change without requiring a complete redesign of the program, and occasionally without the approval of donors or executives.

How to generate Options:

- Review Dividers and Connectors regularly for changes.**
 Once you understand what Dividers and Connectors are most important, *it is vital to monitor changes in their dividing or connecting power.* They will change; if Dividers and Connectors are not changing, you are not doing a good analysis. Revisit the lists and prioritization of Dividers and Connectors regularly to monitor and adjust as needed.
- What aspect of the intervention caused or contributed to an observed change?**
 After reviewing the Dividers and Connectors, the next step is to *determine which elements of the intervention are interacting with any particular divider or connector.*

Guidance Note: Monitoring Dividers and Connectors

Our interventions will not be responsible for EVERY change in a Divider or a Connector. Other organizations operating in the context, natural disasters, governments and other actors all contribute to changes in the context of conflict. Even though we may not be responsible for a change, it is still important to be responsive to it.

- Identify the Patterns of Impact**
 Is staff being Respectful? Accountable? Fair? Transparent? Is the organization favoring one group over the other? Is it negatively affecting local markets? Are negative behaviors being

“rewarded” with attention, legitimacy, money or other benefits? Are local dispute resolution mechanisms being overwhelmed by our intervention?

- **Change the pattern**

In order for an intervention to be conflict sensitive, it must address the patterns through which it is having negative impacts on a conflict context. (e.g. If a Divider is increasing because resources, such as agricultural inputs or housing stock is favoring the dominant ethnic group, the organization is not being conflict sensitive. In all likelihood, the divider will get worse because they perceive that institutions are continuing to ignore the needs of the minority ethnic group.

Important Notes about Options:

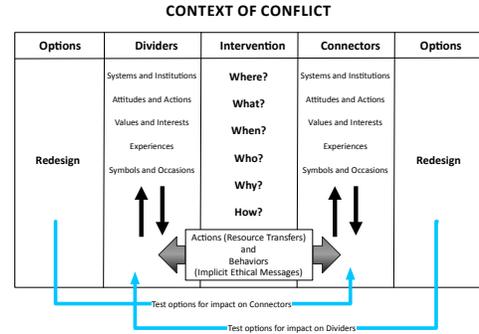
- Options generation cannot be prescribed. Because every context is unique, an option that works in one context may not work in another.
- Practitioners need to be creative and consider how negative impacts are taking place, and respond to the dynamics that are causing the negative impact. If you determine that a negative impact is being caused by an element of your program, and you adjust your program without changing that element, your option is not conflict sensitive, and most likely the negative impact will not be mitigated.
- Utilize local knowledge to identify appropriate options. Local people know their contexts much better than outsiders and they have an intuitive sense of what will work and what will not. Ask for help.

Guidance Note: Recheck for Key Sustainable Development Principles, human rights, gender equality, non-discrimination and justice, equity and environmental sustainability

As you generate options, you should revisit the sustainability checklists from Section 1. Evaluate your options against the standards laid out in those checklists. Will the option you select have an impact on your compliance with international, national or regional standards? If so, is there another option that will enable us to maintain compliance?

STEP SEVEN: Test Options and Redesign Project

The process of developing a conflict sensitive program is an iterative one. Contexts are always changing, either because of, or in spite of an intervention's efforts. As new options are generated and put into action, they must be checked again for *their* impacts on Dividers and Connectors in the context.



A DNH analysis is an iterative process. Contexts are complex and at any time there are a number of actors and factors working to change them. It is necessary to continuously revisit your analyses, lists and worksheets to make sure they are up-to-date. Usually, an entire analysis does not need to be re-done regularly (in certain cases, an event like a natural disaster or election may mean drastic changes in the context that warrant a new analysis). Often, revisiting an analysis only means maintaining an awareness of changes, asking questions and ***doing your best to make your intervention work for the context you're working in.*** In this way, the effort of prioritizing Dividers and Connectors early on will save time as you revisit your context analysis. If you are only looking at a specific set of data, the analysis becomes quicker and easier to do.

This process may seem overwhelming and external to the work of a technical expert. Ultimately, what it means is adjusting the intervention to adequately suit the context, building programs that are more effective in achieving their aims and striving constantly to do better by our beneficiaries.

Revisit the lists

As the project moves forward, staff must revisit the dividers on the lists (either generated by staff themselves or by the community) to check if A) new dividers have appeared because of changes in the context and B) the priority of dividers has changed (non-priority dividers have not strengthened or high-priority dividers weakened to the point that they are no longer considered high-priority). During this revisited analysis, it is also good to check that the dividers have been categorized correctly in the matrix, and that the program is interacting with them in the manner predicted.

DNH as a Monitoring Tool

At its core, DNH is essentially a tool for monitoring the context. If a DNH is done regularly, you will generate a good understanding of the impact of an intervention on the context.

Do it more; Do it better

The more practitioners apply DNH, the better they become at seeing Dividers and Connectors and understanding their program's impacts on those Dividers and Connectors. For each iteration of analysis, your understanding of the context will deepen and you will more clearly see your own impacts and generate better, more appropriate options.

Ask New Questions

As you revisit your analysis, you need to deepen it by asking new and shaded questions to better understand your impacts. The diagram below gives some sample questions to help further your analysis in future iterations of the DNH cycle.



SECTION 3
WORKBOOK

SECTION 1 Workbook

Matrix 1: Quick Gender Analysis Worksheet

	How is land used?	Who has access to land? M, W, or M/W	Who has control of land? M, W, or M/W	Who has access to land benefits? M, W, or M/W	Who has control over land benefits? M, W, or M/W
Women					
Men					

Matrix 2: Activities Analysis Framework

	Women	Men	Elderly Women	Elderly Men	Girls	Boys
Activities Where? How much Time?						
How are resources accessed?						
How are resources controlled?						

Matrix 3: Capacities and Vulnerabilities Analysis

	Group A		Group B		Group C	
	Vulnerabilities	Capacities	Vulnerabilities	Capacities	Vulnerabilities	Capacities
<p>Physical/Material What productive resources, skills and hazards exist?</p>						
<p>Social/Organizational What are the relations and the organizations within the group? Between the group and others?</p>						
<p>Motivational/Attitudinal How does the community view its ability to create change?</p>						

CHECKLIST 1: Understanding the land elements of your program

Review the Universe of Land Tenure and Property Rights and select which elements apply to your program. Most programs will include multiple elements, and some will include all elements. It is important to consider which elements of the Universe your program will attempt to influence.

Governance

The program has elements that attempt to influence:

- *How land use is overseen, managed, or taxed,*
- *How property rights are defined or exchanged,*
- *The nature and quality of land information that is available to the public*
- *The ways land conflicts are resolved.*

Legal and Regulatory Frameworks

The program has elements that attempt to influence:

- *The statutes dealing with land ownership, use and property rights*
- *The informal structures that deal with land ownership, use and property rights.*

Land Redistribution

The program has elements that attempt to influence:

- *The resettlement of residents*
- *The reallocation of property rights*
- *Consolidation*

Land Administration

The program has elements that attempt to influence:

- *Records about ownership, value and use of land*
- *Information distribution about ownership, value and use of land*
- *Determination about attributes of land: survey, description, and documentation*
- *Determination of land rights*
- *Provision of relevant information in support of land markets and land use management*

Land Use and Planning

The program has elements that attempt to influence:

- *Assessments of land and water potential*
- *Patterns of land use and other physical, social and economic conditions*
- *Selection and adoption of land use options*

Natural Resource Management

The program has elements that attempt to influence:

- *Use of resources (land, water, soil, plants and animals)*
- *Environmental quality for present and future generations*
- *Biodiversity conservation*

Land Tenure and Property Rights

The program has elements that attempt to influence:

- *The relationship among people with respect to land*
- *The ability of people to sell, lease or inherit land or natural resources*
- *How property rights are allocated within societies*
- *How access to land is granted, controlled and transferred*

Land Markets

The program has elements that attempt to influence:

- *The purchase, lease, mortgage, exchange and sale of land*
- *The control of black markets*

CHECKLIST 2: Dimensions of Land Tenure and Property Rights and Sustainability

Use the checklist below to examine the sustainability elements of your program according to the dimensions you identified in Checklist 1.

Governance

- Gender, ethnicity, traditional local authorities and vulnerability are considered and included into all education, training, and information dissemination activities at *all* geographic levels (national, regional, district, village).
- Everyone, regardless of tenure status (including landless and informal settlers) is engaged in decision-making processes prior to program design, redesign and monitoring and evaluation.
- Program activities related to any aspect of governance of and other natural resources take into account social and cultural rights, as in the case of indigenous communities in addition to formal and informal rights.
- Program activities include measures to ensure that any legal and policy frameworks provide equal protection for women and OVGs *and* that they are implemented and enforced.

Legal & Regulatory Frameworks

- Program activities are consistent with any existing and voluntary obligations under national, regional and international law.
- Program activities support the development of impartial and competent judicial and administrative bodies to resolve disputes over tenure rights in a way that is timely, accessible, affordable, contextually appropriate and effective. Program activities also support alternative dispute resolution mechanisms, including customary.
- Program activities advance and improve legal, customary and de facto secure access to land and natural resources for women and OVGs.
- Program activities related to formal, informal and non-formal laws and norms and procedures enable dissemination and public information in applicable languages and formats accessible to all, including women and OVGs. If women or OVGs are traditionally without access to education, activities and processes are in place to share information without filtration.

Land Redistribution

- The objectives of your program and its intended beneficiaries are understood by beneficiaries and non-beneficiaries.
- Redistributive reforms guarantee equitable access for everyone, including women and OVGs, to land and natural resources. Equitable access is defined by local people through their participation.
- Program activities support restitution, (including just compensation) for the loss of legitimate tenure rights to land and natural resources.
- For programs that support restitution, claimants are provided with adequate, appropriate assistance throughout the process, including legal and paralegal aid.
- Information on restitution procedures are widely disseminated to reach all, including women and OVGs, in applicable languages and through relevant methods.
- Program activities provide transparent rules on the scale, scope and nature of large-scale land transactions, no matter what the purpose.
- Program activities provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks that could arise from large-scale transactions in tenure rights.
- Social and other assessments for activities involving large-scale transactions of tenure rights, (consolidation, acquisitions and partnership agreements, upgrading, restitution) have been undertaken in order to make needed provisions for different parties, including women and other vulnerable groups.
- Land redistribution activities have been designed to be socially, economically and environmentally sustainable, and sensitive to women and OVGs. Environmental safeguards are in place.

Land Administration

- The program has safeguards to ensure coordination between implementing agencies, at all levels, including local and customary systems.
- Program activities support access and availability of any information related to tenure and access of land and natural resources to all, including women and OVGs.
- The program supports the development and use of socio-culturally appropriate ways of recording rights of indigenous peoples and other communities with customary tenure systems.
- Program activities take *additional or special measures* to enable women and other vulnerable groups to access land administration and legal services (e.g. mobile legal support, surveyors, mobile surveying equipment).
- Program activities prevent corruption and promote transparency as they relate to tenure rights by widely publicizing processes, requirements, fees, etc. These recordings are accessible to all regardless of language or reading ability.

Rural and Urban Land Use Planning

- Program activities related to spatial planning consider all tenure rights, including those of women and OVG's, including overlapping and periodic, seasonal rights.
- Spatial policies, strategies and actions aim to prevent and respond to the effects of climate change and minimize the potential impacts of natural disasters.
- Spatial planning activities take into account the need to promote diversified sustainable management of land and natural resources.
- Program includes activities to publicize gender-sensitive policies and laws on regulated spatial planning.
- Spatial development planning considers and integrates methods of planning and territorial development used by women and OVGs (e.g. indigenous peoples) other communities with customary tenure systems.
- Spatial planning activities reconcile and harmonize the various objectives of the use of land and natural resources.
- Program activities include provision of safeguards against improper use of spatial planning powers, particularly regarding changes to regulated use.

Natural Resource Management (Including Biodiversity Conservation)

- Both men and women are part of officially recognized NRM management bodies at the local, regional and national levels. If women have not historically been part of management bodies in this context, steps are undertaken to ensure their participation.
- Program activities are designed in recognition that natural resources and their uses are interconnected.
- Program activities reflect the social, cultural, economic and environmental significance of land and natural resources in ways that are non-discriminatory and equitable for all, including women and OVGs.
- Program activities and components been designed in light of broader social, economic and environmental objectives, including biodiversity conservation and climate change adaptation.
- Program activities support collective use and management of land rights on public lands.
- Program enables continuous monitoring of tenure status related to natural resources and makes information accessible to all, including women and OVGs.
- Program supports transparent and up-to-date public access to transactions of resources.
- Program activities in natural resources positively affect small holders and landless, who are disproportionately women and OVGs.

Tenure and Property Rights (including landlessness, informal, non-formal tenure)

- Program activities support recognition of *all* categories of legitimate tenure rights in a way that is clearly defined and publicized, through a transparent process.
- Program activities refrain from infringing on the tenure rights of others, including women and OVGs.
- If the program includes non-state actors such as businesses (including mining or other international interests), there are safeguards to avoid infringing on human rights and legitimate tenure rights, including those for women and OVGs.
- Program activities support legal, customary and de facto protection against forced evictions or refrain from in any way encouraging eviction indirectly (e.g. large scale infrastructure, mineral, housing settlements).

Land Markets

- Program activities work to eliminate legal and de facto barriers to land ownership.
- Program activities facilitate fair and transparent sale and lease markets for all, including women and OVGs.
- Program activities work to prevent land speculation land concentration and abuse of customary forms of tenure.
- Program activities facilitate the operations of efficient and transparent markets to promote participation under *equal* conditions and opportunities regardless of the size, power or resources of the respective parties.
- Administrative procedures for land transactions are affordable and accessible in order to avoid discouraging market participation by women and other vulnerable groups.
- Women and OVGs have access to credit markets to secure land.

Matrix 4: Predictive Matrix for Program Impact

	How will the dimensions of your program change?				
	How is land used?	Who has access to land?	Who has control over land?	Who has access to land benefits?	Who has control over land benefits?
Governance					
Legal and Regulatory Frameworks					
Land Redistribution					
Land Administration					
Rural and Urban Land Use Planning					
Natural Resource Management					
Tenure and Property Rights					
Land Markets					

SECTION 2 Workbook

Worksheet 1: Context of Conflict

This worksheet should be used paired with your Conflict Map. Assign each conflict identified on the map a number. For each conflict, answer the questions in the matrix and complete all the boxes. If there is not enough information to complete a cell, highlight it as a subject for further analysis. Be sure to include small-scale conflicts and latent conflicts.

CONFLICTS	What groups are involved?	Where is the conflict taking place	What is the conflict about?	Is the conflict violent?	How long has the conflict lasted?	What is the role of women in the conflict?	Who is/has become vulnerable because of the conflict?
Conflict 1							
Conflict 2							
Conflict 3							
Conflict 4							

Worksheet 2: Divider Matrix

	Dividers	How will we know if they have changed?
Systems & Institutions		
Attitudes & Actions		
Values & Interests		
Experiences		
Symbols & Occasions		

Techniques for using the Divider Matrix:

Local people can identify their own Dividers

Usually, local people are best at identifying the dividers and connectors in their own societies. The concepts of Dividers and Connectors are clear and resonant and people of all education levels are able to generate very sophisticated lists. In a brief workshop or community meeting, local people are able to create and prioritize the dividers in their own communities. These lists are often much better than lists generated by outsiders, even in a two or three day workshop.

Give yourself an indicator

By answering the question, “how will you know if the divider has changed?” you are establishing indicators for your dividers. You may find that after establishing indicators, that these are not correct. You can make changes in this matrix if that is the case! This step reminds us to continue monitoring the context for changes in Dividers and Connectors.

TIP: Do not feel the need to make sure all the boxes are full. There may be five or six dividers in one box, and none in another.

Prioritize Dividers

After this exercise which dividers are important to address in your programming. You will be regularly to track and adjust to any changes to these connectors once you implement your program. You can highlight them in your table.

Worksheet 3: Predicting Impacts on Women and Vulnerable Groups

	Impact on women if this Divider increases	Impact on women if this Divider decreases	Impact on OVGs if this divider increases	Impact on OVGs if this Divider decreases
Priority Divider 1				
Priority Divider 2				
Priority Divider 3				
Priority Divider 4				
Priority Divider 5				
Priority Divider 6				
Priority Divider 7				

Worksheet 4: Connector Matrix

	Connectors	How will we know if they have changed?
Systems & Institutions		
Attitudes & Actions		
Values & Interests		
Experiences		
Symbols & Occasions		

Techniques for using the Connector Matrix:

Local people can identify their own Connectors

Usually, local people are best at identifying the dividers and connectors in their own societies. The concepts of Dividers and Connectors are clear and resonant and people of all education levels are able to generate very sophisticated lists. In a brief workshop or community meeting, local people are able to create and prioritize the dividers in their own communities. These lists are often much better than lists generated by outsiders, even in a two or three day workshop.

Give yourself an indicator

By answering the question, “how will you know if the connector has changed?” you are establishing indicators for your connectors. You may find that after establishing indicators, that these are not correct. You can make changes in this matrix if that is the case! This step reminds us to continue monitoring the context for changes in Dividers and Connectors.

TIP: Do not feel the need to make sure all the boxes are full. There may be five or six connectors in one box, and none in another.

Prioritize Connectors

After this exercise which connectors are important to address in your programming. You will be regularly to track and adjust to any changes to these connectors once you implement your program. You can highlight them in your table.

Worksheet 5: Predicting the impacts on Women and Vulnerable Groups

	Impact on women if this Connector increases	Impact on women if this Connector decreases	Impact on OVGs if this Connector increases	Impact on OVGs if this Connector decreases
Priority Connector 1				
Priority Connector 2				
Priority Connector 3				
Priority Connector 4				
Priority Connector 5				
Priority Connector 6				
Priority Connector 7				

Worksheet 6: Critical Detail Mapping

	Staff	Beneficiaries	Partners	Authorities	What	When	Where
<p>STEP 1: Details</p> <p>Outline the known details of your project as it is designed.</p>							
<p>STEP 2: Criteria</p> <p>Why did you make this decision?</p> <p>What criteria are outlined by the policy?</p>							
<p>STEP3: Patterns of Impact</p> <p>What Action or Behavior patterns can you see? What potential patterns could be created by your policy?</p>							

Worksheet 7: Transparency Matrix

About what?	Information Shared?	With whom?	How? Why that way?	Who's left out? Why?
Selection Criteria				
Project Goals				
Project Timeframes				
Funding Allocation				
Role of Women in the intervention				
Role of OVGs in the intervention				

C · D · A
PRACTICAL LEARNING
for effective international action

One Alewife Center, Suite 400
Cambridge, MA 02140
USA
617-661-6310
www.cda-collaborative.org