

ENSURING THE PARTICIPATION OF WOMEN AND MINORITY GROUPS



The entire community must take part in the community land protection process for it to be successful. All community members, including women, men, youth, elders, traditional leaders, members of minority groups, practitioners of various livelihoods, and seasonal users should be invited to all meetings and encouraged to participate and speak their minds. The active participation of all community members throughout the community land protection process is necessary to:

- **Increase the validity of the community land protection process.** When a high percentage of the community is involved in community land protection activities, it is more likely that the effort will have good results and lasting impacts. If the community land protection process is a community-led, community-driven activity (not just an effort by a handful of elite male elders), it is more likely that the agreed-upon rules and boundaries will be respected over the long term. If the process excludes certain people or stakeholder groups or if the community and facilitators allow powerful community members and leaders to control the process, then community land protection outcomes may be challenged in the future or sabotaged in the short term.
- **Strengthen the work with good ideas and information from a diverse array of community members.** Active involvement by women and members of minority groups will increase the quality and comprehensiveness of the community land protection process. If women are not present at meetings to describe the natural resources they gather daily (to build their homes, feed their families, and care for their children's health), the community may not remember to create rules to ensure the sustainable use of these resources. Likewise, because most work in rural

communities is highly gendered or differentiated by livelihood (agriculturalists, pastoralists, etc.), excluding women and minority groups from the community land protection process may mean that maps are left incomplete and/or that important natural resource management strategies are not included in the by-laws.

THE IMPORTANCE OF WOMEN'S KNOWLEDGE

In some communities in Uganda, women's participation in community land protection meetings remained low for many months. Facilitators had to work to understand the reason behind the women's silence: although the grazing lands being protected were central to a variety of activities critical to families' livelihoods and survival, community perception was that the grazing lands were used only for grazing, a primarily male activity. It was therefore assumed that the project related only to men. Yet women in those communities use the grazing lands on a daily basis to collect basic household necessities such as firewood, building materials, wild fruits, white ants, herbal medicines, honey, mushrooms, and other resources. By convening special "women's conferences," during which women catalogued and described the various ways they used the communal grazing lands, facilitators were able to show women how their input into the community by-laws drafting process was urgent and necessary: if women did not speak up, the community may not make rules to ensure that the resources women depend upon to care for their families were managed sustainably.

- Create opportunities to address intra-community injustice and discrimination.** In many parts of the world, growing competition for scarce lands and natural resources has meant that relatively “weaker” community members – women, widows, orphans, the poor, the elderly, and members of minority ethnic groups – face the greatest risk of losing land to land-grabbing relatives or elites, in distress sales to more powerful people, or in land disputes with neighbors. In some contexts, customary protections for the rights of women and minority groups are being disregarded and “forgotten,” while in other contexts families are reinterpreting or “rediscovering” customary rules in ways that undermine women’s and minority groups’ land rights. The community land protection process addresses these trends by creating opportunities for women and marginalized groups to challenge local rules that discriminate against them and argue for changes that strengthen their land rights.
- Promote more diverse, participatory governance and give “voiceless” groups a voice.** When well-facilitated, the community land protection process creates opportunities for women and members of minority groups to push for equal rights, such as the right to participate in local governance or to own land). In many communities, decisions are made by a few leaders and/or a group of male elders. The community land protection process is an opportunity for all community members to take part in decisions. When all community members are invited to take part in every community land protection activity, it can help foster a new culture of participatory rule-making and local democracy.
- Strengthen the land rights of women and minority groups.** Women’s and minority groups’ active and vocal involvement in the community land protection process often results in communities adopting by-laws that strengthen and protect the land rights of these groups. (For more details on how the community land protection process can positively impact the rights of women and members of minority groups, see the chapter on *Strengthening the Land Rights of Women and Members of Minority Groups*)

HOW TO ENSURE THE ACTIVE PARTICIPATION OF WOMEN AND MINORITY GROUPS?

To strengthen the land rights of women and members of minority groups most effectively, facilitators should undertake some or all of the following strategies:

- Undertake a gender analysis.** Before beginning community land protection work, facilitators should carry out a gender analysis in each community (cataloguing all barriers to inclusion or participation) and design community-specific strategies for how they will proactively address these barriers.
- Ensure women’s and minority groups’ attendance at meetings.** Facilitators must devise innovative solutions to ensure women and other groups can attend meetings. Strategies might include:
 - Scheduling project meetings in places and at times that women could more easily attend, such as holding meetings on Sunday afternoons when women are free from their work;
 - Have a few women gather food from all households in the community and cook lunch for the whole community at the meeting venue (to ensure other women do not have to stay home from a meeting to cook lunch for their families);
 - Send community leaders and Community Land Mobilizers door-to-door to request that women and members of minority groups attend project meetings; and
 - Proactively request that husbands bring their wives and other female household members with them to meetings, among other strategies.

In Liberia, community members reported that as a result of the community land protection process:

“There has been a change in decision-making process: all the community members have to come together to agree or disagree on any new decision, and the voice of women is also considered.”

“There are changes. In the past, elders made all the decisions – now we are all involved. Now elders don’t just make decisions without consulting the whole community.”

“In the past elders and our big people made all the decisions. Now we call meetings for everyone to take part.”

- **Foster women’s and minority groups’ verbal participation during meetings.** *Attendance* at meetings does not equal *participation* during meetings. Good facilitation is key. Facilitators should model good meeting facilitation skills by making sure that men and women speak equally at meetings, and train Community Land Mobilizers to ensure that the voices and interests of women, youth, and minority groups are all given equal time and space during meetings.
- **Support the community to elect or select a woman to serve as a Community Land Mobilizer.** Women can play an important role in mobilizing other women’s attendance at and participation during community land protection meetings. Facilitators should ensure that the female Community Land Mobilizer is a strong leader who will help to ensure that women’s voices are heard throughout the community land protection process.
- **Ensure women and members of minority groups are elected to the Interim Coordinating Committee.** Facilitators should actively support communities to elect women and members of minority groups to be members of the Interim Coordinating Committee, then train them to mobilize large numbers of women and minority groups to attend all community land protection meetings. (See the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees.*)
- **Convene special women-only meetings.** Facilitators may need to organize meetings where women can work together to identify their interests and craft strategies to effectively advocate for these interests during the broader community meetings. At these meetings (sometimes called “women’s conferences”) facilitators should teach women about their rights under national and international law; ensure that they understand the importance of their contributions to the community by-laws drafting process; and prepare them to speak as a group, as there is strength in numbers. Experience has shown that women’s conferences play a significant role in supporting women to actively challenge discriminatory norms and argue for protections for their land rights.
- **Educate men and leaders about the benefits of strong land rights for women.** Efforts to educate only women about their rights ignore the fact that men – husbands, fathers, fathers-in-law, brothers-in law, community leaders, etc. – are the arbiters of women’s land claims. Experience has shown that when men and leaders understand how women’s land tenure security can increase household income and ensure their children’s future prosperity, they are more likely to create rules that strengthen and protect women’s land rights.
- **Let women show their necessity.** Men may be resistant to pressure from facilitators to include women in land and natural resources governance. It has proved more useful to show men – by example rather than mandate – that women’s participation in the land protection process will help to improve land and natural resource management. By supporting women to speak up about issues related to women’s livelihoods and those natural resources traditionally considered “the domain of women” (medicines, honey, water, etc.), facilitators can help women *show* how critical their knowledge and experiences are to good land and natural resources management. Because such input does not threaten traditional gender roles, men may be more willing to listen to their opinions and accept their recommendations.
- **Leverage custom.** Facilitators can help communities to understand that national laws that protect women’s land rights do not violate customary rules. To do this, facilitators should:
 - Educate communities about national laws that protect women’s and minority groups’ rights;
 - Support community leaders to remember traditions and customary rules that emphasize men’s and leaders’ role as “protectors” of the rights of women and minority groups; and
 - Help communities to reinvigorate customs that emphasize men’s and leaders’ role in protecting the rights of women and other vulnerable groups.

CUSTOM DOES NOT NECESSARILY UNDERMINE OR WEAKEN WOMEN’S LAND RIGHTS

It is more effective and more culturally sensitive to find creative ways of working within custom to strengthen women’s property rights. By bringing all community members into dialogue and creatively problem-solving around the question of how the community may best strengthen women’s land tenure security, facilitators can work with existing cultural practices to address discrimination and bring the wider customary legal structure into alignment with national and human rights law.

WOMEN AS MEDIATORS

In one Liberian community, elders wanted their by-laws to include restrictions concerning palm oil harvesting, a major source of income for youth. The elders argued that youth's focus on palm harvesting was undermining the community's food supply: very few youth were planting rice and other food crops, as they were occupied with planting palm, a non-food cash crop. The youth became alarmed and countered that palm harvesting was a major source of their income and that they deserved to "have a say" in the rules governing household palm oil production. They argued that they were responsible for contributing to local development projects and needed income to support their commitments to the community and their families. To resolve the argument, the men and youth called upon community women to intervene as neutral arbitrators. The women concluded that while some restrictions on palm oil production were indeed necessary, the new rules also had to take into account the interests of the youth. In the end, the community collectively agreed to a three-month annual freeze on palm harvesting during the rice farming season.

- **Ensure implementation of by-laws protecting the land rights of women and minority groups over the long term.** Experience has shown that efforts to protect the rights of women and minority groups must not end when the community adopts its by-laws and elects a Land Governance Council. To ensure that the by-laws protecting women and minority groups' rights are enforced, facilitators must also:
 - Provide legal education for local magistrates, police, district and regional land administrators, and other relevant local bodies that can play a role in enforcing and protecting the land tenure security of women and members of minority groups – and ask them to help the community enforce its by-laws;
 - Train and work with customary justice institutions to ensure that they use and enforce community by-laws and national laws that protect the rights of women and minority groups (for example, when mediating family land disputes); and
 - Support communities to create "watchdog groups" whose responsibility it is to be on the lookout for violations of women's and minority groups' rights and take action to prevent discrimination before it happens.

- **Ensure the election of a diverse Land Governance Council.** At the completion of the by-laws drafting process, the community elects a Land Governance Council composed of existing respected leaders and representatives of community stakeholder groups, including women, youth, members of minority groups, and others. (See the chapter on *Creating Land Governance Councils*.)
- **Involve customary leaders.** In rural contexts where communities look to their customary leaders as the authorities and enforcers of rules, these leaders have a critical role as defenders of the rights of women and members of minority groups. To ensure increased protections for their land rights, facilitators may want to train customary leaders and cultivate them as allies in the defense of women's and minority groups' land rights. Customary leaders across various cultures have shown a willingness to learn about national laws that protect women's land tenure security and to shift their practices to align with these laws.