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TRANSPARENT AND ACCESSIBLE INFORMATION

INTERNATIONAL
LAND
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RIGHTS

TOOLKIT 8

TRANSPARENT AND ACCESSIBLE INFORMATION

CONTENTS

WELCOME TO THE TRANSPARENT AND ACCESSIBLE INFORMATION TOOLKIT!

This toolkit gathers together information on seven tools that have been successfully used by members of the International Land Coalition (ILC) to ensure transparency and accountability through unhindered and timely public access to all information that may contribute to informed public debate and decision-making on land issues at all stages. It intends to facilitate mutual learning based on the good practices of ILC members.

The opportunity to share knowledge is one of the main benefits of being part of a network like ILC. Use these tools, adapt them to your specific context, share them with your partner organisations, and share with us your achievements and successes!

WHAT IS THIS TOOLKIT FOR?

This toolkit aims to provide information on a range of tools, intended to be effective at global, national, and community levels, depending on their features. One of the main characteristics of the tools is their adaptability to different contexts and areas of work. We have aimed for these tools to be clear, replicable and, above all, useful in ensuring transparency and accountability.

WHAT'S THE STORY BEHIND THIS TOOLKIT?

The tools presented in this toolkit have been either developed or implemented by ILC members. The Database of Good Practices gathers the good practices shared by ILC members and partners around the 10 ILC commitments for people-centred land governance. It also includes good practices developed and implemented to ensure transparency and accountability. This toolkit is the result of an analysis of these good practices to extract information about seven tools, selected for inclusion in this toolkit by using replicability as the key criterion.

The majority of the tools included in this toolkit are based on good practices developed by Transparency International (TI)'s Land and Corruption in Africa Programme, available in a publication entitled "Combating Land Corruption in Africa: Good Practice Examples" (2019). The publication brings together a diverse collection of good practices developed by some of TI's Africa-based national chapters with the aim of tackling land corruption and increasing transparency in the land sector across the continent.

HOW TO USE THE TOOLKIT?

Each section describes the characteristics of each tool: its goal, actors involved, the expected outcomes of the tool's use, and a step-by-step practical guide to implementation. The stories at the end of each section summarise aspects of good practice connected with the tool's use by one or more ILC member. Tools can be adapted to different contexts or needs. By using the links available, it is possible to access more information about each tool and to get in touch with the ILC members that have used it.

PUBLIC INTEREST LITIGATION

THE TOOL

Public interest litigation (PIL) is a powerful tool that is used to approach a court of law for legal relief, even when the claimant does not have a personal interest in the matter. PIL ensures that governments grant the public timely access to information on land deals, thus ensuring transparency on all such deals. The tool advances the rights of local communities and raises awareness about issues of public importance.

ITS GOALS

- Ensure that the public has **access to information** on land deals and can express its opinions
- Ensure **judicial review** of decisions by government to **expropriate community land**, affecting the rights of local communities
- **Empower stakeholders** by establishing a forum where their voices can be heard
- Influence long-term, systemic change through **legal reform**
- **Enforce land rights** through the court system

ACTORS INVOLVED

International civil society organisations (CSOs), pro bono legal services, local communities.

ALREADY TESTED BY
Transparency International Kenya (TI Kenya)
https://www.landcoalition.org/en/explore/our-network/transparency-international/

(i) FURTHER INFORMATION

"Public Interest Litigation as an Advocacy Tool"
https://learn.landcoalition.org/en/good-practices/combatting-land-corruption-africa-good-practice-examples/

EXPECTED OUTCOMES

- Protection of land rights of affected communities
- Strengthened accountability and participation in land-related decision-making
- Timely disclosure of and access to land-related information for the general public
- Informed policy formulation and implementation.

HOW IT WORKS

Public interest litigation is strategic litigation that uses judicial review as a tool to challenge decisions made by a public authority that affect disadvantaged people. PIL is legal action instituted in a court of law to enforce interests of a public nature or of a class of people whose legal rights or liabilities are affected.

PUBLIC INTEREST LITIGATION STEP-BY-STEP

1. WHO MAY FILE PUBLIC INTEREST LITIGATION?

PIL seeks to protect the basic and fundamental rights of a significant sector of the community who are often marginalised, under-represented, or unrepresented. Since the primary object of PIL is to ensure the protection of community rights, advancing the rights of disadvantaged groups and individuals or the public interest, any person acting *bona fide* (in good faith) may have locus standi, or the right to bring an action to court. In this light, and subject to national laws, PIL widens the scope of who can bring an action before a court of law.

2. LAYING THE FOUNDATION

In all PIL, time is of the essence if people's rights are being violated. However, where possible, the government must be given notice and a reasonable opportunity to rectify the rights violations. This can be done by serving the government with letters of demand, compelling it to take action – failing which, litigation will be instituted.

If the litigation concerns a number of individuals, it is important to consult all affected people and interest groups, and also material witnesses. It is essential to keep a record of all relevant information, including documents, pictures, telephonic records, letters, notices, and statements, to support the case.

Beyond the aggrieved individuals, the broader community must know their rights and the corresponding obligations of the state. Community engagement can also be used to corroborate information, identify additional witnesses, gather key information on the wider circumstances surrounding the case, and develop communication and media strategies in collaboration with affected communities.

3. BACKGROUND RESEARCH AND PLANNING

Conducting background research is often considered the most important element of filing a PIL case. Preparations for PIL typically begin with preliminary research into the legal and factual basis of the lawsuit, including relevant national and international legal frameworks and legal precedents.

The research stage is important because it determines whether the case qualifies as a class action lawsuit. Class action litigation represents a particular class of people who share rights and interests, thus immediately elevating the status of the case and enabling the implementation of broad measures.

It is essential to frame the litigation in a manner that takes cognisance of the legal, social, and political contexts around the expropriation of land, as this serves as a useful precursor to stakeholder mapping.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF TRANSPARENCY INTERNATIONAL IN KENYA

4. WORKING IN PARTNERSHIPS

Building alliances and partnerships often yields positive results in PIL. Embracing the diverse competences that partners possess is essential to building momentum and national interest in the matter at hand. These competences may include data collection, media coverage, legal expertise, and the capacity to engage in advocacy. Tapping into the collective energy of new and existing networks, partnerships, and coalitions are often critical for a successful PIL process. It will prove helpful in maximising resources, avoiding duplication of efforts, and increasing the credibility, legitimacy, and social capital of the actors involved.

5. LITIGATION

PIL is commonly used to challenge decisions made by public authorities through judicial review proceedings in which the lawfulness of a decision or action by a public body, or a failure to act, is reviewed. Judicial review is concerned with whether the law has been correctly applied and the right procedures have been followed, including granting the community transparent and timely access to information.

Against this background, it is essential to frame the claim or petition to the court in a manner that gives the judge an idea of the relief sought, and which may become the basis of a judgment.

In Kenya, the government sought to redevelop the Khadija, Miritini Greenfield, Changamwe, Tudor, Mzizima, and Buxton housing estates in Mombasa County through its Urban Renewal and Redevelopment of Old Estates project. It earmarked ten public estates for redevelopment, which involved the demolition of existing housing, yet key stakeholders such as community members were not consulted in the process.

Lack of public participation and timely access to information provides fertile ground for corruption and lack of transparency, which in this case risked leaving some citizens homeless and without access to public housing. To remedy this, Transparency International Kenya (TI-Kenya) and two partner organisations, Legal Advice Centre and Haki Yetu St Patricks, lodged a public interest litigation case in the High Court of Kenya to challenge the actions of the government redevelopment programme.

Although the case was dismissed by the court of first instance, with the court holding that there was sufficient public participation and adequate access to information, it expounded on the importance of public participation and timely access to information in relation to land and housing. It set an important precedent by directing the government to design a robust and ongoing plan for public participation that included continuous updates on progress and the involvement of all stakeholders.

However, dissatisfied with the judgement, the parties appealed part of it in the Court of Appeal in 2018. The various grounds for appeal included the court's decision that:

- there was public participation in the conceptualisation of the housing programme;
- the project did not threaten the right to adequate housing; and
- the project did not breach the law (the Public Procurement and Disposal Act, the Environmental Management and Coordination Act, the Physical Planning Act, the Privatisation Act, and the Public Private Partnership Act).

Although the appellate court dismissed the appeal case for lack of merit, the case solidified TI-Kenya's approach to public participation and contributed to jurisprudence by promoting public accountability and empowering communities to challenge the actions of the government. Among other things, the case highlighted the importance of PIL as a tool for broader legal and social change, advocacy, and promoting transparent and accessible information on land and land deals.

As a result of the litigation, the government is now obliged to disclose documents relating to public land deals, and the public are more empowered to participate in land-related decision-making.

AWARENESS-RAISING PUBLIC CAMPAIGNS

THE TOOL

Awareness-raising campaigns on land corruption aim to create public awareness and to influence change at community, local, and national levels; to communicate information; and to mobilise public opinion on transparency and access to land information from land-related public offices.

ITS GOALS

- Raise awareness about **land corruption**
- Raise awareness about **gendered land inequality**
- Raise awareness about **corrupt land practices such as rent-seeking and nepotism**
- Promote **accountability and transparency of all land officials**, including traditional leaders

ACTORS INVOLVED

CSOs, local non-governmental organisations (NGOs), local communities.

ALREADY TESTED BY
Transparency International – Initiative Madagascar (TI-IM)
https://www.landcoalition.org/en/explore/our-network/transparency-international/

ⓘ FURTHER INFORMATION

"Awareness-Raising Public Campaigns" https://learn.landcoalition.org/en/good-practices/combatting-land-corruption-africa-good-practice-examples/

EXPECTED OUTCOMES

- Changed perceptions of and attitudes towards land corruption
- Community members can identify land corruption and its gendered dimensions
- Community members know the necessary channels to hold corrupt land officials and traditional leaders accountable

HOW IT WORKS

Information on land corruption and lack of accountability is disseminated through channels such as mass media, social media, public relations, events, workshops, and leaflets.

AWARENESS-RAISING PUBLIC CAMPAIGNS STEP-BY-STEP

1. PLANNING AND CAMPAIGN ORGANISATION

In order to plan a campaign effectively, it is essential to define a strategy that is in line with national and international priorities. If a government has put anti-corruption high on the national agenda, this provides a good basis to address land corruption. Furthermore, international frameworks such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs) provide a model for calls to address land corruption in a country.

Human rights and gender analyses also provide bases for defining clear and comprehensive areas that need addressing. These may include the indicators and definitions of land corruption, such as bribery, nepotism, and rent-seeking; the gendered dimension of land corruption; ways of holding the perpetrators of corruption accountable for their actions; and redress for victims of corruption.

It is also essential to promote leadership and guidance by women and women's movements, as they know at first hand the effects of corruption within their communities.

2. BASELINE SURVEY

A baseline survey done at the beginning of a project helps to establish an understanding of the level of knowledge, experiences, and perceptions of land corruption within the community before the project is rolled out. The results of the survey also contribute to the quantification and measurement of the campaign's success or failure; without a baseline study, it would be impossible to measure the impact of a project. Most importantly, the results of the baseline study assist in establishing priority areas for a project.

There are different points to consider when developing and conducting baseline studies. It is essential to develop project indicators to be used to design questionnaires and to determine evaluation indicators. It is also important to choose participants in the baseline survey from populations targeted by the campaign, in order to measure their level of knowledge of their rights and the responsibilities of community leaders and government officials.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF TRANSPARENCY INTERNATIONAL IN MADAGASCAR

3. MEDIA ENGAGEMENT

The media are invaluable partners and present opportunities to share information with a wider range of people. The primary aim of media engagement is to bring relevant information to the wider public. Information on land corruption, especially against women, is used to hold decision-makers and governments accountable.

The importance of collaborating with and developing connections with the media is that they have the capacity to share information with broader audiences who might otherwise be beyond the reach of the campaign. Furthermore, with the necessary training, they have the capacity to investigate the root causes and effects of land corruption, and to inform the wider public and especially victims of corruption about the means available to hold corrupt land officials accountable and to secure their land rights.

4. COMMUNITY ENGAGEMENT AND INFORMATION DISSEMINATION

In order to inform and educate people about their land rights and the duties and obligations of the state and traditional leaders, with the intention of influencing their attitudes and perceptions, it is essential to start by engaging with the community. The aim of sharing information and engaging with the community is to help citizens overcome barriers that they face in accessing land services, including corrupt practices.

Handbooks, guidebooks, and manuals are important tools for communicating in a professional and organised manner. Leaflets and brochures are also important tools for sharing pertinent information on sources of support and relevant offices to which land corruption can be reported. Mass media messages via platforms such as radio, television, and newspapers are essential for sharing information with the public and for drawing their attention to the importance of land corruption. Images and illustrations also serve an important purpose in reaching out to semi-literate and illiterate members of society.

Securing rural land tenure is crucial for development and for addressing rural poverty. In Madagascar only 2% of smallholders have official land titles, with women in the most precarious situation because of their customary roles.

A lack of knowledge about how to access land offices and traditional leaders has created a breeding ground for land corruption, where nepotism, bribery, and rent-seeking have become the norm. A general lack of knowledge about land corruption inevitably translates into a lack of transparency and accountability.

To remedy this, Transparency International – Initiative Madagascar (TI-IM) launched an awareness-raising campaign to sensitise rural people about land corruption and possible remedies. To begin, the INGO conducted a baseline survey to identify the problems faced by rural smallholder farmers and urban dwellers and their levels of knowledge on land corruption. TI-IM surveyed 400 men and 400 women in order to understand the different experiences between the sexes.

In response to the survey findings, TI-IM engaged women's groups, community leaders, CSOs, stakeholders, and key institutions to begin addressing land corruption, with a specific focus on gender. TI-IM worked with journalists, training them to identify land corruption and to report cases, and increasing awareness among the public.

Coupled with a communications campaign using mass media, image illustrations, a documentary, and the dissemination of guidebooks about corruption, TI-IM managed to provide citizens with guidance on overcoming barriers to securing land titles, techniques for avoiding corruption within land administration, and mechanisms for reporting corrupt individuals.

To ensure accountability, community-led "land councils", which included women and elderly community members, were established and supported to survey and demarcate community land, using tablets and GPS tools.

LAND RIGHTS OPEN DAYS

THE TOOL

Land rights open days give the community access to accurate and impartial information, which otherwise they would not have. At open days, information regarding land administration offices and processes, land-related decision-making structures, and institutions for dispute resolution is shared with members of the public.

ITS GOALS

- **Bridging knowledge gaps** and making sure that community members understand their land rights
- Ensuring that **reliable land information** is available in the public domain
- Sensitising community members about the **duties of land authorities** to uphold and protect community land rights
- Reinforcing the **accountability of land officials**
- Sharing information on access to **land dispute resolution mechanisms**

ACTORS INVOLVED

CSOs, local NGOs, local communities, government departments and ministries, local research institutions, legal organisations, media.

ALREADY TESTED BY
Transparency International Uganda (TIU)
https://www.landcoalition.org/en/explore/our-network/transparency-international/

(i) FURTHER INFORMATION

National Association of Professional Environmentalists (FoE – Uganda) (2012). "A Study on Land Grabbing Cases in Uganda"
https://landportal.org/library/resources/relief-astudy-201204/study-land-grabbing-cases-uganda

"Land Rights Open Days"
https://learn.landcoalition.org/en/good-practices/combatting-land-corruption-africa-good-practice-examples/

EXPECTED OUTCOMES

- Community members know how to access land offices
- Members of the general public are knowledgeable about their land rights
- The public obtain land-related legal advice
- The community has knowledge about land dispute resolution mechanisms

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HOW IT WORKS

Land rights open days provide an opportunity to inform local communities about their land rights by bringing them together with stakeholders and experts who can share their knowledge on specific issues such as land rights and laws and dispute resolution mechanisms, and provide them with legal advice, in an informal and participatory setting.

LAND RIGHTS OPEN DAYS STEP-BY-STEP

1. PLANNING PHASE

Open days give an opportunity to share information with the public on a particular important cause. It is essential to have a strategy in place and to identify topics to be addressed during open days. Specific topics such as land rights, processes for their registration, processes for the verification of land titles, and services such as pro bono legal assistance can be addressed during open days. Short talks, question-and-answer-sessions, experience-sharing sessions, and illustrative theatre performances can all be used to share information about land rights and the processes for securing them.

2. PUBLICITY AND PROMOTION

Good publicity and promotion of land rights open day events involve notifying the community about the event in advance and letting them anticipate the kind of assistance and knowledge they will receive. As such, it is essential to create publicity around the event.

To introduce the event to the community, posters and leaflets are a great tool to state reasons why people should attend. Mass media advertisements can achieve the same goal. Television, radio, social media, and newspaper advertisements featuring buzzwords and taglines can help ensure that the community are aware of the event.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF TRANSPARENCY INTERNATIONAL IN UGANDA

3. PARTNERSHIPS AND COLLABORATIONS

The advantages of open days include the potential to collaborate, coordinate work, and mobilise partnerships with different land rights actors to respond to the challenges that a community is facing. Thus, approaching many different organisations that work on land issues is important in shaping and organising the event. Public bodies such as rural and local councils, legal aid organisations, and other CSOs should be invited to participate. The roles that they play during the open day should help the community to understand their land rights better and to know how to enforce their rights.

4. IMPLEMENTING OPEN DAYS

In order to keep attendees engaged, it is vital to plan a variety of activities for an open day. These may include stands for organisations to present information and interact with visitors, legal aid clinics for visitors to discuss land corruption cases, open forums for visitors to share personal experiences and discuss key issues, presentations and plenary discussions, video screenings, and music and theatre productions.

It is also important to conduct "stakeholder reflections" at the end of the programme in order to measure the success of the open day. Where stakeholder expectations are established at the beginning of the programme

In Uganda, agriculture is a dominant income-generating activity, yet land dispossessions by private investors are rife. According to research conducted by Transparency International Uganda (TIU), Ugandans lack sufficient information about land administrative processes, including land-related decision-making processes. This is reflected in the expansion of large-scale agribusinesses, much to the disadvantage of local farming communities.

To address the lack of access to reliable basic information, and to empower local communities to better understand their rights and the corresponding duties of the government, TIU hosted land rights open days in Mukono and Wakiso districts in the country's Central Region, under the theme "Fight corruption to realise your land rights".

Working in collaboration with representatives of the Ministry of Lands, Housing and Urban Development and district land offices, various NGOs and CSOs, legal aid organisations, and national and local media, TIU shared information on land ownership, access to traditional and formal dispute resolution mechanisms, and land registration and other administrative procedures.

During the open days, community members and TIU's partners had opportunities to share presentations on land rights and mechanisms for reporting corruption, engage in question-and-answer sessions and one-to-one meetings with land rights experts, and seek legal advice from legal practitioners present at the event. A "forum theatre" production depicting a fictional land corruption case was used to engage attendees' attention. Most importantly, participants received printed copies of a poster containing contact details for every land actor in the district (known as a "magic chart"), together with a range of books, flyers, and posters.

The open days facilitated the sharing of land-related information, addressing the knowledge asymmetry that previously resulted in land corruption and the expansion of large-scale land investments. As a result, community members have been able to report land corruption cases, pressuring the government to address the issue. The cases submitted to TIU have laid a solid foundation for evidence-based advocacy in Uganda, strengthening communities' demands for action from duty-bearers.

VIDEO ADVOCACY

THE TOOL

Video-making is a tool to document, expose, and raise awareness about land corruption and to facilitate community-led advocacy. Visual media are a strategic tool with which to engage people, laying a foundation for policy or legislative changes, or changes in the public's view of land corruption and its effects.

ITS GOALS

- **Documenting and exposing** land corruption
- Exploring the **gendered dimensions of corruption**
- Exploring the **different forms of land corruption**
- Exposing **corrupt land investors and abuses of power**
- Exposing **encroachments** on community lands

ACTORS INVOLVED

CSOs, local NGOs, local communities, legal aid organisations.

ALREADY TESTED BY
Transparency International Zimbabwe (TIZ)
https://www.landcoalition.org/en/explore/our-network/transparency-international/

ⓘ FURTHER INFORMATION

"Video for Advocacy"
https://learn.landcoalition.org/en/good-practices/combatting-land-corruption-africa-good-practice-examples/

"Women Land and Corruption", Transparency International Zimbabwe, YouTube.
https://www.youtube.com/watch?v=2EA7x4s7rMU&t=34s

EXPECTED OUTCOMES

- Land corruption is documented and exposed
- Private companies investing in rural communities are held accountable
- Changes are made in policies, laws, and people's attitudes.

HOW IT WORKS

Video advocacy explores the use of video to raise awareness about land, human, and women's rights violations, for documenting, mobilising people to take action, empowering victims, and promoting accountability in affected communities.

VIDEO ADVOCACY STEP BY STEP

1. BACKGROUND RESEARCH AND PLANNING

Background research is essential for understanding the causes of a problem and its different dimensions and identifying potential solutions. It also provides an opportunity to identify the target audience and formulate a dissemination plan. Although land grabbing draws media attention, important dimensions such as gender are often ignored. Conducting background studies assists to identify and understand the less-known dimensions of land corruption. Desk research, field visits, and community consultations are tools used to conduct background research.

Risks of physical violence, lawsuits, arrests, intimidation, and harassment are inherent in the process of video advocacy. Conducting a comprehensive risk assessment and mitigation strategy is thus essential during the planning phase.

2. COMMUNITY ENGAGEMENT

Local communities often have a lot of information and facts about land corruption and encroachment on their land. However, communities tend to suffer from "research fatigue" when they have been approached multiple times but have experienced little improvement. Therefore, a mindful approach is recommended in order to build trust and manage expectations. Collaborating with local organisations, as well as engaging with local and traditional leaders, can contribute to building trust among community members. Consultation sessions and dialogue with affected communities throughout the video development phase will further help to manage expectations.

In some countries land corruption is a sensitive matter, and addressing it may put the community at risk. In such instances, it is essential to take account of the security and political context of the country.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF TRANSPARENCY INTERNATIONAL IN ZIMBABWE

3. VIDEO-MAKING

Video is a powerful tool for change: it can be used as a conduit for communicating the dire effects of land corruption on the population and on women in particular, as they suffer additional challenges in their struggle to secure livelihoods for their families. In the process of video-making, all the people affected by land corruption should have an opportunity to share their stories via dialogue platforms, consultation sessions, and script-writing. Script-writing is an important part of the video-making process because it allows local communities to have ownership over their stories and to discuss other dimensions of land corruption that are normally neglected by research projects.

4. DISSEMINATION AND USE

Once created, the video is disseminated and used as an advocacy tool. For the purposes of disseminating it, all interested stakeholders and the community are notified of its launch. Working with the featured community, a number of events and platforms can be used to launch the video. These include an official launch event and community screenings, bringing together key stakeholders in order to discuss points that emerge from the video. Key stakeholders include land rights experts, gender experts, anti-corruption experts, legal aid organisations, researchers, NGOs, and CSOs.

Land corruption is rampant in Zimbabwe, with elites using their power and influence to amass wealth, including land, and often using brute force against rural communities.

Local communities in Chisumbanje in Manicaland province were promised development programmes and employment opportunities in exchange for land to grow sugarcane used to produce ethanol as a biofuel. After a while, the biofuel company, Green Fuel, began to occupy land well beyond the agreed boundaries, encroaching onto areas that were essential to local livelihoods. The local people of Chisumbanje resisted this attempted land grab by planting crops on the disputed land, but the company destroyed the crops as soon as they were ready to harvest, and the local police physically assaulted community members for resisting the land grab.

While land corruption left all local people in Chisumbanje in a precarious situation, Transparency International Zimbabwe (TIZ) found that women were the most vulnerable as they were exposed to a highly gendered form of corruption. In particular, the research exposed how traditional leaders were compelling women to trade sex in exchange for access to land and in order for them to retain their access to it – a form of corruption often referred to as "sextortion".

To draw both local and international attention to the issue of land corruption in Zimbabwe, TIZ worked with local communities to sensitise people about the nature and prevalence of sexual extortion, provide opportunities for individuals to seek legal redress, and provide platforms for those affected to share their stories. In partnership with local organisations such as the Platform for Youth Development, TIZ has facilitated community platforms so that people can obtain and share relevant information and access support to secure their land rights.

Having won the trust and confidence of the Chisumbanje community and local stakeholder groups, TIZ undertook the production of a short documentary film titled "Chisumbanje – Women, Land and Corruption", which exposed the role of land corruption in alienating the people of Chisumbanje from their land. The documentary, coupled with a series of research and policy papers, highlights the impact of land corruption on rural communities, and especially on women and girls.

Despite threats and intimidation levelled against them, TIZ and the local Chisumbanje community have persevered in collecting and documenting information on land corruption. As a result of the video's release, the community has initiated non-confrontational dialogue with land authorities and in collaboration with CSOs, and has engaged the services of lawyers to prevent Green Fuel from further encroaching onto their land.

HANDBOOKS ON LAND

THE TOOL

A handbook on land provides concise and updated information on national and community land governance, land rights, and laws governing customary and statutory tenure systems. A number of sources are used to collect relevant information, which is then presented in a handbook produced jointly with affected communities.

ITS GOALS

- Creating a **compendium of statutory and customary law relating to land systems**
- Ensuring **access to updated and relevant information on land procedures**
- Increasing **accountability and transparency of land administrations**

ACTORS INVOLVED

CSOs, local NGOs, rural communities.

ALREADY TESTED BY
Transparency International Zambia and Sierra Leone
https://www.landcoalition.org/en/explore/our-network/transparency-international/

FURTHER INFORMATION

"Handbooks on Land"
https://learn.landcoalition.org/en/good-practices/combatting-land-corruption-africa-good-practice-examples/

EXPECTED OUTCOMES

- Citizens better understand land administration procedures
- Citizens have easier access to updated laws

HOW IT WORKS

A handbook is created and used as guide in statutory and customary land cases by making reliable, accessible, and updated land information available to community members.

HANDBOOKS ON LAND STEP BY STEP

1. BACKGROUND RESEARCH AND PLANNING

It is essential to understand the intricacies of land administration and management systems in any given case and to pay close attention to the power of the administrators themselves. As such, community leaders and government land officials are important partners in the preparation of a handbook.

2. STAKEHOLDER ENGAGEMENT

The buy-in of leaders is essential, as they hold power and relevant information about the state of land affairs within communities. A handbook targets community members who often lack knowledge on procedures to secure their land rights.

Establishing key stakeholder groups, comprised of local or national government representatives, CSOs, and traditional leaders, can improve information-gathering and dissemination. This ensures that all concerns are taken into account in the drafting process and increases the likelihood of adherence to the rules.

A team is established that is experienced in building trusted relationships and is able to identify groups that need additional assistance or encouragement to provide input. Vulnerable people such as women and youth may be uncomfortable about speaking up at meetings with the whole community. Therefore, the team's duties may involve finding ways to engage effectively with communities.

3. INFORMATION-GATHERING AND WRITING OF HANDBOOKS

Significant research is conducted to understand the land administration system of the given case. For customary systems, community dialogues, coupled with other participatory research techniques, are useful approaches for gathering reliable information from traditional leaders and community members. Interviews with experts and desk-based research are appropriate means of collating information on statutory land administrations. All the information gathered is then compiled into a handbook. Initial drafts of the handbook must undergo reviews by key stakeholders, including community members, to ensure that they address all relevant land practices.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF TRANSPARENCY INTERNATIONAL IN ZAMBIA AND SIERRA LEONE

4. DISSEMINATION AND USE

In addition to providing the handbook to the community, copies are given to traditional leaders and land officials to assist them when they make land-related decisions. Copies of the handbook are also shared at community meetings and festivals, distributed through local land offices, or shared during interactions between civil-society organisations (CSOs) and NGOs and community members.

Transparency International has worked with local stakeholders in Zambia and Sierra Leone to document land laws. Although these two countries have different land governance systems, they have one challenge in common: access to reliable and updated information on land laws.

Zambia's land administration is highly informal, undocumented, and based on traditional land governance. This often gives traditional leaders unfettered discretion, much to the disadvantage of poor local farmers whose livelihoods depend on land.

In Sierra Leone, the statutory land governance system is obsolete and based on colonial land governance. The government's failure to implement the land reforms contained in the National Land Policy of 2015 has created administrative dysfunction, where informal occupations of land, land grabs, and land corruption are the norm. There is no official record of land leases allocated by central government, local governments, or "landowning families" (extended families of chieftains) to private individuals, companies, and other legal entities.

Consequently, the people of Zambia and Sierra Leone have little protection against greedy traditional leaders, disreputable investors, and dysfunctional governments. Lack of transparency and an overburdened and ineffective legal system provide fertile ground for corrupt practices.

To remedy this, Transparency International has worked with local communities, traditional leaders, and land officials to design handbooks on land. These handbooks guide citizens through the stages of land acquisition. Prototype handbooks have been developed for two communities to test the effectiveness of access to information as a tool for protecting vulnerable communities against land corruption and holding leaders accountable – one community in Zambia operating under a customary land administration, and another in Sierra Leone governed by statutory law.

As a result of using the handbooks, traditional leaders in in Chisuka chiefdom, Zambia have become more accountable to the local community, signing an "integrity pact" that increases their accountability. The pact establishes a monitoring and follow-up process, promotes transparency, and fosters accountability in customary land administration.

MECHANISM FOR INCLUSIVE AND ACCOUNTABLE LAND GOVERNANCE

THE TOOL

A mechanism for inclusive and accountable land governance is an innovative legal empowerment approach to community land protection, with the overall aim of supporting communities to document and protect their land rights.

ITS GOALS

- Create and adopt **community by-laws** to hold leaders accountable and ensure good governance of land and natural resources
- Strengthen land rights protections for **women and other vulnerable groups**
- **Sustainable use and management of community resources** and regeneration of local ecosystems
- Empower communities and traditional leaders with the l**egal knowledge needed to negotiate with potential land investors**

ACTORS INVOLVED

CSOs, international NGOs, rural communities, legal aid organisations, traditional leaders.

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https://www.landcoalition.org/en/explore/our-network/namati-innovations-in-legal-empowerment/

ℹ FURTHER INFORMATION

"Building resilient mechanisms for inclusive and accountable local land governance"
https://learn.landcoalition.org/en/good-practices/building-resilient-mechanisms-inclusive-and-accountable-local-land-governance/

EXPECTED OUTCOMES

- Create community bylaws governing land transactions
- Harmonised boundaries and documented community land rights
- Inclusive, participatory, and accountable rural community land management

HOW IT WORKS

An integrated community land protection process that gathers and analyses data on the impacts of community land governance, while confronting challenges, exploring innovative solutions and, most importantly, listening to communities' experiences, needs, and desires.

MECHANISM FOR INCLUSIVE AND ACCOUNTABLE LAND GOVERNANCE STEP-BY-STEP

1. LAYING THE GROUNDWORK

Laying the groundwork requires the creation of structures for inclusive community participation throughout the land protection process. This includes conducting activities and creating structures for raising awareness of the importance of protecting community lands and motivating participation by community members.

First, it is essential to gain community consensus on definitions used in protecting community land rights, as these differ based on cultural, political, and geo-spatial realities and the preferences of local leadership. Facilitators consult with relevant government officials, customary leaders, and community members, arriving at mutually agreeable definitions of how best to determine a "community unit". This includes balancing various factors such as population, land area, existing shared land management institutions, common social identity, and administrative designation.

Each community selects male and female community members as "animators" or "mobilisers" to help coordinate work within the community and to ensure that meetings are well publicised and are attended by women, men, youth, elders, and members of minority groups. In some communities, these individuals may also learn about national laws in greater depth than their fellow community members, and then take on a quasi-paralegal role.

Through a "visioning" process, community members reflect on the condition of their lands, natural resources, and socio-cultural life 30 years in the past, today, and 30 years in the future (assuming that circumstances continue along the current trajectory), and then envision the "desired future" that they would choose to leave for their grandchildren. The community then brainstorms a work plan for how to achieve its vision, using this plan as the basis of their community land protection process.

In meetings with relevant government officials, the field teams liaise with regional and local government officials on a quarterly basis, or in some instances monthly, to explain the work, brief them on progress and obstacles, and seek their support and participation, as necessary.

2. VALUATION OF COMMUNITY LAND AND NATURAL RESOURCES

Community members list all of the natural resources that they gather from community forests, grazing lands, and watersheds, and then calculate how much they would have to pay to purchase these resources in the local market if they could not go to their common lands to gather them freely. This activity helps community members to understand the value of their lands to them, and to understand how much they would potentially lose if they lost access to their common lands and resources.

For efficient valuation of land and natural resources, the community needs to understand the legal system of the country. Throughout the community land protection process, the field team trains community members on the basic precepts of their rights and responsibilities under the national constitution and according to national land laws and policy, as well as relevant environmental, forestry, and mining laws.

3. DRAFTING AND ADOPTING COMMUNITY BY-LAWS

A participatory and inclusive approach to drafting and adopting community by-laws for land governance, natural resource management, and social justice is essential for gaining community consensus. Depending on national laws, the drafting process takes between six and sixteen months to complete, as the priority is developing relevant community by-laws rather than simply using inflexible templates supplied in the appendices or schedules attached to national land laws.

To draw up a first draft, each community collectively states all of their existing local rules and all of the rules that were followed in the past by their ancestors but have fallen out of use. Meetings are split into groups of men, women, and youth to ensure that all voices are heard. All the information collected is written down and organised into three categories: rules about leadership and land governance, rules about natural resource use and management, and cultural and social rules.

Each community takes time to review the first draft of their by-laws, eliminate old rules that are no longer useful or that violate national and human rights laws, change existing rules that need updating to address current realities, and add new rules. Facilitators encourage community members to include rules on natural resource management, the rights of community members, rules on community membership, community land governance, and rules governing how they would negotiate with potential investors who arrive seeking land. Women-only meetings give women an opportunity to advocate for rules that strengthen their land rights and increase their participation in land governance.

Finally, an advocate, lawyer, or judge reviews the community's second draft to ensure that it does not contradict the national constitution or other relevant laws, and the community then makes any necessary changes to ensure that their rules are aligned with national laws.

At a well-publicised community meeting, community members read out the by-laws and vote to adopt them in the manner they have agreed. They then elect a land governance council, composed of trusted community leaders, women, youth, and members of marginalised or minority groups, to manage the community's lands and natural resources according to the adopted by-laws, as well as to enforce the by-laws, with the support of local government.

4. HARMONISING BOUNDARIES AND DOCUMENTING COMMUNITY LANDS

In this step, communities are supported to resolve boundary disputes and land conflicts, and to document the boundaries of their land. They work together to create sketch maps, and meet with their neighbours to harmonise boundaries. In some cases, boundary harmonisation can take months to accomplish.

Facilitators also support community members and respected, trusted local leaders to mediate in long standing boundary-related conflicts between neighbouring communities and to agree on common boundaries.

Thereafter, communities are supported to document the agreed boundaries. Depending on the legal context, communities may:

- draft and sign memoranda of understanding (MOUs) with their neighbours to formally document all agreed boundaries;
- take photos and make videos of the agreed boundaries;
- plant boundary trees or place locally accepted markers to indicate physically the limits of their lands;
- make technical maps using GIS/GPS technology; or
- contract a licensed surveyor to survey their land.

**FROM THEORY
TO PRACTICE:
THE EXPERIENCE
OF NAMATI IN LIBERIA**

5. GOVERNMENT REGISTRATION AND TITLING

During this step, communities should follow national legal procedures to formally document and register their lands and obtain state documentation of their rights. However, this depends on the laws of the country, as in some countries national laws do not allow this.

6. PREPARING THE COMMUNITY TO PROSPER

After a community has adopted its by-laws, created land maps, and submitted its registration paperwork, it is given an opportunity to design and implement plans to foster long-term community growth and prosperity, as defined by each community. These plans include a number of activities designed to support community members to regenerate local ecosystems, take steps to realise their vision for the future, and pursue community-driven enterprise development and diversification of livelihood strategies.

Liberia has one of the highest rates of land concessions in Africa, with the government granting or renegotiating land and forestry concessions totalling 1.6 million hectares between 2004 and 2009, totalling about 7% of the country's land area. By 2012, a total of 2,546,406 hectares of land had been allocated to rubber, oil, forestry, and palm plantations. In addition, local private investors, who are often members of the elite class, were acquiring land at an unprecedented rate, often in a covert fashion and without being accounted for in the national land estimates.

In light of these internal and external pressures on land, Namati worked with 70 rural communities in Rivercess county, supporting them to document and protect their community land rights. During this time, Namati and its partners developed an innovative and integrated community land protection process to tackle land-related challenges and, most importantly, to listen to communities' experiences, needs, and desires. The process took roughly 18 months to complete and included six general steps aligned with national laws and policies. It sought to establish strong intra-community land governance mechanisms to hold leaders accountable in their roles in negotiating and allocating land in rural communities.

Traditionally, town elders and village chiefs made decisions about the allocation and use of land and natural resources, often without consulting the wider community. Although community leaders wield much power, they often lack training and experience in negotiating contemporary types of land deals, such as large-scale land transactions for plantations or speculative land deals involving local and international elites.

Namati worked with the Duah community from 2009 onwards to map their lands, resolve land boundary disputes and agree on harmonised boundaries, and discuss and formally adopt community bylaws and a natural resource management plan to govern the administration of their land. They also signed inter-community MOUs with neighbouring communities and democratically elected representatives of the land governance council to oversee the management of community lands and enforce the community bylaws.

However, in 2013, Duah traditional leaders signed an MOU with an external investor, Lion Growth Ltd, in which they agreed to a substantial land deal without prior consultation or consent from the community.

The land deal was very unfavourable to the community, as it leased out the entirety of Duah land and potentially the land of neighbouring communities, risking dispossession and eviction of families from their lands. Furthermore, the deal was illegal, as the government had imposed a moratorium on the issuance of tribal certificates on public lands managed by rural communities.

To remedy this situation, Namati facilitated a series of meetings with Duah community members, the land governance council, and community animators to discuss the details of what had happened. The land governance council, traditional leaders, and the community at large had not known the extent of the lease.

Using a collaborative and educational approach, the land governance council engaged with community elders and the community to discuss the land deal. Community members voiced their concerns about the potential impact of the agreement, and reaffirmed the importance of broad participation by community members in decisions relating to land and natural resources. Furthermore, the community agreed that the land governance council should have an oversight role in all land transactions affecting the community.

Namati continued to work with traditional leaders and community members to provide training on the value and importance of inclusive decision-making, and to design and adopt local land governance systems grounded in accountability, transparency, equity, and participation by all community stakeholders, including women, youth, and members of minority groups.

Most importantly, the community were able to challenge the legitimacy of the land transaction and protect their land rights by enforcing their own community bylaws and governance rules. Their victory strengthened the legitimacy of the new legal instruments and management bodies in challenging corrupt leadership.

READ MORE

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NOTES

Photo credits

International Land Coalition (ILC)

ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's over 250 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

ILC's Database of Good Practices

We've created a space where land rights practitioners can look for and find inspiration and solutions to the challenges they face on a daily basis. ILC's Database of Good Practices is where you can learn from ILC members and adapt methodologies and tools that we know work!

Visit the Database to learn, share and be inspired!

www.landcoalition.org/good-practices