



COMBATTING LAND CORRUPTION IN AFRICA

Good practice examples

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. With more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

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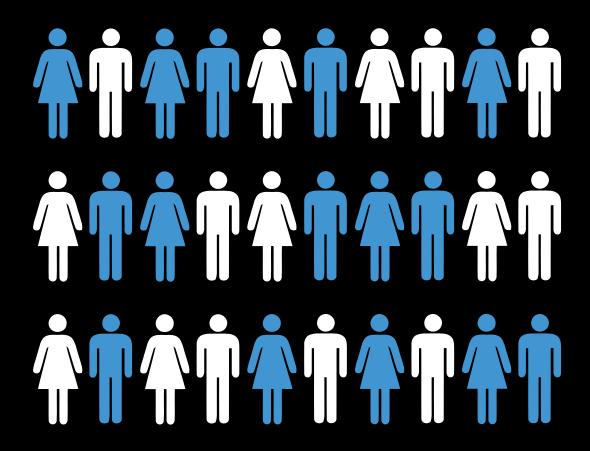
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Around the world, one in every five people has to pay a bribe for land services



In Sub-Saharan Africa, that number increases to one in every two people



EXECUTIVE SUMMARY

One in every five people worldwide has paid a bribe to access land services.¹ In Sub-Saharan Africa, this number rises to one in every two people. Corruption within systems of land administration and management is known as "land corruption". Whether it's an opaque deal between private investors and local authorities, citizens having to pay bribes during land administration processes, or customary laws that deny women their land rights, land corruption hits the poor and marginalised hardest.

In response, Transparency International launched the Land and Corruption in Sub-Saharan Africa programme in 2015. Led by the International Secretariat in Berlin, the programme has worked in collaboration with national chapters from across the continent – Cameroon, Ghana, Kenya, Liberia, Madagascar, Sierra Leone, South Africa, Uganda, Zambia and Zimbabwe – to research instances and drivers of land corruption, and to develop innovative approaches to combatting its damaging effects.

Since its launch, the land programme has published a wide range of guidebooks, articles, papers, documentaries, animations and multi-media exhibits raising awarenessof land corruption, documenting the methods used to research and address it, and sharing the results achieved. You can access many of these outputs by visiting: anticorru.pt/landcorruption.

This latest publication brings together a diverse collection of good practices developed by our colleagues from national Transparency International chapters working to tackle land corruption across the continent. Each practice is described in detail (including the key steps for implementation and factors for achieving success) in a format intended to guide others working against corruption to use the same techniques, while encouraging adaptation and fostering future innovations.

Transparency International Kenya shares experience in using public-interest litigation as a tool for resisting the mass eviction of residents from 10 public housing estates in

Mombasa. Our colleagues from Transparency International Uganda describe their series of innovative open days, which provide a forum for citizens to verify land titles, access free legal advice and engage with organisations that support people affected by land corruption.

Our Ghanaian chapter shares details of a groundbreaking participatory video process, implemented in partnership with InsightShare, that enabled landless widows to speak out against corrupt practices within customary land administration. Also included in the collection are innovative campaigning approaches from Madagascar, the use of video advocacy in Zimbabwe, and handbooks on customary and statutory land systems produced in Sierra Leone and Zambia.

We hope that readers will find these good practice examples interesting and engaging. We also hope that by sharing these diverse approaches we will inspire others from the global land rights community to adopt these methods and continue innovations in this field, helping to bring an end to the worldwide challenge of land corruption.

PUBLIC-INTEREST LITIGATION AS AN ADVOCACY TOOL

Public-interest litigation is a powerful tool for shaping law, policy and practice, yet it is rarely used by land rights activists. The experience of Transparency International (TI) Kenya in halting a large-scale housing project, which threatened thousands of residents in Mombasa, demonstrates its potential as a tool for reshaping advocacy around land corruption issues.

BACKGROUND

In 2016, TI Kenya and its partners mounted a legal challenge to a housing project that sought to demolish 10 public housing estates in Mombasa county. The estates earmarked for redevelopment include Khadija, Miritini Greenfield, Changamwe, Tudor, Mzizima and Buxton. The KSH200 billion (US\$2 billion) initiative - known as Urban Renewal and Redevelopment of Old Estates - is the county government's flagship redevelopment project.

Concerned by the lack of public participation and engagement with key stakeholders during initial stages of project implementation, Transparency International Kenya, together with two partner organisations, used public-interest litigation to challenge the redevelopment on the following grounds:

- lack of public participation in the design, conceptualisation and implementation of the housing project
- infringement of the right of Mombasa residents to accessible and adequate housing
- failure to make crucial information regarding the project accessible to the general public.

TI Kenya and its partners (the Legal Advice Centre and Haki Yetu St Patricks) also claimed that the project failed to comply with laws requiring that the procurement and awarding of contracts to private parties must be guided by principles of transparency, and free and fair competition.

The Mombasa County Public Rental Estates Council and the Kenya Human Rights Commission were also involved in the matter as interested parties.

CHALLENGES

Article 10 of Kenya's Constitution includes "participation of the people" among the national values and principles of governance. However, effective participation has not yet been realised in the land sector.

TI Kenya and its partners were concerned that a lack of public engagement and consultation, as required by law, would create an enabling environment for corruption. Without the necessary transparency and public engagement, the development process risked leaving thousands of citizens homeless - in denial of their right to public housing - while lining the pockets of powerful individuals.



! If the government is not honest about public land, who will defend our interests?

Community member, Likoni

OVERCOMING THE CHALLENGES

The case was first heard by the High Court in September 2016. The judge rejected the litigants' appeal to stop the redevelopment, having been convinced by the defendants that sufficient public participation had in fact taken place. Nevertheless, in addressing the public-interest litigation brought by TI Kenya and its partners, the court established important legal precedents on the principle of

public participation and access to information on key decision-making processes as they relate to land and housing.

Through its judgement delivered in December 2016, the court directed the county government to ensure it performed its functions in accordance with the public participation provisions of Article 10 of the constitution at every stage of the housing programme. It also directed the government to design a robust and ongoing plan for public participation that included continuous updates on progress and the involvement of all stakeholders.

Dissatisfied with the judgement, the parties filed an appeal at the Court of Appeal in early 2018 against part of the judgement on various grounds: particularly on its holding that there was public participation in the conceptualisation of the housing programme, that the project did not threaten the right to adequate housing and that it was not in breach of legislation such as 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.

The parties sought orders that the earlier High Court judgment be set aside. When the judgement was delivered in July 2018, the appellate court held that the appeal lacked merit and was therefore dismissed with no costs. Despite the outcome, the case undoubtedly exposed critical issues on public participation, and contributed to jurisprudence by amplifying various principles on governance - ideals worth replicating in other devolved governments in Kenya.

As in any litigation, the team was aware of the fact that losing the case was a risk in itself. The parties were therefore prepared for this possibility. What remained clear to the team was that publicinterest litigation is one tool that forms part of a broader strategy for social change. When such litigation does not achieve the desired result, other strategies can be employed. Most importantly, the loss did not undermine the cohesion of the network and the community engaged in the issue.

When the powerful take our homes, our only option will be to live as squatters

Community member, Mzizima

RESULTS AND IMPACTS

Promoting accountable government

The introduction of high-profile public litigation emphasised the importance of public participation in key decision-making processes surrounding government projects, which often negatively impact vulnerable and marginalised communities. The litigation itself, and the significant media attention it generated, helped to raise awareness of land rights among key groups and within the general public.

Opening access to justice

The use of public-interest litigation in response to the county government's redevelopment project helped to raise awareness of the issue. The initial injunctive orders provided an opportunity for all the contentious issues to be addressed.

Empowering communities

In challenging the local government's actions which TI Kenya and its partners believed to be unjust and lacking accountability - the process helped to empower an oppressed community which had been denied information and refused participation in the decisions affecting their homes. It united citizens and civil society groups with diverse interests and backgrounds, by establishing a forum through which their voices could be heard and joint actions developed.

Bringing about legal and policy reform

The litigation challenged the existing implementation of the Constitution's principles on public participation and led to systemic legal change from which communities across the country will now benefit.

Increasing transparency

The case brought by TI Kenya and its partners pushed for compulsory disclosure by the county government of relevant documents. As a result, important evidence that was in the public interest has been uncovered and is now in the public domain.

PUBLIC-INTEREST LITIGATION THE FIVE KEY STEPS

STEP ONE: RESEARCH AND PLANNING

Preparations for public-interest litigation typically begin with preliminary research into the legal and factual basis of the lawsuit to be brought. Research into relevant national and international legal frameworks and similar cases (including resolutions reached and remedies ordered) is usually undertaken in parallel with research into key facts, witnesses and petitioners relating to the case.

In the case of TI Kenya (et al) vs Mombasa County, careful consideration was given into who would provide the best combination of strong legal claims and public appeal. Parties to the lawsuit determined to elect organisations, rather than individuals, as the petitioners. This was due to the perceived high risk of individual community members being compromised during the litigation process. By contrast, enjoining organisations as petitioners provided some protection against interference by external bodies.

Careful consideration of the social and political context surrounding the issue is also essential when preparing public-interest litigation. This serves as a useful precursor to stakeholder mapping. Human rights monitoring – to assess the impacts of the injustice in question on those directly affected and identify the perpetrators of violations – may also be appropriate at this stage.

The success or failure of public-interest litigation often depends on the "requests for relief" put forward by the petitioners. Conceptualising appropriate remedies from the outset is critical when developing a strategy for public-interest litigation, as the remedies granted by the court(s) will determine the impact of the case on its immediate beneficiaries.

When planning the case against Mombasa County, establishing where violations of the provisions of the Kenyan Constitution and statutory laws had taken place provided several opportunities for possible remedies to be pursued. Several declarations were sought – claiming violation of environmental management, public-private partnerships, public procurement and physical planning acts, among others – together with a permanent injunction to restrain the project implementation.

STEP TWO: BUILDING ALLIANCES

Tapping into the collective energy, skills and resources of multiple partners (individuals and organisations) is often essential when embarking on the long road of a successful public-interest litigation process.

Harnessing new and existing networks, partnerships and coalitions creates opportunities to maximise resources, avoid duplication of efforts, and leverage the social capital (relationships, reciprocity, reputations), credibility and legitimacy of multiple organisations and individual actors. If well coordinated and closely managed, a networked approach to publicinterest litigation also helps to ensure consistency in campaign messages and complimentary advocacy efforts.

TI Kenya worked with a diverse strategic alliance of partners, including a team of legal researchers, community groups, NGOs with a direct or indirect interest in the outcome of the lawsuit, organisations skilled in public outreach and media groups.

STEP THREE: COMMUNITY ENGAGEMENT

Moving beyond interactions with individual witnesses or petitioners to direct engagement with wider communities provides opportunities to raise awareness of citizens' rights and the corresponding obligations of the state. Such interactions can also help to verify testimonies, identify additional witnesses, gather key information on the wider

circumstances surrounding the case, and develop communications and media strategies in collaboration with affected communities.

STEP FOUR: RISK BENEFIT ANALYSIS

Given that undertaking public-interest litigation invariably entails a variety of risks, it is important to conduct a careful risk assessment to analyse the potential risks and plan mitigation strategies. Adopting a networked and collaborative approach to the initiative can help to manage any associated risk by sharing responsibility and diffusing impacts across a wider coalition of actors.

Among the risks identified by TI Kenya and its partners were political interference, security threats to petitioners or affected communities, and interference with the judiciary. The partners to the litigation – the advocate, NGOs and community representatives – analysed the risks and developed mitigation strategies. The likely benefits of achieving a successful outcome – such as establishing a legal precedent (a principle binding in future cases), achieving change for similarly-situated people from other counties, creating awareness, encouraging public debate and (to some extent) highlighting possibilities of the lack of judicial independence or fairness – were also considered in parallel with the risk assessment.

STEP FIVE: LITIGATION

Once the litigation stage is reached, it is important to manage the flow of information about the case and to generate as much positive publicity as possible. It is crucial that all internal and external communications to be overseen and coordinated by a central person or organisation, to ensure the consistency of messages and accuracy of information shared.

During the litigation stage, all those involved – litigants, communities and, in some cases, witnesses – will need not only information but also various types of support. Such support might include psychosocial services, counselling and financial and logistical assistance. The specialists required to provide these forms of support might be brought in during the alliance-building described in step two.

In a case of successful public-interest litigation, the court may order a variety of remedies, such as:

- finding that a certain fact is true
- ordering the government or another actor to do something specific
- ordering the government to take action to address an issue and report back to the court and the litigants about how it is taking action
- changes to an existing law
- penalties for perpetrators
- the establishment of mechanisms or procedures to ensure effective enforcement of a certain law
- the establishment of a dedicated complaint and follow-up mechanism for the violations.

As with any legal action, the judgement in a public-interest litigation case may not be favourable to the parties. If the parties believe the initial case was not fairly heard, or that the court failed to consider important requests, an appeal may be made to a higher court. Appeals help to ensure a case is fairly heard and enable access to a higher – often more prominent – court, which helps raise the profile of the case still further.

It is important for all parties to analyse the merits of the initial judgment before deciding to appeal to a higher court, to ascertain whether the appeal is necessary and likely to succeed. Petitioners, communities and advocates should be prepared for potentially losing the case, and have developed a strategy to deal with an adverse result. In instances where public-interest litigation does not achieve the desired results, other strategies can still be employed to advance the cause.

In the case of TI Kenya (et al) vs Mombasa County, the petitioners appealed to the Court of Appeal. Generally, the effectiveness of public-interest litigation is never measured by the success rate or the failure of public-interest cases. As such, even though the appeal was dismissed, the public-interest litigation contributed to good governance by increasing scrutiny of the government. It also provided an opportunity for TI Kenya and its partners to play an active role in spreading social awareness about the housing issue, providing voice to marginalised sections of society and enabling their participation in government decision-making.

FACTORS FOR SUCCESS

Diverse partnerships. The collaboration that took place as a result of the partnership (between TI Kenya, the Legal Advice Centre and Haki Yetu St Patricks) was particularly important to the successful implementation of this publicinterest litigation. The assembled team included representatives from each organisation with diverse yet complimentary skills, including lawyers highly skilled in legal research and staff with experience and knowledge of media relations and public outreach.

Community engagement and unity. The support which came from the community itself – who were committed to the cause and spoke with one voice – was essential to the success of the process. Without the unity, patience and determination of the community at the heart of the process, it is unlikely that the litigation would have achieved the same impact.

Careful planning and preparations. The emphasis on research and collection of evidence during the initial stages was also critical in establishing the community's case.

LESSONS LEARNED

Share responsibility and spread risk

As the public-interest litigation involved challenging the interests of powerful elites, the organisations and individuals involved encountered significant opposition from the county government. To mitigate the risks associated with taking positions against powerful bodies, it is advisable to spread those risks by undertaking joint interventions and sharing responsibilities for advocacy and communications. As legal processes can be expensive to mount and sustain, sharing costs among partners was particularly important. The petitioners in this case pooled financial resources from the outset, ensuring sufficient funding was available to undertake each stage of the legal process, from filing the petition through to mounting an appeal.

Communicate widely and often

Through this process, the partners came to realise that the use of public-interest litigation is unlikely to achieve positive social change in isolation. To realise maximum impact, such approaches are best delivered alongside – and in coordination with – associated campaigns and advocacy initiatives. In this instance, the partners focused significant effort on sharing information with the affected community, helping to sustain interest and engagement with the legal process. They also built public support for the issue through press and media work, to raise awareness and underline the public-interest argument.

FURTHER READING

"Mombasa 10 estates set for demolition after court ruling", Business Daily, 11 August 2016 bit.ly/2k8iYc0

"Groups say Mombasa County's multi-billion housing plan unlawful", Daily Nation, 25 October 2016

bit.ly/2m3scqx

"Court says there was public participation in Joho's Sh200bn housing project", Daily Nation, 23 December 2016 bit.ly/2m4AEWz

"Legal Advice Centre & 3 others vs County Government of Mombasa & 4 others", Kenya Law bit.ly/2k2xt0L

MORE INFORMATION

This example was shared by Transparency International Kenya.

You can discover more about their work by visiting tikenya.org and following their updates on Twitter @TlKenya and Facebook @TransparencyKenya.



PARTICIPATORY VIDEO

Participatory Video is an effective means for people directly affected by land corruption to raise awareness of its impacts among fellow community members, and to advocate for action by duty-bearers and key stakeholders. It is a community development approach that brings people together to explore important issues, uncover the causes of problems, and share their perspectives with new audiences through video.

The experience of the Ghana Integrity Initiative (GII) in northern Ghana demonstrates the potential of participatory video to provide a platform for marginalised voices to be heard by powerful interest groups, and to share important messages widely.

BACKGROUND

Widows in the Upper East Region of Ghana are particularly negatively affected by traditional land practices. Widowhood typically means the loss of most (if not all) of a woman's land, which is either sold or given to her husband's family by the traditional land administrator. Land in the region is rarely registered, which also typically leaves women without secure land rights.

In many cases, where land is threatened or taken away, the only means for widows to continue providing food and shelter for their children are bribing traditional leaders or marriage to their deceased husband's relatives. Those women who do manage to retain access to their land face other challenges. Their plots are typically smaller than those allocated to men, and women are less likely to receive financial credit for farming services and supplies.

Marginalisation, discrimination, and physical and verbal abuse are among the many challenges faced by widows. Women who lose their husbands are often accused of being witches or having killed their husbands. The stigma accompanying widowhood and the accompanying ostracisation from broader community life and decision-making processes directly facilitate corrupt practices that leave thousands of women

landless and unable to support their children. Many struggle for survival on the margins of their communities or are forced to migrate in search of work.

CHALLENGES

The marginalisation and discrimination facing widows in the Upper East region makes advocating for change to customary and statutory land administration particularly difficult. Women who lose their husbands also lose their voice within their communities and, with that, any opportunity to influence the decisions that affect their lives. There are an estimated 50,000 widows across the region who have lost (or are at risk of losing) land they rely on to feed themselves and sustain their families. Without a platform from which to speak out and challenge the corrupt practices that threaten their livelihoods, tens of thousands of women and children will continue to face ostracisation and destitution.

OVERCOMING THE CHALLENGES

In 2016, 10 widows from Kulbia village told their stories to one another, to their community and to local decision-makers. They did so using Participatory Video, which enables people to use video as a conduit, facilitating and enhancing communications between people who might otherwise never converse.

The women learnt to produce videos through experiential games and exercises that helped to gradually develop their skills, while also serving to demystify the technology involved. The women then set about collaboratively authoring a short documentary about their experiences of discrimination and landlessness as a result of widespread corruption by traditional land custodians.

They interviewed local chiefs and customary land administrators from their communities, using video production as a mechanism

through which to interrogate those in power with uncomfortable questions. They screened their video to local and national audiences, encouraging public discussion of hidden issues. This has ignited the spirit of advocacy through a process that is now being spearheaded by local "queen mothers" (traditional women leaders).

RESULTS AND IMPACTS

Raising awareness and building support

Audiences across the country and around the world have seen the video produced by the women of Kulbia village, which they named "Pakorpa Susangho", meaning "A Widow's Cry". Numerous screenings and discussions have been attended by community members, local decision-makers, civil society organisations and national duty-bearers since its production in 2016. In response, government officials and traditional leaders – including the Regional House of Chiefs – have pledged to protect widows' land rights.

Training and supporting paralegals

Responding to the situation exposed by the participatory video process, GII moved to train seven community members as paralegals who provide mediation services to those affected by this particular form of land corruption.

Shifting perceptions locally

The participants' social standing has changed significantly within the community as a result of their high-profile role in creating a compelling, widely-viewed portrayal of widowhood in the region. They have earned respect from their peers and the support of local chiefs in land disputes they once faced alone.

When I lost my husband my brother-in-law proposed marriage.
When I refused, I lost the land I was cultivating

Participant, Kulbia



PARTICIPATORY VIDEO THE FIVE KEY STEPS

STEP ONE: PREPARATIONS

Careful preparation is crucial before undertaking a Participatory Video process, particularly one that explores sensitive issues such as corruption. Key preparations include building partnerships, communication with target communities, selecting and recruiting participants, risk assessments, purchasing and preparing equipment, and logistical planning.

For more information about this and other stages in the Participatory Video process, see the Combatting Corruption through Participatory Video guide, published by Transparency International.

During the preparatory stage, GII undertook a scoping exercise to identify land corruption issues in the region. The information gathered was used to determine the location of the project and selection of the target community.

GII worked with a specialist facilitator to design, plan and implement all aspects of the project, including a thorough risk assessment during the planning stage. Consultations with the local partner organisation and community representatives helped the project team to develop the criteria used to identify and select participants, and make the logistical arrangements.

STEP TWO: WORKSHOP

Participatory Video processes are typically centred around a workshop process through which participants learn basic video production skills and take time to explore their issues and personal experiences.

This workshop phase can vary in duration from a couple of days to several weeks, depending on the time and resources available, the needs of participants, and the scope of the project undertaken. Workshops are led by one or more facilitators, often joined by partners with local

knowledge and deep understanding of the issues at hand.

The project in Kulbia Village was structured into three distinct stages, delivered over the course of three months. During the initial workshop stage, participants worked together to explore and document their personal experiences of land corruption, map instances in their communities, understand the causes and effects of corruption, and propose ways of protecting widows from the landlessness and destitution brought about by corruption within customary and statutory land administration. They learned basic filmmaking skills and developed storytelling techniques through a range of games and exercises that enabled everyone to participate equally regardless of age, experience, confidence and literacy levels.

STEP THREE: FIELDWORK

Video production typically takes place outside the workshop itself, once participants have developed sufficient skills and confidence, and planned their messages. The participants work together to document their issues and tell their stories, often travelling to one another's homes and communities to capture their different circumstances in detail.

This fieldwork might take anything from one day to several weeks, depending on the resources and time available. Participants will often work in small groups to create their videos collaboratively (rotating production roles to ensure equal opportunities), accompanied by facilitators and other project staff for support and guidance where necessary.

Following the initial workshop, the participants worked in small groups to travel throughout their community and document their individual stories and collective experiences. The participants were provided with camera equipment and a small travel budget, which enabled the fieldwork phase to continue over a two-month period and allowed the group to explore the issues in greater detail.

STEP FOUR: POST-PRODUCTION

Once the footage has been gathered, the process of editing a final video begins. Ideally, the editing will be undertaken by the participants themselves to ensure they maintain maximum control over their messages and representation. Where this is not possible, for whatever reason, facilitators will usually undertake the post-production on behalf of, and in close collaboration with, the participants, to translate their ideas and wishes into the final video. A "paper-editing" process can be useful to enable the participants to plan the overall video using cards or sticky-notes, which can then be assembled by the facilitator.

After the fieldwork in Kulbia was completed, the participants and facilitators reconvened to review the footage gathered and finalise the video. Over the course of one week, the footage was discussed in detail, translated and edited into a 15-minute video called "Pakorpa Susangho", which means "Widow's Cry".

STEP FIVE: ADVOCACY

Once the video has been finalised, the work of disseminating and advocating begins. Screenings of the video might be organised at local, regional, national or international levels, depending on the film's focus and the intentions of participants.

Wherever possible, participants should be supported to present their own video and to share their experiences of the process behind it and the development of their ideas. Introducing discussions and break-out activities makes screenings interactive and transforms audiences from passive viewers into active participants and stakeholders.

A screening and dialogue event took place in the nearby city of Bolgatanga, attended by local government officials, traditional leaders, community members and civil society representatives. The participants presented their video and shared their personal experiences. They continued to use the video cameras to interview the traditional leaders and civil society representatives in attendance, and documented the commitments made to support the land rights of widows throughout the region.

In the months that followed, the video was screened at numerous events locally, nationally

and internationally, helping to raise awareness of land corruption and its impact on widows among new audiences. The women's video was screened at UN-Habitat III in Ecuador and the International Anti-Corruption Conference in Panama, and featured at the World Bank's Land and Poverty Conference in the United States. Screenings have been convened across Ghana, engaging senior chiefs and "queen mothers" in an advocacy programme to promote legal protection for widows in customary and statutory law, and grassroots support for their land rights.

FACTORS FOR SUCCESS

Planning and consultations. The thorough consultations and assessment that went into the preparation for the Participatory Video process was essential to achieving the results, enabling GII and the team to anticipate challenges and plan mitigation measures.

Engaging methods. Technology and the innovative and participatory training process ensured the women were continuously engaged and willing to take initiatives, which enabled the telling of their stories in a more concrete and compelling manner.

Expert partnerships. The combined expertise of InsightShare in Participatory Video, of GII in land corruption issues, and the local partner Widows and Orphans Movement in issues affecting widowed women in the region ensured the success of the process and its output.

GENDER DIMENSION

Although inheritance is an important means of property transfer in Ghana, as in other Sub-Saharan nations, customary rules often deny land and property rights to vulnerable groups such as widowed women and orphans. In addition, women's land rights are poorly protected under the customary systems of many communities, especially those in rural areas. Unfortunately, cultural norms and traditions in Ghana empower men as the main interlocutors in land transactions, making it very difficult for women to acquire land without the support of male family members or male elders.

The Participatory Video project was designed as a gender-specific approach to addressing the socio-cultural and traditional challenges faced by widows in terms of access to land and property.

LESSONS LEARNED

Video is a powerful and compelling tool

Participatory Video made the production process easy and helped people to tell their stories better than any written documentation by outsiders ever could. It creates the opportunities for peoples' voices to be heard, their circumstances to be witnessed, and their challenges understood by people who might otherwise never engage with the issue or visit the location.

Literacy is no barrier

In the context of Participatory Video, illiteracy is not a barrier to using technology and communicating effectively. All the women lacked literacy skills, but were nevertheless able to tell their stories and engage their target audiences.

Video production is the first step

This experience of using Participatory Video in the Upper East demonstrated that the production of a video was just the first step towards achieving genuine and long-term change. The advocacy and campaigning that followed over several years was essential to the overall success of the project.

FURTHER READING

"Pakorpa Susangho (Widow's Cry)", InsightShare, YouTube, 9 December 2016 bit.ly/2n8jHbk

"Fighting Land Corruption in Sub-Saharan Africa", Transparency International, 23 March 2017 bit.ly/2kyEU03

"Women, Land and Corruption", Transparency International, 8 March 2018 bit.ly/2tRbRsC

"Gender-Responsive Work on Land and Corruption", Transparency International, 14 February 2017 bit.ly/2pe1Ekj

MORE INFORMATION

This example was shared by the Ghana Integrity Initiative (GII).

You can discover more about their work by visiting tighana.org and following their updates on Twitter @GhanaIntegrity and Facebook @GIIGhanaOrg.



AWARENESS-RAISING PUBLIC CAMPAIGNS

Transparency International-Initiative Madagascar (TI-IM) was established in 2000 to promote the principles of integrity, accountability and transparency. TI-IM's campaign on the prevalence of land corruption in Madagascar, and particularly its impact on women, provides an example of good practice in awareness-raising public campaigns.

BACKGROUND

Despite the critical importance of land to rural communities across Madagascar, only two per cent of smallholders have official land titles. Women are especially marginalised by restrictive gender roles within customary institutions, which limit access to legal information regarding tenure. This, in turn, leaves women susceptible to corrupt practices by land officials and community leaders, and increases gender inequalities.

CHALLENGES

At the national level, land legislation needs urgent reform. The proliferation of laws governing the land sector – in particular, those concerning the status of land, and the complex and lengthy land acquisition procedures – create loopholes that allow corrupt practices, such as bribery and nepotism, in pursuit of land titles.

The consequences for women are significant. Customary practices and traditions hinder women's access to land services, official land titles and decision-making processes. This is particularly acute in areas such as Atsimo Andrefana, where most women live in rural areas, are financially dependent on men, are overwhelmed by their social and professional duties (as mothers, spouses and daughters), are less educated than women in other parts of the country, and have severely limited access to information.

Addressing gendered land inequalities requires changes at all levels – from national legislation to

communities and households – together with a significant cultural shift towards gender equality and vigorous anti-corruption initiatives.

OVERCOMING THE CHALLENGES

In 2016, TI-IM conducted a baseline survey to identify the problems facing rural smallholders and urban dwellers. The survey of 400 men and 400 women sought to assess and understand the different experiences of the sexes. In response to the survey findings, TI-IM engaged women's groups and women's leaders, CSOs, stakeholders and key institutions to begin addressing land corruption with a specific focus on gender.

A large-scale communications campaign followed on radio and television to provide citizens with guidance on overcoming barriers to securing land titles, techniques for avoiding corruption within the land administration, and mechanisms for reporting corrupt individuals. Journalists were trained to identify instances of land corruption and supported to report key cases, helping to increase awareness among the general public.

To address the customary barriers to gendered land inequality, TI-IM created easily accessible guides and an accompanying documentary to demonstrate the importance of gender equality in land ownership and management. Local "land councils" – including women and elderly community members – were established and supported to survey and demarcate the land using tablets and GPS tools.

RESULTS AND IMPACTS

Increased awareness among communities & public

The activities conducted by TI-IM and its partners help to sensitise communities in Madagascar to the key issues surrounding land corruption and, in particular, to the gendered dimensions that go widely unrecognised. The information campaign helped raise awareness of land corruption among the general public and convey targeted information to those most vulnerable to corrupt practices.

Opportunities for dialogue and skills development

Through engaging and supporting women's groups and the creation of local land councils, the programme helped to increase women's interactions with and contributions to decision-making processes over land use. These initiatives provided people with the technical skills to survey their land, contributing towards making land tenure more secure overall.



AWARENESS-RAISING PUBLIC CAMPAIGNS THE FIVE KEY STEPS

STEP ONE: BASELINE SURVEY

Undertaking a baseline survey is an ideal first step when designing and implementing a public awareness-raising campaign around land corruption. Survey findings can provide valuable information about the interactions between people and various land services, and about their experiences and perceptions of land corruption. Once established, the baseline is also a useful tool for assessing the effectiveness and impact of activities that follow.

The TI-IM survey was conducted in one major city and two rural communities within each of the three target regions of Diana, Boeny and Atsimo-Andrefana. Local authorities were also engaged in the process and helped to conduct the surveys.

STEP TWO: INFORMATION SHARING

Having understood the challenges facing those accessing land services, the next stage of an awareness-raising campaign is the development and dissemination of key information. The information shared and messages conveyed would typically be designed to help citizens overcome the barriers they face in accessing land services, and avoid being affected by corrupt practices.

The approach adopted should be determined by the circumstances and needs of the target audience. The content of the messages is also likely to have a strong bearing on the medium used (e.g. print, video, radio), as do other factors such as budget, time, available skills and local conditions.

TI-IM produced a printed guidebook to inform and empower stakeholders with key information on land tenure. It included a chapter dedicated to women's land rights and

concluded each of the chapters with a summary of gender-specific considerations.

Illustrations were included throughout the guidebook to cater for illiterate and semiliterate members of the population, and much of the content was broadcast through radio programmes. A short video was also published to increase reach and impact. All of the content was translated and disseminated in local languages, while female "land leaders" from target communities were recruited to champion the cause. A documentary was also produced to further inform and sensitise the public on the issues surrounding women, land and corruption.

STFP THRFF: MFDIA FNGAGFMFNT

Engaging journalists and media outlets is a highly effective strategy for taking information on land corruption to the broader population. Investigative journalists from print outlets, radio and television are often keen to report stories that are well developed and accurately sourced, particularly if they convey issues of regional or national importance. Many journalists will require financial support to conduct field visits, while others will gratefully take part in specific training programmes on land corruption investigation and reporting in return for their commitment to report land corruption stories.

Building and nurturing a network of journalists from diverse fields can provide numerous opportunities to share information and messages to audiences that might otherwise be beyond the reach of a typical campaign.

TI-IM identified and trained a number of investigative journalists to report on land corruption stories. This stage of the campaign was undertaken with support from Transparency International Cameroon, which had implemented a journalist training and support programme as part of its own land corruption work.

The collaboration with journalists in Madagascar produced a range of stories on previously unreported cases, many of which had fuelled conflicts and preceded broader injustices. These stories provided valuable opportunities to share information with the general public, while the platforms gave credibility to the messaging. The heightened profile brought about by this marked increase in reporting led to greater public demand for accountability at all levels, which it is hoped will foster increased transparency within institutions. A network of investigative journalists was also established and launched in September 2018, with support from the German development agency, GIZ, and the anti-corruption agency BIANCO. Known as Malina (meaning "vigilant" in Malagasy), the network is comprised of 12 journalists who report on a broad range of corruption issues, including land corruption cases. Some stories are already available on the Malina website (www.malina.mg).

important to consolidate the connections made and form alliances to help sustain the impact of the campaign beyond its original parameters.

TI-IM established partnerships with numerous organisations working on land at the national level and in the three target regions. Many partners welcomed the opportunity for closer collaboration with TI-IM within the framework of this project, but also showed interest in joining other anti-corruption initiatives. These include Madagascar's principle public anti-corruption agency (BIANCO), an anti-corruption commission known as the National Institute for Decentralisation and Development, the research institute COEF Resources, GIZ, the World Bank and many other organisations.

STEP FOUR: ADVOCACY CAMPAIGN

As the momentum of increased public awareness builds, an advocacy process to influence key decision-makers and duty-bearers can take place in parallel. While the messages and methods used in the advocacy may vary significantly from those in the public campaign, information from the baseline survey and the response from citizens and the media is likely to inform and influence the overall advocacy approach.

The advocacy campaign launched by TI-IM attempted to challenge national legislation by demanding that the Voluntary Guidelines on the Responsible Governance of Tenure, created by the UN Food and Agriculture Organisation (FAO), are integrated into national policies to improve land tenure and access rights for smallholders, in particular women. The campaign was supported by TI-IM's existing networks and partnerships – including a civil society platform bringing together various land actors and the anti-corruption strategy group established by the Madagascan government. TI-IM and these partners worked closely with various community leaders to disseminate advocacy messages.

STEP FIVE: PARTNERSHIP DEVELOPMENT

Partnerships often underpin and facilitate key aspects of public awareness-raising campaigns. As the profile of a campaign increases, it is

FACTORS FOR SUCCESS

Effective partnerships. The biggest civil society platform in Madagascar was crucial in facilitating links between the campaign and partner organisations, while also providing the means for coordinating work.

Corruption on the agenda. At the time of the campaign, anti-corruption was high on the government's agenda, as it had just established the anti-corruption agency BIANCO. The increased focus and emphasis on corruption at the highest levels greatly enabled TI-IM's access to important public channels.

Existing international frameworks. The FAO's Voluntary Guidelines on the Responsible Governance of Tenure created a template for more responsible tenure governance. These internationally recognised guidelines gave TI-IM established language and legal tools with which to advocate for greater transparency.

LESSONS LEARNED

The campaign encountered several challenges from which TI-IM and its partners were able to learn important lessons. These included:

Communication is essential to public services

Many citizens are reluctant to engage with public institutions (a phenomenon which came to be known as "administrative phobia") due either to a lack of knowledge – symptomatic of low education levels across the country – or fear of bad treatment by officials. This was challenging to TI-IM's project because many citizens were not keen to undertake the legal procedures TI-IM were advocating due to the interactions with administration officials required. It became apparent that administrative services (not only those related to land) need to communicate more effectively with citizens and make themselves approachable, focusing on what public service really means: serving the people. If such an approach is not taken, distrust of the authorities will endure and citizens will not voluntarily engage in legal procedures that provide for the realisation of basic rights.

Citizen engagement is critical

The demarcation of project areas meant that some individuals on the borders were unhappy about being excluded. Land demarcation was a crucial element of the project, but this was not clear to all members of the community. The lesson TI-IM learnt was that such actions and campaigns need to be preceded by significant communication efforts to explain what is at stake, who is involved and how the process will work. All members of the community need to be involved, to avoid frustration and ensure no citizen is left behind.

Dialogues help overcome gender divides

Customary attitudes related to land are as persistent as the stereotypes linked to gender and women within Malagasy society, and it is profoundly difficult to change this mindset. There is a real need to organise more community dialogues involving men and women, during which women's concerns related to land can be raised and solved. Such an approach could be aided by the inclusion of a sociologist and an anthropologist within the campaign team, but will only achieve the desired impact if coupled with long-term and continuous legal and civic education.

FURTHER READING

"Land Corruption Survey Report", Transparency International-Initiative Madagascar, February 2017

bit.ly/2jYSf1g

"Fananan-Tany: Inona No Tokony Ho Fantatra?", Transparency International-Initiative Madagascar, 2018

bit.ly/2lzClLt

"Women and Land Governance: video collection", Transparency International-Initiative Madagascar, YouTube.

bit.ly/2GcWBZV

MORE INFORMATION

This practice example was shared by Transparency International-Initiative Madagascar.

You can discover more about their work by visiting transparency.mg and following their updates on Twitter @TiMadagascar and Facebook @transparencymadagascar.



LAND RIGHTS OPEN DAYS

Inadequate information on land administration procedures leaves Ugandan citizens particularly vulnerable to corrupt practices within customary and statutory land administrations. In response, Transparency International (TI) Uganda has initiated a series of Land Rights Open Days, to share accurate information and impartial advice with citizens from the Central Region.

BACKGROUND

Land is hugely important to the people of Uganda, with agriculture the dominant incomegenerating activity across the population. However, over half of those surveyed by Transparency International consider their land vulnerable to dispossession. The majority of respondents identified private investors as the greatest threat.

Land grabbing is common in Uganda. The government's pursuit of foreign investment and the support it provides to large-scale agribusiness – such as palm oil production – has caused thousands of people to be evicted from their land and the destruction of valuable biodiversity.²

Research conducted by Transparency International in 2017 revealed that the majority of citizens in Uganda lack sufficient information about land administration processes. For example, 29 per cent of those surveyed did not know who makes decisions concerning land use, while 59 per cent had taken no action in response to land conflicts.

The inadequacy of the information available to citizens, together with the many barriers they face in accessing reliable information, was identified by the research as among the most pressing issues affecting communities across the country.

CHALLENGES

A vast gulf exists between land rights-holders (those owning or occupying land) and the corresponding duty-bearers (statutory and customary land authorities) in Uganda. The majority of citizens lack awareness of their land rights and the responsibility of land authorities to uphold and protect those rights.

It is difficult for citizens to obtain basic information on land ownership and access, dispute resolution mechanisms, land registration and other administrative procedures. Such information is rarely, if ever, shared proactively by land authorities. The information asymmetry this creates is exacerbated by a lack of opportunities for citizens to interact directly with the authorities to obtain information on land rights and seek resolution to conflicts over land.

OVERCOMING THE CHALLENGES

TI Uganda has responded to the lack of adequate information available to citizens by organising a series of Land Rights Open Days. Launched in 2016, these large-scale local events take place at two locations in Mukono and Wakiso districts, in the Central Region, under the slogan "Fight corruption to realise your land rights".

The open days provide a unique opportunity for people to verify their land titles, obtain information on securing land titles, access free legal advice and interact with organisations providing support to those affected by land corruption. The events bring citizens face-to-face with officials from the Land Ministry and district land office, and into contact with various NGOs and CSOs, legal organisations, national and local media, and fellow citizens facing similar challenges.

RESULTS AND IMPACTS

Building accountability

The open days provided citizens in Mukono and Wakiso districts with appropriate platforms and support to demand action from duty-bearers on key land rights issues. These interactions between citizens and land administrators have

helped to increase pressure for transparency and accountability at all levels.

Bridging knowledge gaps

The open days provided opportunities for accurate and accessible information to be shared with those vulnerable to land corruption and helped identify people already in need of targeted support. This has helped to bridge the knowledge gaps identified in the initial research and contributed towards increasing the resilience of communities against land grabbing and other forms of land corruption.

Increasing the reporting of corruption

The reporting of land corruption cases increased significantly as a direct result of the open days. Experts were available throughout the events to assess cases and assign a relevant organisation or other stakeholder for follow-up. Corruption

cases were handled directly by TI Uganda, while other issues were dealt with by various partner organisations. The recording of new land corruption cases has also contributed towards TI Uganda's evidence-based advocacy campaigns at local and national levels.

The open days are a really good idea. They have helped us to understand the land laws and we are going to help our communities accordingly

Community leader, Mukono



LAND RIGHTS OPEN DAYS THE FIVE KEY STEPS

STEP ONE: MAPPING STAKEHOLDERS

The first step in organising a large-scale event as ambitious as a land-rights open day is to map and understand the key stakeholders – including community leaders and local authorities – who can help shape and plan activities, support the initiative, assist with promotion and attend the event.

TI Uganda met with district officials to jointly compile a list of key stakeholders working on land management and administration at local and national levels. The stakeholders identified included officials from the Ministry of Lands, the Magistrate's Court, the local Land Board, the Uganda Law Society, various civil society organisations, local chiefs, and the media. They were then invited to a joint planning meeting.

STEP TWO: JOINT PLANNING

Large community events can often lack structure and focus, with too much or too little happening and information presented in inaccessible ways. This results in a failure to meet the needs of those attending, and missed opportunities to convey important messages. Careful planning, based on a close understanding of the circumstances and requirements of the target communities, is essential at this early stage.

When planning an open day, it is advisable to set a limited number of key objectives and primary messages. Careful consideration of how the objectives can be achieved and the messages delivered in the most accessible ways will help to ensure the event is successful. A consultation and joint planning meeting with key stakeholders is a great way of sharing ideas, receiving guidance and support, and obtaining buy-in from important institutions and individuals.

The joint planning meeting organised by TI Uganda engaged a wide variety of different groups and individuals, including the private sector, government, NGOs and CSOs, the media, and cultural and religious leaders. The stakeholders worked together to decide event details (date, location, duration, format, attendees) and assign different roles and responsibilities. Three primary objectives were set:

- 1. share information on land rights and administrative procedures with citizens
- 2. host forums for citizens to share their experiences
- provide opportunities for those affected by land corruption to access legal advice and guidance.

STEP THREE: PROMOTION

Convening a large community event requires carefully targeted promotion to ensure details of the event – including the opportunities it presents to citizens – reach widespread audiences.

Understanding the most appropriate medium (such as print, radio, television, word-of-mouth or social media) and the key messages to be conveyed requires careful analysis and planning. Promotion should begin as early as possible and build momentum in the months and weeks prior to the event.

All the stakeholders took part in extensive promotion of the open days. The events were advertised through talk shows on local and national radio, a mobile public-address system, notices posted in district offices, and personal invitations sent to key officials and traditional leaders. The publicity for each event is believed to have reached in excess of 3,000 people across the target areas.

STFP FOUR: THE OPEN DAYS

A wide variety of activities can take place in an open day event, including 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, music and theatre productions.

The land rights open days organised by TI Uganda included presentations on land rights followed by question-and-answer sessions, information sharing on corruption reporting mechanisms, one-to-one meetings with land rights experts, and a theatre production depicting a fictional land corruption case. Printed copies of a poster containing contact details for every land actor in the district (known as the "magic chart") were distributed to visitors, together with a range of books, fliers and posters.

STEP FIVE: STAKEHOLDER REFLECTIONS

Conducting a reflection meeting immediately after the open day provides an opportunity for staff, partners and stakeholders (including community representatives) to discuss the challenges and achievements, and anything that may have been overlooked during the planning. Reflection sessions are a chance to learn lessons for future activities and give organisers an opportunity to recognise and thank all those involved.

Following each open day, TI Uganda organised an in-depth reflection session with members of the organising committee. The reflections helped to improve the planning, structure and content of subsequent open days, and contributed towards the overall advocacy strategies of the organisations involved.

FACTORS FOR SUCCESS

Collaboration with stakeholders. The open days could not have been implemented without the active participation of various organisations and individuals working in the land sector, both locally and nationally. Each partner and stakeholder brought with them a wealth of knowledge and experience, which was critical to all aspects of the planning, promotion and implementation. Through their participation in the open days, these partners and stakeholders had a unique forum through which to engage and interact with a large number of citizens and community leaders. Those attending were able to access new information and take advantage of legal aid services, title verification services (provided by the Ministry of Lands using the Land Information System), referral mechanisms and alternative means of conflict resolution.

Financial and human resources. The cost of organising the open days was considerable, in both financial and human resources. Careful budgeting and logistical planning, together with a strong network of partner organisations willing to contribute time and resources, was instrumental to the success of the events.

Receptive communities. Land corruption is an issue affecting many people in Mukono, Wakiso and the surrounding districts. However, the subject was not being actively addressed by local land rights organisations. TI Uganda found people were eager to know more about the role corruption plays in their land rights struggles and welcomed its initiatives.

GENDER DIMENSION

In Uganda, land corruption disproportionately affects women. Cultural norms and practices, the strongly patriarchal system, high illiteracy levels among women, and barriers to accessing information, among many other factors, leave women particularly vulnerable to corruption over land.

The open days were specifically designed to meet the needs of local women and encourage their active participation. For example, the event was scheduled for the afternoon – after many women have finished farming and household chores -

and the materials shared were produced in local languages, which are commonly understood by women.

LESSONS LEARNED

Engage partners to overcome challenges

The open days were jointly implemented with several partner organisations, which meant some aspects of the decision-making process were challenging and often protracted. In response, TI Uganda held a series of internal and external reflection sessions, engaging core staff and partners in addressing the issues and determining strategies for overcoming blockages.

Diverse partnerships broaden **impact**

Bringing a range of different organisations together with government officials in one forum proved particularly effective in promoting social accountability. Officials were exposed to the concerns of whole communities, the struggles of individual citizens, and the expert perspective of organisations dedicated to addressing land corruption and land rights across the region.



I am going to sleep well tonight knowing that my land title is genuine

Community member, Mukono

FURTHER READING

"Land and Corruption Handbook", Transparency International Uganda, December 2017 bit.ly/2lBs4hG

"Women, Land and Corruption Report", Transparency International Uganda, September 2015

bit.ly/2zVAy9z

MORE INFORMATION

This example was shared by Transparency International Uganda.

You can discover more about their work by visiting tiuganda.org and following their updates on Twitter @tiuganda and Facebook @tiuganda.



VIDEO FOR ADVOCACY

Corruption is rampant throughout Zimbabwe, from the grassroots to the highest offices of state, and the land sector is among the most deeply infiltrated. While corrupt practices in land administration and management affect huge swathes of the Zimbabwean population, research by Transparency International has exposed the disproportionate impact on women – including an increased risk of sexual extortion and violence.

Transparency International has responded by undertaking in-depth research into the gendered aspects of land corruption in Zimbabwe, and produced a series of documentaries exposing high-profile land corruption scandals. This good practice example describes the strategies and steps taken by Transparency International in exposing these contentious and hidden issues.

BACKGROUND

Zimbabwe is one of the most corrupt countries in the world, according to Transparency International's Corruption Perception Index. Almost 75 per cent of citizens believe that corruption is increasing, with bribery being the commonest form of corruption experienced by people in their daily lives.

Among the many challenges facing the country's land governance systems are the frequent double-allocations of land, rampant land grabbing by businesses linked to the ruling elite, the rise of so-called "land barons" (powerful elites who use their power and influence to amass vast tracts of land), forced evictions and mass housing demolitions. All these challenges are fuelled by the high levels of corruption found throughout Zimbabwe's land sector.

Zimbabwe's patriarchal social structures mean land ownership has traditionally been, and in large part continues to be, a male privilege. Women generally have usufructuary land rights (usually through birth or marriage), which allows possession and use of land, but prohibits making alterations. Inheritance of land ownership has largely been confined to male heirs, leaving daughters and wives significantly disadvantaged. This patriarchal system of land ownership and

management is further distorted by corruption. The impact of land grabbing is highly gendered and forces many women to survive through subordination to those who control land access. When claiming their land rights, many women face sexual extortion – a form of gender-based violence where the currency of corruption is sexual harassment, rape and demands for sexual favours.

CHALLENGES

In 2008, an ethanol production company called Green Fuel arrived in Chisumbanje, on the eastern bank of the Save River in Manicaland Province. The company promised development programmes and employment opportunities to the community in return for land to grow sugarcane, which it uses to create biofuel.

After a short period, the company began to occupy land well beyond its established boundaries, encroaching onto areas that are essential to local livelihoods. The people of Chisumbanje resisted this attempted land grab by planting crops on the disputed land, in the hope this would dissuade the company from further encroachment. The company destroyed the crops once they were ready to harvest. Exactly the same happened the following year, only this time local police also beat community members for resisting the company's land grab.³

Transparency International Zimbabwe (TI Zimbabwe) provides free legal aid to communities affected by land corruption, and uses community dialogues to raise awareness of associated land rights issues. As the leading anti-corruption organisation in the country, allegations of corruption surrounding the Chisumbanje land deal between Green Fuel and the government were soon brought to TI Zimbabwe's attention.

During its exploratory research in Manicaland Province, TI Zimbabwe found evidence that the land conflict in Chisumbanje – especially the resettlement and access arrangements negotiated between the company and local leaders – had directly exposed local women to highly-gendered forms of corruption.

In particular, the research exposed how traditional leaders were compelling women to trade sex in exchange for access to land, a form of corruption often referred to as "sextortion". Far from being a one-off event, the researchers discovered that some leaders continued to demand sex in order for local women to retain their access to the land.⁴

OVERCOMING THE CHALLENGE

In addressing the hidden and highly-gendered forms of land corruption uncovered in Chisumbanje, TI Zimbabwe sought to raise awareness of the issues – for example, by raising citizens' awareness of the nature and prevalence of sexual extortion. It also provided opportunities for individuals to seek legal redress and platforms for those affected to share their stories.

In partnership with local organisations such as the Platform for Youth Development, a series of events was organised enabling community members to obtain relevant information and access support. Having established trust and confidence among the community and local stakeholder groups, TI Zimbabwe was then able to undertake the production of a short documentary exposing the role of corruption in alienating the people of Chisumbanje from their land. This was followed by a series of research and policy papers on the impact of land corruption on women and girls.

The documentary "Chisumbanje – Women, Land and Corruption" is available online (see additional information below).

The impact of land corruption on women is often missed, but through this documentary people can appreciate how women are really affected

Community member, Chisumbanje

RESULTS AND IMPACTS

Threats and intimidation

The most immediate impact of the intervention in Chisumbanje was the backlash from the company, which sought to threaten and intimidate TI Zimbabwe into not publishing the video. When the company alleged defamation, TI Zimbabwe issued a press release exposing the intimidation tactics being used and castigating the company's attempts to silence community voices. TI Zimbabwe then went ahead and published the video.

Limited compensation

Following the release of the video, Green Fuel claimed to have implemented a series of reforms and paid compensation to affected farmers. However, at the time of writing, compensation has been limited to members of just one village and the model for determining the compensation has been widely criticised and entirely rejected by the community. So far, the company has refused to publish data on the number of people compensated or the amounts paid.

Reaching stakeholders

The documentary, research and policy papers produced by TI Zimbabwe have attracted significant attention from policymakers, who continue to deliberate over the questions, including in parliamentary debate. Video proved to be an ideal medium for sharing the community's story with key stakeholders and highlighting flaws in the legal system that allow these injustices to occur.

Inspiring research

The initiative in Chisumbanje also inspired a number of academics, investigative journalists, activists and human rights defenders to take up the issue. TI Zimbabwe's research has been shared widely and referenced frequently, and has formed the basis of further research into gendered land corruption.

Dialogue and legal action

The community has initiated non-confrontational dialogue with land authorities, in collaboration with local CSOs. This has included "land dialogue forums" to facilitate discussion between the community, the company and local leaders. The community is also working with lawyers to seek an interdict from the High Court to prevent Green Fuel from encroaching further onto community land. The High Court has recommended a hearing on the dispute.





VIDEO FOR ADVOCACY THE FIVE KEY STEPS

STEP ONE: RESEARCH

Land deals that affect remote communities typically receive little or no public attention. Media scrutiny tends to focus on land matters considered to have greater economic or political significance, particularly those within urban areas. Likewise, advocacy efforts tend to cluster around the higher-profile (and more accessible) land cases, with less attention given to remote, rural populations facing land grabbing as a result of corruption. Identifying and understanding these lesser-known cases requires careful research and analysis of the circumstances and specific corruption claims.

TI Zimbabwe decided to focus attention on the situation in Chisumbanje following extensive research into the history of the land dispute and careful consultation with the local community. A literature review of research and media coverage revealed how, despite persistent allegations of corrupt practices by political and business elites connected to the dispute, the role of corruption had received significantly less attention than comparable cases. This initial desk-based research was instrumental in the decision to pursue the case and to use video as an advocacy and awareness-raising tool.

STEP TWO: RISK ASSESSMENT

Documenting and exposing corrupt land deals – particularly those involving political and business elites – invariably presents a wide range of risks to those directly and indirectly involved. Potential risks include arrests, lawsuits, physical violence, harassment and intimidation.

The risks are not limited to the activists and organisations involved, however, but can be significant for communities themselves. Developing a thorough risk assessment and mitigation strategy is therefore a critical step in the planning and preparation stage.

The risk assessment tool developed by Transparency International was used to evaluate the situation in Chisumbanje. This assessment process helped TI Zimbabwe to plan various aspects of the video production, including the timeline, selection of contributors and script development. It was also used to implement a detailed informed consent procedure for contributors, and to develop appropriate onscreen disclaimers to protect the producers and publishers.

STEP THREE: BUILDING TRUST

Communities on the frontline are often said to suffer from "research fatigue", due to the number of similarly focused investigations, surveys and research programmes. The gathering and publishing of information rarely provides tangible benefits to the people and communities concerned. Expectations are often mismanaged or unmet, which may foster suspicion, cynicism and fatigue. Working in partnership with respected local organisations and engaging local and traditional leaders can help to build trust among the community and assist in managing expectations at all levels.

TI Zimbabwe worked in partnership with the Platform for Youth Development (PYD) – a community-based organisation with a long history of defending the land rights of people in Chisumbanje. PYD mobilised community members, organised workshops, led engagement activities and facilitated contact with local decision-makers. In return, TI Zimbabwe provided in-depth training for PYD staff on corruption issues, risk assessment processes and non-violent civic engagement techniques.

STEP FOUR: PARTICIPATION

Using video as a tool for advocacy provides a platform for people affected by land corruption to share their stories in their own words. Through dialogue and consultation sessions, the affected

community can be closely involved with the video development – including research and scriptwriting – to ensure everyone identifies with and shares a sense of ownership of the finished video. Enabling the community to be directly involved with the development of the video helps organisers to manage expectations and overcome potential "research fatigue".

TI Zimbabwe convened a series of dialogue sessions with community members to develop the script and prepare for the video production. During the discussions, it was decided to concentrate on the gendered aspects of land corruption in Chisumbanje (sexual extortion, gender-based violence and the feminisation of poverty), which provided a politically-neutral perspective on the dispute and helped the video to gain attention from a wide range of stakeholders.

STEP FIVE: DISSEMINATION

Involving the community in the dissemination of the finished documentary helps to further build a sense of local ownership and engagement with the outcomes. This can be achieved through organising local launch events, inviting community members to attend screenings and present their video to new audiences, and providing copies for the community to keep and share.

Community members attended the official launch of the documentary on Chisumbanje and shared their experiences with the audience. In addition to the hard copies shared with the community and widely distributed to stakeholders and media outlets, the video was published online and linked to the social media profiles of local organisations that had participated in the production.

FACTORS FOR SUCCESS

Key stakeholders. The support and active engagement of the affected community, local and traditional leadership and other important stakeholders was key to the video's success.

Vibrant partnerships. The initiative relied on partnerships with diverse local and national organisations and the capacity to mobilise the affected community, in particular, women and youth.

Broad skills base. The TI Zimbabwe project team had the skills and knowledge to understand the issues and link these to other key developmental issues that attract policy attention, such as climate change, gender equality, gender-based violence and land tenure.

GENDER DIMENSION

Land corruption reinforces existing gendered land inequalities in Zimbabwe and gives rise to new inequalities. The highly patriarchal system of land management and administration leaves women deprived of their land rights and unable to speak out, even in cases of gender-based violence, such as sexual extortion. In this context, the Chisumbanje documentary and another made by TI Zimbabwe on urban land corruption (see additional information below) created a safe space and an appropriate platform for women to tell their stories and advocate for change.

LESSONS LEARNED

Risk management is crucial

Exposing the role of corruption in the Chisumbanje land deal and its impacts on the community led to TI Zimbabwe and its staff being threatened with lawsuits. The organisation was able to safeguard itself (and its staff) against the attacks of political and business elites by conducting a thorough risk assessment and mitigation process, and by building strong partnerships with local organisations.

FURTHER READING

"Women Land and Corruption", Transparency International Zimbabwe, YouTube bit.ly/2XAGGPQ

"Urban Land Corruption", Transparency International Zimbabwe, YouTube bit.ly/2X0RO4d

"Impact of Biofuel Induced Land Corruption on Women", CGIAR, 28 July 2016 bit.ly/2ah4cXs

"The Intersection of Women, Land and Corruption in Zimbabwe", Transparency International Zimbabwe, 2016 bit.ly/2lB7ZIm

"Manicaland Villagers Struggles", Bustop TV, YouTube bit.ly/2FyWfxh

MORF INFORMATION

This example was shared by Transparency International Zimbabwe.

You can discover more about their work by visiting tizim.org and following their updates on Twitter @transparencyzim and Facebook @tizimbabwe.



HANDBOOKS ON LAND

Handbooks are helping citizens of two communities in Zambia and Sierra Leone to negotiate the complexities of customary and statutory land administration. Community members, traditional leaders and land officials worked together to compile critical information on land procedures and protect their communities against land corruption. This good practice example shares the approaches, challenges and lessons learned from two different communities in West and Southern Africa.

BACKGROUND

In Sierra Leone, land is a vital resource for housing, food production and income-generation for the vast majority of citizens. Land is also closely entwined with people's identity and belonging, and continues to play a central role in social and religious life.

In Zambia, land is central to the economy – which continues to be dominated by subsistence agriculture and mining – while also supporting rich natural resources, including vast forests. Adequate access to land and natural resources including woodland, rivers and pastures, is a key factor underpinning socio-economic growth, food security, peace and prosperity for people across both countries.

CHALLENGES

Opaque customary land administration in Zambia

There are two parallel systems of land tenure in Zambia: statutory and customary. Statutory land is governed by the state within a clear legal framework, whereas customary land is administered by traditional leaders, guided by customs and cultural practices.

The customary system is informal and undocumented. There are no written guidelines,

and processes vary from community to community. This gives traditional leaders complete discretion in decisions relating to land use, allocation and sales. In recent years, this informality has made the customary land system increasingly susceptible to corrupt practices.

Obsolete statutory land system in Sierra Leone

Outdated legislation dating back to the colonial period governs the statutory land administration system in Sierra Leone, which operates in parallel to various customary systems. The government's failure to implement the land reforms contained in the National Land Policy of 2015 has left in place a deeply dysfunctional system where informal occupations, land grabs, corrupt land registration and transactions are the norm. Since Sierra Leone's emergence from civil war in 2002, successive governments have eagerly courted foreign investors without putting in place sufficient laws and systems to ensure transparency and accountability.

As a consequence, the people of Sierra Leone have little protection against disreputable investors (and other "beneficial landowners") that might violate their human rights. They also lack redress for the destruction of natural habitats that threatens the food security of vulnerable communities. There is no official record of land leased or otherwise allocated by central government, local governments and "landowning families" (extended families of chieftains) to private individuals, companies and other legal entities. This lack of transparency, combined with an overburdened and ineffective legal system, provides fertile breeding ground for corrupt practices at all levels of society.

OVERCOMING THE CHALLENGES

The response from Transparency International has been to develop and trial a unique set of handbooks, to guide citizens through each stage of the land acquisition and management process. Prototype handbooks have been developed for

two communities – one in Zambia operating under a customary land administration, and another in Sierra Leone governed by statutory law. These are designed to test whether handbooks are an effective means of protecting vulnerable communities against land corruption.

In Zambia, the Chisuka Chiefdom in Luapula province was identified as a suitable location to test the potential for a handbook to guide community members through the customary land system. The chiefdom is endowed with many untapped natural resources and mineral deposits (including high-grade manganese), good rainfall, fertile agricultural land and two picturesque waterfalls with potential for tourism development.

In general, people living in the chiefdom did not know the procedures for acquiring land under their customary system. Nor did they understand the circumstances by which someone could lose the land they occupy. Each area within the chiefdom operates its own processes in accordance with rules determined by the traditional leader in charge. This complex tapestry of overlapping customary systems – together with the information imbalance between community members and traditional leaders – was observed by Transparency International (TI) Zambia as making the entire land administration highly susceptible to corruption.

TI Zambia facilitated a locally-led process beginning with a series of community dialogues. The process set out to carefully document the customary land systems and produce a roadmap to the complex administrative processes used throughout the chiefdom. The resulting Land Transparency Booklet is a unique tool for community members in the Chisuka Chiefdom to understand opaque land administration processes and avoid falling victim to corrupt practices.

In Sierra Leone, land in the Western Area is owned by the government and private individuals. In the provinces, the Paramount Chiefs are custodians of the land under customary law, which they hold on behalf of the community and so-called "landowning families". The rich natural resources and mineral deposits (including diamond and iron ore) found in the Western Area have resulted in a land rush by investors, companies and private individuals. Corruption is rife throughout the land sector, in particular, bribery and collusion between land administrators and investors.

A baseline survey conducted by Transparency International (TI) Sierra Leone identified the lack of adequate information about land acquisition processes as the key factor responsible for land corruption. In particular, it has led to the proliferation of middlemen who trick vulnerable citizens into paying for land services that are freely available from government offices, take payments for non-existent plots of land and forge duplicate land titles. In response, TI Sierra Leone produced a handbook that serves as a reference point for people who want to access land in the capital, Freetown, and in the provinces. The handbook provides accurate and reliable information on how land can be purchased, transferred and leased.

RESULTS AND IMPACTS

Closing information gaps

TI Zambia's handbook for Chisuka Chiefdom provides community members with a clearly organised and uniform process for land acquisition, helping to close the information gap between traditional leaders and the people they serve. In Sierra Leone, residents of Freetown and its surrounding provinces now have access to information on the land acquisition processes for the first time.

Reducing opportunities for corruption

The handbook published by TI Sierra Leone has raised awareness of official procedures, including the correct fees and the responsible authorities, and enabled citizens to avoid middlemen and others attempting to corrupt the process. The carefully documented and uniform customary procedures recorded in Zambia's Chisuka Chiefdom have reduced opportunities for corruption arising from the information imbalance between land custodians and community members, and the discretionary powers of traditional leaders.

Building trust and bridging divides

The community engagement processes in Chisuka Chiefdom helped to build trust and mutual understanding between traditional leaders and their communities. The dialogue events provided a unique opportunity for

citizens to interact with customary leaders (otherwise unaccountable, due to their absolute authority) and to share their needs and recommendations regarding land governance.

Strengthening land governance

In both Sierra Leone and Zambia, the handbooks have helped strengthen land governance by increasing the efficiency and effectiveness of service delivery. They have also raised awareness of land procedures among citizens, and introduced accountability and transparency into the different land administrations.

The handbook will help reduce corruption in land and make our work easier

Chief Koroma of Dansogia

HANDBOOKS ON LAND THE FIVE KEY STEPS

STEP ONE: ENGAGE LEADERSHIP

Understanding the intricacies of a particular land administration and management system typically requires information and support from the administrators themselves. Engaging traditional leaders overseeing customary land systems or government officials managing statutory land systems from the outset – and involving their administrations in the collection of information – is a crucial first step in the process.

Chiefs in Zambia continue to exert significant influence and control among their communities. Accordingly, TI Zambia took great care to engage Chief Chisuka from the beginning of the project, involving him in planning key activities and gaining his consent for the process within his chiefdom. Fortunately, Chief Chisuka recognised the land-related challenges and welcomed the opportunity for support from TI Zambia.

In Sierra Leone, the first step was to engage various government authorities to obtain their buy-in and support for the initiative. This was achieved through a series of roundtable meetings with key land administrators (representing local and national institutions) who shared critical information on land procedures and contributed staff time to help develop the handbook.

STEP TWO: STAKEHOLDER GROUPS

Building a group of key stakeholders around the project helps to strengthen every aspect of the process: from information gathering through to dissemination and outcome monitoring. The stakeholders to involve will vary according to the location, governance system and local circumstances.

TI Sierra Leone established a multi-stakeholder group comprising representatives from local and national government institutions and civil society organisations. The group was responsible for

gathering and validating the information on land procedures used in the handbook. Establishing the stakeholder group significantly enhanced the trust and cooperation between civil society and government (during and after the project) and helped ensure the success of the overall initiative.

TI Zambia engaged a group of sub-chiefs and other traditional leaders to foster their active engagement in the process and to share information about the activities that would be implemented in their areas. This engagement provided an opportunity for TI Zambia to encourage all traditional leaders in the chiefdom to recognise their role in bringing about positive change in the community.

STEP THREE: INFORMATION GATHERING

The process of gathering information for a handbook depends on the nature of the land administration system being documented. Community dialogues and other forms of participatory engagement are particularly effective for obtaining information about customary systems from traditional leaders and community members. Desk-based research and interviews with experts are useful approaches for establishing reliable information on statutory land administrations.

Once the information has been collected and a clear picture of the system has emerged, the process of presenting an accessible and reliable roadmap to guide citizens through complex land administration procedures begins. Determining the most appropriate format for presenting the information will largely depend on the target audience. Key considerations include language, literacy levels, technical knowledge, access points, ongoing support available, the likelihood of changes to the system described and opportunities to update the handbook.

In Zambia, the information was gathered and organised by community representatives and traditional leaders through a series of dialogues and community gatherings. The final handbook was then translated into the local language by the same group.

The process in Sierra Leone began with deskbased research on the relevant land laws and other related issues. This was followed by interviews with a range of land experts, officials, activists and traditional authorities. The information collected was then validated through a process led by the stakeholder group and placed in a format that was most accessible to citizens of the region.

STEP FOUR: DISSEMINATION

Sufficient time and resources need to be allocated to dissemination of the handbook, ensuring it is available to the communities it is designed to serve. Copies of the handbook can be shared at community meetings and festivals, distributed through local land offices or shared during interactions between community-based organisations or NGOs and community members. Organising community meetings to present the handbook enables key messages and content to be presented and discussed, which can be especially important for communities with low literacy levels among the general population. Posters and newspaper and radio announcements can also assist in raising awareness of the handbook.

TI Zambia conducted community sensitisation and awareness-raising meetings to discuss a range of land rights issues, present the handbook, share strategies for holding local leaders accountable and emphasise the need for close monitoring of investors seeking to purchase community land.

The meetings incorporated theatrical performances exploring how the lack of information available to citizens leads to increased inequality and creates opportunities for corruption. The performances also highlighted key gender issues, such as the importance of including women in land registers and the positive community-wide impacts of women owning and accessing land.

TI Sierra Leone created audio versions of key extracts from the handbook, which were broadcast on national and community radio stations.

STEP FIVE: MONITORING

It is important to monitor the use of handbooks among target communities and the impact on land corruption. Maintaining the accuracy of the content over time – updating the handbook in the event of changes to laws, processes and procedures – is vital to ensure the handbook remains a useful tool for communities vulnerable to land corruption.

In Zambia, an "integrity pact" was signed by all the traditional leaders in Chisuka Chiefdom. The pact was established to agree a monitoring and follow-up process, promote transparency and foster accountability in the customary land administration. Among the recommendations included was the integration of those responsible for producing the handbook into the local land committee, to facilitate ongoing engagement and consultation with the wider community.

FACTORS FOR SUCCESS

Stakeholder engagement. In both Sierra Leone and Zambia, the engagement of diverse stakeholders was critical to the information gathering and the distribution of the handbooks. Engaging customary leaders, land administrators, government bodies and civil society organisations from the outset helped to build trust and foster collaboration.

Innovative communications. The use of theatrical performances in Zambia helped convey complex information and key messages to community members with low literacy levels.

Ensuring accessibility. Taking the time and effort to prepare the handbooks in the most accessible forms – for example, translating them into local languages or producing audio versions – was essential to their wide uptake in both locations.

Integrity pacts. The creation of an "integrity pact" in Zambia helped to foster dialogue between traditional leaders and community members. It is hoped this will have a long-lasting and positive influence on transparency and accountability in Chisuka Chiefdom.

GENDER DIMENSION

Customary land practices in Chisuka Chiefdom discriminate against women at the leadership and household levels. Women are prohibited from participating in land-related discussions, contributing to decision-making processes, owning or inheriting land. They are frequently made landless as a result of divorce or widowhood, which leaves them especially vulnerable to corrupt practices within the land allocation process. The land handbook helped to emphasise the importance of women accessing and owning land. The acceptance of women as equal partners in sustainable development, and their inclusion in village registers of land ownership, was included in the "integrity pact" signed by traditional leaders.

Traditional practices throughout Sierra Leone typically exclude women from land-related

discussions and decision-making processes. On marriage, women are expected to settle on land owned by their husbands and should therefore not claim land for themselves. As a result, women are economically disadvantaged and frequently made landless following divorce or widowhood. This leaves them particularly vulnerable to corrupt land practices. The handbook produced by TI Sierra Leone strongly emphasises the community-wide benefits of women accessing and owning land. Together with ongoing local advocacy efforts, the handbook has led to an increased acceptance among local and traditional authorities of women's equal land rights.

LESSONS LEARNED

Stakeholder groups help overcome fears

Traditional leaders in both Sierra Leone and Zambia were highly sceptical about the production of land handbooks, and suspected the initiatives were attempts by the national governments to diminish the role of customary leaders in land administration. The multistakeholder groups established by Transparency International in both locations were instrumental in reassuring the traditional leaderships and helping to build trust in the initiatives.

Engaging government is crucial

In Sierra Leone, the Ministry of Lands was very reluctant to participate in the handbook initiative, which it feared might expose weaknesses in the land administration system. TI Sierra Leone had to work very hard to reassure the ministry and explain the positive impact the handbook would have in improving procedures and combatting land corruption.

Flexibility and patience with traditional leaders

TI Zambia found that patience and a willingness to adapt were critical to the success of their collaborations with traditional leaders in Chisuka Chiefdom.

MORE INFORMATION

This example was shared by Transparency International Sierra Leone and Transparency International Zambia.

You can discover more about their work by visiting tisierraleone.org / tizambia.org.zm and following their updates on Twitter @tisierraleone / @ti_zambia and Facebook @TISLC / @tizambia.

ENDNOTES

- 1 Transparency International, *Global Corruption Barometer 2013*, (Berlin, 2013)
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