



**FEED THE FUTURE**

The U.S. Government's Global Hunger & Food Security Initiative

# **GENDER AND VULNERABLE GROUPS PLAN**

**OCTOBER 2016**

## **FEED THE FUTURE TANZANIA LAND TENURE ASSISTANCE**

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# 1. INTRODUCTION

## 1.1 PROJECT BACKGROUND

USAID has contracted DAI to implement the Feed the Future Tanzania Land Tenure Assistance (LTA) activity as an integral part of USAID's broad initiatives in the Southern Agricultural Growth Corridor of Tanzania (SAGCOT). The project will be implemented over four years and provide assistance to local level authorities in the delivery of land tenure services under the village land laws and acts of Tanzania. The LTA commenced in December 2015, and as of May 2016 has established operations in Iringa District and completed inception activities.

The LTA has three objectives:

1. Assist villages in completing the land use planning process and delivering Certificate Customary Rights of Occupancy (CCROs) through the use of open source mobile technology (Mobile Application for Secure Tenure MAST);
2. Build capacities of village and district land governance institutions, and individual villagers, to complete land use planning and the process of issuance of CCROs to village land owners and to effectively manage land resources, respect women's land rights and build agriculture-related skills in land use optimization and valuation, business, entrepreneurship and negotiation through education and awareness raising activities; and
3. Raise awareness of the MAST technology within the GOT, civil society, academia and private sector, with the goal of increasing uptake of the MAST technology on a national level.

The work will be undertaken through four activities:

**Activity 1:** Assist villages and District administrations in completing the land use planning process and delivering CCROs in select districts and villages

**Activity 2:** Educate and build capacity of village land governance institutions and individual villagers to complete the land use planning and CCRO process, effectively manage land resources, respect women's, youth and pastoralist's land rights and build agriculture-related business skills.

**Activity 3:** Educate and build capacity of district-level land governance institutions in Mbeya Region to complete the land use planning and CCRO process, effectively manage land resources, respect women's, youth and pastoralist's land rights and build agriculture-related business skills.

**Activity 4:** Build capacity to use the MAST application throughout the SAGCOT and Nationally

## 1.2 USAID POLICY CONTEXT

The USAID/Tanzania's Country Development Cooperation Strategy, USAID's Gender Equality and Female Empowerment Policy, and the Youth and Development policy to strengthen youth programming and participation underpin and inform the overall approach and strategy to addressing gender issues under LTA. In 2012, USAID adopted a Youth in Development Policy to strategically support, protect, prepare, and engage young people in achieving development outcomes. The Youth in Development and Gender Equality and Female Empowerment recognize that gender norms determine the way households allocate resources to sons and daughters, through decisions about boys' or girls' education, where they work, and how they spend their time.

LTA implementation has the potential to substantively impact the role of women, both in the administration of land and realization of their rights. This will contribute significantly to key USAID impacts, including:

- Reducing gender disparities in access to, control over and benefit from resources, wealth, opportunities and services—economic, social, political, and cultural;
- Reducing gender-based violence (GBV) and mitigating its harmful effects on individuals and communities; and
- Increasing the capability of women and girls to realize their rights, determine their life outcomes, and influence decision-making in households, communities, and societies<sup>1</sup>.
- The overarching objective of the LTA program is to nurture and promote an equitable system in land administration. Starting with the Gender and Youth indicators outlined in DAI's Technical Proposal, LTA will work with the COR to ensure custom indicators and disaggregation of all relevant indicators meets requirements as set out in the policy. Impacts on women and youth will be monitored and reported, allowing progressive learning and adaptation of program interventions to maximize empowerment of women and youth.

In all aspects of program implementation, LTA commits to being proactive in ensuring women, youth, and vulnerable groups are an integral part of the process.

Box 1 provides clear definitions and principles that relate to gender, which LTA will aim to uphold through its land tenure work.

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<sup>1</sup> USAID Gender and Women's Empowerment Strategy

## **BOX 1**

### **Key Definitions:**

**Gender Equality** concerns women and men, and it involves working with men and boys and women and girls to bring about changes in attitudes, behaviors, roles and responsibilities at home, in the workplace and in the community. Genuine equality means more than parity in numbers or laws on the books; it means expanding freedoms and improving overall quality of life so that equality is achieved without sacrificing males or females.

**Gender Integration** involves identifying and then addressing, gender inequalities during strategy and project design, implementation, and monitoring and evaluation. Since the roles and power relations between men and women affect how an activity is implemented it is essential that project managers address these issues on an ongoing basis.

**Female Empowerment** is achieved when women and girls acquire the power to act freely, exercise their rights, and fulfill their potential as full and equal members of society. While empowerment often comes from within, and individuals empower themselves, cultures, societies and institutions create conditions that facilitate or undermine the possibilities for empowerment.

**Gender Mainstreaming:** the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experience of women as well as of men an integral part of the design, implementation, monitoring and evaluations of policies and programs in all political, economic and social spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of gender mainstreaming is to achieve gender equality.

(1997 UN Economic and Social Council ECOSOC)

## **1.3 OBJECTIVES**

For LTA to achieve the goal of equity in the land administration system, it must effectively engage and mobilize *all* members of the communities (men, women, village elders, youth and vulnerable groups, such as the disabled and landless) in which it will operate. Inclusion must be in realizing and understanding rights and the overall process through which these are delivered and maintained. This includes participating in, and being beneficiaries of public outreach, parcel demarcation and adjudication, title issuance and subsequent registry maintenance.

The LTA contract specifically mentions the need to ensure women's and youth rights are taken into account in all aspects of implementation. The purpose of LTA is to identify and clarify rights in land, and formalize these. Successful inclusion of women and other

potentially marginalized groups hinges on ensuring implementation of equitable procedures for all with full participation and inclusiveness.

This Gender and Vulnerable Groups Plan presents a summary of the practical measures the LTA will adopt to achieve these goals - translating evidence into action, to empower, protect, and foster participation for women, youth and vulnerable groups through LTA implementation.

In advance of field operations, it provides LTA's guiding principles and key definitions to frame the approach, and presents a number of actions and safeguards to be adopted.

## 2. GUIDING PRINCIPLES

Ideally, effective land registration and related administration systems should aim to achieve equitable access to all – state, government, private sector and individual citizens, rich and poor. There should be no bias or influence in the system which should, in effect, be apolitical and impartial in the manner in which it administers land.

The LTA makes provision for 'first registration' in land using a sequential set of processes and procedures that ultimately brings land onto the register for the first time. The outcome is provision of titles to claimants of land after a process of adjudication has been applied. The LTA also makes provision for subsequent transactions and maintenance of the land register.

These considerations and principles - when implemented in customary settings - present many challenges. Customary systems of tenure, and some long standing traditions and cultural norms may not always satisfy these ideals or be receptive to them. Whilst some scholars believe these systems - or at least the best principles - should be preserved, rapid economic and social change has already put severe pressures on customary systems, and in some locations these have disappeared altogether.

The introduction, or imposition, of statutory land administration systems where local/customary systems have long prevailed can have both positive and negative consequences. For many, they are seen as providing new opportunities within communities to gain legal access to land to groups who were otherwise excluded. Despite these perceived benefits, which can be very strong, the principle of "do no harm" must be applied and care must be taken in how systems are applied and managed. This is particularly the case during first registration of land in a continuum of customary situations.

Ensuring perceptions and understanding of systems to be applied are clear and accepted by *all* groups prior to commencement of registration activities is an essential pre-requisite that is usually achieved through initial field appraisal, baseline data collection, public consultation and outreach activities.

The LTA emphasis on women and youth needs to be set, and managed, within this overall context where the primary objective is to ensure equitable systems for all. The key requirement is to make provision for safeguards in the system at key points in the process and the final outcomes to promote participation of women and youths whilst promoting and protecting land rights and equal access for all.

The assumption that the rights of women and youth access to, and participation in, procedures and processes, requires special attention in implementation. It is also widely known that there may also be generational issues with regard to land access and ownership, where the older generation may have greater attachment to the land, whilst the younger may have other aspirations and seek opportunities outside of the community. Whilst these issues are included in LTA, they are also one part of the overall need to ensure the inclusion of all members of the respective communities.

In ensuring proper safeguards for women and youth the following principles will be followed throughout the LTA implementation work.

- Baseline data collection will aim to identify vulnerable groups, or other groups who might require special measures with regard to communication and safeguards in the procedures with regard to information collected prior to registration. Measures will be taken to ensure all relevant groups are reached. Information disseminated will be general (for all) advisory and instructional – the last two are more target specific.
- LTA recognizes the need to customize village outreach and messages to reach all land users such as pastoralists and elders, whose attachment and access to the land are often informed by generational beliefs, attitudes, and traditions. Land interventions succeed only if they engender behaviour change and shift attitudinal and social norms among individuals, communities and groups around land ownership, use, and administration. Select Social and Behaviour Change Communication (SBCC) approaches will be used to catalyse behaviour change, with the understanding that more concentrated SBCC efforts require a significant concentration of time and technical resources. Under the leadership of the Public Outreach and Communications Specialist, LTA will utilize targeted participatory SBCC strategies such as USAID’s Communications for Change Approach (C-Change) to reach pastoralists, elders, youth and women, engaging them meaningfully to increase program effectiveness, motivate and sensitize them toward more equitable land administration, and build greater community ownership over land administration. The Public Outreach and Communications Specialist will work in concert with the Land Administration Specialist and team to develop a model and approach that can be tailored to village circumstances. SBCC approaches will help to demystify land administration to address real and perceived constraints.
- The adjudication process will ensure it includes proper structured examination of the claimants especially where the claimant is a single man or woman

- Recording of persons of interest (POI<sup>2</sup>) for each parcel during the claims process enables testing whether the process and procedures are equitable, through tracing land interests and access to land through tracing individuals through database enquiries.
- Patterns and trends that emerge during the recording (demarcation, adjudication and recording of claimant details) must be comprehensively analyzed not just for absolute numbers and percentages regarding gender, but for overall patterns of access to land, the nature of claims to CCRO and numbers of parcels held. Data from these analyses allows for development and refinement of advice and instruction to all groups (married couples, single women and men) with an interest in land, including advice on how best to title the land in a given situation these include the following issues;
  - Means of granting access to land in the community where new land is requested/applied for residential or agricultural use
  - Numbers of households and/or individuals with access to multiple parcels in various locations
  - Proposed title arrangements – such as co-titling (whether legally married or not) or single ownership claims
  - Intentions with regard to disposal of the land through inheritance and/or sales, gifts
  - Patterns of rental and access to land through rental or borrowing.
  - Analysis of persons of interest (who may be full claimants elsewhere) to ascertain access of individuals to land

All of the above require collection of additional attribute data during the adjudication process that is above the legal *minimum information standard* required for issuance and registration of CCROs. ‘Persons of interest’ data (ie those persons, related to the claimants who are dependents or relatives with an interest in the land) is routinely collected in pilots, but also serves to ensure equitable adjudication and that access to land for individuals, from whatever group, can be properly monitored and checked.

Collection of POI data is onerous and adds to time and cost in field operations. Nevertheless, LTA is committed to understanding the unique context and situation within and between villages at least at the commencement of fieldwork. The conclusions can also serve to inform impact evaluations. These methods effectively investigate the structures and authority relations within households, village communities and the wider district level. Of special interest are the inter-linkages between gender, age, income and status in the target

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<sup>2</sup> It is noted that the MAST program has recorded persons of interest but the LTA is unclear how this data has been used and applied. Data will be collected on LTA to better understand ownership/claim patterns for the purposes of future transactions and development of the local registers.

communities and the changing demographic factors associated with marital status (e.g. percentage of female headed and child headed households, impacts of rural – urban migration and primary and secondary occupations and livelihoods).

Adopting these approaches, using detailed analysis of data gathered during the LTA process provide the best means of addressing gender imbalances and that the concerns of vulnerable groups have been taken into consideration.

## 2.1 LTA AND GENDER

By definition, low cost methods of registration - which serve to systematically clarify rights in land - if properly implemented, can significantly strengthen women’s awareness of their rights to land and perceptions of the value of formal titling arrangements.

The sustainability of changes in land tenure practices (from the informal or customary to the formal) are enhanced when women, youth, the elderly and all sections of the community are empowered to act on their own behalf to secure and defend their rights to land and access to land titles. Several methods/steps will be deployed to ensure these principles are adhered to under the LTA. These are *inter alia*;

1. At the policy and strategy levels LTA will institutionalize the use of USAID Gender and Women’s Empowerment Strategy and related policy documents.
2. LTA will tap into the lessons learned and promising practices from the MAST trials and the lessons learned from the application of other low cost registration methods and procedures in Africa, and tailor these to strengthen women’s, youth, and vulnerable groups’ awareness and land rights under the LTA
3. LTA will be guided by fundamental concepts of gender analysis and empowerment, such as the ‘Caroline Moser Framework’ and tools such as the Gender Roles Identification, Gender Needs Assessment, and Disaggregation of Control of Resources and Decision making.
4. LTA will aim to achieve a gender balance in terms of personnel involved in each of the procedural steps, including training of trainers, planning procedures, appointment of field assistants and technicians.
5. The LTA will aim to ensure training and outreach protocols will be designed to support gender equity, inclusion and full participation of women and men - the LTA will use participatory methods to enhance interaction between facilitators and participants, and among participants themselves; to encourage a sharing of experience and knowledge.
6. Establishment of women’s groups and women only focus groups will allow for more targeted approach to increase women’s perceptions on land rights and formal titling, provide advice on how to exercise their rights, and on the procedures for the claims process and subsequent titling. How to transact land in the post registration period will also be a key focus.
7. Engaging men to achieve and sustain women’s empowerment - LTA will involve men, opinion leaders, community elders, and gate keepers, many of whom hitherto are

not sensitized, engaging them to become advocates and champions for change rather than obstacles.

8. Increasing impact through partnerships, especially with local government and civil society to integrate gender sensitive best practices in project design, community sensitization, and M&E.
9. Evidence based analysis will be used to feed-back to gender related issues as they arise.
10. LTA will ensure that technical outreach includes women, youth and vulnerable groups
11. LTA will seek opportunities to ensure gender balance, youth and vulnerable group participation in leadership and management trainings for the registration process to build skills and confidence in managing land issues.
12. Promoting the evidence base, providing stakeholders with a more accurate understanding of women’s and men’s needs and integrating gender monitoring across implementation to increase empowerment, protection, and access.
13. LTA will incorporate gender analysis in the monitoring, evaluation framework, incorporating gender analysis at every stage of the program cycle to clearly define critical gender needs, gaps, and opportunities. Gender-disaggregated data will be used in both quantitative and qualitative data analysis, to monitor change and report progress over time.

Other considerations/challenges that have been identified are summarised in the following tables with appropriate safeguards. These are clustered around key areas: Legal Considerations, Governance and Bureaucracy, Economic and Systemic, and Politics.

### Land Ownership and Tenure

Challenges	Safeguards
While the policy environment in the Republic of Tanzania may demonstrate a commitment to protecting the rights of women, youth, and vulnerable groups, specific measures have not been taken by the government to enforce this commitment.	Identify communities and partners which have implemented gender balanced approaches and advanced land rights among women, youth, and vulnerable communities. Facilitate exchange and learning programs for leaders to visit and learn from such villages.
Evidence shows that women more frequently obtain titles and allocations to land which is marginal, or not in prime locations in terms of soil fertility, access to water sources, and distance.	Outreach activities and actions tailored to mitigate this.
Land titling processes often are part of a general process of commoditization of land and the price of fertile land is often beyond the means of women and vulnerable groups.	Develop an integrated package which links land ownership and titles with regulations over land prices in project zones.
Broader issues of access to land for alternative uses other than agriculture, such as access to common land for grazing, game management, forestry etc.	Whether village land use plans with clear boundaries exist or not – and these are only correct at a given point in time – identification of the main

<p>can present special requirements and may result in restrictions on where individual claims can be taken and granted individual title.</p>	<p>land uses and key interest groups with appropriate consultation would need to be undertaken - especially where there might be conflicting (existing or potential) interests and or land uses. Outreach and public consultation must be undertaken to mitigate the risks.</p>
<p>Issues of conflicts between pastoralists (sedentary and transhumant) and sedentary farmers.</p> <p>Existing transhumant pastoralist routes are not mapped and are often not clearly designated in terms of land use within and between village areas. Without clearly designated routes and common land reserves the risk of encroachment by sedentary farmers is high. At the same time growing populations and expanding infrastructure has significantly raised the risks of disputes and wider conflicts.</p>	<p>Villages where the keeping of livestock and pastoralist groups currently are likely to be in competing claims will be addressed under the same procedures through due process in the field, registering, disputes and the reasons for them – taking in to account special requirements or bi laws for the use of common land. These will be identified through the claims process and can be easily logged and clarified as part of the VLUP and field adjudication for CCROs.</p> <p>Paths for dispute resolution will be followed in accordance with local bi-laws. The LTA are obliged to take account of the legislation, including that for common land in receiving details of competing claim whether singly or as a group for access to and rights over common land. At the same time where there are competing claims all claims of right must be heard. It is incumbent on the regularization process to ensure whatever groups may be under pressure in any given area are heard wherever they be located.</p> <p>The current legislation on pastoralist rights is not specific and when claims of right are received during the LTA field processes it will be necessary to review the local position on land use and seek local solutions where conflicts arise.</p>

### Governance Considerations

<b>Challenges</b>	<b>Safeguards</b>
<p>Local government structures and systems are often barriers to access for women and vulnerable groups, who face long distances to relevant offices, high costs, and complicated procedures.</p>	<p>Develop relevant information and communication systems which are timely and accessible to all at village level.</p> <p>Conduct inclusive and gender sensitive approaches to training for inclusive participation to acquire CCROs among villagers.</p> <p>Conduct gender sensitive training that targets local government leaders, technicians and others involved in the LTA implementation.</p>

### Political Considerations

Challenge	Safeguard
People in key positions can manipulate and foster male discriminatory structures, systems and attitudes. Leaders in government and civil society alike may utilize concepts and imagery to attract attention and seek prominence.	Use traditional and social media to promote a gender sensitive understanding of LTA to highlight the successful participation of women both as beneficiaries and practitioners. Emphasize positive examples of women farmers and livestock-keepers that have benefited from acquiring independent control over CCROs.

### Changing Marriage, Property and Inheritance Relations

Challenges	Safeguards/potential mitigations
Despite laws that protect marital property and inheritance, systematic discrimination impacts women, youth and vulnerable groups. Such discrimination is partially attributed to the continuation of customary structures and practices. This occurs in other systems of land acquisition as well, such as land allocations by local government.	Conduct formative research and analysis in each target community to establish baseline information on gender patterns in ownership and control over land, participation in decision making over resource allocation and use within household and community. Document change over time and ensure these factors are meaningfully integrated into program and land administration design. This includes gender structures and systems arising from acquisition of CCROs later transactions.
Women are often discouraged by family members from accusing husbands or family members of wrong doing, including appropriation of land to which the woman has rights and/or her crops, livestock and related cash proceeds.	Tailor educational and outreach campaigns around sensitizing families to this kind of discrimination. Demonstrate how married women may now purchase land for their own use, as well as farming on land allocated to them, or land shared with husbands or partners. This is in addition to engagement in off-farm activities, employment and marketing – often the major source of cash for women. Review current claims profiles to see how both women and men are holding land or have access to land and tailor messages and systems to ensure these nuances are addressed in the system.
Gender conflict has increased in many areas as women are more active in market oriented activities and have increasing access to and control of cash incomes. As gender roles change, customary notions of masculinity and femininity can no longer be sustained by existing economic structures and rapid social change.	Incorporate GBV prevention and awareness messaging in community outreach and across implementation. Promote both men and women as champions across all interventions. LTA will monitor attitudes toward GBV attitudes and key areas of LTA intervention. The project should show how stereotyped notions of male dominance and female subordination are harmful to men too, because of the unrealistic social

	and economic expectations they place on them.
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### Economic Considerations

Challenge	Safeguards
<p>Land alone cannot secure sustainable livelihoods and employment opportunities for women and men.</p> <p>Women and youth are often denied equal access to quality farm inputs and appropriate farm implements, markets for their produce, information about commodity prices, markets, transportation and communication systems. This is especially true for low income and marginalized women in poorer families.</p>	<p>Promote an integrated approach to partnership frameworks and public private partnerships (PPPs) with organizations committed to women’s empowerment.</p> <p>Explore linkages with leverage programs such those that support sustainable smallholder agriculture and inclusive economic growth.</p> <p>Consider innovative approaches to support women, youth and vulnerable groups to retain control over the produce from their land, and eventually acquire CCROs either individually or jointly.</p> <p>Conduct desk research to explore the knowledge base and evidence from other programs on the impact of CCROs acquisitions on women’s livelihoods and welfare. Use findings to tailor appropriate advocacy messages in support of equitable programming.</p>

## 2.2 GENDER AND YOUTH RELATED ACTIONS UNDER LTA

Gender, youth and vulnerable group inclusion, falls under the whole of LTA team’s responsibility. However, to promote change, inclusion, empowerment, and ensure adequate monitoring there will be a focal point for gender within the LTA team. This will be supported by detailed analysis and reporting on trends.

At the time of writing staff responsibility and team arrangements under the LTA are still in their formative stage. However, the following describes the current plans

1. The designated Public Outreach Specialist will also be responsible, and be the focal point for designing outreach messages and methods for gender, youth and other vulnerable groups and will manage and oversee gender inclusive activities and review gender inclusion across LTA.
2. Ensuring all LTA staff responsibilities include monitoring and being sensitive to gender, youth, and vulnerable groups’ inclusion and empowerment, particularly through field activities, specifically during outreach and demarcation and adjudication. In addition to roles, responsibilities and job descriptions, the LTA will incorporate gender into regular team meetings and reviews.
3. Gender is a cross-cutting rather than specific, focus area for LTA. Therefore, the project’s performance management documents (M&E Plan, PMP, and Work Plan) will incorporate gender considerations and disaggregate data along gender lines. This plan recommends that LTA monitor and report results to reflect progress in

gender concerns – the LTA is including this in the indicators for M&E. Illustrative examples of how LTA will incorporate gender within the project’s M&E include:

- gender-disaggregated data collection and analysis as described above;
  - promoting the collection, use, and publication of data gathered by counterparts and stakeholders; and
  - incorporating both quantitative and qualitative analyses in evidence based decision making
4. Gender issues will be similarly applied/considered in VLUP procedures and Certificates of Customary Rights of Occupancy (CCRO) should be gender sensitive, as well as the design and methodologies for creating village and district registries.

### **3. MONITORING AND EVALUATION**

The effectiveness of the Plan will be continuously monitored throughout the LTA implementation. The LTA Gender Monitoring and the members of the LTA field team responsible for implementation, will work collaboratively to design, test and revise gender initiatives as the work evolves based on real results from the field regularization work. As described in this Plan, regular analysis of claimant’s data and effectiveness of outreach programs and focus group discussions will provide a forum for feedback on the effectiveness and impact of the LTA work and its impact on women. The LTA Monitoring and Evaluation Plan includes several indicators that will be disaggregated to measure the outputs and outcomes of impacts on women and youth. These include:

- Percentage of claimants as a result of LTA who are women
- Percentage of women holding multiple parcels – and the number of parcels
- Percentage of legally married women co titling with their husbands
- Percentage of women not legally married in co titling arrangements.
- Percentage of women involved in disputes
- Numbers of women participating in the regularization process
- Percentage of claimants <35 years old with disaggregation on queries at for >20, 20-35, 35-50 and >50. This analysis will show generational differences in claimant profiles and will also show up greater attachment and affinity to the land by older members of communities.

While these indicators mostly measurable outputs, the outcome and effectiveness will be reflected in measurements from the date collected. Most importantly, however, the effectiveness of LTA gender monitoring will be reflected in the success of the program in delivering CCROs equitably and ensuring that no individuals or groups are marginalized in the target villages. At the close of the project, the sustained use of the strategies and related communications and advisory tools and methods by national and local governments will be strongest evidence of the Plan’s long term usefulness and effectiveness.