



Secure Tenure Rights and Engage Local Communities with Technology: Case study of Ghana and Madagascar

Jean Brice Tetka^o, Michael Okai, • and Hajanirina RANDRIA ARSON *

^o Transparency International Secretariat, Germany

• Transparency International-Ghana

* Transparency International-Madagascar

jtetka@transparency.org

**Paper prepared for presentation at the
“2018 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 19-23, 2018**

Copyright 2018 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



Abstract

Transparency International made substantial progress on engaging stakeholders from civil society, private sector and government in land related anti-corruption initiatives, by empowering local communities. After several activities implemented at the national level, National Chapters have made noteworthy progress by experimenting innovative solutions. While a group of widows from the Upper East region of Ghana was very successful in advocating for their land rights and improving their livelihoods, members of a rural community from the West of Madagascar worked together to restore a sustainable peace by securing their parcels. This paper presents lessons learned by National Chapters of Ghana and Madagascar during the implementation of the Land and Corruption in Africa Project. It can serve as a basis or a guide for civil society organisations embarking on similar initiatives, as well as some learnings for policy makers. This paper also presents for each learning case, a description of the context around the issues targeted by the NCs, with the interventions and the outcomes.

Key Words:

Transparency and corruption, rural land governance, mapping and land registration, technology, use of media and communication, engage local communities, engage women.



Introduction

Around the world, one in five people report that they have paid a bribe for land services during recent years; in Africa, every second client of land administration services was affected (Global Corruption Barometer, TI 2013). Since 2016, Transparency International Secretariat (TI-S) and the TI National Chapters (NCs) in Cameroon, Ghana, Kenya, Madagascar, South Africa, Uganda, and Zimbabwe have been implementing the Land & Corruption in Africa (LCA) Project, and made significant progress in reaching its expected results. In all countries, there is a reported increase in the awareness and acknowledgement of land corruption in the national land policy and governance discourse. TI NCs are progressively been acknowledged as experts on land governance and are being consulted on the formulation and implementation of laws and policies.

This paper presents the learnings from using the participatory video concept in Ghana, to empower selected communities to document cases of land corruption affecting their tenure security. The outcome of the first initiative was in a form of a video film produced by the community members. The video explored and documented the socio-cultural and traditional practices in addition to corruption in the land sector and its' impact on the vulnerable. The outcome of the second initiative was a reliable baseline of the status of land ownership in the communes (occupied plots, certified plots, land titled in the name of former colonists, unused land). By making the process participatory and transparent, the approach is restoring sustainable social peace.

1. Context of the project

In sub-Saharan Africa, approximately 15 percent of land is owned by women (reference). Women make up 43 percent of the agricultural labour force in developing countries and are responsible for between 60 and 80 percent of food production, yet on average, only five (5) to twenty (20) per cent of agricultural land is owned by women in those countries. (FAO 2011). Ghana Integrity Initiative (GII), the Local Chapter of Transparency International (TI), implemented its project in the Bolgatanga Municipal District of Ghana, in the Upper East region. The goal of the project was to empower widows from the selected project area to advocate for their land rights and improve their livelihoods by using the participatory video as a tool. Widows represent perhaps the most marginalized and disadvantaged group in the Upper East(reference). Losing a beloved husband leads to women being labelled a 'witch' and accused of having killed her husband. Tens of thousands of women across the region endure humiliating widowhood rites, alienation from community life, discrimination, verbal and physical abuse(reference). However, this is just the



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



beginning of her suffering. Countless widows are evicted from their meagre farmlands by their late husband's families. Unless they agree to remarry within the family (typically to a brother-in-law), the land is seized, rendering grieving widows unable to support themselves and their children. As is so often the case, behind the scenes lurks the silent hand of corruption. Widows in the Upper East Region of Ghana are particularly affected by traditional land practices. Widowhood typically means the loss of most (if not all) of her land, which is either sold or given to her husband's family by the traditional land administrator. As most lands in rural Ghana are rarely registered, the widow is left without secure rights. Bribing traditional leaders or marriage to her husband's relatives is the only means of continuing to provide food for her children. Women who are able to retain access to land end up with typically smaller areas and are less likely to receive credit to support their livelihoods.

In Madagascar, land is crucial for poverty reduction, food security, and national development. Despite this, land is one of the most susceptible sectors to corruption, and only around 10% of smallholders hold official titles (reference). Questions of access to land are considered a top priority for individuals and communities from rural area and the state's capacity to support this is limited. Land legislation needs reform, specifically given the contradictory nature between different documents regarding different land-sectors, creating loopholes for corruption. This takes the form of; bribes to secure titles, and titles obtained through nepotism (knowing a land-official). To address this challenge, Transparency International - Initiative Madagascar (TI-IM) engaged with the community to survey the land, utilising a land-surveying application called Cadastre Registry Inventory Without Paper (CRISP). Individuals were trained and provided with the skills, technology to carry out this operation. This application creates a transitory Land -certificate- (although not yet recognised legally), which can increase the bargaining power of the community in relation to the state. This in turn will allow the community to reap the (full) benefits of its labour and reinvest revenue into community development projects.

2. Methodology

2.1. The Participatory Video

In 2016, ten widows of the Kulbia village from the Bolgatanga District, told their stories, first to one another, then to fellow community members and local decision-makers. They did so through a tool known as 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 demystify technology and its access for anyone, regardless of literacy or experience.



Five Steps Implementation Process

- 1- The Participatory Video project in Kulbia village was planned meticulously over the course of a year before its implementation. The location was chosen by a team with expertise on land corruption and participatory community engagement. At the local level, land corruption specialists from GII worked with a local widows' rights organisation to identify and recruit participants. Ten women with direct personal experience of corrupt practices in relation to their land were selected as representatives of the estimated 50,000 widows in the Upper East Region.
- 2- A two-week workshop was organised for the selected participants and facilitated by one Participatory Video specialist, one expert in land corruption from GII, and four local widows' rights advisors. The workshop was closed to outsiders and organised to create a "safe space" for the women to share, explore and learn within. Participatory exercises enabled the group to examine their circumstances and uncover the role of corruption in land-management decisions. The experiences of the participants were captured in a video and with these videos they began to interrogate those with the power to effect change.
- 3- Following the first workshop, the participants were supported to undertake further (fully autonomous) investigations and video production, over the course of a two-months. They were given a complete video production kit comprised tablet, video camera, tripod, various microphones, lights, lenses, etc. together with a laptop and hard drive for media archiving. A small budget was provided to support the participants to local travel, feeding and compensate for their time. During this period the women produced hours of additional footage and deepened their understanding of the key issues.
- 4- The participants and project facilitators reconvened to examine the work undertaken during the previous two months and finalise the video. Over the course of one week, the footage was thoroughly reviewed, discussed in detail, translated, and edited together into a 15-minute documentary. A screening plenary session event took place in the nearby city of Bolgatanga, attended by local government officials, customary leaders (including chiefs and traditional land custodians), community members, and civil society representatives. The women presented their video, shared experiences of being made landless through widowhood, interviewed attendees, and recorded their commitments to support widows' land rights.
- 5- 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 in Ghana to new audiences. The screenings have been convened across Ghana, engaging



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



senior chiefs and "queen mothers" in an advocacy programme to promote legal protection for widows, in both customary and statutory law, and grassroots support for their land rights.

GII undertook screenings for different stakeholder groups within the district and region. The first group to watch the PV was the immediate community members of the widows. The local elders and community members had the opportunity to watch the PV, to first comment on and give feedback. It also afforded the widows an opportunity to communicate their challenges to the immediate community members and seek their support in the reform process. The second group of stakeholders to watch the PV was the Paramount Chiefs and Queen Mothers in the Upper East Region. Over one hundred traditional rulers had an opportunity to watch the video. These are the custodians of traditions and customs within the region and therefore play a unique role in bringing about reforms in the land sector (socio-cultural). The third group of stakeholders to engage with was the representatives from the Municipal, District and from the Ministries, Department and Agencies in the region. After the screening sessions, stakeholders were organized into groups to deliberate and suggest solutions to the problems presented in the video and commitments were sought from the relevant stakeholders with the mandate.

2.2. Land-Surveying Application

Madagascar have two different documents to secure land, the land-title and the land certificate. This last one is the result of policies reform on 2005 which recognize the traditional occupation of land. It is now possible to transform the land certificate to land title. To secure community lands, the community land-surveying application will create a transitory land-certificate.

Five Steps Implementation Process

- 1- The initial phase had two steps. The first step is the analysis of national legislation on land. This is necessary to know legal loopholes, and the second step is the survey about access land rate. This survey was conducted in the three project regions of Diana, Boeny and Atsimo-Andrefana. The data complemented a qualitative research conducted in 2015 to assess the tenure insecurity and access to information in rural communities. This drive to the selection of location requiring critical intervention location and the exact corruption issue to address.
- 2- Information dissemination started after the research with a guide for all land-related issues to inform, empower and raise awareness of communities to secure their tenure rights. Illustrations were provided for illiterate populace and to communities directly through radio and local TV. All materials were translated into local languages to ensure maximum



Land Governance in an Interconnected World

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 19-23, 2018



coverage. Furthermore, a documentary was created to further inform and sensitise populations on the issues surrounding women, land and corruption specifically. Information was disseminated as widely as possible, using all available media platforms.

- 3- The previous step prepared the local community to receive this initiative. The land-surveying process was initiated in targeted localities identified from the household survey. With the approval and support of local authorities, TI-IM implemented an inclusive approach to land demarcation in two villages (Belobaka and Amparemahitsy). The demarcation process aims to establish a reliable baseline on the status of land ownership in the communes.
- 4- TI-IM hired from the community, enumerators, gave them a training on the parcel clearance and on the CRISP software. Local agents of the land office and land administration also took part of the training. The training emphasised on the evidences of land ownership, from the official documents and informal proofs resulting from the social convention. To facilitate the implementation process, local authority informed the community about the importance of securing their lands and explained the role the community will play in the process.
- 5- The CRISP application creates an inventory report of all land surveyed, which can then be used by the community for internal and external purposes. This consists of collecting information on the land (surface area, use, etc.) and the persons entitled to the property. Evidences and photos are collected in this step to form a solid baseline to define the ownership. This exercise involving the whole community was done under the control of the land office. The local land office instructs the descents schedules and ensures the follow-up in the field. Traditional leaders and elders also participate, to approve the boundary of parcels and guarantee the reliability of the information. Land administration has been participated to monitor the process and give some advice to ameliorate the collect of data. The final map of land ownership was made available for the whole community.

TI-IM organised the process to be participative and transparent, expecting this approach to restore sustainable social peace. To be as inclusive as possible a “local land committee” has been established to accompany the demarcations and discuss land disputes. Members of the committee include the local authorities a women’s representative and the elderly from the community. Naturally, the process raised various claims which was addressed by the "local land committee" and the eventual owners of land must provide evidence. A key element of identifying ownership was community recognition, done through consensus on the community’s part.



3. Results

3.1 The widowed filmmakers raising their voice

Having obtained the necessary skills, the widows set about collaboratively authoring a short documentary about their experiences of discrimination and landlessness resulting 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 have screened their video to local and national audiences, encouraging public discussion of hidden issues.

The widowed filmmakers explored their experiences and those of their immediate neighbours. During the production they interviewed Chiefs, Assembly Members and numerous Tindanas (who is the tindana); challenging them on the role of corruption in decisions to evict widows from their land. They hoped that shedding light on this hidden issue will eventually lead to a fairer society for any woman unfortunate enough to outlive their husband.

Audiences across the country and around the world have now seen the video produced by the women of Kulbia village, which they named "Pakorpa Susangho", meaning "A Widow's Cry". Numerous screenings and dialogues have been attended by community members, local decision-makers, civil society organisations and national duty-bearers since its production. In response, government officials and customary leaders, including Ghana's House of Chiefs, have pledged to protect widows' land rights. Seven community members have subsequently been trained as paralegals. The participants themselves have seen a remarkable change in their social standing, within the community. They were witnessed operating complex technology with confidence and are recognised as the authors of a compelling portrayal of widowhood in the region. They have earned respect from their peers and the support of their chiefs to overcome the land disputes they once faced alone.

After the screenings, all the local leaders who attended the screenings pledged to support widows and protect their land rights. These included representatives from the House of Chiefs, village Tindanas and Chiefs, as well as representatives from civil society organizations in the district. The participants have lobbied traditional leaders to forego the traditional widowhood rites and supported women recently widowed to refuse the practice. Widows in Kulbia village have reported some successes, including several women who have avoided these harmful practices. Many widows in the immediate community have reported significant changes in their relations with fellow community members, and overall standing within community life.



3.2 Demarcation of the community land

TI-IM was able to map out the territory in Belobaka, analysing and editing spatial information. The Belobaka community was identified as a perfect community for this pilot project over 3 urban areas and 6 rural communities were surveyed.

In 72 days, 2,286 parcels of land were surveyed in total, through community involvement in the project. This also meant that individuals obtained new skills in relation to land (technical knowledge about their land, technological literacy, and basic legal skills), better equipping them to overcome any future challenge. This pilot project also verified the applicability of this new land-surveying methodology, which expanded to other areas and communities. Since 2015, TI-IM has started to work in the land sector with the implementation of a corruption prevention tool (land guide, land survey using, research report and report on legislation land tenure, national dialogue on land) and by producing communication media to raise public awareness of the effects of corruption (participatory video). These activities are part of the advocacy process to achieve the project's goal to fight corruption.

TI-IM replicated the initiative in three regions: Diana, Boeny, and Atsimo Andrefana. The work in the rural commune of Belobaka was part of the implementation of the pilot parcel census using technology.

This initiative raised the awareness of the local community about the importance of a secured land, some members of the community started the procedure to get a land title. The inclusive approach was also valuable approach to prevent land conflict by creating a space for confronting evidence and validation of land demarcation by the whole community.

4. Challenges and learnings

4.1 Challenges

The main challenge encountered implementing the two initiatives is time and cost in engaging the local authorities and traditional leaders. Bringing all the Paramount Chiefs and Queen Mothers to one venue was very time consuming and expensive. Marginalisation, discrimination, physical and verbal abuse are among the many grave challenges faced by widows in the Upper East region.

At the local level, smallholders need to be able to securely register and safeguard their land and have these titles recognised by the state. If not, they risk being unable to reap the benefits of their labour (which in turn could be used to develop their community), or dispossession and displacement in the worst scenarios. Looking at the specific case of the Belobaka community, in the Boeny region, these safeguards were lacking, and individuals on the ground were in a



precarious situation of tenure insecurity, susceptible to corruption by outside actors. Engage local authorities was also a challenge, which required an advocacy strategy together with other stakeholders from the civil society and donors.

4.2 Lessons for Civil Societies

The fact that anti-corruption has been on the government's agenda greatly facilitated TI-IM's access to the right public channels. The existence of a civil society platform was key to creating links with other organisations and coordinating work. Finally, the existence of materials on tenure governance internationally recognised, allowed TI-IM to use pre-existing language and legalistic tools to advocate for greater transparency. The implication of local authorities was a key factor of success, as they facilitated the mobilisation and the engagement of the community.

Creating a platform for women to share their experiences of land corruption without intermediaries was essential in convincing decision-makers of the honesty and integrity of the video produced and the importance of the messages it carries. Establishing platforms for audiences to watch the video and discuss the issues directly with the women who produced it, create opportunities for meaningful dialogue and raise the profile of women otherwise marginalised and ignored. Surrounding the participant-led process with other experts, representing a variety of fields, including local leaders and activists with direct personal experience of widowhood ensured the success of the process.

4.3 Lessons for Policy Makers

It is very important to plan properly, especially the logistical arrangements in terms of location and language of training. There is a need to use good facilitators who should adopt a participatory approach in conducting the training for the participants. The level of education should not be a determinant for selecting participants. Trust building among the participants is very essential. Using symbols that the participants are familiar with is of high essence. Engaging the community is the first step, but the main work lies in how to engage the change makers; be it traditional authorities or people in authority. The best approach is to track commitments made by traditional rulers and Public office holders and use that to hold them to account.



4.4 Replication of the initiatives

There is a need for proper facilitation of the planning, coordination and logistical arrangements. If possible, collaborate with a local partner who knows the terrain very well in terms of customs and traditions. It is essential to communicate details of the intervention to prospective participants to ensure that participation takes place in an informed basis.

Conclusion

Having recognized that corruption in the land sector is one of the most prevalent and damaging modes of exploitation worldwide as well as in Ghana and Madagascar, and that addressing it is fraught with challenges. GII identified Participatory Video, as a highly effective tool to engage and mobilise marginalized people and to help in documenting evidence of the challenges affecting men and women in land related issues. ‘Moogre’ (as corruption is known locally) is almost invisible by its ubiquity. TI-IM supported communities to secure their tenure rights, at the same time, increased the capacities of land administrators and public servants, especially of those closest to the communities need to be reinforced.

The projects took place over the course of three to six months, including facilitated workshops and fieldwork lasting just over three weeks. During this time, participants explored their individual experiences, investigated the broader land corruption phenomenon in their communities and learnt to address them. Having a budget for ongoing advocacy is essential to the overall success; engage the community is just the first step towards achieving genuine and long-term change. The main obstacle is the “administrative phobia” held by individuals, who was scared to engage with public institutions, either because of a lack of knowledge or fear of being treated badly by officials.