



TRAINING GUIDE
**ADVANCING WOMEN'S LAND AND PROPERTY
RIGHTS IN THE SOMALI REGION**

SECURING LAND AND PROPERTY RIGHTS FOR ALL

TRAINING GUIDE
**ADVANCING WOMEN'S LAND AND PROPERTY
RIGHTS IN THE SOMALI REGION**



Training Guide: Advancing Women's Land and Property Rights in the Somali Region
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OVERVIEW OF THE TRAINING GUIDE



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PURPOSE

The United Nations Human Settlements Programme (UN-Habitat) and the Global Land Tool Network (GLTN) developed this training guide in response to the increasing demand for knowledge and capacity to secure women's land and property rights in the Somali region.¹ The guide includes five training modules, information for facilitators and training organizers, and tools for supporting training events. It targets a broad group of stakeholders, such as government representatives, community members, women's groups, elders and religious leaders, and other relevant actors interested in advancing women's land and property rights, not only for women's empowerment and improved participation in decision-making but also for the social and economic development of communities.

The guide refers to "women's land and property rights" to mean housing, land and property rights of different

categories of women and girls, including women from rural and urban contexts, displaced and migrant women, indigenous women and those belonging to minority groups, independently of their socio-economic and marital status.

CONTENT

The content herein is based on the field experiences of UN-Habitat and GLTN partners in various Muslim-majority countries and on information gathered both from relevant referenced literature and from the research undertaken during the preparation of *Women and Land in the Muslim World: Pathways to Increase Access to Land for the Realization of Development, Peace and Human Rights* (UN-Habitat/GLTN, 2018). The guide is enriched by the experiences of GLTN partners, facilitators and key resource personnel. It also draws on other support materials, including land tools and manuals by UN-Habitat and GLTN.

¹ For the purposes of this guide, the "Somali region" refers to and includes Somalia and Somaliland. Not to be confused with just the Somali region of Ethiopia, the guide reflects a comprehensive conceptualization of the territory inhabited by ethnic Somalis.

MODULES

The guide is organized into five training modules, each of which covers a different topic, including information on the rights of women to land and property, tools, best practices and case studies. The modules are:

- **Module 1** – Why women’s land and property rights matter
- **Module 2** – Protecting the land and property rights of Somali women
- **Module 3** – How women access land and property: challenges and opportunities in the Somali region
- **Module 4** – Creating an enabling environment
- **Module 5** – Monitoring and measuring progress

The modules can be used as reference tools and as source material for training workshops or discussion

sessions. They can also serve as a toolkit for a dedicated three- or four-day training course. Table 1 provides an overview of the modules.

TARGET GROUPS

This guide is intended for a broad audience of land professionals and practitioners working at the intersection of land governance and gender issues. This includes government representatives, civil society organizations, non-governmental organizations, women and youth organizations, cultural and religious groups, elders and religious leaders, and land professionals, among others. The content is relevant for both humanitarian and development actors. The inclusion of all these groups, especially women, and the combination of skills are fundamental for advancing and securing women’s land and property rights.

Table 1: Overview of the training modules

Module	Title	Synopsis
1	Why women’s land and property rights matter	Outlines some of the most pressing reasons why it is necessary to raise awareness and advocate for women’s land and property rights for the benefit of society as a whole.
2	Protecting the land and property rights of Somali women	Introduces the main international and regional frameworks, customary practices and Islamic laws that secure and regulate women’s land and property rights in the Somali region.
3	How women access land and property: challenges and opportunities in the Somali region	Outlines the main avenues through which Somali women access land and property, highlighting related challenges and opportunities.
4	Creating an enabling environment	Outlines the main strategies to strengthen women’s land and property rights in the Somali region.
5	Monitoring and measuring progress	Highlights the importance of monitoring and measuring the progress of women’s land rights and provides guidance on how to collect sex-disaggregated data on the status of women’s land tenure security in the Somali region.

ABOUT THE GLOBAL LAND TOOL NETWORK

GLTN is a dynamic and multisectoral alliance of international partners committed to increasing access to land and tenure security for all, with a particular focus on the poor, women and youth. GLTN partners include international rural and urban civil society organizations, research and training institutions,

bilateral and multilateral organizations and international professional bodies. GLTN aims to develop inclusive tools, such as guidelines and methods and procedures, in key areas relating to land. Several of these tools are relevant to this training course. Table 2 outlines the tools developed by GLTN.

Table 2: Land tools developed by GLTN

Land tool	Description
Access to land and tenure security	
Continuum of land rights	Recognizes a wide spectrum of tenure arrangements between the extremes of formal individual titles to private property and informal, community-governed communal rights to land.
Participatory enumerations	Allows for local people to gather data on their area, ownership and occupancy patterns and infrastructure and services.
Land records system for the poor	Provides guidance on the design and management of a pro-poor land recordation system and highlights the core requirements or elements for the success of the system.
Land administration and information	
Social Tenure Domain Model	Provides a standard for representing relationships between people and land independently of the level of formality, legality and technical accuracy. It is a specialization of the Land Administration Domain Model. ²
Costing and financing of land administration services	Assists policymakers and land administrators in the costing, financing and project design of land administration services related to land reform and identifies the cost implications of decisions and supports fit-for-purpose approaches.
Transparency in land administration	Trains land administration leaders to improve transparency and combat corruption.
Fit-for-purpose land administration	Provides structured guidance on building the spatial, legal and institutional frameworks in support of designing country-specific strategies for implementing fit-for-purpose land administration. It contains the analysis and operational advisory guidelines to implement the approach.
Land-based financing	
Land-based financing	Expands the understanding of local leaders and provides practical guidance on how to mobilize additional revenues related to land by providing content and format for a hands-on, interactive and action-focused training workshop with case studies from around the world.
Valuation of unregistered lands and properties	Provides guidance on how to value unregistered lands and properties. It is intended for policymakers, valuation practitioners, other land professionals and various stakeholders involved in the valuation of unregistered lands.
Innovative land property taxation	Presents a step-by-step approach to implementing a range of land and property taxation policies, strategies, tools and instruments. It provides various taxation alternatives that can be adapted to local contexts and local and central authorities' capacities.

² As defined in standard ISO 19152:2012 of the International Organization for Standardization.

Land tool	Description
Land management and planning	
Participatory and inclusive land readjustment	Shows how to rearrange the ownership and use of fragmented areas of land in and around cities to permit development, slum upgrading and regularization. It brings together land parcels belonging to different owners and treats them as a single unit for planning and infrastructure provision.
Tenure-responsive land use planning	Provides guidance on improving tenure security through land use planning. The guide is complemented by an e-learning package that supports effective learning and knowledge dissemination.
Citywide planning	Highlights the necessary steps on how to initiate and sustain a comprehensive planning process for a citywide strategic plan, drawing on lessons from various practices and experiences. It provides generic guidance that can be adapted to the local situation.
Land policy and legislation	
Regulatory framework for non-State actors	Presents viable ways to establish a non-State actor mechanism and inform decision makers engaged in the land sector, including national governments and bilateral and multilateral implementing agencies, about the value addition of non-State actors in land reform processes.
Pro-poor land policy development	Outlines a participatory process for developing policies relating to land. It can be adapted as appropriate to specific country contexts and is intended for ministers and senior policymakers responsible for land issues as well as donors, professionals, consultants and non-governmental organizations involved in developing land policies. The tool has been adapted for the Somali region.
Land sector coordination mechanism	Presents guidance on establishing an effective land sector and coordinating different actors in the sector. It offers viable approaches to pursuing institutional harmonization processes.
Cross-cutting issues	
Gender	Provides criteria and guidelines for practitioners to ensure that women's needs for and access to land, as well as those of men, are adequately addressed in programming.
Youth	Presents criteria for assessing the responsiveness of land programmes to youth needs.
Land and conflict	Provides guidance on how to address land issues along the conflict cycle and how to strengthen partnerships and capacity across the United Nations system to deal with land for peace, stability and economic development.
Land and disaster	Provides a holistic approach to addressing land issues from the immediate aftermath of a natural disaster through the early recovery and reconstruction phases.
Land monitoring and indicators	Presents indicators and methodologies for monitoring the status of land-related issues, comparable across countries and land tenure regimes.
Grass roots	Provides a model, guidelines and a training package for enabling the participation of local people in land-related initiatives.
Islamic land mechanisms	Provides training on land, property and housing rights in the Muslim world as well as key principles and elements of the Islamic dimensions of land. The training package is intended to provide a wider understanding of how to integrate Islamic dimensions into land projects and programmes.



MODULE 1: WHY WOMEN'S LAND AND PROPERTY RIGHTS MATTER



Photo: AMISOM Photo/Omar Abdisalan

INTRODUCTION

This module outlines some of the most pressing reasons why women's land and property rights matter everywhere, but especially in fragile contexts such as those in the Somali region. Land and property rights contribute to the social and economic development of communities and the broader realization of human rights. They enhance women's empowerment and improve their participation in decision-making. They also contribute to the stabilization of societies affected by conflict and improve the protection of women from gender-based violence and other health hazards. For women, access to and control over land and property represents security, stability, independence and freedom.

OBJECTIVES

The objectives of this module are to broaden the understanding of the importance of securing women's land and property rights and to provide compelling arguments that can be used by participants in the training course, or by other stakeholders, to raise awareness and push for gendered land reforms in the Somali region.

LEARNING OUTCOMES

At the end of this module, participants will be able to:

- Identify context-specific reasons for emphasizing the securing of women's land and property rights
- Advocate for women's land and property rights using compelling arguments
- Discuss and use gendered considerations concerning land and property rights

1.1 Why women need land and property rights

Women's land and property rights ensure the sustainable social and economic development of their communities. Securing women's land and property rights leads to increased agricultural productivity, contributing to food security and the fight against poverty. In the Somali region, women represent the majority of the agricultural labour force, yet because of weak tenure security and limited decision-making power, they hold little control over the land they cultivate or its products.

Limited decision-making power for women results in low investments and loss of productivity, negatively impacting families and children. Women's access to and control over land and other productive resources increases their independence and brings long-term benefits for families and communities, particularly children, through greater investment in education, health and nutrition and through support for elderly women and men. This is particularly important in fragile contexts, where people have less access to pensions and saving schemes. In urban contexts, women's security of tenure encourages investment in house upgrading and allows for increasing access to formal credit for business opportunities by using the titled plot as collateral.

Women's land and property rights contribute to the realization of human rights. The human right to security of tenure, including protection from forced eviction, is pivotal for realizing the rights to an adequate standard of living and adequate housing. Increasing tenure security for all, particularly for the most vulnerable, including women, is a pressing matter, as it often represents the only form of security for displaced women who lack the support of their families. Access to and control over land allows these women to attend to their everyday needs and the needs of their families. Whether a woman lives in a rural or urban context, land and property rights contribute to attaining and enjoying a broader spectrum of human rights: the right to equality, food, health, work and education.

Women's land and property rights contribute to their leadership and participation in decision-making. Access to land contributes to increasing women's leadership and participation in decision-making by rebalancing roles, both within families and within communities. It is a critical factor in defining and enhancing women's social security, status and identity. The International Federation of Surveyors (2014) states:

Land also has great cultural, religious and legal significance. There is a strong correlation in many societies between decision-making powers and the quantity and quality of land rights one holds. In rural areas social inclusion or exclusion often depend solely on the individual's land holding status. Even in urban areas, the right to participate in municipal planning, in community decisions, and sometimes elections, can depend on the status of an individual as a "resident" or "home-owner".

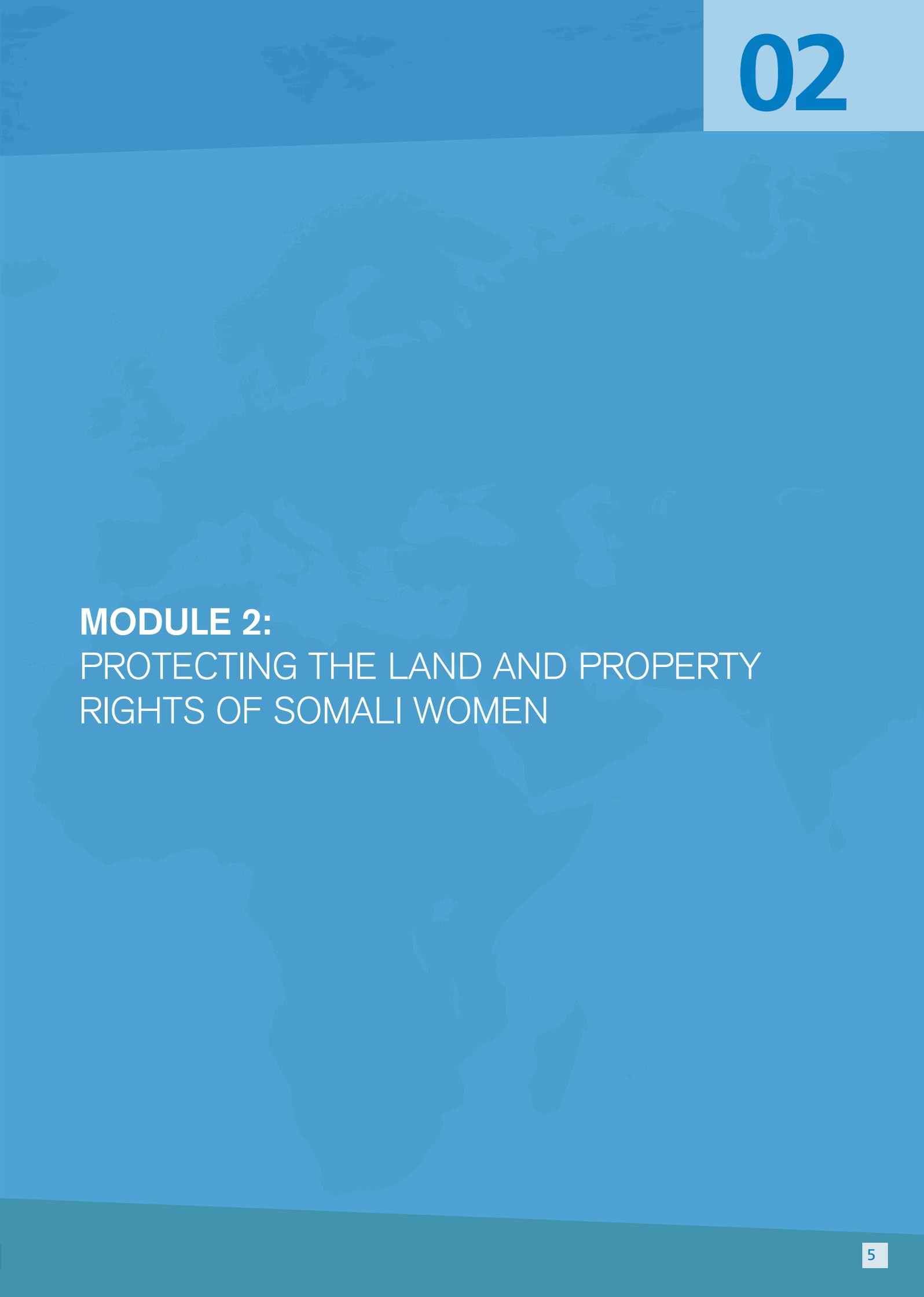
Women's land and property rights increase their protection from gender-based violence and health hazards. Land and housing ownership reduce physical and psychological domestic violence, as women who own land and housing are more capable of exiting harmful relationships, making informed decisions over their sexual and reproductive health and rights and having the financial means to provide for themselves and their dependents. Tenure security also contributes to reducing women's vulnerability to HIV, as it prevents them from engaging in sexually risky behaviour and helps them cope with the social and economic effects of HIV at the household level.

The relationship between women's land and property rights and gender-based violence is often complex: when women claim their land and property rights and these are denied to them by their male relatives, they are more likely to be exposed to psychological and physical violence – and even death in extreme cases – at the hand of these relatives.

Land and property rights enable women to play a bigger role in the stabilization of societies in fragile contexts. Securing women's access to land enables them to support fragile societies by contributing to their transition from the humanitarian phase to recovery and self-reliance, alleviating the negative economic and social impact of conflict. Women with secure access to land are better able to become breadwinners, heads of households and caregivers to those in need. Further, secure access to land can provide significant support to displaced women by guaranteeing the economic independence they need to cope with the lack of family support. United Nations Security Council resolution 1325 (2000) highlights the critical role of women in

preventing and resolving conflict and in contributing to peace negotiations, peacebuilding, peacekeeping, humanitarian response and post-conflict reconstruction.

Women's participation in peacebuilding is also outlined in a report by the United Nations Secretary-General that draws attention to women's contributions in increasing family and community food security during conflict (A/65/354-S/2020/466). Finally, protecting the land and property rights of all women and men strengthens the relationship between people and institutions, which is important for State-building in fragile contexts and increases the likelihood of peace agreements being implemented.



MODULE 2:
PROTECTING THE LAND AND PROPERTY
RIGHTS OF SOMALI WOMEN



Photo: UN Photo/Stuart Price

INTRODUCTION

Land and property rights of Somali women are entrenched in and protected by different international and national legal instruments. Somali legislation encompasses a plurality of legal sources and practices, including statutory, customary and religious laws. This module outlines the main relevant international and regional frameworks, statutory laws, customary practices and Islamic principles that influence women's land and property rights. To effectively protect and promote women's land and property rights in the Somali region, it is important to understand the different kinds of legislation and how to operate in a context of legal pluralism. Decisions on how to intervene, which source or sources of law to refer to and what entry points to identify will depend on the costs and benefits that such legal instruments can offer in the short, medium and long term. Section 2.6 of this module focuses on this aspect.

OBJECTIVES

The objectives of this module are to provide an understanding of the existing legal instruments that protect women's land and property rights in the Somali region, how they relate to each other and how to work with them in the prevailing context of legal pluralism.

LEARNING OUTCOMES

At the end of this module, participants will be able to:

- Identify the different legal frameworks that protect the land and property rights of Somali women
- Build strong arguments and define actions on the basis of international human rights instruments
- Identify and select the preferred entry points and opportunities for protecting and promoting women's access to land
- Provide relevant input to political dialogue at national and local levels
- Understand and work within the context of Somali legal pluralism

2.1. Existing legal frameworks

Somalia is party to numerous international instruments that call on the State to protect and promote women's land and property rights. National legislation generally protects women's access to land, although full equality between women and men's rights is not always guaranteed, especially in some areas of land-related family law. In the Somali context, Islamic land law and customary practices offer additional viable entry points and opportunities for protecting and promoting women's land and property rights. To design and implement effective strategies and interventions to fill the gaps between laws and implementation, it is crucial to understand and align the different legal frameworks to reduce overlap and contradiction.

2.2. International and regional legal and policy frameworks

2.2.1. International legal frameworks, declarations and conventions

At the international level, women's land and property rights have been protected since the 1940s, with several legal instruments under two streams of legislation: one protects the rights to adequate housing and protection from eviction, and one recognizes the equal rights of men and women. Women's equal rights to land and property are grounded in core human rights instruments, including, among others, the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the Convention on the Elimination of All Forms of Discrimination against Women.

Women have the right to equality in the enjoyment of all their rights, including the right to access, use, inherit, control and own land. Therefore:

States have the obligation to respect (refrain from interfering with the enjoyment of), protect (prevent others from interfering with

the enjoyment of) and fulfil (adopt appropriate measures towards the full realization of) human rights related to access, use and control over land and other productive resources. (Office of the United Nations High Commissioner for Human Rights [OHCHR]/United Nations Entity for Gender Equality and the Empowerment of Women [UN-Women], 2020, p. 19)

International human rights instruments can be divided into two categories: (1) declarations, which are adopted by international bodies such as the General Assembly of the United Nations and are not legally binding; and (2) conventions, which are legally binding instruments concluded under international law. These instruments are used by human rights advocates and gender equality promoters to sustain their arguments and contribute to political dialogue at the national level, where global normative thinking is most needed. Further, global frameworks have been influenced by, and have influenced, regional and national treaties and laws, some of which are presented below. Promoting and contributing to this international dialogue is crucial to increasing the domestication and adaptation of global frameworks to the regional and country frameworks where they have more relevance.

The **Universal Declaration of Human Rights**, adopted by the General Assembly in 1948, recognizes the right to adequate housing as part of the right to an adequate standard of living (Art. 25). The right to adequate housing contains entitlements that include security of tenure; housing, land and property restitution; equal and non-discriminatory access to adequate housing; and participation in housing-related decision-making at the national and community levels. The Universal Declaration of Human Rights sets different relevant provisions that constitute the basis of the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination.

The **Declaration on the Elimination of Discrimination against Women**, adopted by the General Assembly in resolution 2263 (XXII) of 7 November 1967, affirms that:

All appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular: a. The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage

That declaration formed the basis for the Convention on the Elimination of All Forms of Discrimination against Women.

The **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**, adopted by Member States of the Committee on World Food Security in 2012, represent the first international guidance on land governance and reaffirm the responsibility of States to “ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status” (Food and Agriculture Organization of the United Nations [FAO], 2012, p. 5). The Guidelines assert that States are accountable for developing and implementing relevant policies, laws and frameworks that recognize and protect women’s tenure rights through participatory processes involving all affected parties, including women.

The **2030 Agenda for Sustainable Development**, adopted by all United Nations Member States in 2015, reflects the urgent need for strengthening tenure security for all, particularly women and vulnerable groups, through the Sustainable Development Goals. Women’s secure access to, use of and control over land is emphasized in four of the Goals:

- Goal 1 – end poverty
- Goal 2 – achieve food security
- Goal 5 – reach gender equality and the empowerment of women
- Goal 11 – make cities and regions inclusive, safe, resilient and sustainable

The **New Urban Agenda**, endorsed by the General Assembly in resolution 71/256 of 23 December 2016 and set out in the annex to that resolution, envisages cities and human settlements being able to fulfil their social function and achieve the full realization of the right to adequate housing for all, without discrimination. In Article 35, States commit to “promoting ... increased security of tenure for all, recognizing the plurality of tenure types, and to developing fit-for-purpose and age-, gender- and environment-responsive solutions within the continuum of land and property rights, with particular attention to security of land tenure for women as key to their empowerment, including through effective administrative systems”.

The New Urban Agenda builds on the Habitat Agenda adopted in 1996 at the second United Nations Conference on Human Settlements (Habitat II), in which governments committed to “providing legal security of tenure and equal access to land to all people, including women and those living in poverty, and undertaking legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property” (see A/CONF.165/14).

The **principles on housing and property restitution for refugees and displaced persons** (also known as the Pinheiro Principles), endorsed by the Sub-Commission on the Promotion and Protection of Human Rights in 2005 (document E/CN.4/Sub.2/2005/17, annex), represent a steppingstone for protecting displaced women’s access to land, and they are highly relevant in the context of Somalia given the large numbers of displaced persons in the country, including

women. They provide guidance on the housing, land and property rights of women living in conflict-affected contexts and recognize the right to restitution of housing, land and property for men and women as a legal remedy for displacement and an essential condition for durable solutions, including for voluntary return. Principles 3 and 4, regarding the right to non-discrimination and the right to equality between men and women, respectively, highlight the importance of women and women's rights in this process. Further, they assert that States must actively ensure gender equality, guaranteeing that the restitution process does not discriminate against women, and recognize joint ownership rights within families.

Three main resolutions have been adopted by United Nations bodies on women's rights to land, housing and property. Two of them – resolution 1997/19, on **women and the right to adequate housing and to land and property**, and resolution 1998/15, on **women and the right to land, property and adequate housing** – were adopted by the former Sub-Commission on the Prevention of Discrimination and Protection of Minorities (today known as the Sub-Commission on the Promotion and Protection of Human Rights). Resolution 42/1, on **human rights and land rights discrimination**, was adopted by the Commission on the Status of Women.

Article 40(2) of the Provisional Constitution of the Federal Republic of Somalia (2012) provides that in interpreting the fundamental rights provided for under the Constitution, the court may consider international law (in addition to sharia and decisions of courts in other countries), though it is not bound to follow it. Thus, international law may be persuasive in Somali courts, and the decisions by treaty bodies to international conventions may be considered by Somali judges. It is important to note that Somalia as a State embraces a “dualist system”, and thus international conventions regarding land and property rights of women are not

directly applicable domestically. They must first be translated into national legislation before they can be applied by the national courts.

In 1990, Somalia ratified the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights**, both adopted by the General Assembly in resolution 2200 (XXI) of 16 December 1966. Both reaffirm the right to equality between women and men and the right to non-discrimination, and both have major implications for the protection of women's land and property rights, particularly at the time of marriage:

The grounds for divorce and annulment should be the same for men and women, as well as decisions with regard to property distribution, alimony and the custody of children ... Women should also have equal inheritance rights to those of men when the dissolution of marriage is caused by the death of one of the spouses. (OHCHR, 2000)

In its General Comment No. 16 (2005) on the equal right of men and women to enjoy all economic, social and cultural rights, the United Nations Committee on Economic, Social and Cultural Rights states that “women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so”. In its General Comment No. 28 (2000) on the equality of rights between men and women, the United Nations Human Rights Committee states that “the capacity of women to own property ... may not be restricted on the basis of marital status or any other discriminatory ground” (para. 19), and that States parties must ensure that the “matrimonial regime contains equal rights and obligations for both spouses with regard to ... the ownership or administration of property, whether common property or property in the sole ownership of either spouse” (para. 25).

The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in resolution 34/180 of 18 December 1979 and not yet ratified by Somalia, calls for equal rights to property for men and women and equal treatment in land and agrarian reform. It also forbids any kind of discrimination against women's enjoyment of their right to adequate housing. Further, the Convention asserts that, within families, both spouses hold equal rights to ownership, acquisition, management, administration, enjoyment and disposition of property.

The **International Convention on the Elimination of All Forms of Racial Discrimination**, adopted by the General Assembly in resolution 2106 (XX) of 21 December 1967 and ratified by Somalia in 1975, affirms that the right to tenure security, no matter the tenure form (i.e., ownership, lease or other customary forms) cannot be subject to any kind of discrimination. In its General Comment No. 19 (1990) on the family, the United Nations Human Rights Committee emphasizes that "during marriage, the spouses should have equal rights and responsibilities in the family. This equality extends to all matters arising from their relationship, such as choice of residence, running of the household, education of the children and administration of assets."

2.2.2 Regional frameworks and declarations

At the regional level, women's land and property rights are protected by several treaties that provide a leverage point and a bridge between national and global initiatives. Most African countries, including Somalia, regulate women's access to land and property by adhering to international and regional conventions and protocols. Based on international concepts, African countries have developed regional agreements adapted to their own contexts that protect women's access to land. Somalia has assumed obligations under different agreements, such as the African Charter on Human and People's Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. This section offers a general overview

of regional legal frameworks that protect women's land and property rights. It is not an exhaustive list.

The **African Charter on Human and People's Rights**, also known as the Banjul Charter and signed in 1986, decrees that "the State shall ensure the elimination of every discrimination against women and also censure the protection of the rights of the woman and the child as stipulated in international declarations and conventions" (African Commission on Human and People's Rights, 1986).

The **Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**, also known as the Maputo Protocol and adopted in 2003, contains clear provisions for the protection of women's rights and the participation of women in decision-making processes. It highlights the importance of increasing women's access to and control over land and other natural resources as part of the right to food security and adequate housing: "Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing" (African Union, 2003).

In addition, the Protocol sanctions women's right to inheritance in equal shares with other male relatives: "A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it" (African Union, 2003).

In 2004, the African Union Assembly adopted the **Solemn Declaration on Gender Equality in Africa**, calling for a wider ratification of the Maputo Protocol. The Declaration recognizes the centrality of access to land for women, promoting the "implementation of legislation to guarantee women's land, property and

inheritance rights including their rights to housing” (African Union, 2004).

The **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa**, also known as the Kampala Convention and adopted in 2009 and ratified by Somalia in 2019, asserts the accountability of States to protect and assist internally displaced persons, to prevent their arbitrary displacement and to ensure their human rights are preserved. The Convention specifically addresses the State’s responsibility to equally receive internally displaced persons without discrimination of any kind and acknowledges that women may require special assistance from the State, which should protect and support female heads of households and mothers with children.

Further, through the **African Union’s Declaration on Land Issues and Challenges in Africa**, signed in 2009, African States have committed to “strengthen security of land tenure for women [who] require special attention” (African Union, 2009).

In the Muslim world, the **Universal Islamic Declaration on Human Rights** (1981) recognizes the equality of women and men before the law and the right to property for all people, including women: “All persons are equal before the Law and are entitled to equal opportunities and protection of the Law... Every person is entitled to own property individually or in association with others” (Islamic Council of Europe, 1981).

The **Cairo Declaration on Human Rights in Islam**, adopted in 1990 by 45 members of the Organisation of Islamic Cooperation, including Somalia, reasserts many of the rights included in the Universal Declaration of Human Rights and adds the following provision relevant for the protection of women’s housing, land and property rights:

Everyone shall have the right to own property, individually or in partnership with others, acquired

in a legal way, and shall be entitled to the rights of ownership, without prejudice to oneself, others or to society in general. Expropriation is not permissible except for the requirements of public interest and upon payment of full and fair compensation. No one may be unlawfully deprived of his/her property. (Organisation of Islamic Cooperation, 1990)

2.3. Federal and state constitutions

Federal and national constitutions, policies, laws and regulations have a crucial role in ensuring women’s access to land and property. At the level of national laws, women’s land and property rights are generally regulated by personal law, marriage and divorce laws and laws on inheritance and land rights, but it is difficult to identify a set of conditions applicable to every State of the federal republic owing to their respective histories and contexts. Despite this, the provisions regarding women’s housing, land and property rights are fairly similar throughout the country. Somalia is a federal republic formed of federal member states: Galmudug, Hirshabelle, Jubbaland, Puntland and South West. Somaliland is not included on the list as it is a self-declared autonomous independent state which, for the purpose of this guide, is considered part of the Somali region. The federal states represent different regions and vary in their functionality, from newly formed to semi-autonomous. Three decades after the start of the civil war, the Government of Somalia is still working to re-establish and develop State institutions. In the meantime, the federal member states have emerged as a response to the governance gaps.

While there is no distinct law governing land issues in Somalia, several land laws inherited from the former central government are still in force. Federal land laws have not been updated since the Siad Barre regime, and land legislation from the 1970s is still the only legislation in effect. Barre’s regime enacted land legislation as part of a strategy to consolidate power: the 1975 Land Law nationalized all land in Somalia, requiring landowners to register leasehold titles within

six months from the enactment of the law. In 1973, the regime passed an urban land law, but there is limited information on whether it was implemented. It is also important to note that large-scale registration of land did not take place because a significant number of farmers and pastoralists chose to not travel to the city to register land. The reader is referred to annex 1 of the present guide for further information on legislation with land-related provisions.

While land issues are a matter of federal jurisdiction, Somali federal member states have authority to develop and draft land legislation. Land disputes and conflict have been identified as prevalent issues requiring the development of responsive land legislation. In Somaliland, the main legislation governing urban land is known as Law No. 17, or the Urban Land Management Law, which was drafted in 2001 with amendments in 2008. The government initiated a discussion to further amend and update this law, but no official redrafting has begun. In 2020, Puntland drafted and passed the Urban Land Management Law, which outlines legislation on urban land ownership, use and access. Similarly, in 2019, South West State initiated a process to develop and draft an urban land law that was later passed through the federal parliament.

The **Provisional Constitution of the Federal Republic of Somalia**, submitted to parliament in 2012, has provisions that protect, inter alia, women's rights to participation across all three branches of government and in all national independent commissions; prohibit gender-based discrimination; and promote equality of rights and duties before the law, regardless of sex (Federal Republic of Somalia, 2012, articles 3, 15 and 11, respectively). Regarding the protection of women's access to land property, the Provisional Constitution affirms that every person, without any kind of discrimination, has the right to own, use, enjoy, sell and transfer property:

(1) Land is Somalia's primary resource and the basis of the people's livelihood. (2) Land shall be held, used and managed in an equitable, efficient, productive and sustainable manner ... The Federal Government shall develop a national land policy, which shall be subject to constant review. That policy shall ensure: (a) equity in land allocation and the use of its resources; (b) the guarantee of land ownership and registration ... (d) that any land and property dispute is resolved promptly and satisfactorily for all ... (f) that the land and property market is regulated in a manner that prevents violations of the rights of small land owners. (Federal Republic of Somalia, 2012, art. 43)

The reader is referred to annex 2 of the present guide for further information on land-related provisions contained in the Provisional Constitution.

State-level constitutions also provide provisions that protect women's access to land and property. For example, the **Somaliland Constitution** of 2001 affirms that all citizens of Somaliland have equal rights and obligations before the law, without any kind of discrimination or precedence. Moreover, regarding women's property rights, it states that "women have the right to own, manage, oversee, trade in, or pass on property in accordance with the law" (Republic of Somaliland, 2001).

In the same vein, the **Puntland State Constitution** of 2001 states, in relation to land, housing and property rights: "Every citizen shall have the right to have his/her own property, within the framework of the law. Any unlawful act of producing is prohibited. No personal commission or property levy may be imposed not in compliance with the law" (Puntland Regional Government, 2012).

The **Policy Framework on Displacement within Somalia**, developed in 2014, sets several policy actions for the federal and member governments to provide internally displaced persons, including women, with tenure security, temporary and permanent title deeds, or usufruct schemes and to ensure access to land without risk of eviction and other interference. Community-based tenure arrangements are facilitated and recognized. The policy also requires the government to officially recognize ownership and inheritance rights of women and children of deceased title carriers.

2.4. Customary law

2.4.1. Xeer

Xeer, literally meaning “there is an agreement between us”, is the compilation of rules and norms that regulate the relationships among and within clans. *Xeer* is made up of a set of unwritten rules and procedures that are passed down orally through generations. These define reciprocal rights and obligations between kin and clans and cover domestic matters, social welfare, political relations, property rights and the management of natural resources. While *xeer* incorporates aspects of sharia, the application of sharia in Somalia is also influenced by customary law (Osman, 2010).

Somali customary law, albeit not uniform throughout Somali communities, is diverse and depends on the mode of production. The dominant mode of production in Somali society has always been pastoralism and agropastoralism, and this shapes the typical *xeer* essential for the interaction of communities. *Xeer* covers all aspects of life, both in pastoral and in agropastoral communities. Nomenclature for the mode of production based on *xeer* is summarized under the categories:

- *xeer qodato* – farmers’ customary law
- *xeer daaqsato* – pastoralists’ customary law
- *xeer dabato* – fishers’ customary law

2.4.2 Land rights under *xeer*

Regarding how *xeer* is applied to land management, the concept of *deegaan*, or home territory, needs to be introduced to clarify the sense of identity and belonging that the land represents for Somalis. “it is useful to consider the Somali notion of *deegaan*, which captures the concept of a home territory and defines belonging and identity for Somalis” (Expanding Access to Justice Program, 2020, pp. 11–12). *Deegaan* is the place where the

se who share a common clan affiliation can claim ultimate authority over the land and its natural resources. The concept of *deegaan* is therefore similar to the concept of land tenure. Under the umbrella of *deegaan*, land rights are also shaped by the norms of *u dhashay* (blood rights), *ku dhashay* (rights because of place of birth) and *ku dhaqmay* (common in urban areas, it corresponds to where a person lives or has citizenship, regardless of clan or place of birth). Overall, *deegaan* reflects a kind of universal Somali citizenship, corresponding to what was once a widespread Somali view that land and natural resources are “gifts from God”, and that no one individual or group should claim exclusive rights over their use (Expanding Access to Justice Program, 2020, p. 12).

The *xeer* system poses two main challenges to the equal inclusion of women in Somalia. First, the entire system places less emphasis on individual rights and more on preserving community ties. While the lack of individual rights applies to both men and women, its effects on women are far more pronounced. Maintaining community peace and group ties is done primarily through the engagement of the clan system. While every Somali woman belongs to a clan, the clan system is exclusively patrilineal: a woman adopts the clan of her father and when she has children, who also follow the clan of their father. This may complicate women’s access to power through the clan system. Further, clan association increases the vulnerability of women from minority clans who may not have full access to land

because of a lack of clan protection. Women from minority clans may not dare to invest in land for fear of land grabbing by individuals belonging to majority clans.

Second, *xeer* is exclusively a male-dominated arena. The system rarely has women as decision makers or a part of the process in any substantial way. The lack of representation is incredibly limiting and contributes to the creation of further issues in women's access to justice. The making, adjudication and implementation of customary law rests on men only. Traditional elders mediating a matter may not find it appropriate to hear from a woman directly, and some women may find it intimidating to bring a case forward. A common practice is to use male relatives to access this system; however, this can be an unnecessary barrier to women, especially in situations where there is a land dispute that involves her male relatives. In such a scenario, it becomes obvious that women are at a significant disadvantage.

2.5. Islamic law

In the Somali region, statutory law is based on, and cannot contravene, sharia. The Provisional Constitution of the Federal Republic of Somalia states: "No law can be enacted that is not compliant with the general principles and objectives of Shari'a" (Federal Republic of Somalia, 2012, art. 2).

In the Qur'anic view, everything on Earth was created for humankind as a gift from God. Islam considers land to be a sacred trust and urges believers to respect the environment and seek intergenerational equity in the use of natural resources. Property and land are vested in God but may be enjoyed by men and women through responsibility and trust (Sait and Lim, 2006). However, such responsibility or right to land is linked to land use, and unused land cannot be owned.

Every individual – man, woman, Muslim and non-Muslim – is entitled, under sharia, to the ownership, possession, enjoyment and transfer of property, a right that must

be respected and safeguarded by fellow citizens and the State, irrespective of creed, colour or race. Islamic law recognizes women's rights to acquire, manage and alienate property. However, under sharia, women are accorded smaller inheritance shares: State land (*miri*) is usually inherited according to State law, in equal shares by both sons and daughters, but some modern States have made *miri* subject to Islamic inheritance law. Further, both ownership and management of endowment (*waqf*) property have historically been important for women's access to land. Reducing these opportunities will deprive women of further means of access to land and property (UN-Habitat, 2005).

Key Islamic principles related to land tenure include:

- Land should be put to continuous productive use, and unproductive land should not create wealth
- Land should not be used exploitatively or wastefully, depriving others of their rights or leading to the hoarding of land
- Property rights of all persons should be recognized, regardless of religious faith

2.6. How to work with multiple legal systems

2.6.1. Legal pluralism in the Somali region

The term "legal pluralism" refers to the coexistence in the same territory of "a range of customary, statutory, [religious] and hybrid institutions ... and regulations with legal or practical authority over land" (NRC/UN-Habitat/UNHCR, 2008, p. 124).

The relationship between statutory, customary and religious laws usually depends on the level of recognition and domestication of customary and religious laws and practices in the formal legal system. This can range from full or partial recognition to non-recognition. The Somali statutory system officially integrates and protects sharia, subordinating the enforcement of all laws to comply with its general principles and objectives.

Customary and religious laws offer various entry points for protecting Somali women's land and property rights, but they often lack clarity and alignment with other provisions and so often result in overlapping rules and practices that penalize women. Harmonizing, reconciling and aligning the provisions of the different legal systems and clarifying how they interact with each other is crucial to avoiding forum shopping and jurisdictional confusion. Some guidance on intervening in legally pluralistic contexts is given below.

2.6.2. Level of uptake of the different sources of law

To design and implement successful interventions, it is first necessary to understand the risks and opportunities of engaging with the different legal systems in a given context. In countries with a strong rule of law, where institutions are well functioning and there is peace and security, statutory laws usually represent the best entry point for protecting women's land and property rights, as they are often more gender-responsive, progressive and aligned with international frameworks. However, in countries where national laws and institutions are weak, like in the Somali region, they might not represent the most viable option. It is therefore necessary to assess the level and pattern of penetration of the different legal systems to fully understand the impact that one can have over the other. Furthermore, it is important to be aware of and keep in mind which legal system local women may be more comfortable with.

2.6.3. Acceptance and enforcement

Laws alone are not sufficient to secure women's land and property rights. The effectiveness of laws depends on multiple factors:

- Awareness of them through increased and accessible legal literacy
- Ability to invoke them through access to dispute resolution mechanisms and legal support
- Capacity of the State to enforce them without any form of discrimination

It is only when a set of laws and rules is well known and understood that it is perceived as legitimate, and its level of enforcement is high. Assessing the knowledge and acceptance of laws and rules is crucial in identifying which is the most viable option for successfully promoting and protecting women's land and property rights. An example would be to learn whether it is better to advance women's inheritance rights through statutory law or Islamic law, as the answer will depend on the level of enforcement and capacity of the former and acceptance of the latter.

2.6.4. Scale, timeframe and cost

To identify the most suitable entry point(s) for engaging with a plural legal system, a quick assessment of the available options should be conducted. In this assessment, it is necessary to evaluate the scale and ambition of the intervention and the time frame and available resources. For example, in an urgent and geographically circumscribed intervention – such as increasing access to and control over land for women from a community where they are systematically excluded from accessing, using and controlling land – a successful intervention could result from engaging with both customary and Islamic land laws to strengthen the gender-responsiveness of traditional actors and religious leaders. Engaging with customary and Islamic laws may also be a more financially accessible route to resolving land disputes. If the scope is to address gender-discriminatory practices resulting from the enforcement of national laws and policies, the best entry point would probably be statutory law through the alignment of national frameworks to international legal instruments. In this case, the time frame will be longer, and the funding needed will be greater than in the first example.

2.6.5. Intervening organizations

When assessing and identifying the most suitable entry point(s) for engaging with a plural legal system, it is important to consider the nature of the intervening organization(s). For example, a local civil society organization working in a specific rural area may be

more successful in engaging with the customary land administrators than an international organization with limited local knowledge. On the other hand, an international organization may be better suited to deal with countrywide approaches and governments. Both kinds of organizations are necessary for advancing Somali women's land and property rights: the first is effective in terms of time-responsiveness and impact on the community, while the second is effective for long-term sustainability. Both should thus coordinate their efforts and have a common action plan to achieve short- and long-term results.

2.6.6. Coordinating initiatives at the country level

Often, programmes and processes with implications for land and property rights overlap, especially when carried out at different levels, such as policy reforms, local projects and capacity development. Coordination and support among stakeholders working on the promotion and protection of women's land rights are crucial for the success of all interventions: longer-term and larger-scale processes should build on short-term initiatives and humanitarian interventions. Nevertheless, short-term and local interventions can benefit from the continuity given by broader long-term initiatives. Similarly, the implementation of development and humanitarian interventions with land-related components should be planned together, even if the various components have different time frames, strategies and partners.

2.6.7. Clarifying the interface between the different legal systems

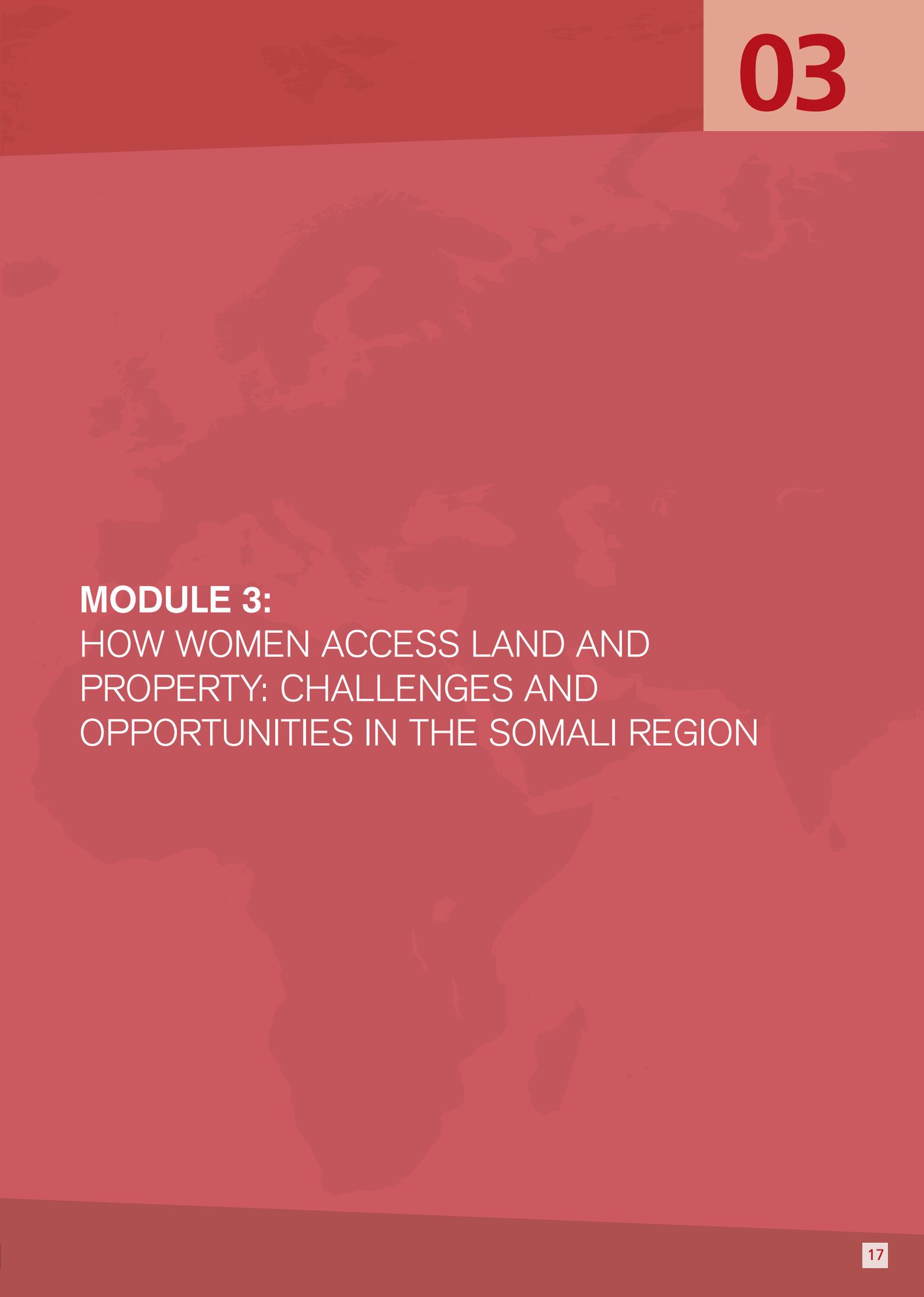
In the Somali region, as in every legally pluralistic context, the different legal systems need to be harmonized and aligned as much as possible. A clear relationship must be identified between them to avoid

jurisdictional confusion and forum shopping regarding dispute resolution, law application and enforcement. Although women sometimes take advantage of a general flexibility in the application of different sources of law, depending on their circumstances and needs, overall they are penalized when there is little clarity on rules and norms and their application. Uncertainty resulting from legal pluralism often favours the most powerful groups in society – the elites, the prevailing ethnic or religious groups and the defenders of a patriarchal model of society.

Harmonizing the different legal systems in the Somali context may also require developing a hybrid alternative that combines elements from both the formal and the customary legal systems, with the goal being to create more justice options without contradictory clashes. In Somalia, both customary and formal laws are legally required to conform with sharia, which is held as the supreme legislative framework in which all other legal systems must comply.

2.6.8. Developing capacity

To carry out successful interventions to advance and protect Somali women's land and property rights, international and national land actors must understand the complexity of the different legal systems and how they interact with each other. The capacity development of different actors must therefore include the whole spectrum of rules and norms characterizing Somali legal pluralism. Coordination between these actors, as well as with development and humanitarian stakeholders, to promote women's (and men's) land and property rights, must be strengthened to avoid spreading conflicting messages that might complicate an already technically difficult field of work.



MODULE 3:
HOW WOMEN ACCESS LAND AND
PROPERTY: CHALLENGES AND
OPPORTUNITIES IN THE SOMALI REGION



Photo: UN Photo/Evan Schneider

INTRODUCTION

In the Somali region, protecting women's land and property rights is an urgent matter. It calls for a coordinated effort by all stakeholders to identify and promote viable tenure options – both individual and collective – that can benefit the greatest number of women in the shortest amount of time while offering enough protection from forced eviction and other hazards. Somali women access, use and have control over land and property through a variety of avenues. Some fall within the statutory system; others are within the customary, informal or religious systems. Significant variations exist among the legal systems in terms of the degree of tenure security provided, compliance with international legal frameworks, responsiveness to the needs of different categories of women, costs and ease of access. This module outlines the most common methods women use to access land and property in the Somali region and describes the characteristics, advantages and disadvantages of each system.

OBJECTIVES

The objectives of the module are to broaden the understanding of different land tenure arrangements through which women access and control land and property in the Somali region and to provide recommendations on how to use such arrangements and provisions as entry points for increasing women's access to and control over land and property.

LEARNING OUTCOMES

At the end of this module, participants will be able to:

- Identify and discuss the advantages and disadvantages of different tenure arrangements
- Identify fit-for-purpose tenure arrangements for securing women's access to land and property
- Understand the importance of promoting inheritance and joint marital property as a means to rebalance gender roles inside the household and empower women

3.1. Continuum of land rights: an inclusive approach

The spectrum of tenure arrangements which women can access is broad and complex. Often, as a simplification, such arrangements are described through opposing terms – legal/illegal, registered/unregistered, de jure/de facto – all of which contribute to the politics of exclusion. However, land rights should be seen as a continuum between the poles of informal rights and formal rights. The continuum of land rights is an inclusive approach that includes all kinds of rights – registered and unregistered, formal and informal, individual and joint – and all kinds of groups, including pastoralists, displaced persons and slum dwellers, among others. The continuum of land rights approach envisages the identification and progressive strengthening of appropriate and legitimate land tenure arrangements already existing in a specific context. When assessing which land rights of the spectrum should be strengthened, it is necessary to assess which ones represent the most effective, scalable and time-efficient way to improve access to land for all. To ensure the recognition of the appropriate form of land rights, it is necessary to first understand which one best suits the context, the cultural and socioeconomic needs of local communities, the existing capacities of recognizing and managing such rights and the requirements of land administration authorities. Once the best-suited rights are identified, they can be upgraded over time through incremental approaches.

3.2. Land tenure options

3.2.1. Ownership

Ownership is the most commonly understood avenue to access land, and it is generally the most secure and preferred type of tenure to which women can aspire. Somali women can achieve land ownership in different ways, each of which has its own challenges and opportunities. Significant variation exists in the region on how ownership can be achieved, depending on the local context (e.g., urban or rural settings, strong or weak presence of government institutions).

The most common ways through which women access ownership in the Somali region include purchase, gifts (hiba), dower (mahr) and joint and group ownership.

It is important to point out that a woman owning a parcel of land or a house does not necessarily mean that she has control over the way such property is used and administered or how the income generated from that land is used and managed. Therefore, land ownership alone cannot be considered a sufficient guarantee that women's access to, use of and control over land and property are achieved. However, enhancing women's land ownership should be prioritized, as it has proved to be effective for their increased enjoyment of a broad range of human rights and their participation in decision-making processes. It also has a positive socioeconomic impact on the family as a whole, as outlined in module 1.

Women in urban areas in Somalia can now own land and property (Warsame, 2004), owing to their increasing role in small- and medium-sized businesses. Women are also involved in the commercialization of land in many Somalian cities, and since they are part of a clan and so can enjoy the protection afforded by their clan, they can access land through purchase and inheritance. Regarding the latter, *xeer* has been greatly influenced by the wave of Islamization after the civil war, and many clansmen who were once denying women's inheritance shares are now accepting those shares according to Islam.

Somali women rarely purchase land or housing. Reasons can vary and overlap, but in most cases, it is because of a lack of education, which often results in unemployment or underemployment, insufficient financial resources and limited access to credit and microfinance; this is especially the case for women working in the informal sector or in the family business. An additional obstacle is presented by the male-dominated nature of the land administration sector, both formal and informal, resulting, again, in women's limited access to education and little confidence and capacity to claim their rights.

It is therefore necessary to promote women's access to credit and microfinance opportunities. To this end, cooperatives can play a crucial role in enabling women to purchase land and housing by providing accessibility to financing. Governments should promote the establishment of women's cooperatives and increase women's access to funds, soft loans, rotating funds and markets. Further, in Muslim contexts, Islamic credit and microfinance should be encouraged, as it has proved to be a viable option for increasing women's access to land and housing.

Women are entitled to receive and enjoy hiba offered by men or women, usually from male family members, such as fathers, brothers or husbands. Women often receive hiba for important moments in a woman's life, such as marriage or the birth of a child. It usually includes jewellery, clothing, cash and, less frequently, land and housing. When a woman receives land as hiba, it can be under her full ownership, restricted to use or enjoyment of property, or usufruct. In addition, she can be the sole beneficiary or one of the beneficiaries sharing land rights to a particular property. Muslim women can be gifted land and housing to complement their lesser inheritance share. The promotion of the Islamic land law provision of "gifts" is encouraged by GLTN partners as a viable option for increasing women's ownership of housing, land and property in Muslim-majority countries.

In Muslim marriages, mahr is a payment made by the groom to the bride at the time of the marriage. It may consist of land, use rights, cattle or crops, or cash or jewellery, the value of which is usually determined by the socioeconomic conditions of the parties to the marriage. Mahr is the wife's entitlement and for the wife's use only. She can dispose of it as she wishes, as she is not expected to offer it to the family, but this practice is not widespread because of social pressure to renounce this right. Mahr does not substitute or limit a woman's right to joint marital property.

AFGHANISTAN

This case study illustrates how mahr can be used to strengthen women's independent access to housing, land and property rights in a conflict-affected context with weak state institutions.

"In rural Afghanistan, inheritance and mahr usually take the form of land and are therefore two key sources of women's independent access to housing, land and property rights, constituting an important avenue for the economic empowerment of Afghan women. Mahr constitutes an important safety net for women in a country where 76 per cent of the population has experienced displacement and hardship. In most cases, women claim their right to mahr when they are in a situation of particular distress, such as a separation, divorce or the death of their husband.

Although mahr is a legitimate right recognized by religious and statutory law, as with inheritance, women often only claim it as a last resort in situations of extreme vulnerability where there is no further damage possible to a woman's position within the family and community.

About 40 per cent of women interviewed said that cultural norms prevented them from asking for or receiving mahr, as it is considered to be very similar to begging, bringing shame on the husband who appears to be unable to provide for his wife. As land is often the only valuable asset, women often use mahr as a bargaining tool to negotiate for other important issues, such as maintaining custody of children.

The Afghanistan case shows how women's mahr rights can be a viable option to strengthen women's access to housing, land and property rights in the short and medium term in a context where statutory law and state institutions have limited reach and influence, especially in rural areas. Traditional dispute-resolution mechanisms can be strengthened to ensure that this option is used more consistently to protect women's rights."

Source: UN-Habitat/GLTN (2018), p. 57.

Civil documentation and written marriage certificates are crucial for enforcing women's rights through mahr, and it is a very important tool in the hands of women, especially in cases of divorce. If the wife seeks a judicial

divorce, she is likely to lose her mahr to her husband. But if the husband requests a divorce by repudiation, he must pay the full remaining mahr, thus reducing the negative financial impact of divorce on women and providing a way for women to access land and housing for themselves and their dependents. Mahr is often the only asset Somali divorcees have when they cannot access the joint marital property.

In addition to individual ownership, women are entitled to own land in joint ownership, or even group ownership, through different arrangements. Joint marital property is property acquired by a couple during the time of their marriage, and it has the greatest potential to increase women's land and property rights in the short term and in many contexts (see section 3.3). The registration of land or housing in the names of multiple family members, such as brothers and sisters, can be an avenue that addresses and counterbalances women's lesser share of the inheritance. Joint ownership in polygamous marriages allows for the allocation of different shares of a property to different parties of the marriage. Ownership of customary land by women's groups can be a viable option for increasing women's access to agricultural land.

3.2.2. Rights of use

Tenancy and lease agreements are a common type of tenure and a viable option in contexts of displacement or migration. The tenure security provided by tenancy and lease agreements is greater where there is a strong rule of law and access to functioning justice mechanisms. In many countries, tenancy laws ensure that tenancy arrangements adequately protect the rights of the tenants and the interests of the landlords. Usually, tenancy and lease agreements are signed between two individuals, but contracts can include family members or even more than one household. One of the main challenges posed by the use of tenancy and lease agreements, as for other tenure options, is the lack of documentation, particularly personal identity documents. For this reason, the (re)issuing of legal civil documentation should be supported, especially in the

context of displacement, to increase and formalize the use of tenancy and lease agreements.

Waqf is a legal mechanism through which an owner (man or woman) permanently waives his or her land, housing or property, including its usufruct or income, in favour of a beneficiary for a specific charitable purpose (e.g., education, shelter or income for people in need or for vulnerable groups, including women). Through a waqf, a person yields, in an unalienable and perpetual way, a part of his or her property – mobile or immobile – to one or more persons (private awqaf) or for public benefit (charitable beneficiaries).

3.3. Increasing women's access to land through Islamic land law

In Somalia, as in other Muslim-majority countries, wrongful interpretation and misapplication of the conservative Islamic land law often limits women's rights to land and property. However, because religion is a significant part of life and identity for most Somalis, any conversation regarding women's empowerment and protection of women's land and property rights should be framed and advocated through Islamic land law.

Islamic land law poses both opportunities and challenges: the majority of Somali women are disadvantaged when it comes to their land and property rights because of patriarchal structures and social norms, while Islamic law recognizes and supports women's right to acquire, hold, use, administer and dispose of property. In addition, the Qur'an, rather than customary law, is the legal document that Somali men, women, government officials and religious leaders indicate for defining women's rights at the time of marriage, divorce and inheritance, including land and property rights.

The two main challenges to advancing Somali women's land and property rights include women's lesser inheritance rights, or even renunciation, and the misinterpretation of Islamic law provisions. The first challenge can be addressed by combating renunciation

practices and counterbalancing women's lesser inheritance shares through other avenues provided in Islamic law (e.g., wills, mahr, awqaf, hiba, maintenance [nafaqa]). Significant efforts are needed to address the second challenge and ensure that the correct interpretation of Islamic land principles is applied to women's land rights. This includes raising awareness on Islamic law provisions that protect women's land and property rights; targeting all stakeholders involved in the process, including women and their families; and advancing the capacity of religious leaders and other key actors in enforcing non-discriminatory practices. However, it is not enough to clarify and promote the correct interpretation of Islamic inheritance laws. It is also important to dissect the intersection of religious and cultural norms, as social attitudes and beliefs may leave many women intimidated and discouraged from claiming these rights.

3.3.1. The role of marriage in redefining land rights

At the time of marriage, women's land and property rights are redefined. Through marriage, spouses typically acquire rights over each other's housing, land and properties. In any given context, women can gain the right to access, use, co-own and inherit their husbands' properties. The type and duration of the rights acquired depend on local laws and practices. At times, such rights continue to exist after the death of the husband, and it is important that women can prove the relationship through written marital contracts.

Marriage has an impact on four types of properties: the personal property that belonged to the wife before the marriage, which needs to be protected; the joint marital property acquired during the marriage, including land and housing, which needs to be promoted; the land and personal property obtained during the marriage from a range of different sources, including inheritance, income, waqf, hiba, mahr and nafaqa; and the land and property allocated in a divorce.

It is important to understand the potential that marriage offers to redefining and realigning housing, land and property rights within a family for the maximum protection of both women and men and for the overall improvement of the social and economic development of the family. The two cornerstones to ensuring that marriage has a positive impact on women's access to land and property are awareness-raising for the families of the couple and a better understanding of how to define property regimes for the couple at the time of marriage.

The marital contract is an important opportunity for advancing women's equality and rights at the time of marriage, including housing, land and property rights, through the addition of specific clauses or even separate agreements. The use of written marital contracts and the inclusion of provisions on couples' preferred property regime should always be encouraged. This is particularly the case for protecting women's land rights in contexts of conflict or displacement, where women need to prove the relationship to their distant, missing or dead husbands for their housing, land and property rights to be protected.

Judges and religious registrars play a key role in ensuring that the potential of the marriage contract is adequately used to increase and protect women's land and property rights. However, women rarely take advantage of the opportunities offered by the marital contract, as they are usually not aware of their rights or the property regime options offered through such a contract, and religious registrars often fail to fulfil their obligation of informing the parties. It is therefore necessary that the capacity of religious registrars and other key actors involved in contracting marriages be developed. Women and men must also be made aware that they can transform the marital contract into a tool that can be used to access and secure women's land and property rights.

Joint marital property is the property acquired by the couple during the marriage, including land and housing, that belongs to both groom and bride. It is based on the assumption that even if one of the couple contributed a greater amount of financial assets, such assets are equally valued and shared. Joint marital property does not include the individual properties owned by a spouse before the marriage or acquired through inheritance, income or gift during the marriage.

MOROCCO

This case study illustrates how the new Family Code in Morocco recognizes women's contribution to the households and their right to a share in the husband's property after the divorce.

Moroccan family law, which is based on Islam, provides the following in article 49: "Each of the two spouses has an estate separate from the other. However, the two spouses may, under the framework of the management of assets to be acquired during the marriage, agree on their investment and distribution" (Moroccan Family Code (Moudawana), 2004).

This rule is derived from the jurisprudence of the Maliki school of jurisprudence and gives room for any wife who proves in front of the court that she has contributed to the development of her husband's property to have a share in the husband's property after the divorce.

The rule was based on the reality that some wives work on maintaining and improving the property; for instance, women contribute to the cultivation of the land or the rearing of animals, and in such cases, there are judicial precedents in Islam that instruct judges to consider such situations as joint marital property.

Source: Focus group discussion at the training of trainers on advancing women's access to land and property rights in the Somali region held online by GLTN and UN-Habitat, on 21-23 March 2021.

Under joint property regimes, property acquired or owned during a marriage belongs equally or substantially to both spouses: in the case of a divorce, community property is equally shared between the parties, while an equitable distribution calls for an evaluation of each party's contributions before entitlements are made.

Community property regimes are further differentiated into partial or full, according to what happens to the property owned by a spouse before the marriage and to the inheritances received during the marriage.

Joint marital property is particularly important for women because it provides a fundamental means of survival in case of inadequate waqf or limited nafaqa, especially for widows. It contributes to women's empowerment by increasing their participation in property management, their bargaining power during marriage and at the time of divorce, and their access to credit and other opportunities. It also rebalances the roles of women and men within the family by recognizing the important contribution of women to the socioeconomic development of the family, and it sets the marriage on the moral foundation of equal contributions by different parties though different means, recognizing both material and non-financial contributions. The use of joint marital property at the time of marriage should always be promoted, and it should be included in national legal and administrative frameworks. Further, joint marital property could be set as the default option when couples do not indicate their preferred property regime.

3.3.2. Inheritance

Most of the owned land in the Somali region is acquired by men and women through inheritance, especially in rural areas. In Somalia, as in other Muslim contexts, inheritance is largely regulated by Islamic land law. According to Islamic law, women have the right to own and inherit land, housing and property. However, as noted, social norms often pressure women to renounce these rights. Women face particular challenges in inheriting land in customary settings where male-dominated practices prevail.

In Somalia, for example, women may not receive their share of an inheritance, including agricultural land, when they marry a male member of another clan. Often, when a man dies, his widow and daughters have no rights to his land and property, which is

instead inherited by his sons. If the sons are too young to inherit, the land usually passes to the deceased husband's brothers or sons by earlier marriages. The widow is allowed to work the land on their behalf as long as she does not remarry.

Further, inheritance can pose great challenges in contexts of displacement where widows, upon returning to their homes, may find them occupied by the relatives of their deceased husbands, who claim their inheritance rights. According to a United Nations Development Programme report in 2013, land-grabbing by male relatives following the death of a husband or father is widespread in Somalia (UNDP, 2013). This is a cause of great insecurity for women, who are deprived of their shelter and main livelihood opportunity. In addition, displaced women returning home are often not aware of the legislative changes, which might be implemented through peace agreements, that protect their rights to land, housing and property and therefore do not claim those rights when they are denied. For these reasons, it is necessary to understand how to better regulate and administer inheritance practices and make them overall more gender-responsive.

Islamic inheritance principles fix women's inheritance shares to half of that of men and do not give full freedom to decide how to allocate inheritance through wills, which can only dispose of up to one third of the estate. It is therefore crucial that a holistic approach to estate planning and the use of complementary mechanisms to access land and property for women (e.g., wills, *hiba*) be promoted. Overall, wills are excellent tools for women to increase their access to land and property through inheritance. Inheritance laws usually have specific provisions that regulate the transfer of the deceased's estate – including cash, land, housing, usufruct or land-use rights and other forms of wealth – through a will.

However, the biggest challenge to women's inheritance rights is not posed by the lesser share to which they are entitled but rather by the denial of even lesser

inheritance rights. This is done through coercion or through applying social pressure on them, so that they renounce their inheritance rights. Effort needs to be placed into minimizing the renunciation to inheritance.

Somali women often find themselves stripped, partially or fully, of their inheritance rights to immovable properties. Denial of their rightful inheritance share is not the only reason why many Somali women cannot enjoy their inheritance rights. Often, women voluntarily renounce, or as noted, are induced to renounce, their inheritance rights to safeguard family relationships and continue living in their family home, ensuring their physical protection. Although the renunciation of a share by a beneficiary is not contemplated in Islamic inheritance law, it is a widespread practice in most Muslim-majority countries. Studies show that women give up their inheritance right for a variety of reasons:

- Fear of family boycott and to preserve relationships with family members
- Lack of awareness of their inheritance rights and the laws and procedures related to inheritance partition
- In exchange for cash or other properties
- Lack of financial resources and other means for claiming their rights in court
- To avoid social criticism and putting their husband in a "bad light"
- To keep the family's property intact

Protecting Muslim women's inheritance rights is an area of work that requires urgent attention by governments, women's groups, civil society organizations and development partners. Some approaches have already been tested in other Muslim-majority countries and have proved successful in minimizing the renunciation of inheritance rights by women. These include:

- Raising awareness among all stakeholders, including women and their families, on the existing statutory and religious inheritance laws

- Developing the knowledge and capacity of judiciary, customary and religious leaders involved in decision-making processes regarding inheritance, and the knowledge and capacity of women's associations and community and civil society organizations involved in the protection of women's rights
- Providing information, practical support and financial and legal aid to women claiming their inheritance rights in court or through *xeer* or religious dispute resolution systems
- Regulating inheritance renunciation practices by clearly establishing requirements, timelines and procedures
- Promoting communication and information campaigns, targeting both men and women, that aim at changing the negative attitude of society towards women claiming their inheritance rights
- Implementing initiatives to combat renunciation practices, with interventions designed to enhance women's empowerment and access to education and employment opportunities

NIGER

This case study illustrates how Islamic land inheritance principles and awareness-raising for traditional and religious leaders at the local level can improve women's inheritance rights.

In Niger, customary practices in most communities exclude women from inheriting certain assets, including land, despite women's inheritance rights are recognised under the state law and protected by Islamic land law.

"In light of the high incidence of gender-related land rights discrimination issues, in 2007 the Mirriah Departmental Land Commission (Cofodep) and the Nonviolent Conflict Management Network (GENOVICO), a local non-governmental organization (NGO), established an initiative to tackle women's land inheritance issues with the support of the Netherlands Development Organization (SNV). ... A large consultation on women's inheritance rights was held, involving the local land commissions (CoFos), civil society organizations, local authorities, traditional leaders and marabouts (Muslim holy men). The discussions concluded that, based on Islamic inheritance rules, women's inheritance rights should be respected and registered by the local CoFos.

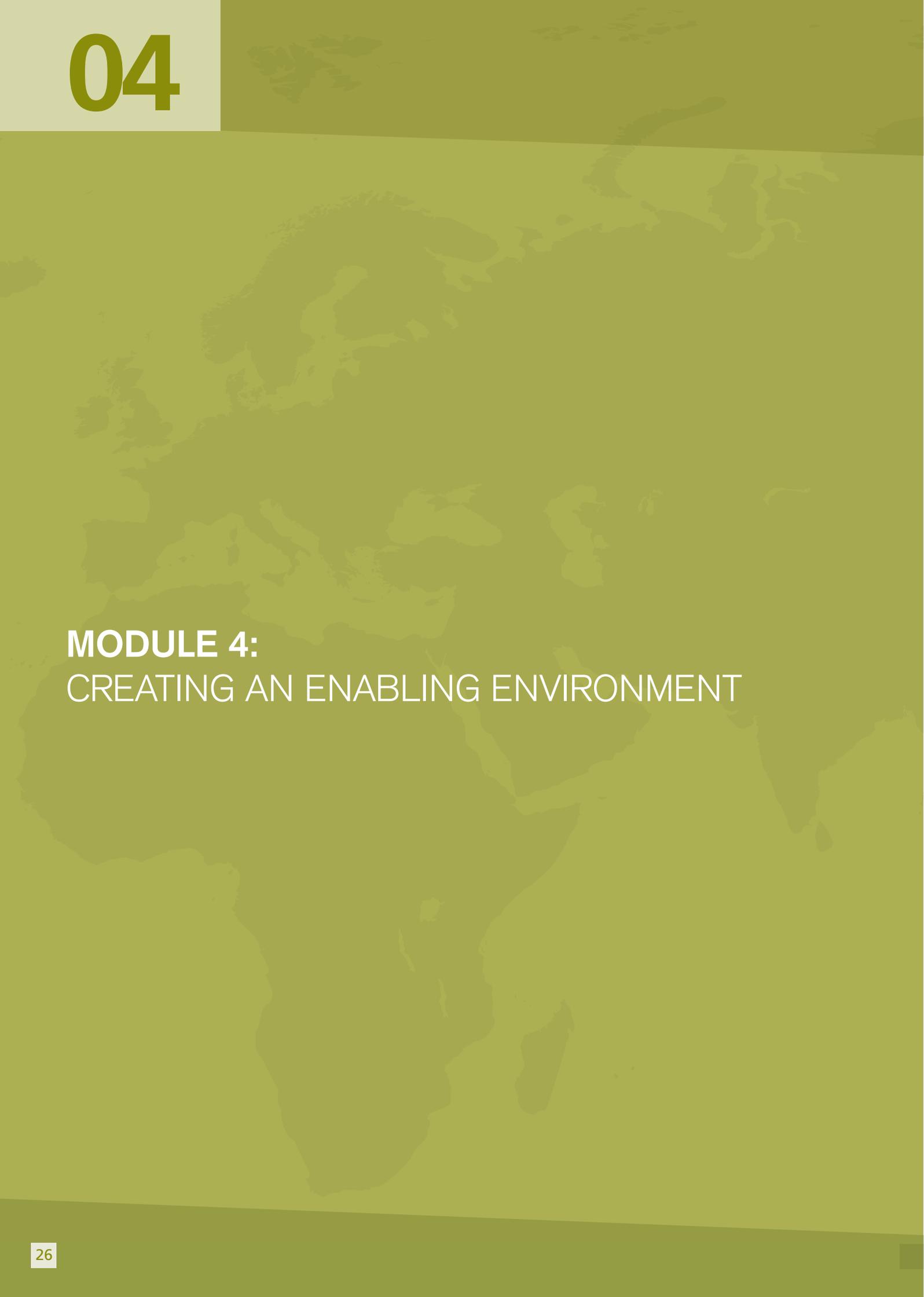
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Guidelines on Islamic inheritance rules were prepared by a working group comprised of marabouts, members of the local NGO and an SNV adviser. The working group identified all the relevant verses in the Qur'an relating to the sharing of inheritance and translated them into French in a document that was then reviewed and validated by marabouts, traditional authorities, women and farmer organizations, representatives of the local authorities and local NGOs, and CoFos. The *Guide Pratique de Droit de Succession des Femmes en Islam*, published in 2010, constitutes a major achievement in clarifying women's inheritance rights in French-speaking Islamic communities. As a result of the awareness raised, a number of women have begun to claim back their inheritance and several women have been able to secure their rights to land.

...

The replicability of this approach in other areas and the scalability to the national level, however, depends on the attitude of national and local governments to promoting religious approaches – rather than State law – and on the extent to which national laws are aligned to Islamic inheritance law. Nevertheless, capacity development for religious and traditional leaders, communities and local women is, without doubt, a key element of enhancing women's access to land, especially in contexts where large portions of land are administered with customary systems."

Source: UN-Habitat/GLTN (2018), pp. 72–73.



MODULE 4: CREATING AN ENABLING ENVIRONMENT



Photo: AMISOM Photo/Fardosa Hussein

INTRODUCTION

The limited participation of Somali women in land governance and land administration structures in both urban and rural contexts has a negative impact on women's land and property rights and women's empowerment. Such structures, including elected local organizations, consist of mostly men perpetrating a patriarchal system in which decisions are made based on men's discussions about local issues without taking into consideration women's needs. Women may add little if any input to these discussions, even where collective forms of tenure are in place to protect women's land and property rights. The limited participation of women in the decision-making process, including land-related matters, derives from their generally inferior social status and lack of education as well as their limited representation in the country's wider political sector.

OBJECTIVES

This module aims at strengthening the awareness of the importance of women's participation in land matters and land decision-making bodies. It suggests

a way forward to creating an enabling environment for securing women's land and property rights by adapting already existing, or developing new, gender-sensitive land laws and tools.

LEARNING OUTCOMES

At the end of this module, participants will be able to:

- Understand the benefit of including women in decision-making processes, especially those related to land governance and administration
- Draft effective strategies to increase women's participation in land matters
- Identify the most suitable tools to enhance women's land and property rights
- Evaluate the gender-responsiveness of existing land laws according to gender-sensitive principles
- Understand the challenges that women face in accessing land dispute resolution mechanisms
- Compare the legitimacy of different dispute resolution mechanisms
- Identify effective ways for improving women's access to justice

4.1. Education and awareness-raising

Educating people on the status of women's land and property rights under international and national frameworks is essential to their realization and to the deconstruction of patriarchal and male-biased structures that prevent women from enjoying these rights. Awareness-raising on women's land and property rights must target both women and men and include all kinds of contexts and groups of people (e.g., urban and rural areas; indigenous, displaced, young, elderly, single and married people). If women are not aware of or do not understand their rights, it is almost impossible to enforce them; it cannot be assumed that women know their rights, as they are educated through the same social norms and practices that make them, like men, think they are not entitled to own and administer land.

Awareness-raising programmes need to inform communities, particularly men, of the value of women's work and on the importance of increasing women's access to land for the social and economic development and food security of their families and communities. Such programmes should also aim at increasing the understanding of the importance of women's participation in decision-making structures and processes, particularly in fragile contexts, to contribute to peace and stability. The advocacy arguments provided in module 1 can be used for developing awareness-raising campaigns.

To increase women's access to land and property, all stakeholders must be educated on the importance of protecting women's inheritance rights and their rights in marriage through the use of the marital contract and joint marital property regimes. The simultaneous education of men and women is crucial to achieving change in social behaviour and will result in greater inclusion of women in decision-making processes. Education must also focus on using or developing enforcement mechanisms because rights alone are not sufficient.

4.2. Increasing women's participation in decision-making

Building gender-equitable participation into policymaking is a long-term process that envisages political will; the involvement and training of different groups of stakeholders, including women; and interventions at different levels.

To build equal participation in land-related decision-making processes, it is necessary to first understand the context, particularly cultural and social norms, patterns of land use and landholding and characteristics of the legal system. After carrying out a context analysis, it is necessary to raise awareness on the benefits of a gender-equitable process and on the provisions protecting women's land and property rights, so that women can claim them while increasing their confidence in participating in the political process.

Further, it is necessary to promote, strengthen and develop the capacities of women and existing women's organizations to actively participate in land-related processes, such as land management, land dispute resolution systems and land policy reform, among others. Supporting women's employment in land administration will not only increase women's participation in decision-making but also benefit all those women who do not feel comfortable accessing and using male-dominated land administration services.

Women need to take part in all levels of decision-making for conflict prevention, management and resolution, post-conflict restitution and reconstruction and for the protection of the housing, land and property rights of refugees, returnees and displaced persons. Further, women's participation in peace negotiations and land conflict resolution mechanisms should be increased to ensure that women's grievances and needs are addressed during negotiations processes and included in peace agreements. The importance of

women's active participation and leadership in peace negotiations and mediation processes, and their contribution to sustainable peace, is highlighted in the Security Council resolution 1325 (2000).

4.3. Supporting women's organizations

Women's organizations are essential to women's empowerment and participation in decision-making processes. They provide a safe environment for women to talk, organize, strategize, build self-confidence and seek the support of other women sharing similar experiences and concerns. Women's groups work towards the achievement and enjoyment of their human rights by advocating for gender equality within customary systems and mobilizing women to advocate for change at all levels. Women's groups provide information, practical support and guidance to women on how to access land and housing and other forms of support for claiming their land rights. This includes contributing to changing societal attitudes towards women's land and inheritance rights and advocating for gender-sensitive practices, gender justice and the representation of women in land-related decision-making structures and processes. It is therefore crucial that women's groups take part in all stages of land-related processes, including peacebuilding and mediation, and that their contributions are taken into account.

In conflict-affected contexts and during reconstruction, women's organizations are necessary to ensure that women's housing, land and property rights are firmly placed on the political agenda, codified by legislation

and later translated into reality on the ground. Supporting women's organizations in post-conflict contexts can, however, be challenging. Women who create associations and work together in refugee camps often separate after returning to their respective homes and lands. In addition, once they have returned to their "normal" lives, the time and opportunities to meet and discuss with other women are drastically reduced, as they have to resume their domestic responsibilities. For women's organizations to continue existing and advocating for change, they need to be strengthened through skills training, partnership with outside networks and by supporting women in their domestic work. In addition, men must be encouraged to undertake more household responsibilities so that women have the opportunity to participate in organizations.

Women's organizations can significantly benefit from collaborating with the international community. International networks can promote solidarity and provide practical support through coordinated global action, advocacy, awareness-raising and lobbying on issues related to women's land and property rights. International networks have the power to translate local issues into global ones, placing them on the international human rights agenda to increase mobilization and put pressure on governments. By working with international networks, local women's organizations can build on the experience of similar organizations in other countries and increase their knowledge and understanding of specific issues and successful approaches.

JORDAN

This case study illustrates the positive role of governments, civil-society organizations and human rights champions in protecting women's access to land and promoting women's empowerment.

"In Jordan there has been little space for women's participation in the economic, political and social life. The patriarchal nature of the society and cultural attitudes expecting men to provide for their families reflect negatively on women's economic empowerment and access to land and property. Although Jordan's regulatory framework does not prevent access to land for women, women have often been excluded from land ownership by their families to the benefit of male relatives, at times with their consent or compliance.

The Arab Women's Organization has revealed linkages between 'honour crimes' and issues of inheritance. Further, the economic and socially disadvantaged position of women hinders their capacity to purchase land and housing in their name, and rural families headed by women tend to be among the poorest because of little access to tenure security and credit. But things have been changing over the last three decades and Jordanian women have significantly improved their overall conditions, including access to land and property.

Jordan has been introducing a set of reforms in favour of women and significant investment in education has raised the female literacy rate from 55 to 99 per cent; fertility rates and child mortality has declined; life expectancy has risen and the overall quality of life has improved. In 1992, Jordan ratified the International Convention on the Elimination of All Forms of Discrimination against Women, although with reservations on certain articles, and national laws allow women to own, acquire and manage land and properties.

One of the crucial elements of this change has been the involvement of Princess Basma bint Talal, sister of the late King Hussein bin Talal, in the promotion of women's rights. Princess Basma heads the Jordanian National Commission for Women with the responsibility of setting up national strategies in favour of women, in cooperation with governmental and non-governmental bodies and the private sector.

She has also been involved in non-governmental organizations dedicated to the promotion of women's rights, including the Jordanian Hashemite Fund for Human Development (JOHUD) Foundation, an NGO working on, among other related issues, women's inheritance rights. JOHUD stresses that women's inheritance is a legitimate right as regulated by the national law and by Islamic sharia law, and that the deprivation of women's inheritance is religiously and legally baseless.

Governmental and non-governmental campaigns in favour of family protection and prevention of violence against women – where deprivation of inheritance is also considered to be a form of violence – also contributed to the creation of a favourable environment, leading to an increase in women claiming their rights. The creation of the National Council for Family Affairs, currently headed by Queen Rania of Jordan, further strengthened the country's commitment to women's empowerment.

As a result of these combined efforts, women's land ownership is increasing. The Lands and Surveys Directorate indicates that in 2006, 15 per cent of all property owners in Jordan are women (up from 10 per cent in 1999). The same department also registered an increase in the number of women registering their properties, from a little over 50,000 in 2010, to over 90,000 in 2012.

A number of obstacles in the social and economic development of women, in particular access to land, still remain in Jordan. Women are still not equal to men before the law, space for improvement exists in addressing violence against women and the gender gap in politics persists despite the introduced quotas for women.

However, clear indications of positive development can be seen as a result of the combined promotion of women's rights by the government, the increased support and awareness-raising by civil society organizations, and the presence of very influential and well-respected champions of change. Equally, improved access to health and education for all, including women, and the reduction of violence against women seem to encourage women to claim their land rights and therefore gain better access to land and property."

Source: UN-Habitat/GLTN (2018), pp. 58–59.

4.4. Promoting legal and administrative reforms

Gender-discriminatory laws and practices should be reviewed to explicitly recognize and protect women's land and property rights. Gender-sensitive legislation is a crucial component to guaranteeing women's rights to land. For this reason, national constitutions, policies and laws should be developed and reformed, and they should be accompanied by accessible and gender-sensitive enforcement mechanisms (see section 4.6).

For new legislation to be effectively implemented, beyond accessible and gender-responsive enforcement mechanisms, monitoring mechanisms should be developed and implemented (see module 5). Legislation should be accompanied by changes in attitude and custom through awareness-raising campaigns, and new laws protecting women's land and property rights should be introduced incrementally through the continuum of a land rights framework (see section 3.1). Further, gender-sensitive land tools can provide practical support for such implementation.

Land administration systems should be reformed to be more gender-responsive (i.e., less bureaucratic, faster and cheaper), and all practical and logistical barriers keeping women from accessing land administration services (e.g., transportation difficulties and inflexible office hours) should be removed. Decentralized land administration offices, mobile services and services for women, among others, should also be established.

4.5. Developing gender-responsive land policies

In developing gender-sensitive land policies, it is important to keep in consideration that women's enjoyment of their land and property rights is influenced by a number of factors that go beyond the tenure relationship they have with the land, and that this greatly influenced by local cultural and religious norms. Therefore, as was mentioned in section 2.6.3 on the acceptance and enforcement of laws, states should

consider the following factors in order to reform land policies in a gender-responsive manner:

- Women's land rights need to be clearly defined and spread along the continuum of land rights (see section 3.1 on the continuum of a land rights approach). Further, land rights should not be denied or limited by gender-discriminatory legal, cultural or religious norms, nor by family or community dynamics.
- Women's land rights must be guaranteed by the statutory law, despite their implementation and recognition might be influenced by the decision taken by customary or religious leaders, or family members. The State must ensure the implementation of such rights and combat discriminatory social, cultural or religious practices that hamper women's enjoyment of their legitimate rights.
- Women need to actively participate land governance structures at all levels.
- Women need to be aware of their rights and how to claim them to increase their enforceability. To do so, access to gender-responsive justice and land dispute resolution mechanisms needs to be ensured.

In developing gender-sensitive land policies, it is important to keep in mind that women's enjoyment of their land and property rights is influenced by a number of factors that go beyond the tenure relationship they have with the land, and particularly by local cultural and religious norms. Therefore, as was outlined in section 2.6.3 on the acceptance and enforcement of laws, states should consider the following factors in order to reform land policies in a gender-responsive manner:

- Women's land rights need to be clearly defined and spread along the continuum of land rights (see section 3.1 on the continuum of a land rights approach). Furthermore, land rights should not be denied or limited by gender-discriminatory legal, cultural or religious norms or by family or community dynamics.

- Women's land rights must be guaranteed by statutory law, even though their implementation and recognition might be influenced by decisions taken by customary or religious leaders or by family members. The state must ensure the implementation of such rights and combat discriminatory social, cultural and religious practices that hamper women's enjoyment of their legitimate rights.
- Women need to participate actively in land governance structures at all levels.

Women need to be aware of their rights and how to assert them in order to increase their enforceability. To ensure this, access to gender-responsive justice and land dispute resolution mechanisms also needs to be ensured.

GENDERING LAND TOOLS

GLTN developed a mechanism to ensure and facilitate the development of gender-responsive land tools that promote equal tenure security for women and men. The mechanism emphasizes the implementation of a multi-stakeholder approach and a systemic multi-stage methodology by focusing on scalable tools and recognizing the importance of men's contributions to the process.

Furthermore, it provides a structure for guiding preparations and establishing strategies for the development of gender-responsive land tools through a four-part process. The first part outlines the rationale and stresses the need for gender-responsive tools. The second part presents methodologies for developing gender-responsive tools by summarizing the main components and steps of the tool-building process and explaining why they are necessary. The third part presents the implementation strategies of the mechanism by identifying general and specific objectives for each stage of tool development, which are further broken down at the output and activity levels. The fourth part focuses on the approach and highlights the importance of following a process incorporating shared learning, rather than a fixed approach.

Source: UN-Habitat/GLTN (2008), p. 4.

Once gender-responsive land policies are in place, land tools are a means of converting legislation, policy and principles into implementation. A broad range of interconnected gender-responsive land tools are needed to protect women's tenure security at different levels. All stakeholders involved in advancing women's land and property rights need to be involved in gendering land tools through a woman-centred process. To protect women's land and property rights, it is important to gender spatial information, land use, planning, registration, administration, management and dispute resolution. Tools linking land registry to the civil registry, and tools on gender-accessible dispute resolution mechanisms must correlate to tools on gender-sensitive administration to be effective.

4.6. Increasing women's access to justice and land dispute mechanisms

A plurality of mechanisms of land dispute resolution can be identified in Somali statutory, customary and religious law. The Somali pluralistic legal system can pose challenges but also great opportunities for enhancing women's access to land-dispute mechanisms, benefiting from hybrid systems that allow for a combined approach. Where State and judicial institutions are weak, costly, lengthy and hindered by corruption, sharia courts and customary dispute resolution mechanisms seem to better respond to the needs of women in the short to medium term, providing accessible, quick and affordable avenues.

The legitimacy of the mechanisms changes according to the context, and each system presents its own potentialities and disadvantages. Justice mechanisms, both formal and informal, need to be oriented towards and held accountable for the protection of women's housing, land and property rights, while financial, legal and technical aid must be provided to ensure they function well.

A comprehensive range of interventions are needed to support women's access to formal and informal courts. This includes providing accessible and affordable legal aid, legal information and counselling, legal assistance, representation and mediation and the removal of barriers that keep women from pursuing independent legal justice and representation in courts, such as the need to travel long distances. It also includes legal accessibility, which must be enhanced by improving literacy and simplifying and promoting the popularization and translation of legal texts into local languages. Legal procedures also need to be streamlined, so that they cannot be manipulated to exclude or penalize women.

In contexts of legal pluralism, enhancing women's access to land dispute mechanisms can benefit from hybrid systems that allow for a combined approach. Moreover, formal, religious and customary dispute resolution mechanisms need to be harmonized and aligned. A hierarchy among them needs to be established, including in the way they interface with each other, to prevent forum shopping and to ensure that women's rights do not fall through the cracks.

Another crucial step towards increasing the gender-responsiveness of formal dispute resolution mechanisms is enhancing their inclusivity and diversity and thus increasing the representation of women in courts. This would make women feel more comfortable interacting with formal justice institutions. But increasing the number of women in tribunals alone is not sufficient for enhancing women's access to justice. They need to be adequately trained in and made aware of the socioeconomic and political disadvantages faced by women in different contexts.

4.6.1. Legitimacy and (dis)advantages of land dispute resolution systems

Formal courts apply civil rules in procedures, which generally should protect the land rights of women and other vulnerable groups. However, in practice, these protections are largely ineffective for many

reasons. First, often judges and lawyers lack training on human rights and gender issues, thus enforcing gender-discriminatory practices. Second, the courts are expensive and located only in the major cities, which often makes them inaccessible to women and many vulnerable groups. (For instance, in Somaliland, where the average annual income is \$375, fees for court hearings over land disputes can vary from \$300 to \$1,500.) Third, litigations in court need formal documentation, which most people cannot produce. Fourth, procedures are lengthy. Further, as State courts have limited presence beyond bigger urban centres, most Somalis, especially women, are not familiar with State justice laws and procedures. For these reasons, courts are usually seen as a last resort, and in most cases, women seek resolution via informal mechanisms, especially for disputes related to land inheritance.

Land dispute tribunals are administrative tribunals with quasi-judicial powers. They only have jurisdiction over urban land, adjudicate on matters of ownership and are intended to function as a hybrid system that harmonizes formal and customary legal procedures to provide an accessible, trusted and rights-respecting dispute resolution forum. The procedure of the land dispute tribunal is similar to that of a formal court but is flexible enough to incorporate certain aspects of customary law, such as referring cases to elders first. This can be particularly helpful in situations where producing relevant documentary evidence is challenging.

Xeer and sharia systems are by far the most used and trusted form of justice in Somalia, as they have proved their resilience and gained community trust throughout decades of conflict. They usually have more legitimacy in rural areas, where the capacity of State institutions is limited and therefore more likely to be enforced by the community. Sharia courts and xeer use different approaches to land dispute resolutions: the first uses arbitration or adjudication, while the second uses alternative dispute resolution mechanisms, such as negotiation, mediation and arbitration.

The *xeer* system is closely interconnected with the clan system, and traditional courts are formed by a panel of a minimum of four judges chosen from respected clan or sub-clan male elders. These judges know sharia and customary law but have not received formal judicial training. The service is provided for free, and the average time taken to investigate a case, conduct a hearing and issue a judgment is reportedly just seven days. There are however limitations to this system: “The clan composition of the court lends an inherent bias in cases where an unrepresented or minority clan member is in dispute with the member of [the] majority or powerful clan” (NRC, 2015, p. 18). In the *xeer* system, women cannot assist or play a role as parties, witnesses or actors.

Sharia courts use Islamic law to solve disputes and are generally perceived as less corrupt and less clan-biased than *xeer*, which is not a static legal code and thus allows for different interpretations in different contexts. Most women prefer traditional justice mechanisms to avert confronting family and customary norms and prefer Islamic law ruling versus *xeer* when it comes to individual and domestic conflicts.

In sharia courts, hearings are similarly conducted to those in the *xeer* system, but the ruling is rooted in Islamic doctrine and jurisprudence, albeit with some flexibility for local customs and a high degree of judicial interpretation. Although sharia ascribes certain rights and duties according to gender, it is highly male-dominated and influenced by conservative customs and local and social norms. Further, misinterpretation of sharia can lead to women being viewed as the “possession” of their husbands or fathers, which may limit their ability to access justice through the sharia system.

Al-Shabaab courts have joined the plural legal environment of Somalia and have assumed authority in providing justice in land conflicts, particularly in the Juba Valley in southern Somalia. Al-Shabaab has set up mobile courts that have a reputation to adjudicate

disputes fairly and efficiently. Petitioners can file a case for free and receive a decision on the same day as the trial. Unlike other forums, Al-Shabaab rulings are easily enforced, as people are afraid to be killed or arrested by the group. Moreover, Al-Shabaab courts are particularly attractive to vulnerable groups because they offer immediate enforcement of judgments without regard to clan background and are free of charge. However, it is important to note the disparity of justice experienced by people living in Al-Shabaab-controlled areas and those traveling to seek justice in its mobile courts. Al-Shabaab courts provide fair and less corrupt services to those from outside its territories, while those living in its territories are subject to extortion and corruption (UN-Habitat, 2020).

4.6.2. “Family-friendly” dispute resolution approaches

Customary and religious dispute resolution mechanisms are perceived as more “family-friendly” and better suited to meet women’s will to protect their relationship with the family. Avoiding confrontation with family members is fundamental to all women’s well-being and safety, especially for displaced women whose family represents their main safety net. Women often find themselves making the “impossible choice” of claiming their legitimate rights or preserving a peaceful coexistence with their families. Claiming their share of inheritance through formal or customary litigation processes is often the last resort and an option that women take up only in extreme circumstances.

Women’s attempts to defend their housing, land and property rights in courts often result in their families abandoning them, as it is perceived as shameful behaviour and can lead to physical and psychological violence, even death. It is therefore not surprising that women do not dare to confront family members and tend to look for less confrontational solutions, such as mediation or customary or religious mechanisms, rather than formal courts. Such human behaviour must be understood and not underestimated, and a combination of measures to mitigate these threats

should be put in place to support women physically, psychologically, socially and economically.

4.6.3. Capacity development

All stakeholders involved in the protection of women's land rights, particularly judges, prosecutors, lawyers, and religious and customary justice authorities such as religious and traditional leaders, need periodic training on how to protect women's land rights effectively and enforce gender-responsive practices in resolving land disputes within the scope of their jurisdiction. Disseminating case studies and best practices where the law has been interpreted and enforced in favour of gender equality can be a viable option. It is also crucial that the capacity of women's associations be developed and women's knowledge of their land and property rights be strengthened to increase women's direct engagement in claiming their rights in formal, *xeer* and religious courts.

4.7. Protecting women's access to land during the restitution process

In the Somali region, where statutory institutions are weak and customary norms often regulate access to and control over land and property, including transfer and inheritance, women are generally subjected to discriminatory practices regarding their land and

property rights. This discrimination is often perpetrated, even when provisions explicitly protecting the restitution of housing, land and property for women are included in peace agreements because local customs may not be aligned with the new legislation. This represents a challenge, as it is expected that more than 50 per cent of people returning to their original land and home are represented by female heads of households.

For this reason, although it is important to include women's rights to restitution of housing, land and property in peace settlements, it is not sufficient to guarantee that these agreements will be implemented effectively and appropriately. Nevertheless, transitional justice and peacebuilding offer an opportunity to amend preexisting discriminatory laws towards equal access to and control over land for men and women. This should be accompanied by a wider gender-transformative approach to ensure the implementation of such provisions, which can be achieved by educating and raising awareness (see section 4.1); increasing women's participation at all levels of decision-making, including in customary processes (see section 4.2); supporting women's organizations (see paragraph 4.3); and increasing women's access to justice (see section 4.5).



MODULE 5: MONITORING AND MEASURING PROGRESS



Photo: AMISOM Photo / Mukhtar Nuur

INTRODUCTION

Monitoring the progress of the status of women's land tenure security is crucial for identifying the challenges faced by women in accessing and enjoying their land rights and informing the implementation of gender-responsive interventions that will strengthen their tenure security. To monitor and track progress in land tenure security for both men and women, the Sustainable Development Goals framework provides a set of land indicators with local application and global comparability. These indicators provide an opportunity for collecting the sex-disaggregated data that are needed for promoting women's land rights, including their participation in decision-making on land reforms at the local and national levels.

OBJECTIVES

This module outlines the importance of collecting sex-disaggregated data and explains the land-related Sustainable Development Goals indicators that can be used to monitor the status of women's land tenure rights

in the Somali region. It proposes the key considerations for implementing a successful monitoring strategy of women's land rights and highlights the main challenges that may be encountered in data collection and analysis.

LEARNING OUTCOMES

At the end of this module, participants will be able to:

- Understand the importance of collecting, analysing and reporting sex-disaggregated data for evidence-based monitoring of the status of women's land tenure security and promotion of their land rights
- Understand the process of survey design to facilitate data collection on the status of women's land rights
- Understand the Sustainable Development Goal indicators on land tenure security that can be leveraged in monitoring women's land rights
- Identify, mitigate and overcome the main challenges that may be encountered in the data-collection process

5.1. Why it is important to collect data on women's tenure security

Monitoring the status and perception of women's land tenure security is necessary for supporting the broader effort of protecting women's land and property rights in the Somali region. Collecting and analysing sex-disaggregated data provides effective evidence-based advocacy strategies and raises awareness at the local, national, regional and global levels on the status of women's land tenure security. Targeted advocacy strategies and awareness-raising campaigns are crucial for persuading governments, international agencies and donors to address the challenges and remove the barriers that limit women's access to, use of and control over land in Somalia. The availability of timely and reliable data on women's land rights can thus be used to inform decisions on where to direct interventions, resources and services, sharpening both the targeting of actions and the monitoring of outcomes.

However, data-collection and monitoring initiatives face limitations in the bid to produce reliable, quality and timely information on the real status of women's land rights and related challenges and opportunities. National surveys, for instance, often only interview the (male) head of household and leave out any form of tenure that is not formally registered. Moreover, they do not consider the land data component of tenure security, thus failing to assess the needs of the most vulnerable groups, including women. Most of the existing land data deriving from cadasters and national land registries are often limited to urban areas, and are rarely disaggregated by sex. Relevant conclusions on the status of women's land tenure security therefore can only be obtained through data-capturing processes that deliberately target women's experiences, including their perception of land tenure security, in a plurality of tenure regimes. This is particularly the case for displaced women.

Collecting and analysing gender-disaggregated data on land tenure security, land administration processes and land-use patterns, among other land-related dynamics,

guide the formulation and implementation of gender-responsive land policies and reform and allow for an assessment of the compliance of local policy with international instruments. This is particularly urgent, since land policies and reforms, if not specifically targeting women's equality in land and property rights, might contribute to weakening them. Data gaps undermine the ability to channel resources, develop responsive policies and track accountability of those responsible for advancing gender equality in land and property rights. In addition, there is an urgent need to understand, systematically, the role of women in land governance and land dispute resolution mechanisms in order to increase women's participation in decision-making.

5.2. Monitoring women's land rights in the Sustainable Development Goals framework

The Sustainable Development Goals, outlined in the 2030 Agenda for Sustainable Development, acknowledge the importance of monitoring women's land rights to contribute to, among others, poverty reduction (Goal 1), gender equality (Goal 5) and inclusive and resilient cities (Goal 11). The indicators detailed below are designed to measure and monitor sex-disaggregated land tenure security.

5.2.1 SDG Indicator 1.4.2

Sustainable Development Goal indicator 1.4.2. can be used to measure the status of women's (and men's) tenure rights. It targets all adults – regardless of, for example, sex, ethnicity, employment status, place of residence and wealth – and all types of land, in both rural and urban contexts, and measures the “proportion of total adult population with secure tenure rights to land, with (a) legally recognized documentation; and (b) who perceive their rights to land as secure, by sex and by type of tenure” (FAO, 2019, p. 14).

The two subindicators (a) and (b) should not coincide, as collecting gender-disaggregated data on perception allows for capturing the intra-household, family and

community power relations that, in turn, allow for a better understanding of the challenges that limit women's enjoyment of such rights. This is particularly relevant for Somalia, where the institutions responsible for enforcing women's (and men's) land rights are often weak, and customary or religious practices, or even family members, may prevent them from enjoying their rights.

For constructing subindicator (a), all relevant tenure arrangements available in the country where the monitoring is implemented (e.g., titles, leaseholds, use rights certificates and rental agreements) need to be identified and distinguished into either legally recognized or not legally recognized documents. Further, adults are classified as having legally recognized documentation "if, for at least one parcel of land, (a) they have access to the land under a tenure arrangement identified and legally recognized by the government, and (b) the document lists their name as a rights holder" (FAO, 2019, p. 14). For constructing subindicator (b), the perception of an individual's tenure security is based on the fear of involuntary losing the land and the landholder's right to bequeath the land within the next five years.

5.2.2 SDG Indicators 5.a.1. and 5.a.2

Sustainable Development Goal indicators 5.a.1 and 5.a.2 help to understand gender inequalities in land ownership, or control over land, both in practice and in the eyes of the law.

Indicator 5.a.1 can be used to measure the gender disparities in tenure rights over agricultural land. This is important because of the crucial role of women in increasing the food security of their households and communities and the nexus between food security and the stabilization of societies in crisis and conflict (see module 1). Indicator 5.a.1 is composed of two subindicators: "(a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women

among owners or rights-bearers of agricultural land, by type of tenure" (FAO, 2019, p. 16).

Indicator 5.a.1 refers only to the adult agricultural population, which is defined as the following:

All adult individuals living in agricultural households – i.e. households who operated land for agricultural purposes and/or raised/tended livestock in the past 12 months, regardless of the final destination of the production ... Indicator 5.a.1 relies on three proxies for recognizing tenure rights: the possession of a legally recognized document in the name of the individual, the individual's right to sell, and the individual's right to bequeath the land. (FAO, 2019, pp. 16–17)

The proxies are applicable in contexts with different levels of penetration of legally binding documents, and the presence of either of the two subindicators is sufficient for defining an individual as de facto "owner" or "holder" of tenure rights over agricultural land.

Indicator 5.a.2 focuses on the legal aspects of land tenure and can be used to examine the extent to which Somalia has adopted legal reforms that ensure women's rights to land. Analysing the legal frameworks and the sex-disaggregated data collected through indicator 5.a.2 is critical for identifying the causes of gender disparities regarding access to and control over land, and it enables policymakers to design and implement gender-responsive land policy reforms.

Six proxies can be used to track the main challenges faced by women in owning or controlling land:

- Is the joint registration of land compulsory or is it encouraged through economic incentives?
- Does the legal and policy framework require spousal consent for land transactions?

- Does the legal and policy framework support women's and girls' equal inheritance rights?
- Does the legal and policy framework provide for the allocation of financial resources to increase women's ownership and control over land?
- In legal systems that recognize customary land tenure, does the law explicitly protect the land rights of women?
- Does the legal and policy framework mandate women's participation in land management and administration institutions?

5.2.3 SDG Indicator 11.1.1

Sustainable Development Goal indicator 11.1.1 can be used to measure the proportion of an urban population living in slums, informal settlements or inadequate housing. A slum household is defined as a group of individuals living under the same roof with one or more of the following conditions:

- Lack of access to an improved water source
- Lack of access to improved sanitation facilities
- Lack of a sufficient living area
- Lack of housing durability
- Lack of security of tenure

5.3. Designing and implementing a strategy for monitoring women's land rights

Data collection can be implemented in two ways:

- Questions can be incorporated into an existing multi-topic household survey. Depending on the type of survey and the level at which it collects data (individual or parcel level), questions framed around the Sustainable Development Goal indicators can be added to other household data-collection initiatives. In this case, the household sample must deliberately include adult women interviewees to facilitate data collection on their land tenure rights.
- A stand-alone survey to collect women's land rights data can be conducted. This is applicable when there is no other ongoing data-collection initiative.

The questions framed around the indicators outlined above can thus be developed into a questionnaire and administered as an independent survey. The drawn sample must deliberately include women alongside men in order to collect women's experiences, including their perception of land tenure security.

Before undertaking fieldwork, the data-collection process is preceded by the following steps: planning, survey design and implementation of data collection.

The planning step must involve key stakeholders who promote women's land rights. The survey design must ensure that enumerators are trained in both the relevant technical knowledge of the intended data-collection process and the sensitivity issues that may be encountered. A pilot test (of at least 20 households) should precede the implementation of the actual survey to check the validity and reliability of the survey and interviewee comprehension of the questions.

5.4. Establishing the data-collection process

Regardless of the data-collection approach used, ensuring that the key steps outlined above are followed is critical for ensuring the reliability of the data produced. Disaggregation of data by sex, tenure and the multiple and intersecting identities of women (e.g., rural, urban, indigenous, displaced and divorced) must also be allowed. The precision and reliability of estimates are highly dependent on who and what is to be included in the sampling frame. A central element is to ensure the following:

- The entire population is represented in the sample, including marginalized and vulnerable groups (who to include)
- All relevant tenure types and types of land use are included in the sample (what to include)

Concerning the selection of respondents within sampled households, two approaches are advised. The

first and preferred approach is based on interviewing all adult household members (all women and men aged 18 years and above) and selecting a random sample of adults within the household. This ensures that the information gathered through the survey will be self-reported rather than reported by proxy. The second approach consists of interviewing only one person in the sampled household, while the information for the other household members will be reported by the proxy respondent. In this case, it is recommended that one person at random be selected from all adult household members. This ensures that both women and men will have a non-zero probability of being interviewed.

5.5. Training enumerators

One of the key requirements for obtaining the necessary data is to ensure that those who collect the data are fully informed of the survey's objective, concepts and content, the structure of the data-collection instruments and the technological applications to be used. Sensitivity issues, including the handling of respondents while administering the questions and cultural and religious aspects that are often unique in different locations, are underscored. To do this, targeted training of supervisors, field enumerators (data collectors) and data clerks is critical. A well-structured training manual should also be prepared.

5.6. Survey testing and testing of data

Once the training is completed, field supervisors and enumerators must conduct a field test of the data-collection instruments (e.g., questionnaires, surveying applications and systems) and the data-collection process on a small sample to check the validity and reliability of the data generated, the correctness of questions asked and the different survey stages. A pilot survey should be implemented before the actual survey to ensure that any data elements that might have been missed during the design phase are identified. The pilot survey can be administered to a purposive sample of a limited number of households using the sampling strategy that will be applied in the actual survey.

It is important that the testing of the pilot survey is not limited to data-collection tools (i.e., testing of the questionnaire), and that it extends to testing the full survey operations. The pilot can thus be used to determine whether problems exist before instituting the actual survey. In the case of data collection with laptops or hand-held devices, the pilot should address, for example, data transmission, data storage and security and processing programmes. These tests must be accurately and properly conducted before the implementation of the actual survey to avoid serious problems with the reliability of the entire survey process.

It is advisable that the survey design and the data-collection process also incorporate key decision-making stakeholders, such as local and city authorities, customary and religious leaders, non-governmental and grass-roots organizations, universities, and the national statistics office, with technical support from custodian agencies of the Sustainable Development Goal indicators if needed.

5.7. Collecting data

Once the survey has been designed and the survey testing and training activities have been conducted, the following items must be considered before data collection is commissioned:

- The survey team is well trained on the survey content.
- There is clear agreement on the time frame for completing the survey.
- The roles and responsibilities among team members are well defined.
- The data-collection team supervisor must ask permission from the local authorities (e.g., village chiefs) before implementing the survey. The supervisor should inform the village head, clarify that data collected will remain confidential and explain the purpose of the survey. How the survey will be conducted, the outcome of the survey and how the results will be used must also be communicated.

- A list of replacement households is selected to avoid potential delays while conducting the survey.
- Enumerators are fully aware of gender dynamics and sensitivities, including power relations among men and women, and how to conduct themselves while in the field. This might include the need to request an interview with women separately from men to avoid situations where women will fear reprisals from their husbands or relatives for being interviewed where social and cultural norms prescribe male dominance.

Surveys that rely on proxy respondents may collect biased data on the status and perception of women's tenure security and on the land documents they hold. Unfortunately, although the most preferable approach is to have parcel-level data and a self-respondent approach, this may not be feasible because of time and resource constraints. Therefore, to enhance accuracy in the responses and related estimates, the following must be considered:

- Respondent self-reporting should be used wherever feasible to minimize biased responses. In cases where this is not feasible, the proxy respondent approach could act as an alternative. Survey documentation should indicate what approach was used and any additional details on how it was implemented.
- The necessary metadata for a given context should be researched. This will feed directly into the questionnaire before going in to the field and should include, at a minimum:
 - A comprehensive list of all tenure types applicable to the context.
 - A comprehensive list of land-tenure-related documents, specifying which ones the government considers legally recognized.
 - Images of the documents considered legally recognized.
 - A context-specific definition of alienation rights.
 - Linkages between survey and administrative data, if applicable.
- Response codes for some questions should be customized. An example of this would include identifying traditional land area units according to the context.
- Gender matches between the enumerators and the respondents should be promoted.

ANNEX 1. MAIN LAWS WITH LAND-RELATED PROVISIONS

The table below outlines the main laws containing land-related provisions that have been enacted in Somalia since 1970s, including their respective gaps.

Law	Main content	Gaps
Law for Social Protection of 1970	It abolishes, and claims for the State, all forms of tribal association, rights and privileges, including rights over land and water.	The reality of customary tenure rights over land, especially in rural areas, is ignored.
Civil Code and Civil Procedure Code of 1972	The Civil Procedure Code regulates the procedure of the courts. The Civil Code regulates the ownership of property, the sale and transfer of immovable property, and the registration and publication of documents relating to rights over immovable property.	The set of complex procedures contained in the Civil Procedure Code prolongs court cases.
Land Law of 1975 (overridden by subsequent legislation, but it helped shape the legal landscape)	It transfers the ownership of all land to the State, attempts to abolish customary ownership in rural areas, makes registration of land compulsory, and imposes the registration of leasehold titles (granted for 50 years) as the only way to claim rights to cultivated agricultural land.	Originally established by the Barre Government to reward loyal clans with leaseholds, it has contributed to fuelling land conflicts. The attempt to abolish customary land is unrealistic and unresponsive to the needs of pastoralists. The requirement that all land be registered is not realistic because of unaffordability, confusion on the correct registration process and the lack of a registrar.
Family Law of 1975	It protects women's equal rights to property, inheritance and divorce, forbids wife-beating, and abolishes the practices of diya payment and polygamy, except in certain circumstances.	This law ceased after the collapse of the former military regime owing to the resistance of Islamic scholars to the inconsistency in some of its provisions about inheritance and divorce.
Urban Land Law of 1980 (amended in 1981)	It shifts the responsibility of land management and registration responsibility to each municipality. It distinguishes between "permanent" and "temporary" land titles, where the permanent title is given to people who build permanent structures, and the temporary title is given to those who build soft structures. It establishes a municipal land department, which should consist of a Land Administration and Technical Committee.	This law is poorly drafted with confusing, ambiguous language Significant gaps exist in provisions relating to the responsibilities of the municipality; however, these are superseded by the 2000 law. Provisions on planning and design are vague and difficult to enforce. Little guidance is given on how the municipality technical committees should work together with the permanent committees of the district councils to oversee the planning of land in practice.

ANNEX 2. MAIN CONSTITUTIONAL RIGHTS, PROVISIONS AND DUTIES PROTECTING WOMEN'S LAND AND PROPERTY RIGHTS

The table below summarizes several constitutional rights and duties according to the Provisional Constitution of the Federal Republic of Somalia that are directly applicable to women's land and property rights.

Constitutional rights	Constitutional provision	Constitutional duties
Article 11: Right to equality and non-discrimination	<p>(1) All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect, shall have equal rights and duties before the law.</p> <p>(2) Discrimination is deemed to occur if the effect of an action impairs or restricts a person's rights, even if the actor did not intend this effect.</p> <p>(3) The State must not discriminate against any person on the basis of age, race, colour, tribe, ethnicity, culture, dialect, gender, birth, disability, religion, political opinion, occupation or wealth.</p> <p>(4) All State programmes, such as laws, or political and administrative actions that are designed to achieve full equality for individuals or groups who are disadvantaged or who have suffered from discrimination in the past, shall be deemed to be not discriminatory.</p>	<p>Combat sex-based discrimination in land allocation and registration.</p> <p>Ensure equal access to justice and treatment before the law for women and men.</p> <p>Prosecute and prevent violations of women's rights to land and property.</p>
Article 26: Right to own, use, enjoy, sell and transfer property	<p>(1) Every person has the right to own, use, enjoy, sell and transfer property.</p> <p>(2) The State may compulsorily acquire property only if doing so is in the public interest. Any person whose property has been acquired in the name of the public interest has the right to just compensation from the State as agreed by the parties or decided by a court.</p>	<p>Protect women's access to equitable land allocation and use.</p> <p>Establish an available and accessible land registration system.</p>
Article 34: Access to courts and legal defence	<p>(1) Every person is entitled to file a legal case before a competent court.</p> <p>(2) Every person has the right to a fair public hearing by an independent and impartial court or tribunal, to be held within a reasonable time, and to determine:</p> <p>(a) Any question of civil rights and obligations;</p>	<p>Establish a judicial system capable of delivering justice to women who are victims of land eviction and land grabbing.</p> <p>Provide free legal representation for the indigent accused to ensure the fairness and integrity of the process.</p>

ANNEX 3. NOTES FOR FACILITATORS

Planning the training course

Training needs and situations can vary. The planning should therefore anticipate variables such as the length and approach of the training course, the experience of the facilitators, the knowledge and skill level of participants regarding women's land and property rights, and the training context.

A good learning process has three distinct steps – preparation, activity and follow-up – even though there may be some overlap between the steps, and sometimes looping back is necessary. The table below summarizes the good-practice components of each step in a learning activity; it stresses that preparation and follow-up are as important as the activity itself.

Good-practice components of a learning activity		
Preparation (before the training course)	Activity (during the training course)	Follow-up (after the training course)
<p>Clarify the purpose of the activity in terms of specific needs (e.g., women's land and property rights, human rights and legal issues to be addressed).</p> <p>Identify the right entry points for addressing women's land and property rights in the Somali region and use them to negotiate.</p> <p>Identify the right target group, agree on the participation criteria and get the right people in the room. This is possibly the most important preparation step of all to enable women's participation and contribution in the training.</p> <p>Establish appropriate learning objectives based on the existing capacity and needs of participating women.</p> <p>Involve participants in some form of preparation activity (e.g., reading, self-assessment, preparing contributions and case studies).</p> <p>Ensure enough time is available for the design of the learning process. Prepare those who will facilitate it and retrieve any necessary materials and resources.</p>	<p>Use the right tools and sequence of steps to create a process that fits the needs of all male and female participants, but be flexible and change if necessary.</p> <p>Take time before starting the substantive steps to clarify the expectations and objectives of both male and female participants.</p> <p>Include experts on gender issues and women's land and property rights to support the process.</p> <p>Have adequate resources to face different scenarios (e.g., no power, virtual private network connection, printers and whiteboards).</p> <p>Facilitate rather than teach, using a mixture of methods as appropriate, and ensure women's voices are heard and considered.</p> <p>Ensure all participants, including women, can contribute their knowledge, experience and ideas to the shared learning process.</p> <p>Create an environment that fosters openness, honesty (especially about failures), inquiry and willingness to share. Separate male and female discussion groups may be needed.</p> <p>Review progress and monitor women's participation in the discussions.</p>	<p>Ensure that follow-up activities are built into the design from the start, especially for monitoring women's participation in the decision-making process.</p> <p>Where possible, ensure that all participants, especially women, return to an environment that enables them to apply what they have learned.</p> <p>Never forget that some of the best learning comes from the challenges and failures that can occur when trying to apply new teachings.</p> <p>Find ways to provide participants, especially women, with active encouragement and support to deal with challenges in a way that leads to deeper learning (e.g., promote the creation or strengthening of women's organizations).</p> <p>Make useful resources and tools available to all participants.</p>
<p>The ingredients for success include:</p> <ul style="list-style-type: none"> • Selecting the right participants (50 per cent of whom should be women) • Involving multiple partners (especially those involved in land administration and governance, land dispute resolution mechanisms, and gender issues) • Ensuring adequate preparation and context-sensitive design 		

- Including male and female participants and facilitators who are:
 - a. Curious about innovative ideas, insights, perspectives and approaches and willing to grapple with complex issues and advance women's land and property rights
 - b. Willing to share knowledge and experiences openly and honestly, listen to each other and value what they hear and follow gender-sensitive and "do-no-harm" approaches
 - c. Willing to learn, apply, adapt, improve and learn again, especially from challenges and failure
 - d. Able to adapt learning materials to specific contexts and needs to facilitate the learning process (e.g., use of visual aids and sign language)
- Providing, where possible, adequate and sustained follow-up support to participants after the training, particularly women and women's organizations

Source: UN-Habitat/GLTN (2016), p. 12.

Assessing training needs

Assessing training needs concerning women's land and property rights in a specific context is an essential step that precedes the planning of an effective training programme. Such an assessment should focus on current and desired skills and knowledge and attitudes of the trainees, and it should use this information to determine whether the training can be effective.

A training-needs assessment must be a flexible process, starting with a broad evaluation that gradually becomes more specific. The process can be resumed in seven steps, some of which can be carried out in parallel:

1. Identify the context-specific root causes of gender inequality in land and property rights
2. Identify key stakeholders
3. Identify the desired capacity to secure women's land and property rights in the specific context
4. Identify the current available capacity for securing women's land and property rights in the specific context
5. Understand how to develop the current existing capacity
6. Understand whether the training can contribute to such capacity development
7. Identify the specific training needs

Who can be a facilitator?

There are generally two key subject competencies required to deliver these discussion sessions or training: (1) an in-depth knowledge of land and property rights and gender issues, and (2) good capacity-development skills. These attributes can be found in one person but are typically found in a team of facilitators (perhaps made up of one male and one female) who complement each other's expertise.

Because the training course should be adapted to local settings, it is preferable to have someone who speaks the local national language and who is familiar with the local and regional contexts. If the facilitator(s) and trainer(s) do not speak the local language, professional interpretation should be provided.

The number of facilitators required may vary, depending on the number of participants. In training workshops, there are likely to be different delivery roles for the organizers, the facilitators and additional resource persons, and clarifying these roles ensures harmony. Advance briefing sessions with facilitators and resource persons are also strongly recommended to ensure maximum benefit from their participation and input.

CAPACITY DEVELOPMENT

Capacity development is the integrated process through which individuals acquire and develop new skills to meet the capacity needs of a specific context. Such skills include both “hard” and “soft” skills – respectively, the technical knowledge and the social capacity to work together with other actors to achieve common objectives. Both kinds of skills are equally essential for dealing with specific challenges in a fruitful and comprehensive manner.

Possessing technical knowledge in a specific field, such as land administration or land governance, does not, by itself, suffice for a trainer or teacher to be able to transmit the knowledge to others and ensure that they develop the same capacity. This has been a drawback of the approaches used for capacity development in the past, proving that traditional approaches to transferring knowledge and “know-how” are not adequate. Therefore, it is pivotal to train individuals, teams and, more broadly, entities that, in addition to having the technical knowledge needed to deal with women’s land and property rights, are also familiar with and can apply efficient learning practices for the context they work in, with particular attention to the local culture, gender norms and religious practices.

The GLTN Capacity Development Strategy is intended to guide the capacity development activities carried out by GLTN Partners and the secretariat. The focus is on removing obstacles constraining the ability of individuals, groups and institutions, including women and women’s organizations, to achieve their development objectives.

Source: UN-Habitat/GLTN (2014), pp. 1–5.

Training method: a participatory approach

Choosing appropriate training methods to achieve the objectives is an important task for the facilitator. The course should be conceived as a participatory learning process in which the facilitator ensures the active participation of all, especially women, using different learning methods:

- Discussion-based learning derives principally from the experiences and knowledge of participants. There are three main types: directed discussion, developmental discussion and problem-solving discussion. Separate women’s and men’s discussion groups should be considered, to increase women’s active participation.
- Experiential learning occurs when a person engages in some activity, looks back at the activity critically, abstracts some useful insight from the analysis and puts the results to work.
- Case-study learning uses real scenarios regarding the challenges faced by women in accessing land and property. Participants are asked to analyse a scenario and provide possible solutions that might increase and protect women’s land and property rights.
- Role playing presents participants with a real or imaginary scenario regarding women’s land and property rights (e.g., challenges arising from women’s lack of tenure security), and they are required to explore it by acting out the roles of those represented in the scenario. The roles of women and men could be inverted to allow men to better understand the challenges faced by women without secure land and property rights.
- Brainstorming is a technique used for finding solutions by stimulating the generation of ideas. A small group of people, with or without conscious knowledge of the issues regarding women’s land and property rights, meets (separating women and men if necessary) and contributes any free-associating suggestion or idea. All suggestions should be encouraged, especially from women, and criticism should not be allowed. Contributors should later be invited to explain their ideas, and all submitted ideas should be assessed.

A participatory approach is fundamental for a successful capacity-development strategy, as it allows all participants, including women, to contribute regardless of knowledge, background or expertise. It also helps link the training

to the local context and women's needs and allows participants to present solutions to the challenges faced by women in accessing and enjoying their land and property rights while keeping them interested and motivated.

Selecting participants

Generally, a minimum of 12 and a maximum of 30 participants is recommended for the training course. The selected participants should have some knowledge or interest in land governance, land administration and land dispute resolution mechanisms, and they should have different background expertise that the facilitators can use as part of the learning process. At least 50 per cent of the participants should be female.

For a positive outcome, it is essential to target the right participants. Participants should, where possible, be selected through a nomination or motivation process to ensure that the best possible group of people is brought together (see annex 4). People who attend the training course and discussion sessions should be highly motivated by both a desire to learn and a mandate to improve their way of working. This stage of the process can also allow for an opportunity to share information for prior reading and preparation.

Pre-training assignment

The pre-training assignment is a vital tool in a participatory learning process. Here, the organizers contact the participants before the course with specific queries or tasks (often to be used during the course). The pre-training assignment encourages participants to prepare for the training, reflect on their roles and input and bring relevant material from their respective organizations.

Pre-training assignments are useful for understanding participant knowledge and experience that could contribute to the success of the process. They are also useful for determining what participants want to learn, how they can best learn and how they will apply the knowledge in their work. Such information can be collected through a pre-training assignment form, which assesses a participant's profile, interests, expectations and expertise (see annex 5). The form can be modified to better suit the training needs.

The completed pre-training assignments must be received by the facilitator before the training, so they can be analysed and incorporated into the course.

Scheduling the course

The planning process will determine the optimum duration of the training programme. The overall duration of the training will depend on the package or module to be delivered, the scope of the training and the availability of the participants. The day of training could begin at 9:00 a.m. and end around 3:30 p.m. The schedule must allow for breaks, lunch and culture-specific needs, such as prayers; it also must ensure women can access their homes and attend to their household chores. The schedule must consider the number of activities and allocate adequate time for each session (presentations, group work, discussions and plenary feedback). It is suggested that working sessions do not continue for more than 90 minutes without a break to avoid exhausting participants, particularly given the technicality, complexity and intensity of the topics.

The opening session should ideally provide an overview of the context and the general objectives of the course. This is an opportunity for the hosts or organizers to get to know the participants and discuss expectations. An

expertise matrix exercise is a good way for participants to share their areas of expertise and possible input (see annex 6).

Facilitating the modules

Each module should open with a few questions or a short icebreaker to engage participants. This can be followed by a short presentation by the facilitator, drawing on the presentation slides available in this training package. Access to electricity and other support materials must be confirmed before the beginning of the training; alternatives should be put in place if required (e.g., the presentation slideshow can be handed out as a printed copy, paper and pencils or pens can be supplied for note-taking).

The facilitator should encourage group discussions and propose exercises based on a case study. The case study can be suggested by the facilitator or can arise from the group discussion. The facilitator should suggest questions that derive from the case study but also relate to the course as a whole.

Following the presentation, individual or group exercises allow participants to translate the theoretical principles from presentations and readings into practical contexts (see annex 7). The participants should be encouraged to bring their own situations into the discussions and reflect on them. The course also includes an action planning session to encourage individual follow-up (see annex 8).

Delivering the presentations

Presentations by the facilitator(s) should be kept short to stimulate participants to think about their own experiences and to offer input for discussion. Time should be made for questions and a general plenary discussion, with the timing and manner of interventions explained above. A presentation has been drafted to support facilitator(s) in preparing for delivering this training. The slides are available for download on the Somalia country page of GLTN website.

Facilitating group work

In most discussions and exercises, there is no right answer but a range of possibilities with different merits. Exercises are best done in small groups; the smaller the group, the more likely it is to involve all participants and generate a wider level of discussion. Often, groups need more time for discussion than is allocated, so it is important to monitor their progress and give them notice when time is up. After each discussion session, each group should be allowed to prepare a short report to be included in the plenary. A summary of these presentations and the discussions should be recorded and copied (e.g., by the supporting resource person) for archival purposes.

Managing debate

While encouraging constructive debate on relevant issues, the facilitator(s) must be able to know when to draw the line when a very strong disagreement about fundamental values arises (e.g., disparate religious or cultural views). The facilitator should flag and praise the disagreement, noting that while debate is important, healthy and welcome, not all debates can be resolved in this course. Most importantly, the facilitator(s) should ensure that every participant (within reason) can make their point, and that everyone's views are treated with respect. Facilitator(s) must allow space for all opinions and conflicting interests, particularly those of minority groups and women, and apply a "do-no-harm" approach to facilitate participants' interactions while limiting or preventing unintended negative outcomes.

Action planning

The training should conclude with a dynamic action planning activity (see annex 8). Action planning allows participants to reflect on and understand how they are going to use and apply their knowledge to promote and protect women's land and property rights and what support they will need to do that effectively. Presenting the different action plans can be a good way to conclude the course. It is also a good idea for both individual and group action plans to be transcribed, so that participants can take a record of the training to their organizations. Reporting all action plans in the concluding plenary sessions can, however, be time-consuming and exhausting, so creative ways of delivering them can be helpful (e.g., using colourful posters).

Evaluation and follow-up

What happens after the training is as important as the training. The follow-up should always be considered from the outset, starting by questioning what participants will do with their new knowledge and skills. Training resources and additional informative material should be made available to all participants. When possible, remote coaching should be provided to anyone facing challenges in applying the knowledge and tools they have learned.

Feedback from participants on the content and process is necessary for improving the training programme. To effect this, an anonymous evaluation could be held at the end of the course (see annex 9). For daily evaluations, a summary of the feedback can be provided by the organizers at the start of the next day. It is important that organizers and facilitators also consider changing some aspects of the course depending on participants' feedback and emerging issues, including gender dynamics and participant attitudes towards the enforcement of women's land and property rights. If the course includes an action planning session, organizers must explain how they intend to follow up on the actions proposed.

Useful references

Useful publications for successfully planning and delivering the training course include Training Needs Assessment and Training Outcome Evaluation in an Urban Context (UN-Habitat, 2012), The GLTN Capacity Development Strategy (UN-Habitat/GLTN, 2014) and Learning for Land Tool Development and Implementation: A Good Practice Guide (UN-Habitat/GLTN, 2016).

ANNEX 4. PARTICIPANT NOMINATION FORM

PARTICIPANT NOMINATION FORM

Advancing Women’s Land and Property Rights in the Somali Region

Date, location (city and country)

Name of the nominating organization

Details of the nominated participant

Name:

Position/organizational role:

Sex:

Nationality:

Country of current residence:

Contacts:

Details of the nominator

Name:

Position/organizational role:

Contacts:

Briefly describe how the nominated participant is actively engaged in ongoing work on land issues.

Briefly describe the nominated participant’s engagement or experience with gender issues.

Briefly describe how you think the nominated participant will benefit from this event.

Briefly describe the nominated participant’s organizational and professional linkages in the land sector.

Date: _____ Signature of nominator: _____

Thank you for completing this nomination. Please return by [date] to [name of person] at [email]

ANNEX 5. PRE-TRAINING ASSIGNMENT

PRE-TRAINING ASSIGNMENT

Advancing women’s land and property rights in the Somali region

Date, location (city and country)

Personal information

Name:

Position/title:

Organization/department:

Years of work experience:

Years of work experience on land issues:

Years of work experience on gender issues:

Level of educational qualification achieved:

Work information

What is the theme or area of your current work?

In your daily work, do you encounter land issues? Please describe briefly.

In your daily work, do you encounter gender issues? Please describe briefly.

Do you have the support of your employer to attend this training course?

In your work, do you conduct research, evaluations or assessments? Please describe briefly.

What are the main challenges or difficulties you face in your work? Please describe briefly.

What are the main successes or achievements so far of your work? Please describe briefly.

Give some thought to your present knowledge, skills and experience and then complete the following self-assessment.

1 = strongly disagree 2 = disagree 3 = agree somewhat 4 = agree 5 = strongly agree

1. I am experienced in developing gender-sensitive land policy.
1 2 3 4 5
2. I understand the need for advancing women's land and property rights.
1 2 3 4 5
3. I understand how cultural norms influence customary and religious land law.
1 2 3 4 5
4. I am skilled and experienced in assisting women through land dispute resolution mechanisms.
1 2 3 4 5

What do you hope to learn from this training? Please describe briefly.

How would you apply this training in your future work? Please describe briefly.

ANNEX 6. EXPERTISE MATRIX

Sample of a professional focus/expertise matrix

The table below shows a matrix that can be used as an icebreaker when introducing participants to each other. The exercise usually takes about 30–40 minutes, depending on the number of participants.

- The facilitator will need a whiteboard and marker, or a large sheet of paper and pen, to prepare the matrix.
- Each participant should be given a few sticky notes.
- The categories in the matrix should be agreed jointly with participants, but a template can already be prepared beforehand by the facilitator to get the process started.
- Each participant should be asked to take a few moments to reflect on where they best fit in, in terms of their experience.
- Participants should then be invited to come up to the whiteboard or the paper sheet, introduce themselves in a couple of sentences and place the sticky note where it belongs in the matrix.
- There may be participants who do not fit into any category or have a resistance to being “boxed in” or stereotyped into one category. In this case, the facilitator should encourage them to put their sticky note anywhere on the whiteboard or paper sheet with whatever description of themselves they like.
- The organizers may wish to place the completed matrix against or on one of the walls in the training room, so that it can be referred to if needed during the course. It can also be typed up and included with a set of profiles of the course participants in the final course report.

	Main field of work				
	Law and human rights	Land administration	Gender	Finance	Other
Academia and Research					
Non-governmental organization or community					
Private sector					
International organization					
Government					
Other					

ANNEX 7. WOMEN'S FOCUS GROUP DISCUSSION

This questionnaire can be used as a template to design and carry out a women's focus group discussion on land conflicts. The session should last two hours and the group should include around 12–15 women, to allow participants the time to complete the form and discuss their experience. Together with the questionnaire, the facilitator should collect background information on the group, including the following:

- Socioeconomic information (e.g., age and education level)
- Livelihood characteristics (e.g., employment status)
- Clan representation

Background information is necessary to better understand the specific needs of women and how their socioeconomic environment influences land conflict dynamics to tailor fit-for-purpose solutions.

Questionnaire sample

1. Provide the following information:
Name:
Age:
Education level:
Employment status:
Clan affiliation:
2. List the main types of land conflict that family members have experienced individually or as a group.
3. For each of the types of land conflict mentioned above, list the following:
 - (a) Main areas affected by the conflict (e.g., sections or areas in Kismayo)
 - (b) Main social groups affected by the conflict
 - (c) Triggers of the conflict
 - (d) Main actors in the conflict
 - (e) When the conflict was last experienced
4. Describe what you perceive as the main impact of land conflict, giving specific examples.
 - (a) How were you impacted (e.g., directly, indirectly, physically, mentally, lost a relative or friend)?
 - (b) Where did it happen and when (e.g., outside or inside your home)?
5. Describe the effects of land conflict on the following:
 - (a) Women
 - (b) Men
6. Describe how you responded or reacted to a specific land conflict situation:
 - (a) Did you change anything in your daily life?
 - (b) Did you contribute at any given time?

7. Explain what you think women can do to prevent or bring an end to land conflict as individuals and as a group.
8. List the roles, if any, women and girls play in triggering land conflict (e.g., promoting, supporting or prolonging violence). Do women ever lead others into violence?
9. Do you personally know any women who have taken part in violence against others related to land conflict? If yes, describe what you know about what happened.
10. Describe what you know of women and girls who are most active in supporting their clansmen in taking part in land conflict.
11. Cite examples of land conflicts that have been reported to the authorities, noting the following:
 - (a) Type of the land conflict
 - (b) To whom the conflict was reported
 - (c) How the conflict was resolved
12. Who do you see as the key people who have the authority to resolve, or should play a role in resolving, the land conflicts that you describe? Why do you think such people have a key role to play?
13. Narrate stories that relate to specific land conflict situations, citing the following:
 - (a) When and where it happened
 - (b) Historical trends of the conflict
 - (c) Triggers of the conflict
 - (d) People involved in the conflict
 - (e) Description of your experience of the conflict
 - (f) The groups of people affected by the conflict
14. List additional comments and recommendations.

ANNEX 8. ACTION PLANNING

Action planning, likely to be held at the end of the training, just before the final evaluation, includes both individual and group work. The session usually takes about two hours, depending on the number of groups.

The objectives of this session are to allow each participant to:

- Reflect on what has been learned during the training course
- Think about future steps and how to act with the new knowledge acquired when returning to the workplace or home
- Interact with peers for possible future collaboration and follow-up

The table below summarizes the session plan.

Time	Session activity
10–20 minutes	A short introduction to action planning (why it is considered important) and the session.
10 minutes	An individual action planning sub-session consisting of participants reading the material that has been handed out during the course and a consideration of how the participant will be able to use the new knowledge and skills gained from the course when returning to the workplace or position in the home. A handout will be provided to each participant to help trigger thoughts on this.
60 minutes	A group action planning sub-session consisting of three steps: Discuss and agree what are 3 obstacles that prevent women from accessing land according to their personal context. Develop a short description (max 2 or 3 paragraphs) explaining what the best strategy is to overcome them and which are the most suitable tools to do it. Indicate which stakeholders have key roles in implementing the strategy.
10min per group + 10min plenary	Report back to the plenary, including on 3 obstacles, short description of strategy and tools, and roles of key stakeholders. Reflect on process.

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ABOUT THIS PUBLICATION

The United Nations Human Settlements Programme (UN-Habitat) and the Global Land Tool Network (GLTN) developed this training guide in response to the increasing demand for knowledge and capacity to secure women's land and property rights in the Somali region. The guide includes five training modules, each of which covers a different topic, including information on the rights of women to land and property, tools, best practices and case studies, as well as information for facilitators and training organizers, and tools for supporting training events. The modules can be used as source material for training workshops or discussion sessions. They can also serve as a toolkit for a dedicated three- or four-day training course. The guide targets a broad group of stakeholders, such as government representatives, community members, women's groups, elders and religious leaders, and other relevant actors interested in advancing women's land and property rights for women's empowerment and for the socio-economic development of communities.

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