



# ENABLING VOICES, DEMANDING RIGHTS

A GUIDE TO GENDER SENSITIVE COMMUNITY ENGAGEMENT IN  
LARGE SCALE LAND BASED INVESTMENT IN AGRICULTURE

COMMUNITY GUIDE, 2017

*Women tilling their land in Kolda Senegal.*  
PHOTO: HOLLY PICKETT/OXFAM

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ENGAGEMENT IN LARGE SCALE LAND BASED  
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**COMMUNITY GUIDE**

2017



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# FOREWORD

**A**gricultural investments can benefit local communities, but evidence suggests that the adverse impacts of Large-Scale Land-Based Investments (LSLBI) in Africa are disproportionately borne by women. Social disadvantages and the presumed subordinated position of women has led to a lack of formal land rights. Women are often excluded from opportunities to participate and voice their interests in the management and proposed allocation of community land to investors.

We must ensure that women are given the opportunity to meaningfully participate in land-based investment processes and allow them to sit at the table during negotiations over compensation and benefit-sharing. In many cases, women lose their rights not only to their land, but also to land-related resources like credit, production technologies and others.

This guide presents a step-by-step information and advice for communities, and can also be used by other stakeholders to ensure that women and their communities are directly involved in decision-making regarding LSLBI that affect them. It was developed

**Apollos Nwafor,**

**OXFAM PAN AFRICA PROGRAMME  
DIRECTOR**



**Sustainable development can only be achieved when both men and women have opportunities to achieve the life they choose.**

through community consultations in Kenya, Senegal, Cameroon and Zambia. It was further pilot-tested in Uganda's Amuru and Hoima districts through the support of Huairou Commission.

Several global processes and instruments provide policy direction and guidance to inform LSLBI in agriculture such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs); Principles for Responsible Agricultural Investments in the Context of Food Security and Nutrition (RAI); and the Guiding Principles on Large-Scale Land-Based Investment. The Guiding Principles

recognise the important roles played by smallholder farmers—a majority of whom are women. The principles advocate for the respect of women's equal rights to own, access, control and use land under different tenure regimes. These commitments are in addition to those made in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), in which women are recognised as equal partners with men at all levels of development.

Yet, a failure to reach common agreement on what 'meaningful engagement of women and their communities' entails has limited efforts to implement change. Oxfam and IISD seek to contribute to the vision of inclusivity and shared prosperity by making agricultural investment work for women, their communities and the African continent at large.

It is our hope that this guide will contribute to ensuring that women are at the heart of decision-making processes for Large-Scale Land Based Investments in Africa. Failing to take gender differences into account leaves women without a voice – and potentially even worse off than prior to an investment.

**Nathalie Bernasconi-Osterwalder,**

**IISD GROUP  
DIRECTOR**

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# ACRONYMS

<b>AU</b>	African Union
<b>CAADP</b>	Comprehensive Africa Agriculture Development Programme
<b>CSO</b>	Civil Society Organisation
<b>FDI</b>	Foreign Direct Investment
<b>FPIC</b>	Free, Prior, Informed Consent
<b>IISD</b>	International Institute for Sustainable Development
<b>LPI</b>	Land Policy Initiative
<b>LSLBI</b>	Large-Scale Land-Based Investment
<b>M&amp;E</b>	Monitoring and Evaluation
<b>FAO</b>	Food and Agriculture Organisation of the United Nations
<b>UNECA</b>	United Nations Economic Commission for Africa
<b>VGGTs</b>	Voluntary Guidelines on the Responsible Governance of Tenure



Lydia, female farmer in Gbarlin co-operative, Liberia. PHOTO: ANDY HALL/OXFAM LIBERIA

# INTRODUCTION

## Understanding the Guide for Communities on Engaging LSLBI

### » About the guide

This guide is part of a toolkit called the Gendered Tool for Meaningful Community Engagement on Large-Scale Land-Based Investments in Agriculture. The Gendered Tool is intended to provide an overview of the key steps in the Large-Scale Land-Based Investment (LSLBI) process, defining what community engagement looks like through the evolution of the process. The guide will be applied on land-based investments in agriculture and mining.

This guide is specifically intended for use by communities, their organisers and their facilitators once they discover a proposed or ongoing LSLBI in their environment. The guide highlights five key entry points which communities can use to influence the LSLBI process through organised and targeted engagement. If communities find all, or some, of these entry points blocked, the possibility of corruption would be high and communities should re-evaluate how to express their dissent or disrupt this process.

This guide is intended to help maximise communities' ability to engage meaningfully in stakeholder dialogues on LSLBI. Genuine invitation to engage from an investor or government makes the process of engagement more transparent and the work of community organisers more straightforward.





## » What this guide is not for

This guide is not intended to demand that women and communities should always participate in LSLBIs. Given that corruption, human rights abuses and corporate greed are very real; and the fact that women, youth and local communities are rarely adequately equipped to take on these large entities and the systemic oppression they can perpetuate, each community should, on their own volition and for the sake of their benefit, evaluate the usefulness of participating in LSLBIs in their areas.

This guide is intended to help women and their communities interrogate the rationale for LSLBI projects and make informed decisions on whether to reject or consent to a project or aspects of a LSLBI in order to meet the best interest of women and their communities.

Women and their communities must be prepared to explore other avenues for recourse in the event that attempts to engage governments and stakeholders prove futile, pose risks to the application of Free, Prior and Informed Consent (FPIC), and or expose them to human rights violations. These situations are beyond the scope of this guide.

This guide may however help women and communities to determine how open a process is towards their community engagement. Smaller wins (milestones) are noted as “target objectives” and are given for each stage of the process to help women and communities to determine the steps that they are making towards their larger goals.

## » Who this guide is for

This guide is for women, their communities and their allies who are working as community facilitators to ensure effective engagement of women and communities with LSLBIs. Allies and facilitators may be CSOs and human rights activists.

Women represent the largest sector of subsistence farmers. They often have access to land to work on, but rarely have decision-making rights over the land, what is produced on that land, or the profits made from their produce. The guide recognises women’s rights to participate equally alongside men in their communities and seeks to strengthen the quality of their participation in decision making on LSLBI.

Therefore, this guide is for all women and communities, whether they are engaging in LSLBI for the first time, or have experience

in LSLBI projects. It is designed to provide a quick orientation to each step of the LSLBI and how women and their communities can contribute their knowledge, experience and community connections to provide input in the planning of investments with local people in mind.

It will prove useful to community facilitators, as they play an important role in navigating the power dynamics that may be encountered in the course of a LSLBI process. Power dynamics may exist between women and men within communities, between communities and their leaders, or between a community and an investor or the government. This guide will come handy in assisting facilitators to take all these dynamics into account for effective inclusion of women in LSLBI discussions.

## » When to use this guide

Ideally, women and communities ought to have access to this guide before their encounter with LSLBIs or the scoping stage, so that communities can adequately prepare for their engagement with investors. In reality however, women and communities are likely to find this guide at any point in

the LSLBI process. This guide is designed to help orient communities on LSLBI processes stage-by-stage; to provide clear points for review or consideration; and to identify and call for redress of any omission of women’s or community rights in the activities and contracts of the LSLBI.

## » How to use this guide

There is no defined single way or entry point for engaging with LSLBI. Successful engagement of women and communities with the LSLBI processes requires multiple strategies that may not necessarily be similar across regions or countries. Women and communities therefore need to tailor their engagement strategies in line with the country and investment context, that includes the legal, social and political aspects of LSLBI.

The guide is divided into five sections - or stages of LSLBI. The stages may vary slightly from one investor and country to another. This guide uses the five general stages based on activities being undertaken in LSLBI:

- 1) When an investor expresses interest in investing in (or near) your community;
- 2) When the project planning stage begins;
- 3) Negotiating the terms of the LSLBI;
- 4) Monitoring and evaluating the process during the investment
- 5) Project evaluation when the investor's contract is coming to an end –whether exiting or seeking renewal.

For each of these stages, the guide provides:

- An overview of what meaningful community engagement should look like
- What actions and preparation are required by women and communities



PHOTO: JOHN FERGUSON/OXFAM

- What demands women and communities can make
- Common pitfalls to watch out for in LSLBI processes
- The kinds of small wins/milestones that are markers of future success for women and their communities
- Entry points for engagement to prioritise which parts of the process are critical for women and communities

Examples and lessons from communities in Cameroon, Kenya, Senegal and Zambia. These communities were selected for community consultations as they are among communities affected by LSLBI. Hence, information gathered from these countries was critical for the development of the tool. Communities are encouraged to use this guide in accordance with their needs.

Having this guide before an investor's visit to a community offers the advantage of starting engagement from the initial stage. In such cases, all five sections of the guide would be relevant.

However, in (the very common) cases where women and communities are not included from the initial stages of LSLBI, thorough reading of the whole guide would still be ideal to understand the different proposed strategies of engagement, it is advisable to determine the stage of the LSLBI a community is exposed to, and skip to the relevant section in the guide.

The guide uses symbols to describe actions to be taken by women and communities in their engagement. The symbols used in each section are designed to help readers to quickly and easily navigate the text. These same symbols can also be used during planning sessions.



# SYMBOL OF TYPE OF ACTION

## Symbol/action description



### COMMUNITY ENGAGEMENT

This symbol indicates what community engagement should look like in the process.



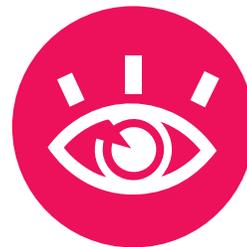
### WORK TO BE DONE

Communities should organise and prepare to contribute inputs to LSLBI in every stage of the process. This symbol is an indication of the kind of work that communities should seek to empower them with information that will enable them make evidence-based demands and to contribute as equal stakeholders.



### WHAT TO DEMAND

Communities need to be prepared to make relevant demands for LSLBIs to be beneficial. Often, communities are never sure of what to ask for or what relevant demands to make at a particular stage of the process. This symbol is used to guide communities to assess their needs and priorities.



### WHAT TO LOOK OUT FOR

Caution! LSLBIs can be riddled with traps, politics and other challenges. This symbol is a warning to look out for these pitfalls.



### TARGET OBJECTIVE

What does a positive outcome look like at this stage? This is a pointer to users of the guide to take note of what ideally should be happening at this stage. Notes in this section will help in determining whether the LSLBI process is headed in the right direction.



A lady harvesting produce from her farm. PHOTO: ANDY HALL/OXFAM

# KEY TERMS

**Community/Community members:** The word 'community' is used loosely in this guide to refer to the people who will potentially be impacted by investment. In truth, there are probably several geographic communities embedded in this larger community in the affected area. Additionally, within each community, there are probably several different communities, including religious sects, pastoralists, farmers, the elite, ethnic groups, etc.

**Compensation:** Compensation is used in this document to refer to those benefits that should be transferred to a community in exchange for access to land or land-based resources. Compensation should allow women and community members to be equal or better off in terms of their quality of life during and after the implementation of the LSLBI. Unfortunately, investors usually offer compensation as a token (usually small amounts of money or farm inputs), which does not replace the land and other opportunities which communities may lose because of the LSLBI.

**Engagement:** Engagement refers to

the multiple ways in which one can be involved in a process through becoming more aware, participating, influencing and/or decision making. Engagement involves many actions which can change depending on circumstances. Therefore, this document describes what community engagement can look like for each stage of the LSLBI process.

**Entry point:** This refers to critical opportunities to engage, either because they are of particular consequences to the affected communities, or because the planning and development processes generally require some level of community consent. The entry points become key processes to be familiar with and organise around.

**Investor:** Generally, this means anyone or any entity representing the investor or investment. It may be a private company, a group of people with business interest, government or a partnership between government and a private company.



# STAGE 1

## When an investor begins discussions about acquiring land in (or near) your community

Communities should first hear about an investor's intention to invest in their area during the early stages when the investor begins discussions about acquiring land or investing in the area (the scoping stage). This is neither the rule nor norm, but is certainly the ideal scenario. On hearing about investors and their plans for development during their scoping stage, communities have more chances to intervene and hopefully influence the process. This section outlines the dimensions for community engagement during investors' scoping stage or Stage 1.

## COMMUNITY ENAGEMENT IN STAGE 1 DEFINED



Women and communities should be informed of an investor's intention to start a project in a particular area and be able to access all relevant information. Initial conversations should be held by government or the investor to identify key focal points from each stakeholder group (government - local and or national - investor, women, pastoralists, youth, elders, etc.) and develop a plan for regular meetings and



rules of engagement. Community representatives should be backed and supported by the community for whom they will be acting for. If there is no scheduling of meetings, communities should approach other stakeholders such as responsible government departments or the investor about creating opportunities for inclusive engagement. Countries that have formal rules of community engagement can refer to the existing guidelines and seal any gaps



## WORK TO BE DONE IN STAGE 1



The community should organise itself to nominate a group of women, men, youth and traditional leaders who are able and willing to learn how to serve together as the community focal point(s)<sup>1</sup>. The nomination processes must be participatory and transparent. The community should avoid nominating a single person as the focal point.

Consideration should be given to gender-parity or quotas, specifying the ratio of women to men segregated by age in any group. This will help in ensuring that women and youth are represented. There should be discussion on whether it is better to have new leaders occupy these roles or if established leaders will be better placed to facilitate community inputs and updates. Communities should also agree on the rules of community engagement and bare minimum or effective and gender inclusive



engagements.

The community focal point(s) representing women should establish a women's caucus to meet with women in the community, keep them informed and consolidate their inputs into the process.

The community focal point(s) should also consider bringing in community-based organisations to the local area to create and host an issue-based coalition of organisations or a facilitating NGO with the capacity to support ongoing communication needs and to organise community meetings. Efforts should be made to establish roles that are functional or related to delegated tasks, rather than formal/hierarchal roles like "chair", "vice chair" or "officer," which can create infighting and deepen power divisions.

The community should host a local-to-local dialogue with relevant local authorities and find out if public meetings are being held and whether information has been disseminated. Communities also need to request officials to present relevant information they »



<sup>1</sup> Community focal point persons are a group of individuals who have been appointed by the community to lead the engagement of the larger community with investors, governments and other stakeholders.



## WORK TO BE DONE



» have on the investor, scope of the investment, rationale of the investment and scenarios that are being developed because the community has a right to be informed. The local-to-local dialogue should bring together all members of the community, to whom the newly-established community focal points and emerging issue-based coalition should be presented so that they understand that the community is organised, structured and ready to work together. Further, the community should collectively establish basic agreements and principles for the process and product of the LSLBI. Meetings should be documented, detailing attendance list, agenda, notes, pictures, recordings, videos, etc, obtaining consent from participants where appropriate and necessary, especially with regard to recordings, videos and pictures.

There should be a follow-up community dialogue and debrief with the community focal points and broader community members



or representatives from the coalition to decide if the community will consent to engage in the LSLBI process. The community can opt not to give its consent or ask for information before authorizing the proposed or ongoing action. The community's consent is usually required for development projects to get approvals before they commence and this is a right.



Other actions in this stage include seeking publically held information and disseminating it to other members of the community, and establishing regular meetings for updates and consolidation of information.



Also important in this stage is the carrying out power mapping to identify other stakeholders and their interests. This will help in developing strategies to engage and influence each actor to support the community's needs and priorities. This can be done by the focal points and shared with the community. Community members must be encouraged to share any information that they may have in relation to the project.



## DEMANDS TO MAKE IN STAGE 1



Government officials are elected or appointed to represent every member of the community. As such pressure should be put on relevant government actors to establish focal points for communities to liaise with the administration. Contact information of these government officials should be added to the power maps and communication lines kept open...



Communities should demand protocol that all stakeholders are familiar with, insist on dissemination of information, scheduling meetings and making decisions. Asserting the right to be informed should not be negotiable because it is a right.



Further, should demand that regular meetings be held in locations that are accessible (close and/or affordable) to reach, as well as that the notice of intended meeting be shared in good time and to wide audience.



## DEMANDS TO MAKE

Attempts by governments to select groups or individuals as representatives without the backing or blessings of communities should be resisted. Communities should also ask government officials to start sourcing funds to support community



involvement in the LSLBI process, including for community meetings, community mapping, household enumeration and to support ongoing community participation.



## WHAT TO LOOK OUT FOR IN STAGE 1



Community members should be prepared for resistance from governments and/or investigators to community involvement at this stage. Any argument that it is too early for communities to be involved should be resisted. Everyone has a right to know what is happening in their community and to be a part of decision making and planning processes.

Pitfalls to watch out for at this stage include coercion of community members. Instilling fear or perpetration of violence may be used in an attempt to silence the community. Community groups or community leaders can be selectively chosen to manipulate the process. To guard against this, it is important for the broader community to support community-backed focal points and regularly remind these community focal points that they represent and are responsible to the entire community. Democratic community structures need to be strengthened to ensure accountability at all levels and minimise the elite. There is strength in unity and any plans to divide the community should be resisted.

Another thing to watch out for is the suppression of women, e.g. by not informing women or inviting them to meetings. Even



when they are not land owners, women often have other land rights, such as access and as small producers, water collectors and residents. Communities also need to watch out for rhetoric, such as stereotypical claims that women are not qualified to represent communities in negotiations. Women leaders should be supported to capture what is said at meetings and to discuss with other women what implications this will have on women if the investment goes through.



In addition, there is need to watch out for sudden changes to land use policies by local or national governments, as this could be a sign that there is lack of transparency and some agreements may have already been made with the investor to allocate land. Such changes should be considered a red flag. In the event this happens, there should be dissent or disruption of the process through collective action.



If the region where a community is situated is zoned for large-scale investments, the impact of these large projects in the long run should be assessed. Such zoning could be indicative that more investors will descend on the area.



If an investor is seeking access to a natural resource that the community depends on, such as a river, reference should be made to entry point 3: Environmental Impact Assessment and





## WHAT TO LOOK OUT FOR



» Right to Natural Resources (p.16) —privatising natural resources is potentially disastrous to communities and environments. Close attention must be paid to guard against this.

If the investor has already acquired the location and has formal agreement or title deed, then co-deciding or influencing where the project takes



place may not be possible. In such cases, communities should investigate how the investor navigated the process and if they adhered to all rules and stipulations of legally acquiring the land. If any rules or laws were broken, the community will have grounds for invoking their right to land and should aggressively pursue that option.



## TARGET OBJECTIVES IN STAGE 1



No decision to allocate land to an investor or other third parties should be made without first informing the people who will be impacted and securing their free and informed prior consent. The community must be given the opportunity to consent to or

reject the LSLBI



### Stage 1 Targets

- Communities are informed that an investor is in the process of evaluating a potential LSLBI.



- Community focal points are established. Likewise, focal points of all other stakeholders are established by the community.
- Communication channel is co-decided between the government, investor and community members. At the community level, a “phone tree” is established to share the burden or cost associated with calling.
- Women’s focal point organises a women’s caucus that is able to give input and receive updates on the process.



## ENTRY POINT 1: THE LOCATION OF INVESTMENT

Location is crucial for both investors and those who are currently using the land. Location will also impact who will be considered directly or indirectly impacted by the project and therefore, be considered a beneficiary of any benefits accrued.

Location also has huge impacts on the way community members experience an investment. For these reasons, it is the first entry point that is examined.

Those who are selected or elected to represent

the community should approach governmental stakeholders and investors about co-deciding the location of the investment. Communities should ask if the location of the investment has already been decided. If that is the case, reference should

be made to FPIC to determine if informed consent of the community was ignored, in which case, the LSLBI investor would have violated this standard. That may be grounds to challenge the acquisition of land. Since legal redress is beyond the scope of this guide, the community should skip to the next entry point for engagement.

If the location has not been decided or if there is uncertainty over the matter, local officials should

be consulted to find out if the community is part of a larger region zoned for investment so that there is an understanding of how regional or national plans stand to affect the community locally. But if it is proven that the location has not been decided, there will be room to influence where the investment should be located.

The location will be especially controversial if it displaces people. Communities should consider

meeting (with whom?) to discuss different options for accommodating the development, that could avoid or minimise displacement of people. In describing each option, it is important to be clear and specific about who will be impacted on and how (land, livelihood, access to natural resources, jobs, etc.), and how the community can participate in the relocation of the LSBLI.

## DEFENDING LAND AND DEFINING PROJECT LOCATION: » Lessons from Ndola, Zambia



PHOTO: VINCENT/OXFAM

In the absence of an acting chief, an investor in the extractive industry directly approached community members about acquiring land in and around their villages in Ndola in the Copperbelt Province of Zambia. The community members brought to the investor's attention that the land they had intended to acquire was ancestral burial land and had graves. The investor was unaware that the community buried their dead on the land and agreed to modify the boundaries to avoid desecrating the tombs.

Unfortunately, the community had less understanding of how the location of the development would impact their daily lives once it was underway. There is now blasting which shakes people's homes and has significantly changed the water table, affecting the quality of drinking water in the boreholes built by the investor in exchange for privatising the river. One woman said during a community meeting that, "We know the water is poisoned but there is no time to treat the water. We have so much to do since now everything is so far. Maybe when we die, people will take notice and realise there was a problem here."



## Lessons learned

In Ndola, they were able to save their land that had significant cultural and spiritual value, but their quality of life deteriorated as a result of some of the concessions they made. Here are some of the things we can learn from Ndola:

- Assert your rights. It's not a guarantee, but it's a start.
- You need to make a case for why a location is ideal or not — use evidence. The community was able to show the land was used as burial ground.
- Consider how the future land use could affect rights holders — will you be able to

continue life as usual given the proposed plan for development?

- Resource persons, including planners, environmental institutions, and other communities who have faced similar types of investments, may be helpful to think through the potential consequences and opportunities.
- The activities of investors should provide the same or better access to resources that communities depend on. This is challenging but it should still be a requirement.

- Gathering water is often the responsibility of women and girls. It is important that conversations about privatising water, sinking boreholes and other water-related matters should involve women, particularly in terms of their location and the implications that they have on their daily water collection.
- Stakeholder monitoring and evaluation is important for community members to report whether commitments are being fulfilled and to what extent.

## Questions for reflection

- The location of the project has significant impact on the day-to-day lives of community members. What other ways can the people be potentially affected by the investment coming to your area? What should be the nature of compensation to leave you and your community in an equal or better situation? What cannot be replaced?
- What sort of evidence is needed to make your case that one location is better or worse than another? How will you gather it and who will be involved to ensure it is considered legitimate? How and when will you use it?



## STAGE 2

### When project planning begins

Project planning begins once the investor has done some initial scoping and feels there are strong reasons to make an investment in an area. This is a critical stage for defining the stakeholders, scope of the project, deciding on the rules of engagement, and estimating project impacts and sharing of benefits. It is critical at this stage and all other stages that women be included as community stakeholders who have specific land, water and natural resource-based interests and rights that may be affected by LSLBI.





## COMMUNITY ENAGEMENT IN STAGE 2 DEFINED



Community focal points should be invited to project planning meetings and given time to present feedback and priorities.



Key messages and takeaways should then be disseminated to the broader community after each meeting.



## WORK TO BE DONE IN STAGE 2



Community focal points should attend planning meetings as stakeholders.

Community focal points and a community coalition should host regular community dialogues and debriefings to report outcomes, get input and continue to convey community concerns, needs, feedback and priorities.



At this stage, the community should find out:

- i. What the investor intends to do with the land,
- ii. The boundaries that are being considered
- iii. The defined duration of the project – long or short-term,
- iv. The proposed model of investment and what alternatives can be considered
- v. How the community is likely to be affected – land, livelihoods, displacement, and environmental impact. This also entails the costs and benefits to the community - are the costs and benefits shared equitably among



different women and men in the community? Every member of the community has a right to know all of this.



The community should propose to local and national officials to carry out community resource mapping and enumeration to identify people and resources to be affected by the investment (water points, clinics, burial grounds, schools, grazing land, etc.) This information will empower the community and legitimatise their engagement as contributing stakeholders and rights holders. Having documented rights to land is important, though this should not be considered as the absolute requirement for compensation. It is important to bear in mind that a majority of women in many African countries and beyond do not have documented rights to land. In the absence of a documented land rights through titling, community resource mapping and enumeration should be seriously considered in order to document the different rights people currently enjoy.



Women should hold women's caucuses to inform the design of the LSLBI community resource mapping and enumeration, as well



## WORK TO BE DONE

as scenario planning<sup>2</sup> to ensure that the situation of women is adequately and fairly addressed. For example, instead of just asking, “who owns the land?,” this question can be further broken down to “which members of the household access, use, make decisions from, and benefit from the land, land-based resources and livelihoods?”. This will better highlight what rights to land women have and this information can be used to inform predictions on how the proposed investment stands to impact women’s land rights. Women should lead in the collection of their own data and should make the majority of data collectors for the LSLBI community resource mapping and enumeration.



Community dialogues and debriefs should be hosted regularly and the information generated from LSLBI community resource mapping and enumeration used to inform scenario planning. Communities should also develop an optimal, workable and last-

resort option to present to investors so that their views are well understood. Women land rights should be considered in this option.



All stakeholders should collectively establish a timeline and agree on key dates when critical information must be shared or decisions made. The planning process must take into account the results of the community resource mapping and enumeration before valuation of the land is done and before boundaries are finalised.



All meetings should be documented –attendance list, agenda, notes, pictures, recordings, video, etc. Importantly, the community should identify the person(s) charged with keeping the copies of this information so that it is accessible to the community as needed.



## DEMANDS TO MAKE IN STAGE 2



The community should demand transparent and timely information about the process. Members of the community should not be afraid to inform other stakeholders if the process becomes too difficult to understand and therefore does not allow them to participate fully. Documentation during meetings can support the community or individual members’ claims.



The community should demand an Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) for the investment on the ecology as well as the lives and livelihoods of people in the area and those neighbouring the development.



They should also demand that processes look at how women access, use and benefit from land and land-based resources and livelihoods differently from men.



The community should demand that all relevant documents ➔

<sup>2</sup> Scenario planning is a process to ascertain and analyse possible events that can take place in the future, possible outcomes and mitigations where need be



## DEMANDS TO MAKE

» EIA and SIA reports, agreements or memoranda, LSLBI project documents etc - are made available before any discussion of the LSLBI starts.



They should also demand that the EIA and SIA reports be made available to the community; and where possible, with the help of facilitating NGOs and community organisation, that the EIA and SIA be simplified



## WHAT TO LOOK OUT FOR IN STAGE 2



Members of the community should check in with their community focal points and look back within the community coalition to find additional support for new and emerging roles. They should continue to affirm that anyone selected to represent the community be selected on the basis of their ability to advocate for the entire community (or constituencies such as women, youth or traditional leaders). Focal points should under no circumstance represent their personal interests.

Communities and focal points should be wary of governments that withhold information at this stage, because they may be trying to avoid raising concerns or because participation can be perceived as “costly” and “slow.”

Communities should also ensure that government agencies do not hold meetings and make key decisions with investors in the absence of community focal points.

They should ensure that the social and environmental impacts are specific to women and men. The strategy to mitigate the impacts should therefore be specific to women and men as well.

Communities should also guard against possible plans to



engage them in “cosmetic” participation of women and the community in general, just to comply with the requirements of participation. Any participation must be meaningful, and this can only be achieved by ensuring that communities are privy to all relevant documents - EIA, memoranda or agreements, LSLBI project documents and other relevant document. - and be able to provide feedback, inputs and participate in decision-making, all which are integral to meaningful participation.



There is need to carefully look at the final EIA report, ensuring that it addresses women and community concerns and incorporates their feedback, and if it does not, properly account for how communities will maintain access to natural resources and include provisions to realistically mitigate harm to the ecosystem.

At this stage, communities should also ensure that the final report addresses women and community concerns and take care that the EIA does not become the basis for eviction with the justification that communities are in a vulnerable area.

Some will argue that the EIA is undertaken by “specialist,” “scientist”, and other technical professionals—and therefore is factual. However it is important to remember that the EIA is still



## WHAT TO LOOK OUT FOR

subject to politics and corruption. Processes in which community focal points are invited to participate in but are instead just handed information or instructions, not allowed to speak or their suggestions are ignored, should raise a red flag.



It is important to understand how communities adjacent to the LSLBI will be affected. Such communities will need to be engaged if they have not, since there is a high chance that the project may affect them directly or indirectly.



## TARGET OBJECTIVES IN STAGE 2



Women and community are able to define who has access, use and benefits from the land through community mapping. Women will also be aware of important community resources and assets.



Communities and women can develop scenarios to be negotiated. Communities should therefore clearly identify desirable and undesirable outcomes from the proposed LSLBI process.



Communities are able to identify specific points at which their input to critical decisions will be required during the LSLBI process along an agreed upon time table.



Communities should also participate in the shaping of the EIA and validate its results.



Women and the community should participate in developing mitigation strategies that take into account the different impacts of the project to women and men.



## ENTRY POINT 2: COMMUNITY CONSENT

Women and their communities should give or withhold their consent for investment projects depending on their experienced impacts, but it is not always clear what the process of free consent entails. In spite of these challenges, communities should present their concerns and give their consent through community focal points who genuinely represent the community. The process of getting community consent should not be rushed and must ensure

inclusivity, and disclosure of all material facts on the LSLBI project.

Keen consideration should be made to ensure that women and community members are conversant with relevant documents such as the EIA, memoranda or agreements between the investor and government or between the investor and the community, proposed LSLBI project documents etc.



## CORRUPTING COMMUNITY CONSENT: » Lessons from Ndola, Zambia

Ndola is located in Zambia's Copperbelt Province, an area rich in subterranean natural resources. One community reported that they were currently hosting eight investors whose primary business is the extraction of concrete, cement, limestone, crushed stone and manufacturing electrical cables. Two of the original companies whose presence in the community dated over two decades had co-existed with the community in ways the community found ranging from tolerable to advantageous, after offering employment to a number of men from the community.

However, the death of the area chief resulted in a vacuum in leadership as the man to inherit the throne was based in another country and was not sure of coming back to take over the position. Several companies used this vacuum to gain entry into the community and began dealing with community members directly. They encouraged the community to establish their own committee structure to negotiate with

the company. The people recounted that through negotiations, the community was promised compensation of roughly 200 USD per household and agricultural inputs.

During these negotiations, the incumbent chief began taking an increased interest in the investors. He resettled in the village and soon began to legally assert that the surface rights held by community members could not be bypassed by companies to access the mineral rights below the surface without the community's consent. He however went on to assert that he was mandated to give or withhold community consent to land since traditionally, land governance at the local level is administered by local chiefs. The chief saw himself as the representative of the community. He began holding negotiations on behalf of the community privately. The community members however wanted to directly represent their interests. The community complained that they had no knowledge of the progress of the negotiations.



PHOTO: COURTESY OXFAM

## **CORRUPTING COMMUNITY CONSENT: » Lessons from Mumbwa, Zambia**

An agricultural investor sought consent to acquire a large tract of land for agricultural development from the chief of the area. When the chief declined, the investor sought the intervention of the senior chief, who was superior to the local chief. The senior chief gave his consent despite the local chief's disapproval. The project proceeded with the senior chief's consent representing the "community consent". A community meeting was held and members informed that the project would go on. They were also informed of the scope of the project. Several years into the investment, members of the surrounding communities realised they were working in slavery conditions on the investor's land or as sharecroppers through grower schemes that left them deep in debt and without sufficient food to feed their families.

## **CORRUPTING COMMUNITY CONSENT: » Lessons from St. Louis, Senegal**

The local committee directly represented the communities in LSLBI negotiations. The local committee had historically been comprised of different segments of society, including farmers, women, youth and pastoralists, and represented their stakeholders' issues and positions on development discussions pertaining to the area. However, over time, the local committee became closely associated with the ruling political structure and was hardly representative. The committee neither communicated with the broader community on the progress of the development, nor was it able to represent specific stakeholder interests that were not in line with the politics of

the party in power.

It also became common for men in the committee to organise the community input sessions in religious spaces, where women were not allowed, thus denying them the opportunity to give their input and advise on the process. As a result of their exclusion from the process, women felt the development that came as a result of the investor was never intended for them and in fact, left them and their community worse off. They also pointed out the lack of job opportunities for women, and that overwhelmingly, men were hired for many of the jobs that were created by the development.

## **Lessons learned**

- Community Consent is an opportunity for communities to influence the investment project but it is often co-opted by other stakeholders.
- Communities must try to maintain and secure space for stakeholders to individually voice their concerns. It

should be remembered that communities are made up of smaller communities which are in turn made of individuals, all of which have different and dynamic interests, many of are competing. Maintaining ongoing space to internally discuss and debate is critical to

consolidating consensus.

- No one person should be allowed to represent a community. The impact on communities generally extends beyond the mandate of any one actor.
- Direct representation is important even though communities may need support »



## Lessons learned

- » in understanding certain aspects of the investment and related processes.
- In many places, women are not considered as “owners” of land and therefore, are not considered stakeholders. It is important to name women as a stakeholder group and rights holders in order to create space for inputs from women who are able to facilitate and represent women’s interests. Communities can try broadening the definition of stakeholders from owners to users (those who work on or depend on the land or land-based resources).
- Men and local officials should consider the tactics of exclusion used against them by the investor and see to it that they do not use these same tactics against women and other residents.

## Questions for reflection

- Who represents the community? Do you have existing structures that you can rely on? If not, who can be considered? Do you trust them to represent everyone’s interest? Will women, pastoralists, indigenous groups, youth, famers, fishers and small businesses be represented directly or indirectly?
- How can your community open up opportunities for more groups, especially women’s groups, to be directly represented in the process?
- How can women be supported to speak in spaces where they may not be used to speaking?
- How do you avoid tokenism or co-opting of leaders who are not responsive and accountable to their constituencies?

### ENTRY POINT 3: ENVIRONMENTAL IMPACT ASSESSMENT AND RIGHTS TO NATURAL RESOURCES

An Environmental Impact Assessment (EIA) is generally a minimal requirement for a company to proceed with development in an area, especially if it is inconsistent with current land uses. The assessment, if done through participation and correctly, should look at both positive and negative potential social and environmental impacts on the ecosystem. The EIA should be accompanied by a plan to mitigate and offset the negative social and environment impacts. Where communities have to be relocated, an impact mitigation plan should provide for an equal or better location for residents. Any relocation must have due consent from women and communities, while ensuring that any compensation is just, prompt and takes cognizance of the needs of women and men in the community. In accordance with FPIC, relocation should be a last resort, agreed and approved before the commencement of the LSLBI project. Additionally, the compensation outlined in the resettlement plan must address how women and the community in general will be facilitated to have sustainable livelihoods.

## COMMUNITY CONTRIBUTIONS TO ENVIRONMENTAL IMPACT ASSESSMENT:

### » Lessons from Garsen, Kenya



Amina, a farmer showing off her maize plantation in Tana River, Kenya. PHOTO: VICTOR NYAMBOK/OXFAM

Garsen is located in Kenya's Tana River delta, an extremely unique and rich ecosystem of waterways that feed diverse plant and animal life, which in turn feed both communities of settled farmers and pastoralists alike. The communities living there developed different strategies to manage seasonally available resources, even though there is abundance all year round. When an investor expressed interest to acquire land in the area an EIA was conducted. The proposed land uses included large-scale agriculture that was water-intensive. The proposal also entailed the alteration of water flow in the delta, essentially creating a closed loop system.

The community was invited by a consultant to participate in the assessment, and local indigenous experts on the local ecosystem collectively gave their feedback, concerns and nuanced understanding of the ecosystem from their experiences. Their feedback provided suggestions for the type of consideration the EIA needed to include and strongly demonstrated that altering the water ways would cause damage to the ecosystem and biodiversity that could not properly be accounted for. However, when the final report was produced, the EIA omitted many of the community's contributions and concerns and instead, only contained information that supported the implementation of the project

## Lessons learned

- Nowadays, developments must carry out EIA as a condition for the approval of a project. This is an opportunity for women and their communities to contribute information on expected impacts of the project and to advise technical experts compiling the report.
- Even though they may not be technical experts, women and communities usually have significant local level knowledge and specific understanding of seasonal changes that can inform an EIA.
- Be aware of participation that does not result in real change in favour of women and communities.



## STAGE 3

### Negotiating the terms of the investment

The stage for negotiating the terms of consent is set to determine if the community is agreeable to the investment or not. During Stage 3, the specific outcomes, benefits and beneficiaries of the agreements will be finalised and agreed upon. Benefits must be defined in such a manner that the interests of both women and men are taken into account. The negotiations for benefits must consider the critical role that women play in food production. The lack of documentation by women must not be used to deny them benefits from such investments. However, if the terms are not favourable, the community may

decide to withhold its consent for the project. The community will need to develop strategies to dissent from the process. This section focuses on how to get the most out of negotiations around community benefits. The foundation of Stage 3 is largely laid in Stage 2, when the project is being defined. Failure to participate in Stage 2 will make the fight even harder, as many decisions would probably have already been made in the previous stage. However, regardless of the stage, communities still have a chance to define and redefine their engagements with investors.

## COMMUNITY ENGAGEMENT IN STAGE 3



The community should secure support of an experienced negotiator to help in consolidating their diverse views, and ensure that the community is able to benefit from the LSLBI. This could be done jointly with facilitating NGOs or community organisations to determine the qualities to look for in an ideal negotiator.



The negotiator should not lead the process, but rather, serve to

consolidate the community's agreed issues.

Women and their communities must remain at the helm of negotiation engagements at all times.

The negotiator and community representatives work closely to secure the best possible terms for the community.

Interpreters with adequate skills and experience will be required to ensure that information is accurately and fully conveyed to all parties, especially where multiple languages are involved.



## WORK TO BE DONE IN STAGE 3



Community focal points should attend multi-stakeholder meetings and meet regularly with the negotiator. All meetings must be documented with correct dates for ease of referencing.



Community focal points and the community in general should host regular community dialogues and debriefings to report outcomes, get input and continue conveying the concerns, needs, feedback and priorities of the community. Participation of women must be deliberate in the community dialogue and debriefing meetings.

Women should continue to hold women's caucuses to consolidate their input to the community's position.

Refine community scenarios based on the evolution of the

negotiations. Specifically, use the valuation of losses the community stands to incur as a result of the LSLBI project and refine what compensation would be necessary.

Define how the community can gain with the addition of needed development or through job creation, infrastructural improvements or the addition of basic services.

Carefully analyse compensation proposals. Will they benefit everyone who is negatively affected by the project? Are the benefits more compared to the losses to be incurred? Are the benefits focused on the long or short term? What is lost that can't be replaced or compensated? Ensure that compensation proposals include aspects that will benefit women, men, youth, the elderly, pastoralists, as well as indigenous and other communities equitably.





## DEMANDS TO MAKE IN STAGE 3



Assert the right to have the community's representatives present and to participate during the negotiations.



Ask questions. If something seems unclear or odd, it should not be assumed to be the community's or its representatives' fault or



lack of understanding. Seek clarification in such cases.

If a stakeholder focal point or negotiator is assigned, demand transparent, timely information about the process. Their role is to facilitate all the stakeholders and to reconcile all needs into a workable arrangement that leaves everyone relatively better off. It is important to push so that the community's needs and priorities are advanced and defended by the negotiator at all times.



Assert the right to give or withhold consent.



Assert the right to be compensated for land, livelihoods or other resources, whose access, use or benefits are lost as a result of the LSLBI.



Assert the right to development (as defined by the community) and employment throughout the LSLBI process.



Reject compensation proposals that target male heads of household or that will benefit women only on the basis that the compensation will "trickle-down" from men to other members of the household.



Demand that communities be a part of regular monitoring and evaluation and contribute through local level community data collection that reflects the impact on the community. Demand that women have an active and equal role in M&E processes.



## WHAT TO LOOK OUT FOR IN STAGE 3



Watch for divisive community dynamics (tactics to divide communities). Use regular community meetings to directly address internal conflict that may be fuelled by outsiders or fear. As the process intensifies and discussions



around compensation arise, so does the likelihood of conflict and factions, and people can become vulnerable to coercion.

Negotiations tend to be dynamic and politicised. It is important to stay vigilant and actively participate. Ensure the information from the community resource mapping and enumeration and the



scenario planning exercise inform the negotiation process and lead to favourable agreements for the community.



Double check to ensure that all agreements are in writing and part of official documents of the process.

Jobs for local people need to be elaborated. How many? Are they casual, seasonal or permanent? What hours will people be expected to work? How is pay determined? Are jobs disaggregated by gender? If so, how do you avoid having women do all the low-paying, labour-intensive jobs?



If training is needed, how will the company provide that



## WHAT TO LOOK OUT FOR

before the inception of work? Will there be special training considerations for women?

Check to ensure that outsiders who are not rightfully intended beneficiaries do not benefit from the project or compensation.

Beware of employment or participation schemes where pay is low or paid out in the form of goods such as rice or maize. These can be signs of exploitation and should be carefully analysed and understood even if they have familiar names like 'outgrower schemes' or 'nucleus farming schemes'.

Watch for benefit agreements that target heads of households or owners of land (since women are often excluded



from these categories unless they are widows). Look instead for opportunities to compensate women directly or through concerted initiatives designed by women groups.

Reject relocation sites that are far from employment, roads, rivers or other infrastructure as they are rarely sustainable in the long run without additional investment. Obtain women's input on whether access to resources like water, fuel and main roads are accessible in the new site. Be careful of steps that are done out of order, for instance, if the community is asked to leave their land before the relocation site is adequately prepared.



## TARGETS AND OBJECTIVES IN STAGE 3



A win-win scenario is designed, in which none of the stakeholders concedes entirely, and each party can clearly name ways in which they stand to benefit from the agreement.

The community-collected information informed the outcome.

Communities are able to have equal or better access, use or ability to benefit from the same or an equivalent piece of land. The value of what is equivalent should be based on communities' own scenarios developed through the scenario



planning exercise.

Communities and especially women are satisfied with the outcome.

How women stand to equitably benefit is concretely articulated with clear targets.

Investor contract fully reflects the role of women and the entire community, as well as all the obligations and promises by the investor, together with actions which communities can take if investors fail to live up to their promises. A specific community benefits agreement should be made available to communities, subject to periodic monitoring and evaluation.





## ENTRY POINT 4: COMMUNITY BENEFITS AGREEMENT

Community benefits are generally apart of any LSLBI investment discussion. Often, investors present their vision for development that makes big promises that play on the hopes of residents. In many cases, these promises are rarely implemented or realised. It is important for communities to demand a community benefits agreement which details these promises or agreements made by the investor.

This part of the process is critical to communities because the community

benefits agreement is the vision of how communities will be impacted. It is this part of the development process that articulates what benefits the community will receive.

In some cases, investors or governments may seek to design this without the input of the community. It is important that the community benefit agreement be a reflection of what development means to the specific communities.

### CO-CREATING A COMMUNITY BENEFITS AGREEMENT: » Lessons from Theis, Senegal

There are examples of win-win agreements between communities and investors. This is one of those examples. Touba Fruit/SEN Fruit Group approached the local government about a possible investment in 2000-2001. The local government introduced them to a youth group that had previously acquired 100 hectares of public land from the local government but was yet to put the land to productive use. The company hired a Senegalese liaison who had been living in Spain for a number of years to be the intermediary between the community and the company. The main function of the intermediary was to ensure the community and the investor could create mutually agreeable conditions for the investment, and to ensure

that the conditions were met. Together, the local government, the investor, the youth group and the intermediary met to discuss the terms of the community benefits agreement.

The community agreed to offer the company a 10-year renewable lease in exchange for jobs for the community's members, including the training required to perform the jobs. A local women's group came to support the youth group in organising more community members to be involved in the employment schemes that would be developed as a result of the investment.

Today, Touba Fruit/SEN Fruit Group is one of the largest exporters of melons and other produce and vegetables to European markets.

Since 2001, the investors have trained and replaced all but two Spanish national employees with local community members who have been empowered to run the farm. The communities have also been able to make additional request from the company, such as being able to farm on small plots of land in-between growing seasons.

The community workers overwhelmingly reported that this investment was a win-win because they were, and still are, involved in decision-making with the company, whose investors are known to them personally. "It feels like a family that makes money together," reported one community worker.

## Lessons learned

- Community held land together as a youth group — which means they come to the table as rights holders. Having control or ownership of land (backed by a title or recognised by government authorities) favourably disposes communities for consideration, makes them appear more authentic in the eyes of other stakeholders, and gives them more power during negotiations.
- The community was involved in the negotiations, so the terms of both the investor's contract and the community benefits agreement are known to all parties.
- It is a good sign when an investor is willing to meet with communities directly; because the process will be humane.
- Community benefits should be written down, dated and spell out the consequences for non-compliance.
- The decision in the investor's contract to offer a 10-year renewable lease gives the community enough time to assess the impact of the company, with the option of doing away with the investor.
- Community benefits agreements are mostly successful when they are first negotiated by both parties. If the community already has an investor in the area and the community benefits agreement was not formalised and shared, or isn't being upheld, the community can always try to negotiate it with the company.

## Questions for reflection

- Could the community have negotiated for communal benefits, such as infrastructure or basic services that would have improved the overall quality of life? How will the benefits be shared among the broader community beyond those who are employed through the investor's projects?
- Do the jobs put the employees at risk – if for example they will be handling chemicals, it is important to find out how these chemicals impact on health and life expectancy of those who are handling them. How will these chemicals affect soil quality in the long run? How can these risks be reduced to acceptable levels? Do the jobs provide opportunities for training and promotion for community members, especially for women?
- How can benefits be shared equitably among different stakeholders, especially women?

### **ENTRY POINT 5: IN THE EVENT THAT COMMUNITY MEMBERS HAVE TO BE RELOCATED**

Relocation may become part of the project — either because land that was occupied has been turned over to an investor, or because certain industrial land uses are not suited to be next to residential land uses and community members may be in danger. In such instances, it is important that communities are engaged to obtain their consent, and that the terms of their relocation discussed and agreed on first.

Any relocation must only happen after all engagement processes are discussed, agreed upon and implemented. Discussing relocation creates an opportunity for many decisions to be made and for this reason, it is highlighted as a key entry point for a community's consideration.



## RELOCATION REGRETS: » Lessons from Ndola, Zambia

In the time of the current chief, between 2008-2015, five companies have settled in the community. Some people moved several times as a result of different investors purchasing land in the area. Community members have been asked (and even forced) to move from their homes and relocate to a new site before it is properly prepared and furnished. The relocation sites were often far from their original communities. The relocation sites had unfinished, small, and substandard homes without access to water. The companies explained to the community members that it was very expensive to compensate everyone fully and could only offer 200 USD and some agricultural inputs. The little money that was allocated to each family as compensation was barely enough to transport their household items, and most had nothing left after relocation. Money was paid to “heads of household,” generally men or widows. Women reported that in most cases, they did not know how much money was paid to the men, neither was the cash shared with the family.

## RELOCATION AS AN OPPORTUNITY TO REPAIR COMMUNITY RELATIONS: » Lessons from Garsen, Kenya

In Garsen, Kenya, the investor was given land on a leasehold basis for a fixed duration of time, after which the original inhabitants were supposed to move back and reoccupy the land. The lease for the investor is set to expire soon and the communities are anxious to be relocated back on the land that was grabbed by the investor. But relocation will not be straightforward. Over time, the demographics have shifted. New people have been born and many have died. Additionally, pastoralist communities settled and became sedentary farmers. These historically pastoralist communities have displaced the local indigenous groups and now hold many political positions of power and influence. The investor’s development destroyed waterways that fed a rich delta and created flooding problems that destroyed crops and made homes uninhabitable for long periods of time, and that rendered some areas unsuitable for living or farming.

Kenya Land Alliance has partnered with the Garsen local government and supported local youth from different ethnic groups to carry out three sets of activities they believe will help the community to resolve its issues locally, before



Farmers in Tana River, Kenya. PHOTO: VICTOR NYAMBOK/OXFAM

ultimately proposing a community vision of how relocation should work. The activities are:

**Community mapping:** Establish boundaries and communal areas and assets. Boundary conflicts are the most common types of land disputes in rural areas, especially because boundaries are often not clearly demarcated. In Garsen, the community has changed during the decades of investment and the pastoralists have since transitioned to settled farmers. Community mapping provides the opportunity for the indigenous community to negotiate boundaries with the more recently settled farmers from the historically pastoralist communities.

**Household enumeration:** Identify land being used by different community members — men, women, children and seasonal community members, including pastoralists. This information is important in determining who will be directly or

indirectly affected, to ensure they are included in the process. This is an important precursor to a political process to determine who should be considered a beneficiary of any community benefit.

**Asset evaluation:** Find out what the actual market value of the land is. Make an inventory of natural resources that community members use for their livelihood. Determine the value of these resources over the lifetime of the project. Use this to make evidence-based claims during the community benefits agreement. Some investors may offer small compensation such as agricultural inputs for one season. But losing land or access to a local river is a bigger loss than just one season of production. It is important to push for compensation that guarantees an equivalent or better position.

Through these three interventions, Kenya Land Alliance hopes to build community level consensus on a broadly accepted relocation plan that can be presented to and adopted by the local government. Building community consensus around the relocation plan helps to avoid the idea that communities need planning done for them and are too unorganised, so it is difficult to engage. Instead, it demonstrates that communities can do their own planning and provide stakeholders with a reference for what they want and need.

## Lessons learned

- Compensation is often offered as either small tokens, like agricultural inputs for one season or little amounts of cash. The excuse is that it is expensive for a company. If it is too expensive for a company, then they can't afford to carry out the investment.
- Compensation should leave communities equally or better off economically. Do not be seduced with short-term compensation when in the long term, your life and livelihood will be compromised.
- If you don't make the investor pay for the cost of relocation, you are the one who will pay the cost.
- It is hard to assess all the cost upfront — take this part of the process very seriously and

seek support.

- If an investor is demanding sole access to, or to make changes or destroy natural resources, it is important to understand the full implications on the ecosystem, people's lives and livelihoods. An EIA should consider all of these factors and propose alternatives.
- Document the people who will be affected. Document the resources you have. Document the process. Document the promises.
- If community mapping and enumeration is done by the community, it can create space for communities to develop their own vision for relocation.

## Questions for reflection

- Where is the relocation site and how does it compare to your original home?
- How will you have access to the same resources, including neighbours and family, basic services, infrastructure and natural resources?
- How will the process ensure the investor is accountable for intervening if the relocation site is inadequately prepared?
- How does the relocation process consider

women's day-to-day lives? Are the needs of only male heads of households or widows being addressed? Will there be access to hospitals, with special attention to women such as maternity? Is there access to clean drinking water? Where will children go to school? Where are the markets?

- How can you stop land-grabbing and resist relocation?



## STAGE 4

# Monitoring and evaluating the process to ensure promises are kept

This happens once the agreements have been made. But Stage 4 is larger than “watch and see” what happens. This is a very active stage, during which communities should collect information regularly to monitor and evaluate the implementation of the investment. This should be done by communities, whether the terms of the agreement were favourable or not, as it creates an evidence base for future claims. In this section, the community’s role in monitoring and evaluation is explained.

## COMMUNITY ENGAGEMENT IN STAGE 4 DEFINED



Periodic reviews are scheduled for communities to raise their concerns and demand accountability regarding the LSLBI. A deliberate move should be made to ensure that women's concerns are voiced and documented



Throughout the project life, women and their communities play an active role in monitoring and



evaluating the implementation.

During the periodic reviews, women and the entire community contribute to the assessment and are empowered to hold the investor to account.



Act on clauses in the contracts to allow cancellation of the agreement and return of land when commitments are not met and benefits not delivered.



## WORK TO BE DONE IN STAGE 4



Develop 3-5 indicators that the community will collect and report on periodically.



The women's caucus should consolidate 1-2 indicators that will track how women were affected by the process.



These indicators will be part of the overall set of indicators and analysis of the project's degree of success.



Community focal points and the community coalition should host community dialogues and debriefings to report on indicators and consolidate evidence-based recommendations.



Attend periodic reviews and continue to disseminate information to broader community.



Take timely actions specified in the contract if the investor does not comply with agreements.

## DEMANDS TO MAKE IN STAGE 4



Assert the right to be involved in technical aspects like monitoring and evaluation.



Insist on gender sensitive and culturally relevant indicators that are understandable and speak to the impact on communities.



Assert the right to hold the investor accountable if they are non-compliant and seek sanctions.



Assert the right to have periodic reviews and give and receive information related to the progress of project implementation, impacts on community and community benefits.



Mobilise community members, including women, to reject unreasonable delays or lack of political will to realise the compensation and standards outlined in the contract.





## WHAT TO LOOK OUT FOR IN STAGE 4



Be aware that many stakeholders mistakenly believe that communities lack the technical capacity to do monitoring and evaluation. Watch out for attempts to remove communities from this part of the process to solely favour professionals.



Watch for delays that are poorly or not explained in delivering on compensation promises.

Be careful that the opportunity for periodic assessments remains available, inclusive and that community engagement continues in this part of the process.

## TARGETS AND OBJECTIVES IN STAGE 4



Indicators, including community indicators, are monitored and reported on at periodic evaluations by stakeholders. Indicators demonstrate that agreements are being met.



Women's indicators denote that women have equitably been compensated and affected by the LSLBI project.

Accountability mechanisms have been triggered in the cases where indicators demonstrate non-compliance or adverse effects on community.

## ENTRY POINT SIX: MONITORING AND EVALUATION

Information that is used by communities to assert their own ideas and needs is power. Many communities do MSE informally. They will naturally observe the situation with the investor and make periodic assessments of how the progress on promises is turning out. They will also cite examples that they are tracking, such as the lack of on-time payments, or the actual amount paid versus what was promised. Other informal indicators include the number of people who have cancer or other illnesses they suspect are caused

by the industries and longer term observation, or the number of jobs that have been retained over time or that have been lost to technological advances made by the company.

It is important that communities begin documenting these changes as early as possible and at regular intervals as evidence that promises are being kept or ignored, or new problems are arising. This sort of evidence can also aid others in providing concrete assistance or to use the information to make a case. Community indicators

can also be a way of tracking progress. There is a saying, "What is measured or tracked is what gets done". Some people only do the minimum. If a community can assert its needs and vision in the form of indicators, these things can become part of collective assessments. In this case, the company/government will have to report on their progress towards the community's vision/needs/priorities, and this may increase the pressure for an investor to follow through in these areas.

## INFORMAL COMMUNITY INDICATORS:

### » Lessons from Cameroon, Kenya, Zambia, Senegal

As is the case in many communities, many people were able to give examples of how life had gotten worse. In Cameroon for instance, they counted the amount of people imprisoned or killed by the company. In Zambia and Kenya, they were counting missing wages. In Senegal and Kenya, they were also counting the number of people who had cancer they suspected was related to the pollution or cases of miscarriages that happened as a result of strenuous labour and poor working conditions. All their observations suggest the need for grave intervention and government action. However, the lack of documentation contributes to the notion that nothing is wrong.

## Lessons learned

- Most people are able to see changes — positive or negative - as a result of LSLBI, but there is a need to start keeping track systematically.
- Communities that collect information can use it as the basis for an evidence-based struggle that may help shift some power their way. Lack of concretised information disempowers communities.
- The best time to start collecting information

is before the project starts. The second best time is as soon as you realise it is important.

- Choose a few indicators that speak to issues you want to address. Consistent data collection is the goal.
- Communities should mobilise to reject LSLBI and should develop and be supported by government and NGOs to come up with their own development plans and initiatives.

## Questions for reflection

- Who can you go to for assistance to track change in your community related to the investment in a systematic and persuasive way that can influence policy makers?
- What have you noticed that is getting better or worse? What can you count that illustrates this? Will counting this thing persuade others that there is an issue related to the project?
- How often would you need to count it to show change over time in a manageable way?
- Who should keep track?
- Where will the information be stored?
- Who will have access to the information?
- How will you protect the information?
- How will you use the information to influence others?
- How can you link the collection of community indicators to other parts of this process so the information is also used by others?
- What support or additional capacity will you need to do the monitoring effectively?



## STAGE 5

### Community evaluation when the project is coming to an end— exiting or seeking renewal

Stage 5 happens once the project reaches maturity and it is time to decide whether to continue, modify or discontinue the investment. In this stage, if communities have been vigilant and created an evidence base and developed a broadly supported community consensus, they can advance this as an alternative for consideration. In this section, the community's role in project evaluation is described.

## COMMUNITY ENGAGEMENT IN STAGE 5 DEFINED



The community is consulted on the grounds under which the investment contract would be terminated, as well as community aspects to be considered upon exit by the investor.

The community is encouraged to make an assessment of the lessons learned that may



be used by the government in LSLBI cases in future.

Women are prioritised for evaluation and assessment and experts support consolidating women's experiences with the process, the gender-sensitive indicators, and other data collected in order to support strong gendered learning.



## WORK TO BE DONE IN STAGE 5



The community focal points should provide insight into the impact of LSLBI on communities, including the opportunities, challenges, benefits and losses that were incurred

The women's caucus should provide insight into the impact of LSLBI on women, including the opportunities, challenges, benefits and losses that were incurred.

Community focal points and the community coalition should host community dialogues and debriefings to report on indicators and consolidate evidence-based recommendations.



## DEMANDS TO MAKE IN STAGE 5



Be vigilant, demand assessments at the end of the contract period.

Insert experiences, learning and insist on resolutions of issues that have not been addressed. Even if the contract period is coming to an end, the community should still claim for any outstanding commitments that the investor has not fulfilled.

Demand that an investor is not allowed to end or renew a contract until they have fulfilled all the promises to the community.





## WHAT TO LOOK OUT FOR IN STAGE 5



Avoid process fatigue and cynicism. Working in the land sector is long-term work. Avoid being disenfranchised by unrealised promises,

confusion or delays.

Watch out for attempts by other stakeholders to avoid the final assessment. Ask for a date.

Information is power, but a decision



must be made on who should have access to it, when and why. Beware of people trying to control the data.



Beware of others saying that communities do not have the technical capacity to collect information. Community members are uniquely positioned to collect information on the ground or highly sensitive information from their neighbours.



## TARGETS AND OBJECTIVES IN STAGE 5



Communities and indicators should confirm whether the LSLBI left communities and women in an equal or better condition.

An honest and thorough understanding of the LSLBI impacts (good and bad), including a comparison of the LSLBI with alternative investment and development options.

An in depth understanding of how women, compared to men, have been



involved and affected. How have women benefitted or lost out compared to men? This must take into account the experiences of women of different ages and social status.



The affected community, community members and rights holders have information to make informed decisions about the future of the LSLBI.



Communities are informed of and contribute to the process of concluding LSLBI/investor exit.



*Oxfam and allies provide a platform for learning and policy advocacy, Rural women farmers assembly at the margin Africa Union Agriculture ministerial meeting in Addis Ababa, 2015. PHOTO:OXFAM*



# CONCLUSION

If you picked up this guide because your community is facing LSLBI, your community is not alone. You should know that there are thousands of other people around the world who are facing similar challenges. This guide aims to equip and orient you on how to engage in what is undoubtedly one of the biggest challenges you will face as a community. Gather other residents, community-based organisations and institutions and carefully consider the support you will need from them.

The entry points proposed in this guide may not provide your community with the opportunity to provide input and engagement with the LSLBI process. If this is the case, your community may still use the principles highlighted in this guide as your community identifies other entry points.

As indicated earlier, this guide does not insist that women and communities should always engage LSLBI processes in their areas. In the event that your community decides against engaging the LSLBI process, it is important to consider alternative approaches to securing the rights and livelihoods of the community's members. This can be done with the support of facilitators and allies.

Engaging LSLBI requires considerable investment by women and communities. This

investment includes personal financial, time and knowledge resources. Women and communities should evaluate the required investment and be prepared to provide this without solely relying on investment by their allies. Where communities identify gaps in their knowledge, time or financial resources, they must discuss and collectively agree on how these gaps will be addressed.

This guide highlights the impacts of LSLBI on women and the importance of empowering women to engage LSLBI processes equally alongside men in their communities. There are many considerations which prevent women from engaging meaningfully in this way. Communities need to identify the mindsets and traditions which marginalise women and honestly evaluate actions they will take to address these. Communities should remember that when women are disadvantaged, ultimately, the whole community is impacted. Therefore, advocating for women's rights and wellbeing in the context of LSLBI should not be left to women alone.

Finally, this guide is only useful to communities once they have access to it. If your community has found this guide useful, we request that your community alerts other communities about the existence and usefulness of this guide.



*Farmers in  
South Sudan.*  
PHOTO: JOHN FERGUSON



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A GUIDE TO GENDER SENSITIVE COMMUNITY  
ENGAGEMENT IN LARGE SCALE LAND BASED  
INVESTMENT IN AGRICULTURE**

**COMMUNITY GUIDE, 2017**

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