

Decentralisation, Land Rights and the Construction of Women's Citizenship in Sub-Saharan Africa: A Comparative Study of Uganda, Kenya and Tanzania

First Project Evaluation Report

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This first evaluation report reviews the project proposal and the methodology workshop which was held in Nairobi, Kenya on 12th and 13th September 2008 at Lenana Mount Hotel.

Review of Proposal and Preparation for Methodology Workshop

(i) Literature review

The TORs required that I give specific attention to the project's literature review and comment on whether it reflects a wide understanding of the substantive issues to be investigated, and issues raised by previous research. The proposal has a very comprehensive bibliography, and therefore there is evidence of familiarity with the literature relevant to the field of investigation. Even though there is no designated 'literature review' section in the proposal, relevant literature has been referred to as appropriate under the various sections. I noted at the methodology workshop that there is need for the team members to be grounded in a shared understanding of the conceptual literature on citizenship generally and social citizenship in particular. I have brought to the team's attention the work of the Development Research Center on Citizenship, Participation and Accountability, based at the Institute of Development Studies, Sussex. In particular, I have referred them to a detailed review paper on meanings of citizenship (Jones and Gaventa 2002).

I also think that the purview of literature reviewed needs to include literature on the broader question of whether decentralization necessarily improves service delivery,

specifically whether service delivery is made more equitable. The question of differential impact along gender lines falls within this broad enquiry. A recent IDS bulletin reviews existing literature on this question, and will therefore be a handy reference (Robinson 2007; Conyers 2007).

(ii) Potential comparative bases for the research project

Identifying the bases for comparative study was one of the objectives of the methodology workshop. Since the experiences with regard to decentralization of land administration in the three countries have been varied there was concern that the study brings out comparison that is meaningful. Three broad bases for comparison were identified at the methodology workshop (i.e. specific features about each country context that would have a bearing on understanding the findings), and it was agreed that these must be taken into account in the design of the project, e.g. in the framing of the research questions, in justifying site selection etc.: 1) legal and institutional frameworks concerning gender equality; 2) land tenure systems; 3) policy context for decentralization (i.e. goals, approaches, structures).

(iii) Does the program for the methodology workshop set out clear objectives and a well defined agenda?

Yes, the objectives of the workshop were clearly defined. They were:

- to facilitate common understanding of the research concepts and questions;
- to identify the bases for comparative study
- to develop cohesion on the policy influence aspect of the research project in the region.

I had assumed that developing a Work Plan with a timeline of activities would be one of the workshop's objectives but that was not the case. Given the limited time available, priority was given to clarifying the study's central question, identifying themes around this central question, and developing specific research questions for each theme. Based on this shared understanding of the research questions, each country team would subsequently propose a schedule of activities (Work Plan), and the secretariat would play a coordinating role in synchronizing activities such as

developing of research instruments so that the country teams benefit from each other's work.

(iv) Is the research design likely to produce credible evidence that bears directly on the questions being asked so as to achieve the research objectives?

Yes. The team did a good job of breaking down and clustering the study's objectives under three themes. Starting with a working definition of the central concept (citizenship) as 'rules (norms and practices) of belonging and entitlement', the three themes through which the study will be pursued are:

Theme 1: will focus on the institutional framework for decentralisation of land administration systems, and how this shapes women's entitlement to land (access to, use of and control over land). This will require the following background investigation:

- the policy context for decentralisation: what have been the driving forces for decentralisation, specifically decentralization of land systems in each of the study countries? (Either agree on a time-frame e.g. the last ten years, or pick on key milestones in each country to define contextualised time frames);
- constitutional and legal framework: what background rules operate to frame the formal understanding of women's entitlements to property in general?
- The range of land tenure systems operating in the study countries: how do these define belonging and entitlement? With what effect on women's land rights in the context of decentralization? [recognizing that decentralization is a recent policy and it is not operating in a vacuum].

Theme 1 generated the following specific questions:

- o What is the legal and institutional framework for decentralised land administration systems?
- o How does the reality of variety in land tenure systems play out in the decentralised land administration systems?
- o Is the issue of women's land rights taken into account in articulating the objectives of decentralised land administration systems?

- Do the decentralised land administration systems *interface* with informal institutions? How (at the level of procedures, processes and practices) do they interface and with what implications for women's land rights?

Theme 2: will focus on women's organising (collective agency) to pursue women's land rights, and whether and how women's organising shapes the institutions that matter at the local level

Theme 2 generated the following specific questions:

- What informs the choices that women make on how to organise and what to organise for (politics of knowledge production)?
- Do issues relating to decentralised land administration systems feature at all in women's strategies for organising? How, why, or why not?
- How does women's organising engage with land administration systems (forms of engagement)?
 - Interrogate the associational space – what forms of engagement with land rights institutions and with what implications – power at the local level – which power centres are they engaging?
 - To what extent can women's collective action be described as autonomous from the patriarchal institutions (networks and linkages with sources of power)?
- Does women's organising influence the way decentralised land administration systems work (looking beyond 'presence' to assess 'influence')?

Theme 3: will focus on investigating emerging cultural trends under decentralisation and how these impact women's land rights. [Analytical question: Has decentralisation redefined the rules of belonging and entitlement?]

The fleshing out of this theme started by asking what 'culture' looks like when we see it, and how do we look for it. It emerged that 'culture' is shorthand for values, norms, beliefs, ideas, all of these intangible and abstract, but it is expressed through idioms, narratives, songs, artwork, decisions of local institutions that have authority, all of

which are tangible. Where and how then would we look for these tangible expressions of ‘culture’? The answers to this question pointed to specific methodology and tools for this aspect of the study: Community meetings, case studies, key informant interviews, life histories, observation, collections, recordings, review of popular media, review of records of local institutions, and informal talks.

This theme will approach the generation and deployment of ‘culture’ in relation to women’s land rights and decentralisation as a two-way process, asking two specific questions (with sub-questions):

- What cultural knowledge is being invoked in dealing with women’s land rights in the context of decentralisation?
 - how are they negotiated, claimed and reinforced?
 - Is this different from the situation prior to decentralization?
- How are women deploying cultural knowledge in framing their land rights in the context of decentralization?
 - o Are women utilising, contesting, or subverting existing cultural knowledge, generating new cultural knowledge?
 - o Is this different from the situation prior to decentralization?

For each theme the team also indicated possible data sources and the tools to be employed with respect to each question. The enquiry will therefore take off on the basis of clearly defined and concrete questions and therefore it is highly likely to yield credible results.

(v) Soundness of methodology: have adequate field instruments been developed? See (iv) above. I will be able to give a more detailed evaluation once the research tools have been developed and circulated for comment. At the moment I can only comment on the framing of research questions, and the indicative listing of tools under each research theme.

At the regional meeting it was agreed that the deadline for developing and pre-testing research instruments would be December 2008, so that field research can commence in February 2009. But no deadline was specified for circulating the draft instruments for comment and harmonization across the countries, yet the importance of this harmonization was emphasized during the workshop. If there is no specified time frame for this exchange it may not happen at all, or it will not receive the time it needs. I suggest that the project leader gives the country teams a specific deadline by which to draft and circulate the research instruments regionally.

(vi) Risks intrinsic to the research (e.g. data problems)

Prior to the workshop I was concerned that the third theme ('Emerging cultural trends under decentralization and their impact on women's claims to land rights') would be a difficult one to pin down and operationalise: For instance, how would a researcher differentiate between existing and emerging 'cultural trends'? But a very successful participatory exercise at the methodology workshop produced very concrete and detailed research questions that promise to generate very interesting data (see iv above).

The one issue that may present risk is that the Tanzania country team was not represented at all at the workshop, neither had they sent any concept paper, which should have been ready before the workshop. The lead Tanzanian researcher was away on an overseas trip (and expected to be away for a further 2 months), but the fact that even after repeated requests from the project leader she was unable to nominate even one person to attend on behalf of the team suggests that there is probably no team in place yet. I pointed out to the project leader that it is urgent that she personally gets involved in the business of constituting a team in Tanzania and bringing them up to speed on the shared understanding that emerged from the methodology workshop. A decision was taken at the regional meeting to task the Kenyan team with the recruitment of a second Tanzanian researcher, drawing from

their contacts in IDS, Dar-es-Salaam, so hopefully this will ensure speedy movement in constituting the Tanzanian team.

Another danger that the project team needs to guard against is the danger of parceling out the project to individuals whether based on themes or country contexts, so that the overall project loses cohesion. Three suggestions were made at the workshop which, if implemented, will help to guard against this danger. First, a suggestion was made to designate an 'anchor' person for each of the three themes in each of the three countries. These persons will have responsibility for ensuring that those themes get the appropriate attention at all stages, and that there is comparability both in substantive and methodological terms as far as that theme is concerned. Second, it was agreed that the notion of disparate thematic groups designing their own research instruments or launching out to conduct field work in disregard of the rest of the country research team was out of the question. Third, it was agreed that there will be cross-country synchronization in the development of research tools. This will require very good coordination throughout the life of the project otherwise there will be unevenness in the quality of data.

(vii) Clear identification of roles and responsibilities

An MOU will be entered into between the lead institution (CBR) and the partner institutions. While that will spell out the responsibilities of each of the country teams at the institutional level, I would still recommend that the project leader works with the country teams to draw up clear Terms of Reference for researchers and research assistants, with deadlines spelled out clearly, so that there is a clear understanding of expectations for everyone, even team members that come on board at a later stage. One would assume that the country teams' contracts with research staff will spell this out, but we should not take that for granted.

(viii) Mechanism for maintaining communication between research teams and project leader

The country teams are to report to the project leader/ lead institution every six months, and it is on the basis of these progress reports that funds are disbursed to them. The proposal indicates that once field work begins, the teams will be required to submit quarterly progress reports to the secretariat so that they receive feedback to incorporate into the research process. This level of contact is adequate, assuming there will be informal contact within this period. However, I would also suggest that in the initial process of drafting the research instruments contact ought to be closer than the six-month timeframe that was agreed at the regional meeting. (See my comment under (vii) above). It is important that comparability, cohesion and evenness of quality is firmly established in the initial stages, and this can only happen when there is close contact.

References cited

Conyers, Diana, (2007) 'Decentralisation and Service Delivery: Lessons from Sub-Saharan Africa' Vol.38(1) *IDS Bulletin*.

Jones, E. and Gaventa, J., (2002), 'Concepts of citizenship: a review' *IDS Development Bibliography 19*, Brighton: Institute of Development Studies.

Robinson, Mark, (2007) 'Does Decentralisation Improve Equity and Efficiency in Public Service Delivery Provision?' Vol.38(1) *IDS Bulletin*.