

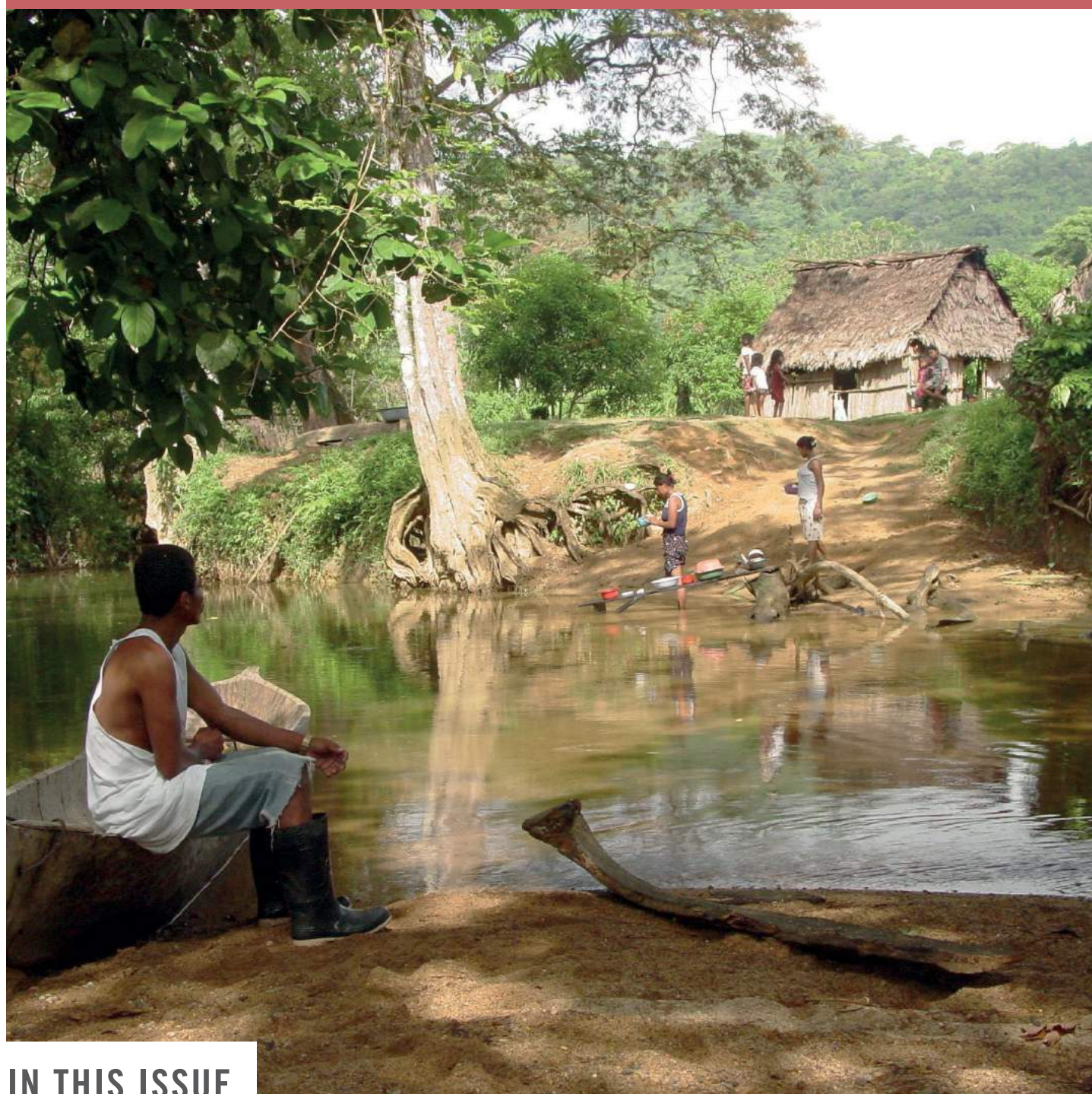
TRAINING • RESOURCES • CASE STUDIES

FOOTSTEPS

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LAND RIGHTS



IN THIS ISSUE

- | | | | |
|---|--|----|-------------------------------|
| 3 | Why are land rights important? | 12 | Negotiating with investors |
| 5 | A radical vision of God's justice | 15 | Joint land ownership in Nepal |
| 8 | Practical ways to resolve land conflicts | 16 | Transforming slums |

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IN THIS ISSUE

FEATURES

- 3 Why are land rights important?
- 6 Indigenous land rights in Honduras
- 8 Practical ways to resolve land conflicts
- 12 Negotiating with investors
- 13 How can I know my legal rights?
- 14 How can we strengthen women's land rights?
- 15 Joint land ownership in Nepal
- 16 Transforming slums
- 17 Slums and the struggle for security

REGULARS

- 5 BIBLE STUDY: A radical vision of God's justice
- 7 CHILDREN'S ZONE
- 14 BIBLE STUDY: the daughters of Zelophehad
- 18 RESOURCES
- 19 COMMUNITY
- 20 INTERVIEW: The land is our life and future

TAKE AND USE

- 10 POSTER: A community's right to decide

FOOTSTEPS

L A N D R I G H T S

I moved to the Democratic Republic of Congo (DRC) in 2017. Before arriving, I did some reading about the history of the country.

Back in the 1880s, King Leopold of Belgium decided to take the land now known as DRC for himself. He sent an explorer to make 'treaties' with the local chiefs, who often did not understand what they were signing. The treaties involved them giving away the land their people were living on, sometimes for as little as a few beads or brass rods. King Leopold then forced the local people to work as slaves, harvesting rubber and other natural resources for him. They were treated brutally and reduced to terrible poverty.

As brave individuals within and outside of Congo began to realise what was happening, they launched an international campaign. They raised awareness of the injustices being committed and called for change. Eventually, King Leopold was forced to give up his control of the country in 1908.

I have been reflecting on the history of DRC while preparing this edition on land rights. Sadly, we still live in a world where 'land grabs' are common. But thankfully, there are still brave individuals standing up against corruption and greed, fighting for the land rights of vulnerable people.

This edition looks at why secure land rights are important in order for individuals and communities to thrive (pages 3–4). It features an inspirational story from Honduras about indigenous communities gaining land rights after 25 years of advocacy (page 6). We include ideas for resolving conflicts over land (pages 8–9), and advice on how to handle an investor approaching your community (pages 10–12). We look at ways of working towards women's land rights (pages 14–15) and methods for improving slums (pages 16–17).

Land rights are incredibly complex. Often there may be no straightforward solutions, or it may take many years to achieve fair outcomes. But secure land rights are central to helping to release people from poverty around the world. As we continue to reflect on the biblical concept of jubilee for Tearfund's 50th birthday, we need to remember that a fair distribution of land was always part of God's plan for the world.



Zoe

Zoe Murton – Editor

📷 Cover shows a community in rural Honduras.
Photo: Steve Collins/Tearfund



by Barbara Codispoti

WHY ARE LAND RIGHTS IMPORTANT?

When we start working on land rights, the first thing we learn is what a difficult and complex area it is. It soon becomes clear that land rights involve much more than finding technical solutions for dividing up the land. Working on land rights is about improving the rules and norms relating to who can access, use and control the land and its resources. It means working for and with women, men and communities who normally have little or no voice in these decisions.

Securing and protecting vulnerable people's land rights is essential for bringing about a fair and prosperous society. It is key for combating poverty and hunger in rural communities, which rely on the land for food. Land rights are central to addressing inequalities, protecting the environment and sustaining peace.

When women and men can prove that they have secure land rights, it makes it easier for them to access credit, loans and extension services, as well as

schemes such as insurance or welfare plans. People with secure land tenure are better able to invest in their land and make improvements. In urban areas, land rights are often vital for access to public services such as water and sanitation.

MARGINALISED GROUPS' RIGHTS

Around the world, women own less land than men. The land they do have is of worse quality and comes with less legal certainty. Supporting women to get access to more land, and to gain recognised property rights, can bring transformative social change. When women own land, either individually or jointly with their husbands, they have a different position in their families and societies. Research has shown that women are more likely than men to spend income from land and other resources on their children's food and education.

Working towards indigenous and community land rights is also vital. Large amounts of forests and pastures

are held and managed communally by indigenous peoples and local communities. These groups have valuable skills and knowledge for preserving and caring for their lands and natural resources. Protecting their rights is not only important for safeguarding their livelihoods and cultural identities – it also helps to conserve the environment and combat the effects of climate change.

COMPETITION, CONFLICT AND CORRUPTION

The world is experiencing a land tenure crisis. This is because there is increasing competition for land and natural resources. Competition happens at all levels: within families, within the same community, among communities, and between communities and the government or private investors. In the last decade we have witnessed the growth of 'land grabbing'. This is when powerful elites or investors obtain land, often at low cost and without proper consultation or consent. People who have no means to protect and claim their land rights are evicted and displaced on a daily basis for the benefit of the few. This is worsened by the high level of corruption in many governments. Corruption can also be found within communities, where traditional leaders might act selfishly for personal gain.

The broken relationships between people because of land issues easily turn into conflicts. Good, just systems that govern land and its resources are vital to prevent this competition ripping our societies apart.

WORKING TOGETHER FOR CHANGE

Encouragingly, in the last decade international commitments have been made to regulate the governance of

📷 Access to the land and its resources is vital for people's livelihoods. Photo: Layton Thompson/Tearfund



land and natural resources. Protecting the land rights of small farmers, vulnerable communities and particularly women is explicitly mentioned in the Sustainable Development Goals. International, national and local civil society organisations are speaking out loudly, building solidarity and mobilising communities. They aim to hold governments and private actors accountable to what they promised on paper. Many are taking action, but more remains to be done.

WHAT CAN INDIVIDUALS DO?

Land is an issue that involves relationships between people and within society. The actions of individuals can have a positive impact in the long term only if they are part of larger joint efforts. In their own capacity, individuals can:

- request information about their land and resource rights according to the law, and research ways of resolving disputes
- seek support to find the best and most cost-effective way to document and protect their individual and/or community rights. This could involve reaching out to organisations working in this area.
- once they have gained this knowledge, educate and mobilise other family and community members about the need to protect land rights
- stress the importance of including all members of the community in decisions.

WHAT CAN GRASSROOTS ORGANISATIONS DO?

Grassroots organisations have a key role to play in helping communities and specific groups (eg women) to come together and work on land-related problems. Grassroots organisations can:

- help communities to educate, mobilise and organise themselves to take action on land rights
- collect information about the land tenure situation and existing disputes in their local communities. Organisations need well documented evidence to do successful work on land rights.
- equip themselves with the right tools and skills to collect land data (eg participatory mapping techniques)
- reach out to other organisations and/or government bodies to get the legal and technical support they need
- represent communities' interests in discussions with potential investors
- build alliances with other organisations to advocate with regional and national governments.

WHAT CAN WE ASK OUR GOVERNMENTS TO DO?

Governments have a duty to protect their citizens' rights. We can ask the government to:

GLOSSARY

Land tenure means the right to hold, use, manage and transfer a piece of land.

Customary means according to the customs or usual practices in a particular setting.

Statutory means according to the law.

Gender justice means valuing women and men equally and ensuring they have a fair share of power, knowledge and resources.*

- develop and enforce land policies and laws that will benefit poor people. These may include policies for redistributing land, as well as for recognising and formalising customary and collective rights.
- develop policies and laws that benefit women in terms of land. These regulations should be included in land law, but also in other frameworks such as family and inheritance law. Promote and enforce programmes such as joint land titling for husbands and wives, and provide incentives for this. Make sure that women are included in land decision-making bodies at all levels.
- ensure there is an open and affordable process for documenting and registering land rights and for resolving disputes
- combat corruption around land issues.

📷 The land for this bauxite quarry in Sierra Leone belonged to the people of Mbonge village, but was sold to a mining company for a one-off payment. Photo: Jay Butcher/Tearfund



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**This is a simplified definition for the purposes of this edition. For a fuller definition of gender justice, see Tearfund's *Transforming Masculinities*, available at www.tearfund.org/transformingmasculinities*

by Nadine Bowers du Toit



In the Old Testament, God wanted the land to be divided fairly so that each family could make a decent living.

BIBLE STUDY

A RADICAL VISION OF GOD'S JUSTICE

Read Leviticus 25:1–54

Israel was an agricultural society, so land was seen as the main way of producing wealth. It is clear from this Bible passage that at first land was divided more or less equally between the tribes and families. This is something that God wanted to continue so that every family could earn a decent living, which is why it was written into law in the form of the jubilee year. In this jubilee year (which was to take place every 50 years), several things were required of the Israelites:

- resting the land
- cancelling debts
- dealing fairly with the buying and selling of property
- allowing the poor to buy back land
- freeing bonded labourers and slaves.

This passage talks about justice in a way that does not just see people giving 'handouts' or charity to those less fortunate. It is actually an example of God putting into place a structure that would promote living justly in community.

TREATING OTHERS JUSTLY

This Bible passage also presents a serious challenge to the usual understanding of money and possessions in capitalist societies, as God is understood as the true owner of the land (verses 2, 23). God

is the redeemer who brought the people out of the injustice of slavery and the one they were to follow in acting justly to each other (verses 39–43). They were not to practise jubilee simply because it was a command, but as a response to a just and loving God who expected them to follow his example. Similarly, we should treat others justly not only because it is commanded (and it is!), but as our response to that same just, loving God.

RESTORED RELATIONSHIPS

The year of jubilee was to be announced with a trumpet blast, as on the Day of Atonement (verse 9) – and some scholars believe that this is not a coincidence. The Day of Atonement was about the restoration of a right relationship with God. Jubilee focused on the restoration of right relationships with others and nature. Of course, Jesus himself refers to the year of jubilee in Luke 4:17–19, which in turn is linked to both Isaiah 61 and Leviticus 25.

Despite the fact that we cannot simply apply a scripture like this directly to our society today, this passage presents a radically different picture of the way God's people were supposed to live and care for each other. In my own context of South Africa, this is a very challenging scripture, as ours is one of the most unequal countries in the world. This is a result of apartheid, which reduced many people of colour to virtual slaves

in their own land. The passage presents a challenge to the South African church to seek restorative justice for those who were stripped of both land and dignity, and not only to respond with charity 'handouts'. It also challenges Christians across the world to live and act justly towards their neighbour, based on the understanding that to live justly is a central part of the gospel message.

- How are poor or marginalised groups treated unfairly because of unjust laws or structures in your context?
- Read verses 14–17. How do you treat people who have less materially than you?
- What does the link between a right relationship with God and a right relationship with others and nature tell us about the message of the gospel? (See also Isaiah 61 and Luke 4:17–19.)

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This Bible study was adapted from Tearfund's publication Jubilee: 50 Bible studies on poverty and justice. See Resources page for details.



by Osvaldo Munguía

INDIGENOUS LAND RIGHTS IN HONDURAS

The region of La Mosquitia on the east coast of Honduras contains forests, lagoons and a rich variety of animals and plants. It is home to various indigenous peoples, whose life is strongly linked to the land. They have traditionally used their land for gathering food, hunting, fishing, and collecting wood for building canoes and houses.

Mopawi, a Tearfund partner organisation, has been working in La Mosquitia since 1985. At first, we worked on projects such as improving crop yields and accessing clean water and sanitation. All this is fine, and in fact we continue to do it. However, when we analysed the long-term problems facing the indigenous peoples, we found that they had no legal rights to the land, not to mention the forest.

The most significant problem for indigenous peoples is illegal occupation of their land by others. Often heavily armed, these people fence off the land and begin deforesting it. We therefore started working towards achieving indigenous peoples' collective (shared) rights to their land, forests and rivers.

SEEING IS BELIEVING

First, we arranged for representatives from La Mosquitia to visit the Tolupán and Pech indigenous peoples in the 'interior' of Honduras for a learning exchange. The Tolupán and Pech had obtained land titles from the government in about 1860, supported by a Catholic priest. They had many years' experience of dealing with loggers, cattle ranchers and others wanting to take their land. After this, we went on an expedition to see how the deforestation area was expanding towards La Mosquitia. We

talked to the residents of the region and found that they were struggling to survive.

All of this had an incredible impact on the people from La Mosquitia. Only two years earlier, when we first raised the issue, they had not realised it was important. But after the visits, a sense of urgency to get legal rights to the land, and to stop or at least reduce deforestation, spread over the entire region.

We then started visiting government authorities linked to land issues. We discovered that there were no Honduran laws allowing people to claim collective land rights – especially when indigenous peoples were the ones asking. But we kept insisting that the government address the issue. At first, the community members did not know how to advocate, even with the local mayor. But over the years Mopawi trained them to speak out for themselves. Today, they are confident discussing their issues even with the president of Honduras himself.

It took from 1987 to 2012 to gain the first collective land rights for a cluster of 39 communities along the coast. After this, the government granted 11 more land and territorial titles, giving indigenous peoples the right to the natural resources as well as the land itself. These rights applied equally to both men and women. In total, the amount of land granted was 14,000 square kilometres. This was a great achievement and we thank God for letting us see it with our own eyes.

Mopawi is now working with the indigenous peoples on the governance of these territories and the sustainable use of their natural resources.

ADVICE FOR OTHERS

If I could give one piece of advice to others working on similar issues, it would be to arrange visits for exchanging experiences. Talking to the people who have lived through similar issues is the best way to learn. After that, people can go back and adapt what they have learnt to their local context.

I would also advise organisations to learn a lot about laws regarding land rights, treaties, sustainable management of natural resources, and how to help people achieve food security with the least deforestation possible.

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📷 The indigenous peoples of La Mosquitia depend on the land, forest and rivers for food and resources.
Photo: Geoff Crawford/Tearfund





ENOUGH LAND FOR EVERYONE

God has made the world with enough space for everyone to live. Sadly, some people do not have a piece of land of their own where they can live in peace and safety. Sometimes greedy people or organisations take other people's land away from them.

Write a list of some of the things you are thankful for about the place where you live (eg trees, other children to play with):

.....

.....

.....

.....

.....

.....

.....

.....

Samuel's family need some money and official documents so they can register their claim to their land. Can you help Samuel find the following things that are hidden in this picture?

4 coins



4 banknotes



1 folder of documents



When you have found all 9 objects, you can colour in the picture!



BIBLE VERSE MEMORY CHALLENGE!

Can you learn this Bible verse?

'The earth is the Lord's, and everything in it.' (Psalm 24:1)

PRACTICAL WAYS TO RESOLVE LAND CONFLICTS

Conflicts over land are very common and occur at all levels. Communities may face three main kinds of land conflicts:

- 1. Conflicts within a community.** These may be between members of a household, different families or whole sub-groups within a community. For example, local elites may try to unjustly claim common areas as their own private land.
- 2. Conflicts between one community and a neighbouring community.** These conflicts are often to do with boundary disputes.
- 3. Conflicts between a community and a person outside the community,** such as an investor or government official. For example, the government might sell or lease community lands to an investor without consulting the community, creating conflict between the investor and community.

PREPARING FOR LAND CONFLICTS

Rather than simply waiting to respond to land conflicts as they arise, communities

should identify potential conflicts and create conflict management plans in advance. Communities can work through the following two brief activities:

- 1. Identify conflict 'warning signs'.** Communities can make a list of warning signs that would be evidence of increasing tensions within or between communities. They can rate warning signs as 'yellow,' 'red' or 'black' to signify how severe the conflict may become. Communities could also identify what kinds of incidents might quickly create serious conflict and make it necessary to call in support immediately.
- 2. 'Map out' individuals, organisations and strategies that could help resolve conflicts.** Communities should prepare a list of specific individuals (and their contact information) whom they can call for immediate help if a conflict becomes dangerous. Communities may also want to identify whom to call for different kinds of conflicts. For example, a religious leader may be the best person to resolve a conflict about shared access rights, while a government official may be best

placed to help resolve a conflict related to formal district boundaries.

THREE STRATEGIES

In many cases, taking a case to court will only prolong the conflict, take up valuable time and resources, and deepen hostilities. Also, courts – and court procedures – may be biased toward elites or those with more power. In contrast, alternative conflict resolution strategies such as mediation can be less costly, less time-consuming and more likely to bring about reconciliation. Three alternative conflict resolution strategies are described below. Local leaders can help to decide which strategy is most appropriate to the conflict and local context.

- 1. Holding community meetings to facilitate open dialogue.** This involves bringing together all those involved in a disagreement and creating an open, public discussion. The purpose is to hear all of the stories and identify the roots of the problem, the harm done and all relevant laws. Both customary/indigenous and formal/statutory laws should be discussed. A facilitator should moderate the discussion to ensure that everybody has an opportunity to speak and that all important details are addressed.

Open dialogues may work well in a range of situations, including:

- addressing unjust customary practices that are putting vulnerable groups at a disadvantage
- tackling disputes within a community about shared use of natural resources and land
- resolving border disputes between neighbours.



📷 A woman explains the importance of guarding against future intrusions on her community's common land. Photo: Land Equity Movement in Uganda

2. Working with trusted community leaders and government officials. In situations where internal discussions and negotiation may not work, it may be useful to take the conflict higher. Respected leaders may be able to use their authority to help parties resolve difficult land conflicts.

For example, if a local government official is intimidating community members and grabbing their lands, it may be most effective to call a trusted, respected official from a higher level of government to bring the local official into line. If a conflict is on the verge of becoming violent, communities may urgently request the help of very high-level government officials.

3. Mediation. Mediation is generally appropriate if negotiations have reached a standstill and the parties feel they need assistance from someone who is not part of the dispute. Mediation may be necessary when:

- people are becoming very emotional, making compromise difficult
- communication between the parties is not going well
- there is serious disagreement over relevant facts and information
- there is a significant power imbalance between the parties.

Mediation is a structured process led by a neutral third-party mediator. Mediators can be lawyers, community mobilisers or trained, respected community members. The mediator's job is to remind the parties of the relevant laws, help the parties communicate, find common ground and assist in identifying desired solutions. The mediator's goal should be to help both parties to reach a resolution that benefits both sides, not just one.

Once a resolution to the conflict is reached, it should be recorded in writing and signed by all the parties. This will help ensure that everyone sticks to the agreement.



TIPS FOR RESOLVING BOUNDARY DISPUTES

Here are some tips for resolving disputes that may occur when neighbouring communities are trying to negotiate and agree on their boundaries.

- **Focus only on the area that is in dispute.** Be clear from the beginning about which part of your neighbours' land you recognise as theirs. All future negotiations and compromises should focus only on the area that is in dispute.
- **Go to the physical site of the conflict.** If you go and see the boundary area, it may be easier to reach an agreement about where the boundary should be.
- **Go over the history of the boundary.** Both sides of the conflict should tell their history of why they think the boundary is where

it is. After this, everyone looks for the points that the stories have in common. Everyone agrees to those points being 'the truth' and then looks at the parts of each story that are different. They decide which story is more accurate after looking at the reality as it is today. This strategy could benefit from a trustworthy person acting as a mediator.

- **Use modern and traditional methods together.** For example, you could call a meeting of traditional leaders, but also consult any current laws that may aid your decisions.
- **Remember the ties that you have with your neighbours** – for example, inter-marriages, shared land use agreements, joined histories and similar beliefs. Remember that sometimes it is good to compromise a little to gain peace.

IF CONFLICT RESOLUTION FAILS

If more relational methods are not successful, facilitators may need to organise public meetings or media strategies that involve 'naming and shaming' abusive or corrupt elites and officials. They may also need to use other non-violent methods of demanding that the state meets its obligation to enforce laws protecting community land rights. Such tactics can help to publicly hold local officials and elites accountable for their actions and give communities an informal platform for demanding justice.

Land disputes can grow into violent conflicts if they are not addressed properly. If the approaches described above do not resolve a conflict, it may be necessary to refer the case to the formal court system.

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All materials on this page are adapted from Namati's Community Land Protection Facilitators Guide. See Resources page for details.

A COMMUNITY'S RIGHT TO DECIDE

Around the world, investors are seeking land for large-scale oil, gas, mining and agricultural projects. Often these can have negative impacts on local communities. Involving communities in the right way can achieve lasting and positive outcomes.

When a developer wants access to a community's land and natural resources, there are seven important steps the community should take...



1 FIND OUT WHO IS DEVELOPING THE PROJECT

- Governments?
- Private companies?
- Banks or financial institutions?



2 REQUEST DETAILED INFORMATION FROM THE PROJECT DEVELOPERS

- The project developer must provide the information in the community's preferred language.
- Project details may be available from government departments.



3 HOLD DISCUSSIONS WITHIN THE COMMUNITY

- Involve the whole community, including women, men and young people, for a complete perspective.
- Work with other communities affected by the project to discuss project terms and impacts.

FREE, PRIOR AND INFORMED CONSENT

Free, Prior and Informed Consent (FPIC) is a collective right for indigenous peoples under international law. It is becoming recognised as best practice for safeguarding the human rights of all communities.



Free means communities must be allowed to decide whether or not to consent without manipulation or force.



Prior means that communities need to be given time to decide, and no project activities should be started before the decision has been made.



Informed means that communities must be given accurate, easily understandable information about the project.

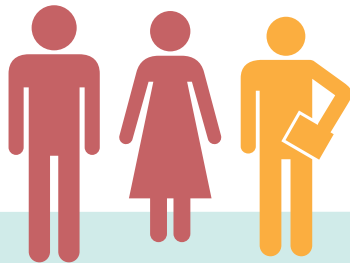
It is important that all community members are involved throughout the process, including women, men and young people.

Adapted from Oxfam's training materials on Free, Prior and Informed Consent. Visit www.oxfam.org/en/fpic-guides-and-training-manuals to download these resources in a wide range of languages.



4 NEGOTIATE WITH PROJECT DEVELOPERS

- Project developers are required to consult and negotiate with communities.
- Developers must gain an indigenous community's Free, Prior and Informed Consent at each stage of the project.



5 SEEK INDEPENDENT ADVICE

- Affected communities have the right to seek independent legal and technical advice to reach an informed decision.



6 MAKE DECISIONS AS A COMMUNITY

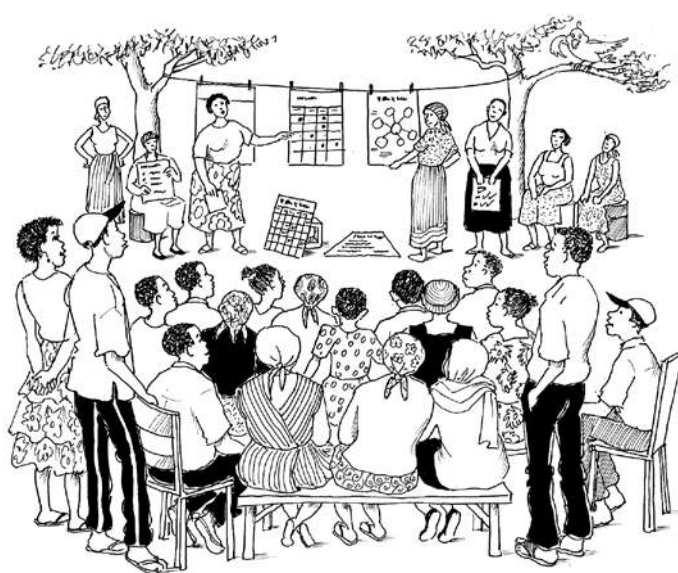
- Communities should make decisions according to traditional decision-making processes.
- Final decisions and agreements should be made in writing.



7 CONTINUE COMMUNICATING WITH THE PROJECT DEVELOPERS

- Projects may impact a community for many years.
- Permanent forums can provide an effective means for ongoing consultation and negotiations.

by Rachael Knight



The whole community should be involved in making decisions about potential investors.

NEGOTIATING WITH INVESTORS

Deciding whether or not to share community land with an investor is one of the most important decisions a community can make. Good investments can lead to real community development and prosperity. But bad investments may force a community into poverty, increase human rights abuses, pollute local waters and soils, block access routes, and even result in communities losing their lands completely.

Below are some tips for community facilitators, who have some knowledge of land rights, to help communities negotiate with investors.

1. Teach communities their legal rights.

Many countries have national laws that require investors to consult communities before starting an investment project on community land. There are also international instruments protecting communities' rights. (See page 13 for more information.)

2. Request Environmental, Social and Human Rights Impact Assessments.

Encourage communities to request that potential investors or the government fund an independent consulting firm or group of experts to undertake an Environmental Impact Assessment (EIA), and a Human Rights or Social Impact Assessment (HRIA or SIA). These will allow communities to assess the potential impacts of the proposed investment so that they can advocate for any changes needed to the investor's plan to reduce negative impacts.

3. Prepare communities to know what to request in exchange for the use of their lands.

Facilitators should support

communities to demand rental payments that reflect the value of their lands.

In addition to rental payments, possible benefits to ask for include:

- repeating payments such as a fixed share of the annual profits
- clinics, medicines, doctors and nurses
- schools, books and teachers
- electricity to all homes
- new or better roads
- telecommunications and internet provision
- jobs for a specific number of community members
- shares in the company.

Communities should make sure that if they ask for one-off benefits, such as a school or clinic, they also ask for the teachers, doctors, books, electricity and medicines necessary to make these function effectively.

4. Prepare communities to negotiate with investors.

Community members *should not sign any papers* until they have sought the help of a lawyer to understand what the investor is asking them to sign.

Facilitators should ensure communities:

- ask the investor specific questions about his/her plans and activities
- ask for copies of any papers the investor has – eg the business plan, papers from the government etc
- make sure community leaders do not approve deals without consulting the community

- agree on a negotiation plan within the community. They should decide what is not negotiable, such as keeping waters clean, and what is negotiable, such as what benefits the investor will pay.
- consider setting up a committee to negotiate on the community's behalf – but invite all community members to witness the negotiations
- take thorough notes of what is said at all negotiation meetings.

5. Get a good, written contract that can be enforced in a court of law.

- Advise the community to:
- work with a lawyer to ensure the final agreement reflects the negotiations and protects the community's interests
 - ask for as short a lease term as the investor will agree to (ideally five years) with the option to renew. This prevents the community from being trapped in 50- or 99-year contracts that are not benefiting them.
 - ensure the contract clearly describes the way the investor must protect and preserve the environment.

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Adapted from Namati's Community Land Protection Facilitators Guide. See Resources page for more details.

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HOW CAN I KNOW MY LEGAL RIGHTS?

By finding out relevant laws relating to land, communities can strengthen their advocacy and hold those in power to account. But where can we find these laws and policies?

National governments sign up to 'instruments' on issues such as land at international level. ('Instruments' in this context means treaties and other documents that may or may not be legally binding.) Governments are then normally meant to put these instruments into national laws, which should be put into practice at community level.

INTERNATIONAL AGREEMENTS

International instruments include:

- the United Nations Declaration of the Rights of Indigenous Peoples
- the Food and Agriculture Organization of the United Nations' Voluntary Guidelines for the Responsible Governance of Tenure
- the Convention on the Elimination of all Forms of Discrimination Against Women.

NATIONAL LAWS AND POLICIES

A country's laws and policies relating to land may include:

- sections of the country's **constitution** concerning land, natural resources, customary or indigenous people's rights, equality between people, and the way processes relating to land should be carried out
- any national laws that allow for **documentation or registration of community lands** and resources
- relevant sections of other **national laws**, including inheritance law, family law, environmental law, indigenous peoples law, forest law and water law.

WHERE TO LOOK

- **The internet.** Your country's constitution and various international instruments may be available online. Finding the specific national laws of your country can be more challenging. There are several websites that bring together laws and policies from different countries:
 - www.fao.org/faolex
FAOLEX is a database of laws, policies and agreements from around the world.
 - www.landportal.org/library/search
You can search this database by country, language, type of document and more.
 - www.fatlm.org
Click on 'List of members' to see the

regions and countries covered by the Free Access to Law Movement.

- **Libraries.** A librarian may be able to help locate the information needed.
- **Universities.** You may be able to access legal resources through universities and their libraries.
- **Government departments** (local, national and statistical offices). Contact government departments to request copies of laws and policies.
- **Other organisations.** Other agencies may have copies of documents or know someone who does.

AN EXAMPLE FROM INDIA

India has a national law that gives its citizens the right to access government information about their legal entitlements. Tearfund's partner Emmanuel Hospital Association (EHA) raises awareness about this law among people living in slums. EHA showed one slum community in Delhi how to request information about the services they were entitled to. As a result, the community discovered that they were entitled to a tarmac road, an electricity connection, water, sanitation, a health clinic, a school and more.

EHA showed the community how to write to local government officials and request these services. This led to several meetings with the officials. It was not always easy because the slum had developed on government land and the officials were fearful about losing ownership. However, the community persevered because they knew their rights under the law. Eventually the local government paid for the services requested.

📺 The internet can be a good source of legal information, if we know where to look. Photo: Andrew Philip



Compiled using Tearfund's Advocacy toolkit by Joanna Watson. See www.tearfund.org/advocacytoolkit



by Rev Dr Lydia Mwaniki



BIBLE STUDY

THE DAUGHTERS OF ZELOPHEHAD

Read Numbers 27:1-7

Numbers 27:1-7 presents a scenario where women were not allowed to own land. In fact, in Israel a woman was treated like the property of her father, and was then transferred to her husband via a bridal payment. In their humility and wisdom, the five daughters of Zelophehad influenced the making of a new law by God to allow women to own land.

The daughters of Zelophehad lived at the end of the Israelites' exodus from Egypt as they prepared to enter the Promised Land. As time passed in the wilderness and the population changed, it was necessary to carry out a new census (Numbers 26:1-4). This was to help plan the social and economic structures of the new nation. God said that the land was to be divided among the tribes in proportion

to the size of their families (Numbers 26:52-56). Each male head of household received an allotment.

Zelophehad had died without a son. When his daughters realised that their father's name would be excluded when the land was given out because there was no male heir, they did an extraordinary thing that had not been heard of before. They asked Moses, Eleazar the priest, the chiefs and the whole assembly for their right to inherit their father's property. In humility, Moses brought the matter to God. God responded that the plea of the daughters was just, and that they should be granted their father's inheritance.

God is just and fair, and does not want women to be disadvantaged. He sees them as perfectly capable of owning and managing land.



DISCUSSION QUESTIONS

- Identify ways in which women's rights are violated in your community.
- What practical measures can women and men take in your community to protect women's land rights and all other rights?
- What lessons can we draw from this Bible passage about the role of leaders in promoting gender justice?

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HOW CAN WE STRENGTHEN WOMEN'S LAND RIGHTS?

by Godfrey Massay and Beth Roberts

Though most rural women depend on land for survival, most lack secure tenure. Secure land rights can help lift rural women out of poverty, with their families and communities. Development workers can help women gain rights to land and natural resources using these approaches:

- **Use human rights and sustainable development standards.** The Sustainable Development Goals (SDGs) include clear statements about women's land rights. Governments are committed to these principles, and development workers can use them to advocate for better laws, policy and practice.

- **Make strategic partnerships.** Global, regional, national and local movements for women's land rights are gaining momentum. Development practitioners can help sustain and build these efforts.
- **Work together with communities.** Development workers and paralegals can support communities to put in place solutions such as legal aid to strengthen women's land rights.
- **Work with private sector companies.** Companies have begun to see a link between secure tenure and improved agricultural productivity. Development workers can advocate for women's inclusion as good business and good practice.

- **Encourage governments to collect data.** The SDGs present a key opportunity: we lack data on women's land use and ownership from around the world. Without it, we cannot create effective solutions for stronger women's land rights.

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Godfrey Massay is the Advocacy Manager, Tanzania, and Beth Roberts is a lawyer and Land Tenure and Gender Specialist for Landesa, an international land rights organisation.

For a longer version of this article, visit www.tearfund.org/womenandland

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by Susan Parajuli

JOINT LAND OWNERSHIP IN NEPAL

For United Mission to Nepal (UMN), gender justice has always been a priority. We believe that men and women are like two wheels of a cart. When we started a new food security project in 2016, we realised that to bring about community transformation, we should start by working towards gender justice within individual households.

PREPARING THE GROUND

We began by researching the causes of discrimination between men and women in the local community, and found that land ownership was a key issue. In Nepal, although 72.8 per cent of women are engaged in agriculture, they legally own less than 20 per cent of the land. This is even worse in remote areas.

We also reviewed the government of Nepal's policies on women, land rights and the rights of smallholder farmers. We noticed that the government had recently developed guidelines on joint land ownership to encourage the empowerment of rural women. Joint land ownership means that both men and women are officially registered as owning a piece of land, rather than just the men.

Together with other organisations, we discussed the opportunities and threats of running a joint land ownership project. Despite the risks, we decided to go ahead.

SPREADING THE WORD

We arranged face-to-face discussions with the newly elected local government officials. Most were not aware of the new guidelines about joint land ownership. We explained these in detail, which they appreciated.

We then worked on educating the target communities. Most of the people in these rural areas are illiterate. We therefore used local FM radio, which was a very effective way of sharing the message. The radio broadcasts explained in the local language why joint land ownership is important, how to obtain it and the benefits of having it.

We also spread the news through our Community Empowerment Centres. UMN set up these centres for women to learn about social issues, solve problems together and build their leadership qualities. Participants from the centres conducted a door-to-door campaign,

talking with both male and female members of local households.

The men were reluctant at first, but once they understood the benefits of joint land ownership they were ready to support the project. If men were aggressively against it, we organised a discussion between them and officials from the District Land Reform Office. The men became more supportive once they realised that this was a government priority too.

There is a saying, 'Nothing will change unless we change in ourselves.' Some of the new government officials were the first to apply for joint land ownership. This helped to convince the community and built confidence and trust.

WOMEN EMPOWERED

So far, 36 couples have obtained certificates of joint land ownership. The local government organised a ceremony to honour them, and this has helped women realise they are an important part of society.

Land is associated with the way society perceives a person. We found that women with joint land ownership are more confident, more empowered and better represented in various discussion forums. They have also gained better access to various local services, such as loans for farming.

The comments of the women involved speak for themselves: 'My family members have started talking with me politely.' 'We have now gained easy access to a loan from a cooperative.' 'It is our first step towards community transformation.'

📷 Bimala Kami and her husband, Lalbir, were the first couple in their district to get a certificate of joint land ownership. Photo: United Mission to Nepal



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TRANSFORMING SLUMS

The word 'slum' is often used to describe informal settlements within cities that have poor housing and miserable living conditions. Slums are often overcrowded, with many people crammed into very small living spaces.

These settlements lack basic services such as water, sanitation, drainage, waste collection, street lighting, pavements and roads for emergency access. Most slum dwellers do not have easy access to schools, hospitals or public places for the community to gather. Slums are often areas where crime and unemployment levels are rising.

Housing in slums is built on land that the occupants do not have a legal claim to. Often, slum dwellers face many obstacles to owning or obtaining the rights to land. Control of the land is often linked to corruption and the personal influence of those in positions of power.

Sometimes it is necessary to tear down a slum. In some cases, slums are built on land that is unsafe – for example, in areas where landslides are common. In such cases, relocation may be the best option. However, most slum evictions occur

when local authorities want to remove slums located on valuable land so that developers or others can use it.

The process of gaining rights for slum dwellers depends on whether they are able to work together with the authorities. Community leaders or advocates need to start a conversation with the government so that slum dwellers and government officials can meet and take action together to upgrade the slum.

WHAT IS SLUM UPGRADING?

Generally, slums are built on land that is well located and provides easy access to the city and its opportunities. Poor people in urban areas need to be near the city to access jobs.

Slum upgrading is a process of gradually improving and formalising slums, until eventually they become recognised as part of the city itself. This happens when governments provide land, services and citizenship to slum dwellers. Activities usually include the provision of basic services such as housing, streets, drainage, clean water, sanitation and sewage disposal. Often, access to



Slums like this favela in Brazil often lack basic services such as sanitation and drainage.
Photo: Eleanor Bentall/Tearfund

education and health care are also part of upgrading. In addition, one of the key elements of slum upgrading is legalising properties and bringing secure land tenure to residents.

Slum upgrading is also about putting into place the economic, social and community activities that are needed to turn around downward trends in an area. These activities should be done cooperatively with all parties involved – residents, community groups and businesses, as well as local and national governments, if applicable.

There are many factors that are needed for a slum upgrading programme to be successful. The two most important ones are strong political will on behalf of government and strong commitment on the part of communities.

Adapted from materials by Cities Alliance, a global partnership for reducing urban poverty and promoting the role of cities in sustainable development.

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LEARNING POINTS FROM CAMBODIA

World Vision International started a new project to support poor urban communities to gain official land rights in Phnom Penh, Cambodia. World Vision helped the communities learn about land rights and linked them into the government's decision-making processes.

World Vision shared the following learning points from the project:

- A big investment of time and resources is needed to build relationships with the government around the sensitive issue of land.

- It is very important to engage with other organisations already working on land tenure issues and establish a collective voice.
- Mapping formal and informal housing arrangements and key services is vital.
- It is useful to explore 'soft advocacy' approaches, including developing the communities' ability to express the issues in a clear and non-confrontational manner.

by Dr Viv Grigg

SLUMS AND THE STRUGGLE FOR SECURITY

By 2020, UN Habitat predicts that 1.4 billion people could be living in slums. For me, this is the biggest challenge for urban ministry in our time. Below are some steps that people living in slums often need to go through to gain secure tenure and better services. The order and exact nature of the steps will vary from place to place.

For many years I worked as a pastor in a slum in Manila, the capital of the Philippines. I remember the blood splattered on the walls as soldiers and bulldozers destroyed our slum. Church members helped the residents load their housing materials onto trucks and rebuild their homes in the new 'relocation area'. This new site lacked water and was nine miles away from the city jobs that the people depended on.

The life of a slum pastor is to stand with the people who are losing their homes and land. This is **Step One**.

But I wondered, could this confrontation have been prevented? The priest who worked in the community before me had been wiser. He had organised the community members before an earlier confrontation, so that when the bulldozers came, the people lay down in front of them. The priest called the

newspapers. He then called the mayor, telling him the reporters and cameras were there. He advised the police chief to avoid bloodshed because the mayor was coming.

Of course, when the mayor arrived and saw the news reporters, he said, 'We must settle this peacefully through discussions.' In the end, the people were given half the land. This is **Step Two**: the wise leadership of a trained community organiser.

Step Three is community organising and advocacy. Community representatives need to spend time with government officials, attending the conferences of social workers and academics. This will allow them to build a reputation and be able to make calls to the right people when needed, as the priest did in the example above.

Step Four is advocacy with knowledge. Research is essential. Each week, I have Skype calls with workers in eight cities around the world. These workers have to learn the complex systems for gaining land tenure. There are often 40–80 steps. Questions to research include: Which offices must issue which certificates? What information do they need? Who in those offices will help, and how can we avoid those who will seek a bribe?

Step Five involves someone becoming an expert on governmental and private housing schemes. That person needs strong financial knowledge. This helps the community in **Step Six**: setting goals in terms of savings groups and processes. Communities are likely to need funds for various parts of the slum upgrading and registration process. Managing savings groups can be hard work and may involve disputes. Leaders need a soft heart but a rhinoceros skin!

Step Seven is negotiating larger-scale contracts between community organisations, banks and housing programmes. Slum leaders can become business experts and help to organise the provision of better services for the community. In an open society such as the Philippines, this is possible. In countries where corruption is more common, it is a much greater challenge.

Step Eight: This is so difficult! Let's give up!

Alternative Step Eight: We remember that we are walking with God into these dangerous and challenging places. We need to stay close to him in the struggle. With the Holy Spirit's help, we can carry on.

By 2020, 1.4 billion people could be living in slums. Photo: Francesca Quirke/Tearfund



Dr Viv Grigg has developed an MA in Transformational Urban Leadership with multiple universities around the world. He is the Director of the Urban Leadership Foundation and coordinates the Encarnação Alliance of Urban Poor Movement Leaders.

For a course and resource material on urban land rights, see www.urbanleaders.org/655LandRights

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PREVIOUS FOOTSTEPS

- FOOTSTEPS 82: Natural resources
- FOOTSTEPS 67: Urban renewal
- FOOTSTEPS 54: Household agriculture (includes information on growing crops when only a small amount of land is available)
- FOOTSTEPS 41: Looking after our land

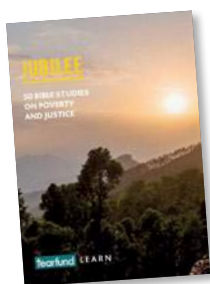
Visit www.tearfund.org/footsteps to download a free copy, or contact us to order paper copies.



JUBILEE: 50 BIBLE STUDIES ON POVERTY AND JUSTICE

To celebrate Tearfund's 50th birthday, we are reflecting on the biblical concept of jubilee. This book contains 50 Bible studies on this theme, written by theological thinkers from around the world. Available in English, with versions in French, Portuguese and Spanish coming soon.

Visit www.tearfund.org/jubilee to download a free copy, or contact us to order a printed copy for £5.



SPECIAL OFFER! We are giving away a free copy of this book to the first 50 people to contact us. To enter, email publications@tearfund.org with your name, full postal address and the language you would like, or write to us at the address on page 19.



COMMUNITY LAND PROTECTION FACILITATORS GUIDE

By Rachael Knight, Marena Brinkhurst and Jaron Vogelsang

Namati has produced this step-by-step manual for grassroots advocates seeking to help communities protect their land rights. The guide helps communities to map their lands, develop community by-laws and seek formal government recognition of their rights. Available in English only. Please email communitylandprotection@namati.org to request a printed copy. Alternatively, visit www.namati.org/ourwork/communityland to download a free copy in English and to watch short animated videos of the process in English, French, Portuguese and Spanish.



PILLARS: AGROFORESTRY PILLARS: SEEKING JUSTICE FOR ALL

Pillars guides provide practical, discussion-based learning on community development for use in small community groups.

Pillars: Agroforestry explains the benefits of growing trees and crops together, on farmland or in the forest. It is available in English and French.

Pillars: Seeking justice for all equips communities to challenge unjust laws and to protect the rights of others. It is available online in English, French, Portuguese and Spanish, and in print in English, French and Portuguese.

Visit www.tearfund.org/pillars to download a free copy, or contact us to order a printed booklet for £8.



USEFUL WEBSITES

www.islp.org

International Senior Lawyers Project provides free legal assistance to governments and community organisations in developing countries on topics such as protecting communities' rights in development projects.

www.landrightsnow.org

Land Rights Now is a global campaign to secure indigenous and community land rights. Available in English, French and Spanish.

www.landportal.org

This website brings together information on land governance from around the world. Available in English, French, Portuguese and Spanish.

www.landcoalition.org

The International Land Coalition website includes news, blogs and resources. Available in English, French and Spanish.

www.landmarkmap.org

LandMark provides maps and other information on lands that are collectively held by indigenous peoples and local communities.

www.forestpeoples.org

Forest Peoples Programme supports the rights of peoples who live in forests. Available in English, French and Spanish.

www.gltn.net

The Global Land Tool Network shares tools for solving problems in land tenure and management.

2018 is the year Tearfund celebrates its 50th birthday as an organisation. The Archbishop of Canterbury, Justin Welby, has written a prayer to mark this occasion. Please join us in praying for an end to poverty.

Gracious and generous God, you became poor so that we might be enriched by your love, and you gave the world's wealth and resources as a common inheritance of all human beings.

We pray you would strengthen your church to be a beacon of hospitality for the poor.

We pray that, seeing the light of Christ's love, the nations and peoples of the world may fight not to kill, but to outdo one another in care for the poor, and in actions of gracious generosity.



Photo: Lambeth Palace/Picture Partnership

Through him who for our sakes did not grasp the wealth of heaven, but instead gave all to live for us as a slave, and die for us in pain, Jesus Christ our Lord and Saviour.

Amen



KNOTTY PROBLEM

Question: I know that advocating about land rights can be dangerous. How can my community keep safe while trying to protect our rights?

Answer: When an organisation speaks out in a difficult environment or on controversial issues, it can be risky for the people involved. Violence, threats of violence, imprisonment and even death threats may be made against those doing the advocacy, their friends and family, and people in the communities involved.

Below are some examples of ways of reducing risks associated with doing advocacy.

- Work with organisations outside the country or context who are not under the same threat.
- Undertake advocacy with others, as part of a network or alliance, to keep a low profile and give strength in numbers.
- Build strong relationships with those in power who could help you in difficult situations.

- Show respect to decision-makers and give them clear explanations if they ask for them.

It is a good idea to do an advocacy risk analysis to identify and manage risks. Tearfund's *Advocacy toolkit* can help with this. If any risk is too high, it is wise to consider alternative options for advocacy, such as asking an external spokesperson or overseas organisation to advocate on your behalf.

It is good practice to ensure that everyone involved is aware of the risk, is still happy to proceed and is aware of what to do to minimise the risk. This will probably involve ensuring that they know who to go to for help. There may be some situations where the risk is so high that we cannot do any advocacy at all. However, it is worth remembering that, sometimes, there may be a bigger risk in not doing advocacy than in going ahead with it.

Answer adapted from Tearfund's Advocacy toolkit by Joanna Watson. Visit www.tearfund.org/advocacytoolkit to download a free copy, or contact us to order a printed copy for £12.

FOOTSTEPS

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Footsteps is free of charge to grassroots development workers and church leaders. Those who are able to pay can buy a subscription by contacting the Editor. This enables us to continue providing free copies to those most in need.

Readers are invited to contribute views, articles, letters and photos.

Footsteps is also available in French as *Pas à Pas*, in Portuguese as *Passo a Passo* and in Spanish as *Paso a Paso*. It is also available in Hindi.

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📷 Women and children from the Palaung tribe.
Photo: UHDP

INTERVIEW

THE LAND IS OUR LIFE AND FUTURE

Bunsak Thongdi leads Upland Holistic Development Project (UHDP), which works with hill tribes in northern Thailand on land rights and community land and forest management.

What sort of problems are the hill tribes facing?

The land where the hill tribes live is seen as belonging to the state. The communities do not have the title of the land, even though they have lived there for generations. The government wants to start a national park in the area, which would mean relocating those living there. But for the hill tribes, it is not just a piece of land – it is their life and their future.

Another problem is that business people are bringing cash crops into the area, such as tangerines. These crops are not native to the area, so they require a lot of chemicals, which pollute the water. Also, these plants need a clear, open field. The business people

📷 Bunsak, right, trains local people in community forest management. Photo: Spreadtrum



try to manipulate local farmers into clearing the forest. Often the farmers end up with no profit – sometimes even a loss.

What is your organisation doing to help?

As the local people do not have the land title, the only thing they can do is to request a community land deed from the government. This would provide the people with an official document saying they can use the land. At the moment, this process is still ongoing.

In the meantime, we provide training to local people on managing community lands and forests. First we help the community to elect a **community forest and land management committee** among themselves. Each committee member has a role, such as taking care of forest fires or connecting with local government officials.

We train the committee to do **mapping** using GPS (Global Positioning System) technology. Then other organisations, such as the local university, make the map for us. The community uses the maps and other papers to document the area of land they are taking care of. After finishing the map, the community agrees some **rules and regulations** about how they will protect and use the land and resources. When someone from outside wants to take the land, the community can use the map to help them negotiate. Even though it is not an official document, it is certainly helpful.

How do you help people to make the most of the land?

We are promoting better farming methods, such as using compost. We also encourage

income generation from crops that are not so complicated to grow, such as coffee and tea.

Many people have access to a small piece of land by their homes. We help them develop backyard agriculture, so they can at least produce food to feed their family. If they do well, they can also sell some of their produce. If communities have a bigger area of land, we help them to develop agroforestry. This is the idea of having different things planted in the same plot so that they all benefit: trees for construction, fruit trees and other crops.

We encourage neighbouring communities to form an environmental network so they can learn from each other and have a bigger voice. UHDP is also part of a larger NGO network in the area. By working together, people are better able to protect their natural resources.

What do you find most inspiring about your work?

For me, the most inspiring thing is seeing people get a sense of ownership of the land and the project. Because then, when you leave the community, they still carry on the work. A third of the communities have now become trainers for other areas. We are really happy to see the impact they are creating today.

Bunsak Thongdi is the Director of UHDP and a member of Tearfund's Inspired Individuals programme.

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