

Evaluation of Community-based Legal Aid Activities in Uganda and Tanzania

Research Note: October 2012

Background and motivation: A troubling paradox remains across much of Africa: although significant legislative gains have improved women's legal rights to land, significant gender disparities continue to exist in women's access to, control of, inheritance and ownership of land at the grassroots level. Especially in rural areas, women are often excluded from traditional patrilineal inheritance systems, lack the legal know-how or enforcement mechanisms to ensure their property rights are maintained, and lack the initial capital or asset bases necessary to purchase land through market mechanisms. This disjuncture between *de facto* and *de jure* property rights has been noted by stakeholders interested in human rights considerations, as well as those interested in promoting development effectiveness through gender equity and investment in women.

"The outcomes [of land disputes] are not fair, especially to women; we are always losing our rights. We are marginalized because we have little knowledge of land rights."

– Woman FGD participant in beneficiary community in Dodoma, Tanzania

One promising mechanism to improve implementation of gender-equal laws is through Community-based Legal Aid (CBLA) programs. Broadly speaking, CBLA targeting gender and land issues are carried out as programs at the grassroots level, with the aim of improving rural men and women's knowledge of existing laws, attitudes towards women's ability to own or control land and practices of how land is administrated and distributed. Thus far there is little rigorous evidence on how effective these programs are in affecting outcomes.

This brief is based on the findings from a qualitative study titled "Evaluation of Grassroots Community-Based Legal Aid Activities in Uganda and Tanzania: Strengthening Women's Legal Knowledge and Land Rights," which was conducted in Uganda and Tanzania from December 2011 to June 2012 in order to assess the potential of CBLA activities to strengthen women's land rights via improvements in men and women's knowledge, attitudes and practices on gender and land issues.



Overview of Methods: In order to better understand how CBLA programs can be effective on a wider scale or in different contexts, IFPRI, in conjunction with collaborators in Uganda and Tanzania, used qualitative methods including: (A) A listing survey of approximately 50 service providers, (B) 40 Key Informant Interviews (KIIs), (C) 25 Focus Group Discussions (FGDs) and (D) 10 multi-media journals. The listing survey was meant to be a census of service providers and was a four page questionnaire administered via web, phone, mail and electronic mail. KIIs were conducted largely in the capital cities of Kampala and Dar es Salaam. FGDs and journals took place in beneficiary and non-beneficiary areas among rural women (stratified on female headship), men and CBLA workers. The case study work in Uganda focused on the Uganda Land Alliance (ULA) programs in Apac and Mbale Districts. In Tanzania the case study work focused on Women’s Legal Aid Center (WLAC) and Tanzania Women Lawyer’s Association (TAWLA) programs in the Dodoma region. Qualitative data was coded and analyzed using NVivo.



Results:

Listing survey of service provider organization results: The listing survey was sent to a large range of organizations implementing programs on land, legal and gender issues. The survey was completed and returned by 16 organizations in Tanzania and 30 organizations in Uganda, representing response rates of 73% and 68% respectively. Overall, organizations in both countries reported approximately 8.5 to 9 distinct activities related to legal and development assistance, with approximately 80% reporting dedicated CBLA activities. Approximately half of all surveyed organizations offer some type of compensation to CBLA workers, although in most cases this is an in-kind donation such as a bicycle or a small travel stipend. A summary of additional characteristics based on information gathered on the surveyed organizations’ largest CBLA program is presented in Table 1.

Table 1: Characteristics of implementing organization’s largest CBLA program

Indicator	Uganda	Tanzania
Average age of CBLA program (years)	5	3
Average number of dedicated national program staff members	5	6
Average number of CBLA workers	182	99
% of organizations with intention to expand program in 2013	70	75
% of organizations that offered initial CBLA training	97	80
Average length of initial CBLA training (days)	7	9
% of organizations that offered a refresher training	83	75

KIIs and FGDs results: The evidence from KIIs and FGDs clearly demonstrates that the goal of strengthening women’s property rights through CBLA programs requires much more than simply improving knowledge and delivering justice to rural populations. In particular, CBLA activities must work towards changing mindsets, attitudes and cultural norms surrounding women’s rights. Findings also identify a variety of program design components important to the effectiveness of CBLA service delivery, including: length, content and continuity of training, compensation to CBLA workers, selection of CBLA workers (including sex of CBLA workers), geographic saturation or coverage and support by legal aid clinics or centers.

Although Civil Society Organizations (CSOs) have stepped in to fill a vacuum in legal service provision at the grassroots level that has been left vacant by the government, lack of coordination between organizations and with local and national governments has led to the uneven distribution of services, inefficiency in donor resource allocation and low levels of information sharing and standardization in training curricula. Efforts in both countries are underway to coordinate funding, training and institutional arrangements; however, they are still in the early stages.



These women from Apac district in Uganda found a plot of land to purchase and agreed with the seller on the price of two sheep. The CBLA in their community accompanied them as they went to purchase the land.

“I am very thankful for their trainings. The good thing is that they don’t only train us but also train men. Because other groups target only women which would make it difficult for us to convince the men as they would not believe us.”

– Woman FGD participant in beneficiary community in Mbale, Uganda

Compensation for CBLA workers is a component of programming where there is considerable variety in opinion and obvious need for further investigation. The vast majority of CBLA programming operates without compensation, often offering in-kind or small stipends for transport and emphasizing a community-owned model. Many organizations argue that voluntary contributions from beneficiaries of services are essential to keep programs sustainable; other respondents felt that the voluntary approach is by nature unsustainable because of high dropout rates. Among both CBLA workers and community members there is overwhelming agreement that CBLA workers are limited in their capacity to provide legal aid services because of competing income-generating activities or unrealistic transportation costs.

Multi-media journal results: These narratives illustrated the importance of land in communities, the high level of demand for CBLA services and the often difficult conditions and cases faced by CBLA workers.

Opportunities and obstacles for scale-up

Taken together, the results demonstrate that there is clear demand for enhanced CBLA services that focus on gender and land rights issues in Uganda and Tanzania; however, scale-up efforts must be focused on improving both the coverage and quality of CBLA services. There are a number of opportunity areas for scale-up efforts:

Improve CBLA worker training: There is overwhelming agreement from CBLA workers and community members that the training received by most CBLAs is not sufficient. Improved training would help to equip CBLA workers with the tools they need to be successful at delivering legal aid in the communities. More frequent trainings and refresher courses would help CBLA workers to gain in-depth understanding on relevant laws, as well as to stay aware of new laws when they are passed.

Institutional standardization of training:

Standardization of training across CBLA implementing organizations would help to improve consistent quality of legal aid services. This standardization may also include a certification process for CBLAs. In addition, many CBLA programs do not explicitly focus on land rights yet may address land issues as an element on women's rights or human rights focused programs. CBLAs serving in these types of programs should receive training on laws related to land rights, which could be addressed through standardization of training curricula.

Expand use of media: Many CBLA programs already use radio to inform community members about their legal aid services. Diverse forms of media, including community drama, could be expanded to reach additional individuals and increase publicity for CBLA programs.

Support changing attitudes: Land ownership is a sensitive issue and gender dynamics are often deeply rooted in cultural tradition. Concentrated effort sustained over a long period of time will be required to change attitudes around women's roles in owning and managing land. This will require long-term program commitment to continue sensitization activities among all community members. It is important for CBLA workers to believe in the principles of gender equality that they are intended to promote through their legal aid work.

Improve coordination: Coordination efforts between legal aid service provider organizations could help to formalize the legal aid sector through legislative action. Coordinated advocacy for recognition by government could also lead to the establishment of formal certification systems, which would help to standardize legal aid services across organizations and improve consistent national coverage.

Support land registration efforts: Land registration with widespread community participation can reduce conflicts over land in the long run. However, the registration process can be both costly and arduous. In areas where most of the land is held under customary tenure, legal aid efforts should focus on improving the process for obtaining customary titles. In the case of married couples, CBLA workers can advocate for co-registration on land documents to protect women's rights to the land. In cases where women are part of co-habiting or unregistered marriages, CBLAs can provide information and assistance in navigating domestic law.

Conduct additional research: There is a strong need to invest in comparative studies and impact evaluation, as well as to develop evidence on the effectiveness of CBLA programs to document successes and continuing challenges in improving women's land rights.