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LANDREFORM IN AFGHANISTAN (THE LARA PROJECT)

Gender Mainstreaming in Arazi, and developing the
role of the Women's Land Rights Task Force
February 2013

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PREFACE

The United States Agency for International Development (USAID) Land Reform in Afghanistan Project (LARA Project) is managed by Tetra Tech ARD under USAID Contract No. 306-C-00-11-00514-00, with implementation assistance from its partners Tetra Tech DPK, International Land Systems (ILS), Development & Training Services Inc (dTS), and Landesa (formerly the Rural Development Institute).

LARA project's primary government partners are MAIL/MAIL/Arazi (formerly the Afghan Land Agency), the Ministry of Urban Development Affairs (MUDA), the Independent Directorate of Local Governance (IDLG), as well as the Supreme Court and selected local municipalities.

The purpose of the LARA project is to develop a robust, enduring, and Afghan-owned and-managed land market frame work that encourages investment and productivity growth, resolves/mitigates land-based conflict, and builds confidence in government's legitimacy, thereby enhancing stability in Afghan society.

The Project continues USAID/Afghanistan's support for land reform and land rights strengthening that began through the earlier LTERA Project. The LARA project currently comprises an 18-month Base Period and an 18-month Option Period, with a contract amount of \$41.8 million. The LARA project is designed to contribute to USAID's AO and Afghanistan National Development Strategy. Three influences will help shape The LARA project's contributions to this Objective: (1) the foundations provided by the former USAID Land Tenure and Economic Restructuring in Afghanistan (LTERA) project that provides a starting point and methods that can be adapted; (2) USAID/Afghanistan management objectives including Afghanization and conflict mitigation; and (3) the following major LARA project objectives:

- Improve property rights delivery (land administration and formalization);
- Enable all citizens (women, minorities, and vulnerable populations) to exercise their rights through public information awareness (PIA);
- Strengthen land dispute resolution processes to reduce conflict and promote peace and stability;
- Promote economic development through clear and enforceable property rights, PIA, land rights delivery, and land dispute resolution; and
- Strengthen institutional, policy, and legal reform to secure property rights for Afghan citizens;
- Provide assistance in the cross cutting areas of gender, training, PIA, and private sector

development. These objectives are supported by three components that provide the over-arching structure for Programming activities and tasks in the work-plan are as follows:

1. **“Informal Settlements & Formalization”**-Support MUDA, AGCHO, IDLG, and the Municipality of Jalalabad with informal settlements upgrading, formalization, cadastral mapping, laws for urban planning and land use regulation, and training in planning and enforcement. Also, this project strengthens tenure security by supporting the Supreme Court and communities with rights formalization and informal dispute resolution.
2. **“Legal Framework”**-Provide limited assistance to MAIL/MAIL/Arazi to identify, manage, lease, and obtain revenue from Afghan government lands and provide targeted technical assistance.

3. "Capacity **Building**"-

Build capacity of public (AGCHO, MAIL/MAIL/Arazi, IDLG, MUDA, Supreme Court) and private sector land service providers to improve and streamline land tenure processes to Afghan private and public sectors.

ACRONYMS AND ABBREVIATIONS

AGCHO	Afghan Geodesy and Cartography Head Office
AO	Assistance Objective
APPF	Afghanistan Public Protection Force
MAIL/ARAZI	Afghanistan Land Authority
CBDR	Community-based Dispute Resolution
COP	Chief of Party
DCOP	Deputy Chief of Party
DFID	United Kingdom's Department for International Development
GIRoA	Government Islamic Republic of Afghanistan
GDMA	General Directorate of Municipal Affairs
dTS	Development and Training Services Inc.
Harakat	Afghan Investment Climate Facility Organization
IDLG	Independent Directorate of Local Governance
ILS	International Land Systems
LARA	Land Reform in Afghanistan
LTERA	Land Tenure and Economic Restructuring in Afghanistan
MAIL	Ministry of Agriculture, Irrigation, and Livestock
MUDA	Ministry of Urban Development Affairs
PIA	Public Information Awareness
SUPPORT	Services under Program and Project Offices for Results Tracking
USAID	United States Agency for International Development WLRTF Women Land Rights Task Force

1. INTRODUCTION

This document is one of two reports from a consultancy conducted in January and February 2013. This piece of work has been concerned to make recommendations to the LARA Project regarding the Project's future support to the Afghanistan Land Authority or *Arazi* (literally meaning lands). This document addresses the aspect of the consultancy concerned with *Task 10.4: Provide Additional Support for MAIL/Arazi on Gender Issues* described in the *LARA Project's Option Period Work Plan*. As such, the document outlines a series of activities designed to initiate a process of gender integration or mainstreaming in the organization and functions of Arazi. Execution of these activities is, of course, subject to funding and timing constraints on the LAR Project. These activities are listed in Box I. A definition of Gender Mainstreaming is provided in Box III, below.

Two other activities are also described in this document. The first of these is focused on the LARA

Box I: Future activities for the LARA Project to support Gender Mainstreaming at Arazi (subject to funding and time constraints)

1. Facilitate the design and implementation of a course on gender awareness and gender responsive implementation of Arazi activities, for Arazi staff from different directorates and different levels. Facilitate the production of a manual based on the course
2. Support Arazi to develop an Action Plan to recruit more women and ensure more women are in senior management positions in Arazi
3. Support Arazi to define and strengthen the work of its Gender Team
4. Support Arazi to identify a committed and capable Gender Focal Person
5. Ensure that all data systems that the LARA project is setting up within Arazi contain sex-disaggregated data fields and that Arazi staff understand the purposes of sex disaggregated

Project's broader objective to encourage greater gender equity in access to land. The second is suggested as an activity for any future Land Reform Project or similar initiative in Afghanistan. They are both briefly described in Box II below, as activities 6 and 7 respectively.

The primary aim of this document is to describe these activities, how the LARA Project can implement or facilitate them, the gender mainstreaming goals they contribute to and the rationale for choosing them.

The *Afghanistan Services under Program and Project Offices for Results Tracking* (SUPPORT Project) conducted a Gender Assessment of Arazi in July 2012, for USAID (from here on referred to as the Gender Assessment of Arazi), this document does not repeat the same. Instead, it draws on the findings of this previous assessment and a similar Gender Assessment of the LARA Project (from here on referred to as the Gender Assessment of LARA), also conducted by the

SUPPORT Project, alongside new knowledge gained, to outline practical implementation activities. Likewise, this document does not provide a comprehensive description of the functions of Arazi, these can be found in the LARA Project's Institutional Assessment of its partner organizations and also in Adam Smith International's review of Arazi for the World Bank.

The next section of this document briefly describes the methodology used during the consultancy. Following this Section 3 describes the activities the LARA Project can undertake to support Arazi to initiate gender mainstreaming. Section 4 discusses future options for the Women's Land Rights Task Force. Section 5 provides recommendations for future work to provide a gender analysis of the leasing function of Arazi. Findings from both interviews and consultations undertaken during this consultancy and those presented in the Gender Assessment of Arazi are used to explain the rationale for recommending each of the activities and their modalities.

It should be noted that the LARA Project already undertakes a number of activities concerned with bringing greater gender equity to the attainment of individual land rights and land management. The three most notable activities are:

- The drafts of all legislation, policy and procedures the LARA Project are supporting Arazi to develop are reviewed by the LARA Project's Gender Team to ensure they are gender aware and gender sensitive. For instance, significant efforts were made to ensure the 2012 amendments to the Land Management Law are sufficiently gender sensitive.
- The establishment of the Women's Land Rights Task force (WLRTF) with the mandate to advocate for women's land rights, specifically women's inheritance rights. The future development of this task force is discussed below in detail.
- A multi-faceted Public Information and Awareness Campaign focused on women's inheritance rights.

Box II: Other activities

6. The LARA project continues to support the Women's Land Rights Task Force in their development and assist them to identify a suitable organization to host their meetings and act as to secretariat.
7. Conduct a gender analysis of the leasing function of Arazi both from the perspective of Arazi and potential and actual customers prior to implementing any future Land Reform Project in Afghanistan.

2. METHODOLOGY

The knowledge used to design the activities recommended in this documents has been built using the following methods and experiences:

- Drawing on the findings and recommendations of two USAID commissioned Gender Assessments; one of the LARA Project and one of Arazi. Where the activities outlined in this document are taking place in support of or are as a direct response to the recommendations made in either of these reports it is stated.
- Interviews with Arazi staff appointed to be members of the Arazi Gender Team; consultation with one gender expert involved in conducting gender assessments for USAID, consultations with members of the LARA Gender Team and other LARA Project staff.
- Interviews with Arazi staff from the leasing, dispute resolution, land clearance (*tasfia*) and executive directorates. While these interviews were not specifically focused on gender issues, they contribute to a general knowledge of the function and priorities of Arazi, which informs these recommendations.
- A review of the relevant literature, in particular drawing on the findings and recommendations of AREU's (2008) gender mainstreaming study. This is the most comprehensive analysis of Gender Mainstreaming within the Afghan Government to date.
- The consultant's own knowledge of and experience working on gender issues in Afghanistan.

Box III: Gender Mainstreaming

Gender mainstreaming is a strategy to bring gender issues into the mainstream of society. It is not about a 'women's component' or even a gender component', it is a strategy for integrating gender issues across all activities of any organization or institution. As defined by United Nations Economic and Social Council in July 1997 Gender mainstreaming *is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic, and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.*

3. ACTIVITIES TO INITIATE GENDER MAINSTREAMING AT ARAZI

The activities outlined in this document should be understood within the context of Arazi's responsibilities and priorities; briefly outlined here. Arazi is made up of seven directorates: Land Inventory and Survey; Land Clearance (*Tasfia*); Land Leasing; Land Dispute Resolution; Chief Executive Office and Administrative Operations; Land Transfer and Exchange; and, Monitoring and Evaluation. Arazi is primarily concerned with government land that is not within the jurisdiction of the municipalities. Its current priorities are, first, the restitution of government lands from 'land grabbers'; managed within the Dispute Resolution Directorate and undertaken by commissions made up of representatives from different concerned government bodies. Second, the clearance (*tasfia*) of government lands; managed by the Land Clearance Directorate and undertaken by *tasfia* teams or delegations which are currently made up of 3 staff from Arazi and 4 representatives from concerned government bodies. Third, the transfer and exchange of government lands (essentially the allocation of government lands to different ministries) and the leasing of government lands to the private sector.

In support of these priorities Arazi is concerned to have the amended land management law and the government land restitution policy and its related presidential decree.

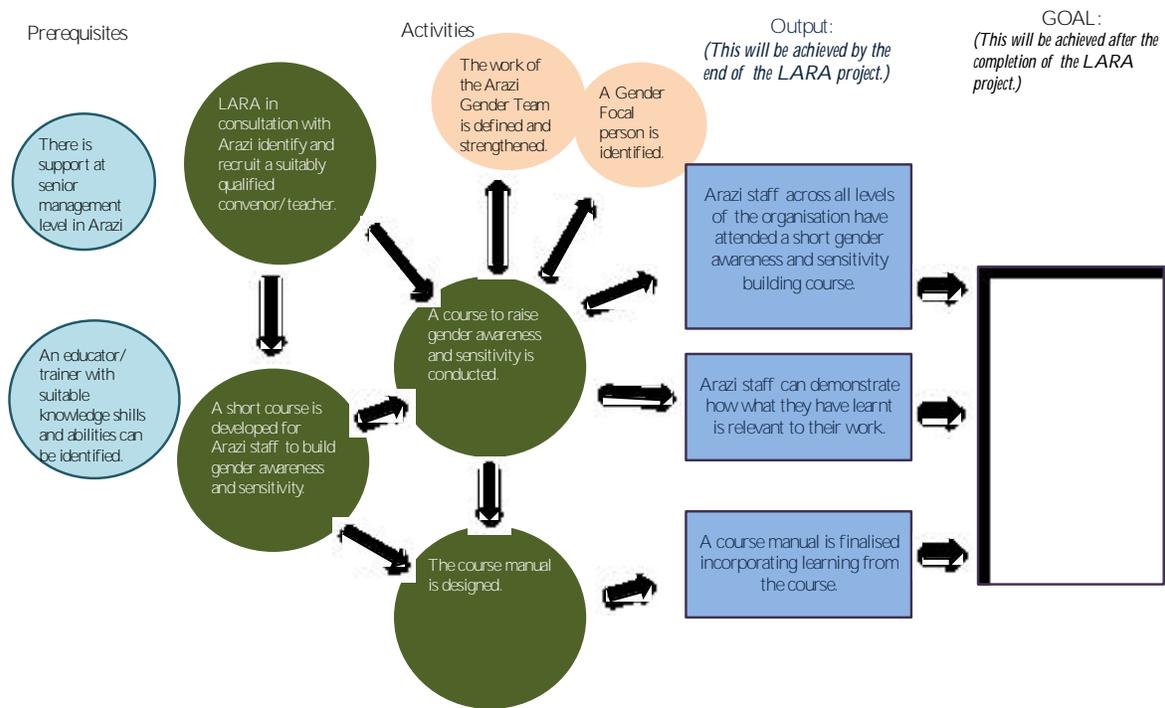
It is important to highlight that some of the most pertinent gender issues in regard to land, such as women's right to inheritance currently lie outside the priorities and remit of *Arazi*. Nevertheless, Arazi does have a primary role in ensuring women's access to land in terms of leasing government lands and eventual if land *tasfia* becomes more generalized assessing both individual men's and women's ownership rights to land.

Institutionally Arazi appears motivated to improve its work and grow as an institution. There appears to be a high level of energy and commitment among staff members, which is likely to have been caused, in part, by the amendments to the Land Management Law and the recently drafted new procedures for different directorates. Staff at Arazi have a particularly good working relationship with members of the LARA Project's Legal Team and have appreciated the support they have received from the Legal Team in drafting new procedures and amending the Land Management Law. Consequently, the LARA Project's Gender Team are in a particularly advantageous position to begin concertedly supporting Arazi in the process of gender mainstreaming.

3.1 ACTIVITY 1: FACILITATE THE DESIGN AND IMPLEMENTATION OF A COURSE ON GENDER AWARENESS AND GENDER RESPONSIVE IMPLEMENTATION OF ARAZI ACTIVITIES FOR ARAZI STAFF FROM DIFFERENT DIRECTORATES AND DIFFERENT LEVELS. FACILITATE THE PRODUCTION OF A MANUAL BASED ON THE COURSE

The recommendations in this section are subject to LARA Project funding and timing constraints. The diagram below illustrates the different inputs needed for this activity to be successfully implemented, the outputs that can be achieved by the end of the LARA Project and the gender-mainstreaming goal this activity can support Arazi to achieve. This activity will also support two other recommended activities, which are described in the two orange circles in the diagram.

Facilitate the design and implementation of a short course on gender awareness and gender responsive implementation of Arazi activities for Arazi staff



As with all gender mainstreaming activities support for gender-mainstreaming goals and the specific activity from senior management, including the Chief Executive Officer (CEO) and all directorate heads, is an essential prerequisite. It is also important that senior management are encouraged to attend the course in order that their knowledge and understanding of gender issues, specifically gender mainstreaming in their work is increased. This in turn should also strengthen their support for gender-mainstreaming goals and the continuation of the course. Strong support from senior management will be vital to ensure the course continues to be held for Arazi staff after the completion of the LARA Project.

It is suggested that an Afghan national is hired by LARA to convene and teach the course and design a course manual that is owned by Arazi and used to support future recurrences of the course. If needed international technical assistance should be provided to the Afghan national course convenor and teacher. The course manual should be drafted prior to the first iteration of the course and then be altered based on learning from the first course. Reports of learning activities from the first course should be included in the final version of the manual. The course should be highly participatory in nature and the convenor/teacher should be able to demonstrate knowledge and experience in using participatory pedagogy.

The course should be made up of a minimum of six half-day sessions held at Arazi. No more than one session should be held in a week, so that the course lasts a minimum of six weeks. Often training courses are run consecutively over a week or two or just a few days, however, this does not allow participants time to absorb new knowledge and return to the class with questions and suggestions. Part of the course should be to encourage participants to use what they are learning in their work and to report back on their challenges and successes in doing this. For this to happen in an effective manner it is essential that the course be interspersed with other work days. Indeed, at least 30% of course time should be spent allowing participants to provide feedback on how they are applying what they are learning. These stories should be included in the final draft of the manual. The following subjects are suggested as those that should, at least, be covered in the course:

- Gender as a concept: its importance and why it is different to women's rights or equality between men and women. Why adding women is not enough!
 - Gender roles and gender relations
 - Practical gender needs and strategic gender interests
- Gender Mainstreaming – why gender matters and why it is important for Arazi's work
 - Sex-disaggregated data and gender analysis and what to do with it
 - Gender budgeting (this is one area of training recommended for Arazi in the Gender Assessment of LARA)
- Gender and land rights (also recommended for Arazi by the Gender Assessment of LARA. However, it is important that this be made relevant to Arazi's current responsibilities and priorities)
- Gender awareness and sensitivity in Arazi's work: applying what is learned on the course

The more precise design of the course and subjects to be covered should be discussed and agreed upon by the selected course convenor/teacher, the LARA Gender Team and senior management of Arazi.¹

This course will be the foundation on which other activities to mainstream gender in Arazi will be built. It will provide the necessary knowledge and implementation ideas for Arazi staff to undertake a process of gender mainstreaming and it will support the Arazi Gender Team to define and strengthen their role. Based on participation and aptitude a gender focal person could be selected from the first round of participants of the course.

The Gender Assessment of Arazi states that the Gender Unit at MAIL does not have the capacity to support gender-mainstreaming activities at Arazi. Nevertheless, as MAIL is the ministry in which Arazi is situated it is both appropriate and worthwhile to include the MAIL Gender Unit in gender-mainstreaming activities at Arazi. A first step should be to invite a representative from MAIL to attend the course, and possibly speak about their own experiences to mainstream gender in the ministry.

Findings informing this activity and the rationale for its implementation

The key findings from this consultancy relevant to this activity are:

¹ There are many materials available on gender mainstreaming and for gender training. For example, the MOWA/UNDP Gender Mainstreaming Manual produce in 2007 and available for download at http://www.afghangendercafe.org/Content/DocumentArchive/MoWA_UNDP_Gender%20Mainstreaming_English.pdf

- There is extremely limited conscious understanding or knowledge of gender and gender issues among Arazi staff, at all levels. This leads to:
 - confusion between gender aware and sensitive implementation of Arazi activities and the welfare of female staff in the organization;
 - confusion between women's practical gender needs and women's strategic gender interests (see Box IV for an explanation of this terminology)
 - detrimental efficiency arguments being promulgated for the inclusion of women staff in the Arazi tashkhel at different levels. For instance, arguments such as, women are not corrupt and are harder working than men, being used as a reason to initiate gender mainstreaming. Gender Mainstreaming is then taken to mean employing larger numbers of women, but only on the grounds that they work harder and are less likely to be corrupt than their male colleagues).
- The Gender Assessment of Arazi suggests that LARA should support Arazi to develop a gender strategy. However, unless Arazi staff gain greater knowledge and understandings of the concept of gender and gender issues it is likely that such a strategy would have to be largely written by the LARA Project's Gender Team. This would lead to limited buy in, commitment or capacity for implementing the strategy from Arazi.

Box IV: Practical and Strategic Gender Interests

Gender interests are collective interests of either men or women that develop as a result of gender roles and relations, as constructed in a given society. Both women and men have gender interests. Gender interests can be divided into two categories practical gender interest and strategic gender interests.

Practical gender interests come from the concrete condition of women's lives, created by gender roles and relations. They are concerned with everyday living conditions, with women's practical needs such as adequate food and water, health care and employment. Practical interests are consequently deeply affected by levels of poverty as well as gender. Working on meeting women's practical gender interests will not necessarily change power relations between men and women and may even reinforce gender roles.

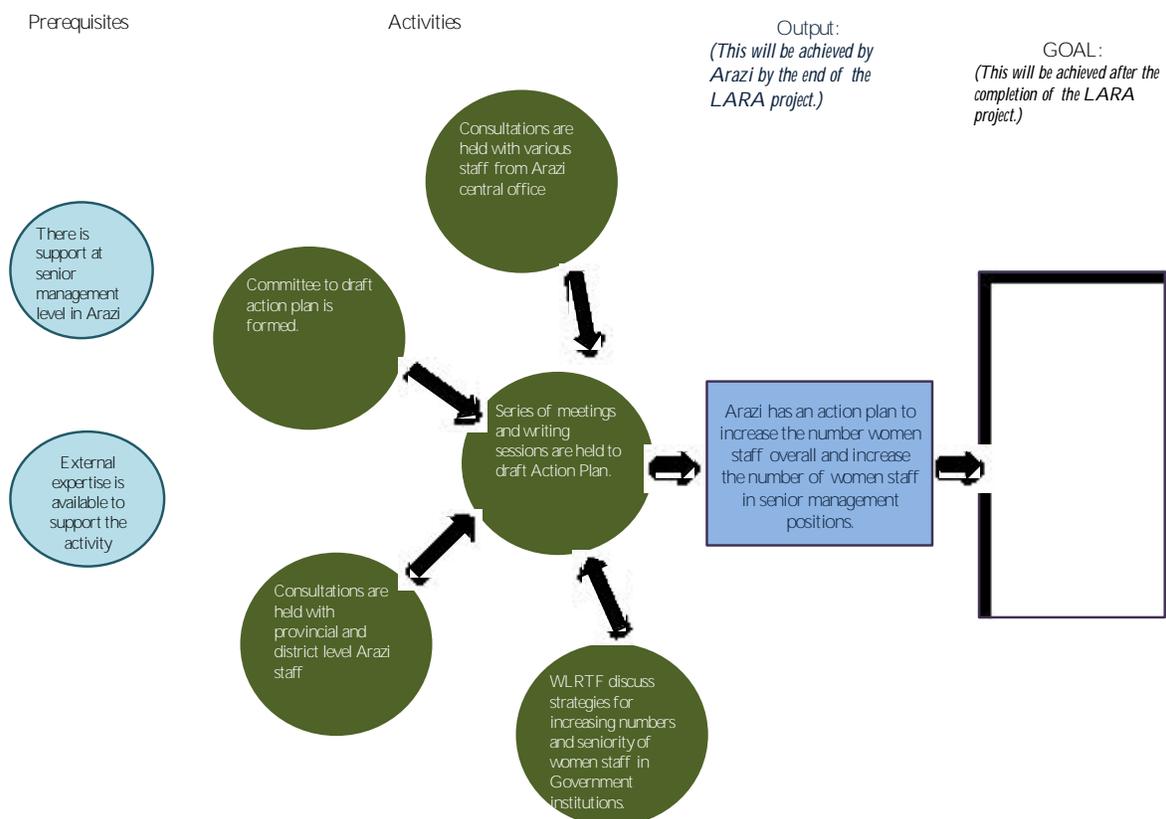
Strategic gender interests are those that relate to the structure and nature of the relationships between men and women. They are concerned with how women's status is impacted upon by hierarchical gender relations. They are concerned with a more transformative agenda that challenges gender norms.

These two categories of gender interests are inextricably linked. Addressing women's practical gender interests might put them in a better position to lobby for their strategic gender interests and improving women's strategic position in a given society is likely, over the long term, at least, improve their practical gender interests.

It is often argued by Afghans and internationals, who work on the subject in Afghanistan, that gender is a foreign concept that cannot be translated into Dari and Pashtu. Larson (2008) found that staff interviewed in the six ministries where she conducted research did generally see the term gender and gender mainstreaming as foreign imports. It is also argued that gender trainings are achieving little. The lack of understanding of the term gender or the concept of gender by those who have received so

called 'gender trainings' would bare this out.² While an equivalent term may not be available in Dari or Pashtu the concept of gender, that is the recognition of socially constructed roles for men and women and power relations between men and women, that are consequently in flux and changeable, is as relevant to Afghanistan as anywhere else. Unless senior management and staff of an institution are able to grasp the concept of gender effective gender mainstreaming will not be possible. Likewise, the questionable nature of much gender training that has been implemented for civil servants in Afghanistan is not a reason to give up on this approach. Instead, it is important to look at what has gone before and devise innovative ways of teaching/training on gender and gender mainstreaming. This is why it is suggested that this course is conducted over a number of weeks and that opportunities for applying what is learned on the course be provided within the context of the course. Staff should be able to define what the gendered outcomes of their work might be, if and where there work reinforces gender discrimination and if there are approaches that can be adopted in their work that can contribute to a lessening of gender inequity in society.

3.2 ACTIVITY 2: SUPPORT ARAZI TO DEVELOP AN ACTION PLAN TO RECRUIT MORE WOMEN AND ENSURE MORE WOMEN ARE IN SENIOR MANAGEMENT POSITIONS AT ARAZI



² Misunderstandings of gender among respondents to Larson's (2008) study, even in ministries that had had gender units for some time bear this out. At least 2 of those interviewed at Arazi reported having attended a gender training of sorts at MAIL but did not appear to understand the concept of gender or know how it might be relevant to their work.

This activity seeks to address the gender imbalance in staff numbers and positions held in Arazi. Achieving the goal of this activity is a far longer-term endeavor than the life of the LARA Project. Arazi will not achieve the goal of this activity with support coming solely from the LARA Project. It will be dependent of support from MAIL and should work closely with the Afghan Civil Service Commission. Arazi may choose to draw on support from the World Bank's Capacity-Building for Results Programme, as is suggested in the Gender Assessment of Arazi. Arazi may also choose to provide specific training opportunities for its existing women staff to allow them to progress to more senior positions within the organization. The Gender Assessment of LARA recommends that LARA "support the facilitation of on the job degree courses on land registration, land survey and land associated laws for Arazi female staff". However, identifying such courses and suitably qualified candidates and getting them admittance to courses is too long a process for the LARA Project to undertake. Nevertheless, alternative strategies to provide this type of education to Arazi staff can be discussed. It is recommended that such education opportunities also be open to men with a reserved quota of opportunities and funding for women. Only providing opportunities for women can build resentment, as can positive discrimination in the work place more generally.

The output from this activity, an action plan to correct the gender imbalance in staff numbers and position, should be the responsibility of Arazi and not the LARA Project per-se. Instead, the LARA Project should initiate, encourage and provide technical support to Arazi to implement this activity and ensure that the action plan is realistic and not overly ambitious.

It is recommended that the action plan be simply written using bullet points and diagrams where possible, and that it be no more than fifteen pages long in order that the writing of the plan does not take precedence over designing the activities it describes. Importance should be placed on ensuring those who will implement the plan understand what roles they need to fulfill and in what timescales. To enable this it is important that those who will take the primary roles in implementing the action plan are involved in writing it. It is suggested that a small group, with representation from the different Arazi directorates, be formed to write the action plan and consult widely with other staff. An appropriate representative from MAIL could also be included in the writing team.

Recruitment of more female staff is at least as important an activity for the provincial and district level as central level of Arazi. Therefore, this activity must include consultation with provincial and district level staff. Due to the severe lack of information technology across Arazi offices it will be necessary for in person consultations to take place. The LARA Project may be able to support some initial regional workshops to provide Arazi provincial and district level staff the opportunity to provide input to the action plan. The Gender Assessment of LARA recommends a recruitment strategy especially targeting women in the provinces, this might become part of the action plan but it is the responsibility of Arazi and MAIL not the LARA Project to design such a strategy.

The LARA Gender Team could explore the possibility of assistance to this activity coming from a member or members of the Women's Land Rights Task Force (WLRTF). The LARA Gender Team would need to identify a WLRTF member(s) who has experience of increasing numbers of women employed in their own organization and is knowledgeable regarding civil service law.

Findings informing this activity and the rationale for its implementation

- There are only 12 female Arazi staff 5 of which are cleaners and none are in senior management positions in the central office. At provincial level the Gender Assessment of Arazi reports there are no women employed by Arazi at provincial or district level however during the course of this consultancy we met one woman who works for Kabul Province. There are four primary reasons that this imbalance needs correcting for successful gender mainstreaming:
 - The achievement of greater gender equity in numbers of women employed and in management positions is a gender-mainstreaming goal in itself.
 - Sex segregation is the norm across Afghanistan. Consequently, having more women employed in government institutions makes GIROA more accessible to its female citizens.

- While women are not necessarily more gender aware or gender sensitive than men, or more likely to represent women's interests, it is generally believed that having greater numbers of women working in an organization leads to less male bias in policy and decision making.
- There appears to be support for recruiting greater numbers of women in Arazi from senior level.

Care must be taken in this activity that gender stereotypes which will ultimately be to the detriment of women working at Arazi and the fulfillment of a gender mainstreaming agenda are not reinforced. Having more women working at Arazi and in senior positions must be viewed as a worthwhile goal in itself. As mentioned earlier, efficiency arguments used to justify the employment and promotion of women which are based on false perceptions of women's capacities, such as women being less corruptible and harder working, need to be resisted. These arguments diminish the idea that gender equity and women's rights are worthy of support in their own right. Similarly, while the targeting of women is needed in terms of recruitment and certain measures may need to be put in place at Arazi to make it a more women friendly institution, it is important that these are done in recognition of women's gendered position in society rather than by viewing women staff as a special group who need extra support due to some innate weakness. It is important to overcome the current blurring at Arazi between gender equality issues and women's welfare concerns as this strengthens the stereotype of women staff being a needy marginalized group. Larson (2008) found this to be problematic in other government ministries with women staff being seen as a marginalized group to be celebrated once a year on international women's day.

A women's committee or union exists at Arazi, which it was reported the female workforce initiated themselves. This type of body is not uncommon in government ministries and is more usually referred to as a women's *shura*. In at least the Ministry of Interior and the Ministry of Public Health these have now become part of the official Tashkhel.³ The Gender Assessment of Arazi reports that this group has been lobbying for equal rights to overtime among male and female employees. They have also established a savings group in which each member contributes Afs. 500 a month. Any member can borrow from this should they have an out of the ordinary financial demand. They have to pay the money back over future months and continue to make their Afs. 500 contribution to the fund. One of the most important issues for this group currently is lobbying for a crèche at the central Arazi office. It was reported that three women are bringing their young children to work with them and that these children are in the offices with them all day. A crèche would certainly make Arazi central office a more women friendly workplace and the LARA Project could, as is also recommended in the Gender Assessment of LARA, support the establishment of a crèche for Arazi. However, while the Gender Assessment of LARA states this crèche should be for working mothers it should also be available to male staff members at Arazi. Not only because any facility provided should be equally available to all staff but to prevent resentment or women being seen as a special group. The Gender Assessment of LARA recommends LARA support the building of the crèche. However, unless there is long term commitment to fund staff for the crèche coming from Arazi it is likely that any building would not be used for its defined purpose.

The women's committee is a useful resource for making Arazi central office a more woman friendly place. It should, however, be remembered that this is a voluntary group which is not part of the official tashkhel of Arazi. As such, this group should not be seen as responsible for any aspect of gender mainstreaming including the task of encouraging more women to work at Arazi.

3.3 ACTIVITY 3: SUPPORT ARAZI TO DEFINE AND STRENGTHEN THE WORK OF ITS GENDER TEAM

³ For further details see Larson (2008).

Arazi at the beginning of 2013 formed a gender team. This group has a mixed representation of men and women from different directorates of Arazi and its recent formation provides evidence that Arazi senior management is willing to work on gender issues. However, there are a number of difficulties to overcome in the way this team has been formed, as listed below:

- This group is not part of the official *tashkhel* and no one mentioned an intention to make it so, leaving it with little institutionalized authority.
- The members of the team, appointed by the CEO of Arazi, are not sure why they have been chosen. It may have been better to ask for volunteers to be part of this group rather than simply appointing people. Gender issues can be particularly difficult to tackle within the context of government institutions and it would be better to have a team made up of individuals who are already motivated and concerned to work on these issues.
- None of those spoken to know what gender means or what working on gender issues at Arazi might involve. A couple of those spoken to appear to believe that the role of the Gender Team is to look after the welfare of the female staff at Arazi.
- None of those spoken to could describe what the roles or responsibilities of the Gender Team are. Beyond having been told they were part of this group they do not have any further information about it.

For this team to be effective it is essential that the team member's understanding of gender, gender mainstreaming and its relevance to Arazi's work be drastically increased. Activity One: the Gender Awareness Course can provide this increase in understanding. Consequently, it is important that the appointed members of the Gender Team attend the first iteration of the course. On completion of the course the LARA Gender Team should support the Arazi Gender Team to write its own mandate and work responsibilities, which can then be approved by the CEO.

The LARA Gender Team should also discuss with the CEO of Arazi the possibility, if necessary, of changing the membership of the Arazi Gender Team. For instance, if current members of the team show no aptitude for or commitment to working on gender issues they can be removed from the team and if others show both commitment and aptitude they can join the team in their place.

3.4 ACTIVITY FOUR: SUPPORT ARAZI TO IDENTIFY A COMMITTED AND CAPABLE GENDER FOCAL PERSON

The Gender Assessment of the LARA Project suggested that a gender specialist be embedded within Arazi. However, with this position not being part of the official *tashkhel* it is difficult to see where long term funding for the position would come from. If the LARA Project could fund such a position it would be for a short time period only, as the project closes within the year. There is resentment among civil service cadre towards contractors who work at Arazi and are paid considerably more than regular civil servants.⁴ Therefore, the suggestion of embedding a gender specialist within Arazi is not supported in this series of recommendations. However, the idea of having one person as a focal point person for gender mainstreaming at Arazi is supported.

It is suggested that the LARA Gender Team support Arazi to identify one person from the Arazi Gender Team, who is willing to fulfill this role. As this position is not part of the official *tashkhel* whoever is selected will still have their other job responsibilities. Therefore, they should be recruited from a directorate in which the directorate head supports the appointment and will ensure that time is provided for the person to undertake their responsibilities as Gender Focal Person. This may mean relieving them of some of their other work tasks.

⁴ This is not unique to Arazi but is a more generalized problem in the Afghan government.

The Gender Focal Person should have a clear list of tasks and responsibilities that can be further developed, as gender concerns are further integrated into the work of Arazi. The LARA Gender Team should work with this person and senior management of Arazi to develop these tasks and responsibilities.

Providing that this position proves effective for mainstreaming gender in Arazi activities eventually it should become a position listed in the official *tashkhel*. The LARA Gender Team should discuss this possibility with senior management at Arazi from the initiation of this activity. For positions, teams or units to gain authority and recognition within government institutions it is essential that they are part of the official *tashkhel* and that they are placed in the correct position in the *tashkhel*, so that they have vertical authority as well as horizontal reach.⁵

3.5 ACTIVITY FIVE: ENSURE THAT ALL DATA SYSTEMS AT ARAZI CONTAIN SEX- DISAGGREGATED DATA FIELDS AND THAT ARAZI STAFF UNDERSTAND THE PURPOSES OF SEX-DISAGGREGATED DATA AND HOW ITS ANALYSIS CAN BE USED

To date no data that Arazi has is sex-disaggregated and most data is still paper based and not available for analysis. The LARA Project is providing support to Arazi in centralizing and computerizing their data and the LARA Gender Team should be involved in this process to ensure that fields for sex-disaggregated data are available and staff at Arazi know how to use them and how to analyze such data.

It has already been suggested that the purpose of collecting and how to analyze sex-disaggregated data be included in Activity One: Gender Awareness Course, but it should also be included in any technical trainings provided to Arazi staff on using the new data-bases the LARA Project is setting up.

Through the course of this consultancy the consultant met with the Senior Database Officer in the Leasing Directorate of Arazi. He has set up two very simple databases (excel) in the Directorate. One is for new applications to lease land and one contains information on who is leasing land once applications have been approved. When the consultant met with him he said there was no column in the database to indicate if it was a man or a woman applying to or leasing land. He agreed to add these columns to both databases and informed us that it would not be a problem to do this. This provides a clear example of how easy it is to record sex-disaggregated data. The inclusion of a column simply indicating if it is a man or a woman who applies to and is accepted to lease land can provide simple trend information. Comparing the percentage of women who apply to lease land and the percentage who are successful can lead to further exploration as to whether the phenomenon of so few women leasing land lies with not enough women applying or if it is also related to the quality of their applications and so on.

⁵ The positioning of gender mechanisms in ministries is discussed in detail in Larson (2008)

3.6 ACTIVITY SIX: SUPPORT THE WOMEN'S LAND RIGHTS TASK FORCE IN THEIR DEVELOPMENT AND ASSIST THEM TO IDENTIFY A SUITABLE ORGANISATION TO HOST THEIR MEETINGS AND

The Women's Land Rights Task Force (WLRTF) to date has been facilitated by the LARA Project. The LARA Project acts as the secretariat for the Task Force and hosts all of its meetings. For the Task Force to remain in effect after the end of the LARA Project and for it to be able to increase its advocacy work a series of activities need to take place, as follow:

1. Training for WLRTF members on:
 - Gender and Land Rights – with specific reference to land law in Afghanistan and on women's land rights in Islam. Both the Arazi and LARA Gender Assessments highlight the lack of capacity for and knowledge of land rights law among Task Force members.
 - Advocacy – as with many Afghan Women's organizations the WLRTF lacks knowledge of and the capacity to effectively advocate.

This training should be the first priority for the LARA Project's work with the WLRTF, as the building of member's capacity will assist in the effective implementation of other activities related to the WLRTF.

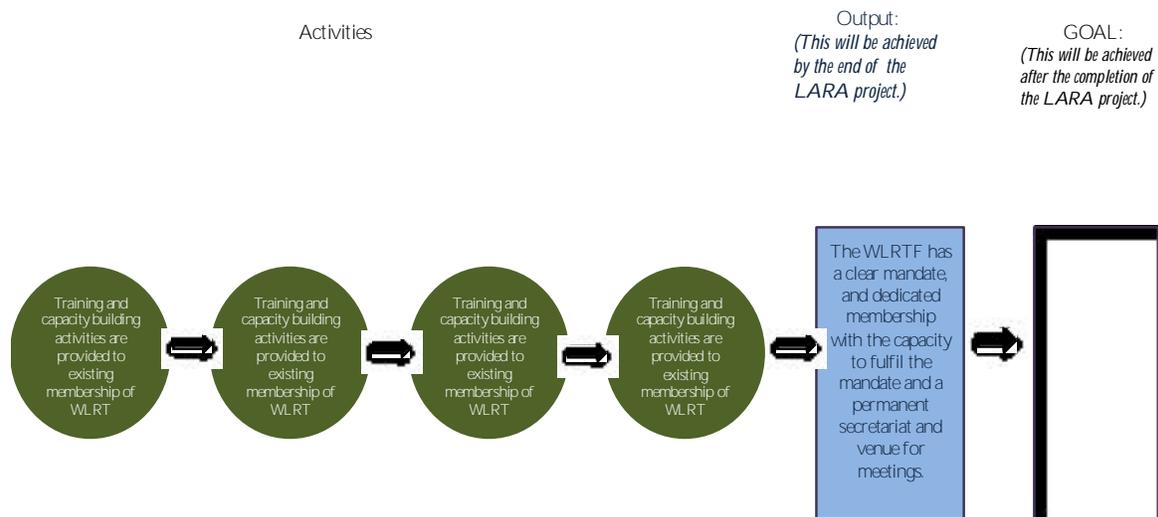
2. Decide what the purpose of the WLRTF is and develop its mandate to reflect this. Ensure that all members understand and agree on the role and purpose of the Task Force. To date, despite having representatives from the legislative branch of government among its members the WLRTF is essentially a civil society organization with a mandate to advocate for women's land rights.
3. Begin a discussion among Task Force members as to whether to increase the membership of the Task Force. The Arazi Gender Assessment recommends that a female staff member of Arazi become a member of the Task Force. The Task Force needs to decide if this is appropriate if it wishes to remain part of civil society. The LARA Gender Assessment argues for members of the Law and Sharia Faculty of Kabul University to become members of the WLRTF in order to increase the Task Force's capacity on and knowledge of land law. The Task Force members with the assistance of the LARA Gender Team need to identify potential new members and formally invite them.
4. A new secretariat and venue for the WLRTF needs to be identified before the end of the LARA Project. It had been suggested previously that the Task Force secretariat and meetings move to Arazi central office. This is not, however, a recommendation of either the LARA or Arazi Gender Assessments. Indeed, the LARA Gender Assessment states that, "LARA's objective should not be to keep the task force together under any circumstance, but rather to empower and educate all task force members so they can use their knowledge to further promote the cause of women's land rights after LARA has finished". There are two primary reasons why moving the WLRTF to Arazi would be detrimental to its future development and work:
 - Despite having members who are from the legislative branch of government the WLRTF is a civil society advocacy organization. If its secretariat and venue for its meetings moves to a government institution it will lose its civil society status and will no longer be viewed as independent. Consequently, its ability to advocate will be constrained.
 - The mandate of the WLRTF is to advocate for women's land rights, focusing on inheritance rights. Arazi has very little to nothing to do with inheritance rights. Arazi's priority is restitution of grabbed government lands and revenue raising through leasing. Other things are demand driven only such as Tasfia and again are concerned at this stage with government lands. (If it were decided that the WLRTF should become a quasi-governmental body, such as, an advisory body to the government the Ministry of Justice would be a more appropriate institution in which to

house it.)

- One member of the WLRTF expressed concern that if the Task Force was to move in any shape to Arazi that its resources might be used by Arazi to fulfill its own priorities. It was also feared that the sensitive and highly political nature of some of Arazi's work regarding the restitution of government lands could have a negative effect on the work of the WLRTF.

Below is a diagram demonstrating the order in which activities of the WLRTF should take place and the aimed for output and goal of this activity.

Support the Women's Land Rights Task Force in their development and assist them to identify a suitable organisation to host their meetings and act as to secretariat for the Task Force



3.7 ACTIVITY SEVEN:

CONDUCT A GENDER ANALYSIS OF THE LEASING FUNCTION OF ARAZI BOTH FROM THE PERSPECTIVE OF ARAZI AND POTENTIAL AND ACTUAL CUSTOMERS PRIOR IMPLEMENTING ANY FUTURE LAND REFORM PROJECT IN AFGHANISTAN

Currently a very tiny minority of government land being leased is leased to women. Representatives from the leasing directorate of Arazi provided information that only two parcels of land have been leased to women, in the last two years. One is to a group of women farmers in Parwan who are leasing ½ jirib of land for a greenhouse. This case is written up in the Arazi Gender Assessment. The other case is a woman in a rural district of Helmand province who is leasing 7.1 jiribs of land for agricultural purposes.

One other example of government land being leased to women was often spoken about and lauded in the Arazi Gender Assessment; the leasing of 80 jirib of MAIL land outside of the Arazi offices. This has been leased since 2012 for a period of 3 years to 80 widows each being leased one jirib. The women have been provided with all inputs such as seeds and fertilizer by MAIL and were able to sell their produce to Arazi employees and some shop keepers who were visit the site as well as use the produce in their own homes. While this is reported as a successfully initiative, it is a targeted intervention to improve the welfare of a group of particularly marginalized women rather than a gender integration or mainstreaming achievement that tackles longer-term strategic goals. This model is unlikely the best way forward to encourage Afghan businesswomen and women farmers to lease land from the government on a competitive basis with men, based on the quality of their applications.

Within Arazi's current priorities the leasing function of Arazi is that which can most easily support the empowerment of women in society, specifically the economic empowerment of Afghan businesswomen and female farmers. It is not at all clear why so few women are leasing land from the government. Consequently, it is suggested that before activities begin to further the access and ability of women to lease government land an in-depth study is conducted. This will allow for activities to be based on an analysis of the situation rather than assumption.

The Arazi Gender Assessment supports the notion of conducting research on the leasing function of Arazi. However, it refers to this as a review and suggests that the findings be used to give targeted training to Arazi staff. It does suggest a number of other activities that could be undertaken to increase the numbers of women leasing government land. To date no research has been undertaken to assess why so few women are leasing government land. Without any research findings recommendations aimed at rectifying this situation are based on mere assumption and could be misplaced and a waste of resources at best. The following questions need to be answered by an in-depth research study before any further programming is planned:

- Are women as aware as men of government land available for lease?
- Are women aware that they have equal rights with men to lease government land?
- If women who need land to develop their businesses or increase their economic status are aware of the availability of government land for lease what prevents them from applying to lease land?
- Is the knowledge and experience of different women of different ages, socio-economic background and from different areas of the country different?
- Of those women who have applied to lease land, what motivated them to do so?

- Of those women who have applied to lease land but were unsuccessful what is the reason for their lack of success and were men with equivalent applications more or less successful or fared the same?
- Specific obstacles to women leasing government land need to be identified:
 - Is there a lack of demand
 - A lack of knowledge about how to lease government lands
 - Difficulties in accessing Arazi offices or staff
 - Difficulties in completing the application process
 - Any other obstacles
- How can the situation be improved, what are the best activities to increase the numbers of women across Afghanistan leasing government lands?

This research study would use a qualitative methodology as the types of research questions (listed above) that need answering could not be answered through a quantitative survey, which necessarily relies on counting things to reveal knowledge and presumes a fixed set of answers prior to research beginning. A qualitative methodology allows for deeper understandings of a subject that has not been researched before. It is able to more fully answer why a certain situation has arisen and how it can be remedied. It allows respondents to the research to explain their own situation and perceptions and allows for the full range of experiences and opinions to be expressed.

Respondents to the research should be women who are potential leasers of government land, such as Afghan businesswomen and women farmers from all regions of Afghanistan. Women from both the cities and the rural districts should be interviewed. A selection of staff from central, provincial and district Arazi offices who are dealing with leasing should also be spoken with. Between 80 and 120 respondents should be spoken to provide broad enough coverage in a realistic timescale.

The primary research method employed should be semi-structured interviews using interview guides (not questionnaires!). Toward the end of the research a limited number of focus group discussions (not group interviews!) could be used to gather different opinions on how best to increase the number of women leasing government land based on the findings from the research.

It is not suggested that the LARA Project necessarily commissions this research but that it must be undertaken prior to activities to encourage greater numbers of women lease government land are begun.

4 CONCLUSION

The primary aim of this report has been to provide the LARA Project's Gender Team with some realistic suggestions for how they can support gender mainstreaming at Arazi. It suggests activities that with the LARA Project's support Arazi can undertake to begin a process of Gender mainstreaming. First and foremost of these is to conduct a gender awareness course, which can then be followed by the development of an action plan to increase the numbers of women employed at Arazi and the promotion of women in Arazi. The report also suggests that the LARA Project assist Arazi to develop its gender team and select and build the capacity of a gender focal person. The final activity that the LARA Project's Gender Team can support Arazi with directly is the gender disaggregation of Arazi data, particularly in relation to the data management and software support the LARA Project is providing to Arazi more generally. The success of all these activities is dependent on the political will and support for gender mainstreaming coming from Arazi staff, particularly those in senior management.

The report also discussed the WLRTF and made suggestions for its future development, subject to funding and time constraints. These suggestions are designed to stimulate discussion and in doing so allow the WLRTF to gain greater clarity regarding its mandate moving forward.

Finally, the report suggested one activity that is beyond the scope of the LARA Project but should be considered prior to future programming on gender issues at Arazi. Qualitative research should be conducted in order to provide a gender analysis of the leasing function of Arazi. Only after research has been conducted in this area can evidence based programs and projects be designed going forward.

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