

Institution: University of East London
Unit of Assessment: 20
Title of case study: Strengthening land rights and gender equality in the Muslim world
<p>1. Summary of the impact</p> <p>Research conducted at UEL has been instrumental in efforts to strengthen land and property rights and gender equality in Muslim countries. These impacts arise particularly from its influence on the incorporation by the Global Land Tool Network (GLTN) of a much stronger emphasis on Islamic issues in the implementation of land tools. The research has also contributed to UN-Habitat policies; enhanced the capacity of over 200 officials and representatives from dozens of Muslim countries; and contributed to the development of land laws, particularly in the Benadir Region of Somalia. Beneficiaries include United Nations agencies, governments, GLTN members, professionals and members of civil society working on pro-poor land governance as well, ultimately, as the many millions of people whose land and property rights have been enhanced.</p>
<p>2. Underpinning research</p> <p>It has long been recognised that, although universal land property and housing rights are generally cross-cultural, there is some diversity in practices relating to their regulation and protection. That diversity is in some ways particularly pronounced in Muslim societies, which now account for nearly a quarter of the world's population. However, research on distinctively Islamic strategies and processes for regulating and protecting land, property and housing rights is scarce, and global reviews of land tenure rarely take these distinctive Islamic land laws sufficiently into account.</p> <p>Since 2004, Siraj Sait (Reader at UEL since 1999 excepting secondment to UN-Habitat, 2005-6) and Hilary Lim (Principal Lecturer; joined UEL 1994) have sought to redress this gap through the development of new knowledge, professional methodologies and networks in the complex area of Islamic land and property rights. Their research, which approaches these topics from a human rights and gender equality perspective and within a legal pluralism framework, has been supported and widely used by UN-Habitat, the agency dealing with global human settlements. That research includes examinations of Islamic land tools such as religious endowment (<i>waqf</i>) administration, and waste land reclamation process (<i>mewat</i>) [1, 3, 4]. It also addresses women's equal rights to property through investigations of various under-researched fields such as joint marital property [5] and matrilineal practices [6] in Muslim communities.</p> <p>The research underpinning the impacts described here has its origins in a series of research papers on 'Islam, Land and Property', produced by UEL for the UN-Habitat training and website in 2005. Sait and Lim developed this series into the book <i>Land, Law and Islam: Property and Human Rights in the Muslim World</i> [1; hereafter LLI], which was subsequently translated into Arabic. The book provides a comprehensive exploration of Islamic development frameworks, law and human rights, tenure models, inheritance, finance, endowment, and Muslim women's rights.</p> <p>This focus on equal property and land rights among Muslim women was addressed further in Sait and Lim's 2007 publication 'Accidental Islamic Feminism' [2]. Here, they set out a pioneering 'compensatory' gender equality approach, including various interlinked property flow systems compensating for the lower inheritance shares typically afforded to Muslim women. The novel, dialogic methodology adopted here drew on comparative interdisciplinary studies and rights-based approaches within Muslim discourses to develop authentic, context-specific Islamic interpretations of universal development goals. Sait applied the same methodology to further research on women's equal property rights, funded by UN-Habitat and published in 2013 [5, 6]; to an African land law project funded by the World Bank [3]; and to research on post-conflict situations supported by the United Nations Environment Program, USAID and others [4].</p> <p>Sait's research has drawn on comparative perspectives and best practice examples from dozens of country studies conducted at UEL, including of Afghanistan, Indonesia, Iraq, Somalia [3], Kenya, Nigeria, Tanzania, Senegal [4], Algeria, Burkina Faso, India, Iran, Kazakhstan, Malaysia, Morocco, South Africa, Sri Lanka and Turkey [5, 6]. The research employs a tool-based approach developed by the GLTN, wherein principles and theories are applied practically to solve problems in land</p>

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administration and management. The work was further both influenced by and influential in the development of the 'Islamic Mechanism', 'gender' and 'youth' as cross-cutting issues that GLTN members have agreed to address in dealing with land and property issues at country level.

3. References to the research

[1] Sait, Siraj and Lim, Hilary (2006) *Land, Law and Islam: Property and Human Rights in the Muslim World* (London: Zed/UN-HABITAT). Also translated into Arabic. <http://bit.ly/18gfsbY>

[2] Lim, Hilary and Sait, Siraj (2007) 'Accidental Islamic Feminism: Dialogical Approaches to Muslim Women's Inheritance Rights' in H. Lim and A. Bottomley (eds.) *Feminist Perspectives on Land Law* (London: Glasshouse Press) 133-157. Available on request.

[3] Sait, Siraj (2012) Not just another custom: Islamic influence in Robert Home (ed.) *Essays in African Land Laws* (Pretoria: PULP/World Bank) 91-112. Submitted to REF2.

[4] Sait, Siraj (2012) Unexplored Dimensions: Islamic Land Systems in Afghanistan, Indonesia, Iraq, and Somalia in John Unruh and Rhodri Williams (eds.) *Land and Post-Conflict Peace Building* (New York: Earthscan/UNEP/ ELI 2012) 163-182. Submitted to REF 2.

[5] Sait, Siraj (2013) 'Marital Property In Muslim Communities: Islamic Law, Custom and Reforms' *27 Recht van de Islam* 13-34. Submitted to REF2.

[6] Sait, Siraj (2013) Women's Property Rights in Muslim Matrilineal Communities 9:1 *Journal of Islamic State Practices in International Law* 1-35. Submitted to REF2

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4. Details of the impact

The research described above has been used to contribute new knowledge, advocacy, technical advice and capacity development at country level, and to strengthen pro-poor and gendered land tools in the Muslim world. This has resulted particularly from its influence on the policies and activities of the Global Land Tool Network and UN-Habitat, and its use as the basis for developing and implementing training tools and material used by policymakers and practitioners around the world. It has also been used to develop important new land laws; most recently, it has underpinned the production of an entirely new Interim Legal Framework for the Benadir region of Somalia. Through mainstream platforms such as the World Urban Forum organised by the UN, the research has helped lead to new thinking and synergies on innovative, pro-poor and gendered land and property rights in the Muslim world.

Contributions to the development of GLTN policy: GLTN is the world's leading pro-poor land and property rights network; its 60 global partners include the World Bank, UN agencies, professional associations and civil society networks (www.glttn.net). UEL was a founder member of the Network when it was set up in 2006, and led its International Advisory Board for research and training institutions between 2006 and 2012. Recognising the gap in understanding of Islamic dimensions of land in Muslim countries, in 2007 the GLTN peer-reviewed and subsequently adopted the research underpinning and later published in LLI [1] as the baseline for its 'Islamic Mechanism' cross-cutting theme. That Mechanism has since allowed the Network and its members to adopt an Islamic lens as appropriate within a legal pluralist approach.

The influence of the research is evident in the inclusion of the Islamic Mechanism in key GLTN policy documents, including *Handling Land: Innovative tools for land governance and secure tenure* [a], which had been downloaded from the GLTN website more than 350 times as of 31 July 2013. That document likewise reflects the influence of UEL research on the development of the GLTN's 'gender' and 'youth' themes. The insights published in LLI are also highlighted prominently in the influential report *UN State of the Arab Cities Report 2012* [b, p.103].

Contributions to UN-Habitat policy: On the basis of his research – and subsequent expertise – in Islamic dimensions, Sait has made invited contributions to policy discussion and formulation within various UN-Habitat forums. These have included his role as chair of the Evaluation Panel of UN-Habitat Iraq operations (2011), and membership (since 2012) of its Executive Director's Advisory Group on Gender Issues [c]. He also sits on its Institutional Reform Panel (2011) and an

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ad hoc review panel for projects relating to land law in Muslim countries including Somalia, Iran, Iraq, Saudi Arabia and Syria.

One of the most significant contributions made by the research to UN-Habitat policy has been its influence on the development of the Gender Evaluation Criteria (GEC) framework, a set of 22 evaluation questions used to assess, and where necessary improve, the gender responsiveness of large-scale land tools. The GEC was developed jointly between 2008 and 2009 through consultation meetings and e-forums involving the UN-Habitat, the International Federation of Surveyors (FIG), the Huairou Commission and UEL. Sait (who was seconded to the GLTN as its Gender Officer in 2005-06) particularly influenced the incorporation into the GEC of the cross-cultural perspective characteristics of the research described above. According to the Human Settlements Officer of UN-Habitat's Somali Programme, Sait's research contributions were "vital in the operationalizing of the Gender Evaluation Criteria...[his] gender and Islamic research contributing to its pioneering cross-cultural methodology" [d]. He also co-authored the GEC implementation guide, which was published in its most recent format in 2011 [e]. This guide, which is the GLTN's primary gender tool, is now being rolled out to support assessment of the gender responsiveness of programmes and institutions in dozens of countries.

An earlier version of the guide co-authored by Sait is credited with helping 55,000 residents achieve secure land tenure in the informal settlement of Ponte do Maduro, Recife (Brazil) in 2010. The Brazilian government, which had planned to evict all 55,000 from their homes, announced at a GLTN roundtable meeting at the 2010 World Urban Forum that they would instead regularize the area, granting ownership of the occupied land to more than 8,000 low-income families. Implementing the Gender Evaluation Criteria enhanced the capacity of the local community in Ponte do Maduro to lobby the government to reach this decision [f].

Capacity development and training to support land and property rights and gender equality:

In 2007, LLI was converted by Sait and Lim into a 250-page training package on land issues in the Muslim world [g]. A series of three training events using this training package were held in Nairobi for UN-Habitat staff (April 2009), GLTN partners (November 2009), and government officials from 20 Muslim countries attending the UN-Habitat Governing Council (April 2011), where it was further endorsed at a GLTN side-event [g]. Since 2008, the training has been delivered to a total of some 200 government representatives, professionals and civil society representatives from dozens of Muslim countries. Training programmes, each of which typically involves 25-30 high-level government, professional and civil society participants, have included country training focussed specifically on Asia (event held in Kuala Lumpur, 2009), Africa (Nairobi, April 2011), Gulf and Arab countries (Kuwait May 2012), and North Africa and the Middle East (Cairo, May 2013) [d, h]. The training package has also been adopted for roll out in Iran [a, p. 89], and Sait has recently been invited to Tehran to provide technical support during the First Global Assembly of Islamic Cities in September 2013. Some of these events – including that in Cairo - have combined training in Islamic law with GEC gender rights training to particularly support the improvement of women's rights in Muslim countries. Sait has also contributed to World Bank land strategies through presentations made there in 2008 and 2012, and through his use of the research to evaluate project proposals on development issues in the Muslim world [i].

Development of the Benadir Interim Legal Framework: Somalia's decades-long lack of a proper legal framework has had serious consequences for the country's political and social stability. Previous attempts to develop laws typically failed because of the difficulty of ensuring their compatibility with Islamic law. From April 2013, LLI [1] has made a direct and crucial contribution to the development of an interim legal framework by the Regional Administration of Benadir, Somalia's principal region and location of the national capital Mogadishu [k]. In April 2013, Somali officials approached Sait through the UN to request that he provide technical advice in and oversee the drafting and validation of that interim framework. Sait subsequently provided extensive legal advice, much of it drawing very heavily on the methodology used and insights published in LLI [1].

The Human Settlements Officer of UN-Habitat's Somali Programme acknowledges the direct and significant impacts of Sait's work on the development of the Legal Framework for Somalia's Benadir Region: as well as overseeing "the difficult drafting process of the interim legal framework...[Sait] visited Mogadishu and chaired the validation process effectively, which led to

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the adoption of [the] legal framework in September 2013” [d]. The nature and impact of Sait’s contribution – and specifically of the use made of LLI [1] - is further acknowledged by the Governor of Benadir Region Administration (and Mayor of Mogadishu). The “main reason” for approaching Sait was, he says “his book, *Land, Law and Islam...* which we consulted at our meetings”. Highlighting the significance of that contribution, he continues: “I am very grateful to [the] University of East London and Mr Siraj for his expertise and diplomacy, which is the main reason why the Interim Legal Framework was adopted” [j]. He also emphasises the significance of that legal framework, not just to the Benadir Region, but to Somalia more broadly, describing it as: “one of the most important achievements of my career and partnership with UN-Habitat. It serves as a model for other regions in my country, and also other States” [j].

The five framework regulations on land and human rights, governance, business and investment, urban services and building regulations were promulgated on 30 September 2013. The contributions made by Sait and the use made of LLI [1] in the development of the Bendair Legal Framework are acknowledged explicitly in that document [k]. UEL’s contribution here represents a continuation of engagement in Somalia since 2007, when Sait and Lim provided technical advice on land tenure reform to the country’s Federal Government. Somali officials also participated in the Islamic law training event in Nairobi (April 2011), and Sait contributed to Articles 43-48 of the draft Somali Constitution 2012 (Chapter 3), which deal with land, property and environment.

5. Sources to corroborate the impact (indicative maximum of 10 references)

[a] For reference to and influence of UEL research on GLTN policy: GLTN (2012) *Handling Land: Innovative tools for land governance and secure tenure* (available at bit.ly/HKSC75), p.73 (on gender equality), p.49 (youth) and pp. 73, 75 (the Muslim world). Download figures at same site.

[b] For discussion of [1] in the *UN State of the Arab Cities Report 2012*: bit.ly/1do5U6B p.103.

[c] For Sait’s appointment to UN-Habitat Gender Advisory Body: bit.ly/GJYmgs

[d] Factual statement provided by the UN-Habitat Human Settlements Officer for the Somalia Programme corroborating the impact of research published in LLI [1] – and of contributions made by Sait on the basis of that work – on the development of the UN-Habitat GEC, of UN-Habitat training, and of the Benadir Region Interim Legal Framework. Available on request.

[e] For acknowledgment of UEL’s contribution to the development of the 2011 GLTN Gender Agenda broadly and Gender Evaluation Criteria specifically: bit.ly/H4OOfX. For Sait’s co-authorship of the framework itself see the guide at: bit.ly/1aupYPm (p. 4 for list of authors).

[f] For use of the GEC to support the achievement of secure land tenure in Brazil: bit.ly/1aeyl1S.

[g] The most recent version of the training manual resulting from LLI [1] is: Sait et al. (2010) *A Training Manual course on land, property and housing rights in the Muslim world* (Nairobi: UN-HABITAT): <http://bit.ly/1clK0vq>. For UN-Habitat peer review of the training package: bit.ly/1aaeX9U

[h] For examples of capacity development events: <http://bit.ly/17v7Dig> (Kuala Lumpa, 2009) and bit.ly/1gxo31B (Cairo, 2013). The Director of Marketing & Communications at the Arab Administrative Development Organization, who participated in the event in Cairo, can corroborate both the use of LLI [1] in the training, and the benefits of the event. The Chief Executive Officer of the Penang Women’s Development Corporation (PWDC), Government of Penang can corroborate the impacts of the training on women’s rights in the Muslim world. (Contact details for both below).

[i] For Sait’s 2008 presentation ‘Relevance of Islamic Land Law for Policy and Project Design’ to the World Bank Conference on New Challenges for Land Policy and Administration: bit.ly/1hd9Abs

[j] Factual statement provided by the Governor of Benadir Region Administration about Sait’s contribution and the use of [1] in drafting the Benadir Legal Framework. Available on request.

[k] The contribution made by Sait himself, and the use of LLI [1] in the drafting the Benadir Legal Framework, is recognised in that document: pp. 3, 4, 7. Available on request.