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# Towards Equitable Solutions:

## A Training Guide to Integrating Gender and Social Inclusion in Alternative Dispute Resolution in Land Conflict





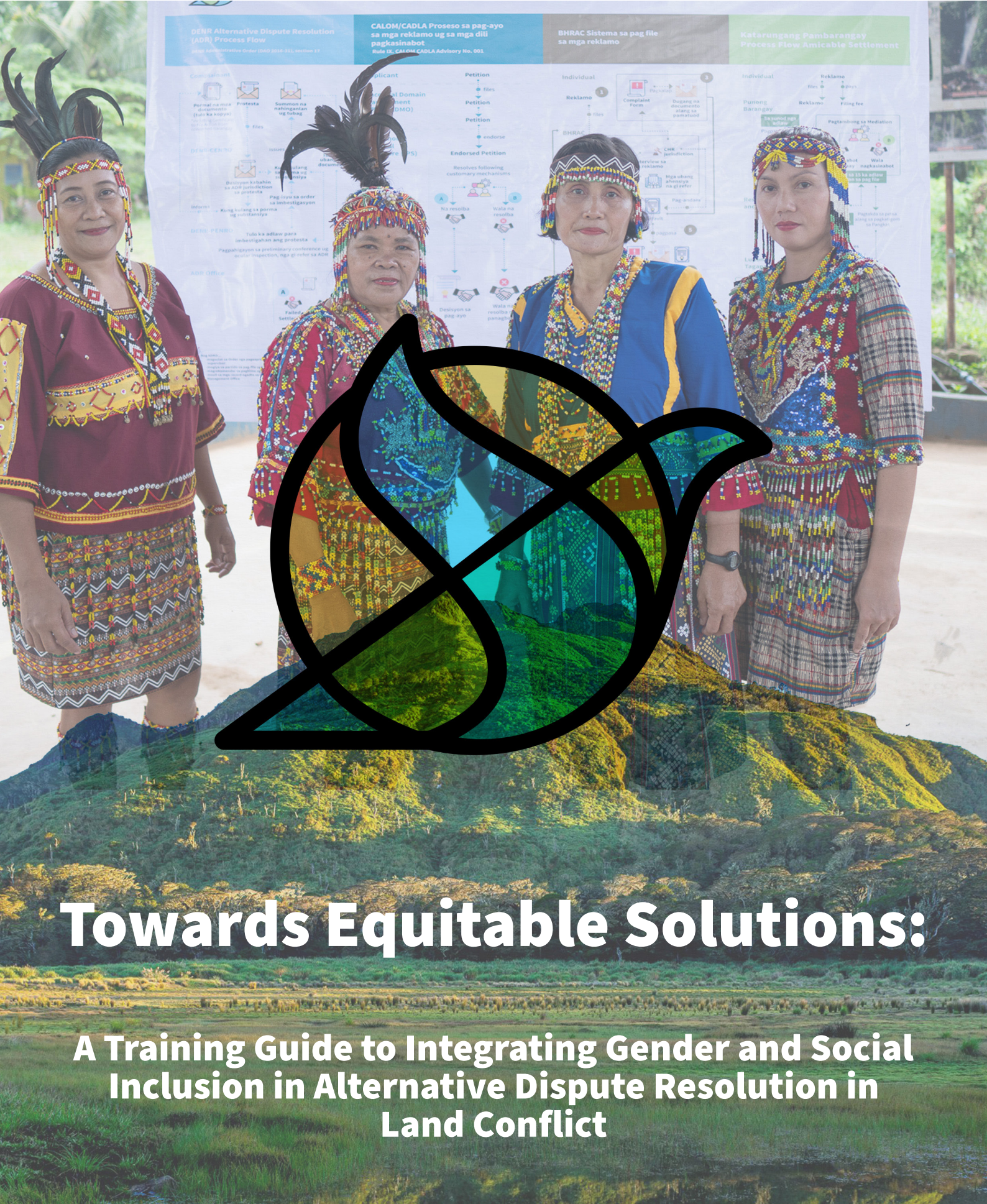
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# Foreword



Conflict resolution, particularly concerning land disputes, remains a crucial challenge in ensuring peace and justice for marginalized groups, especially women and indigenous peoples. In contexts such as Mindanao, where land issues are often intertwined with cultural, gender, and socioeconomic factors, there is a pressing need to incorporate inclusive approaches that reflect the realities and needs of all stakeholders.

This training guide, *Towards Equitable Solutions: Integrating Gender and Social Inclusion in Alternative Dispute Resolution (ADR) for Land Conflict*, is a timely resource. It builds on the foundation of existing ADR mechanisms while integrating critical gender and social inclusion perspectives. By focusing on the role that gender dynamics and social

inclusion play in land disputes, this guide aims to equip ADR practitioners with the tools and frameworks necessary to ensure that the processes of conflict resolution are equitable, inclusive, and sustainable.

Developed in response to the unique challenges faced in the Mount Apo area of the Davao Region, this guide is the result of comprehensive research, participatory workshops and writeshops, and focused group discussions. It provides a practical roadmap for integrating gender-sensitive approaches into ADR processes, thereby promoting more equitable outcomes for women, indigenous groups, and other marginalized communities involved in land conflicts.

We hope that this guide will be an invaluable resource for ADR practitioners, policymakers, and community leaders who are working to resolve conflicts in ways that promote justice, peace, and inclusivity. By advancing gender and social inclusion, we can strengthen our collective efforts to create a more just and equitable society for all.

## **Christina Rentzmann**

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GIZ – Philippines

# Training Manual at a glance

This manual comprises of four modules:

	<b>Module 1</b>	<b>Module 2</b>	<b>Module 3</b>	<b>Module 4</b>
Title	Revisiting gender and social inclusion concepts in the context of conflict	Identifying entry points to integrate gender and social inclusion in conflict resolution	Integrating gender equality and social inclusion in alternative dispute resolution structures, processes, and approaches	Planning to integrate gender and social inclusion in alternative dispute resolution
Sessions	Revisiting gender and social inclusion concepts in the context of conflict	Revisiting gender and social inclusion concepts in the context of conflict	Revisiting gender and social inclusion concepts in the context of conflict	Revisiting gender and social inclusion concepts in the context of conflict
	Analyzing gender issues in the context of conflict	Policies	Reflecting on the gender-responsiveness and inclusivity of alternative dispute resolution mechanisms, processes, and approaches	Planning for integrating gender and social inclusion in alternative dispute resolution
		Reflecting on gender-responsiveness and inclusivity of alternative dispute resolution services, programs, projects, and activities		
Proposed time allocation	Half day (4 hours)	Half day (4 hours and 30 minutes)	Half day (2 hours and 30 minutes)	Half day (3 hours and 30 minutes)
Two and a half days				
Target Participants	Technical staff in policy, planning, and programming and those involved in alternative dispute resolution	Technical staff in policy, planning, and programming	Alternative dispute resolution officers or those involved in conflict resolution processes	Technical staff in policy, planning, and programming and those engaged in alternative dispute resolution

# Background

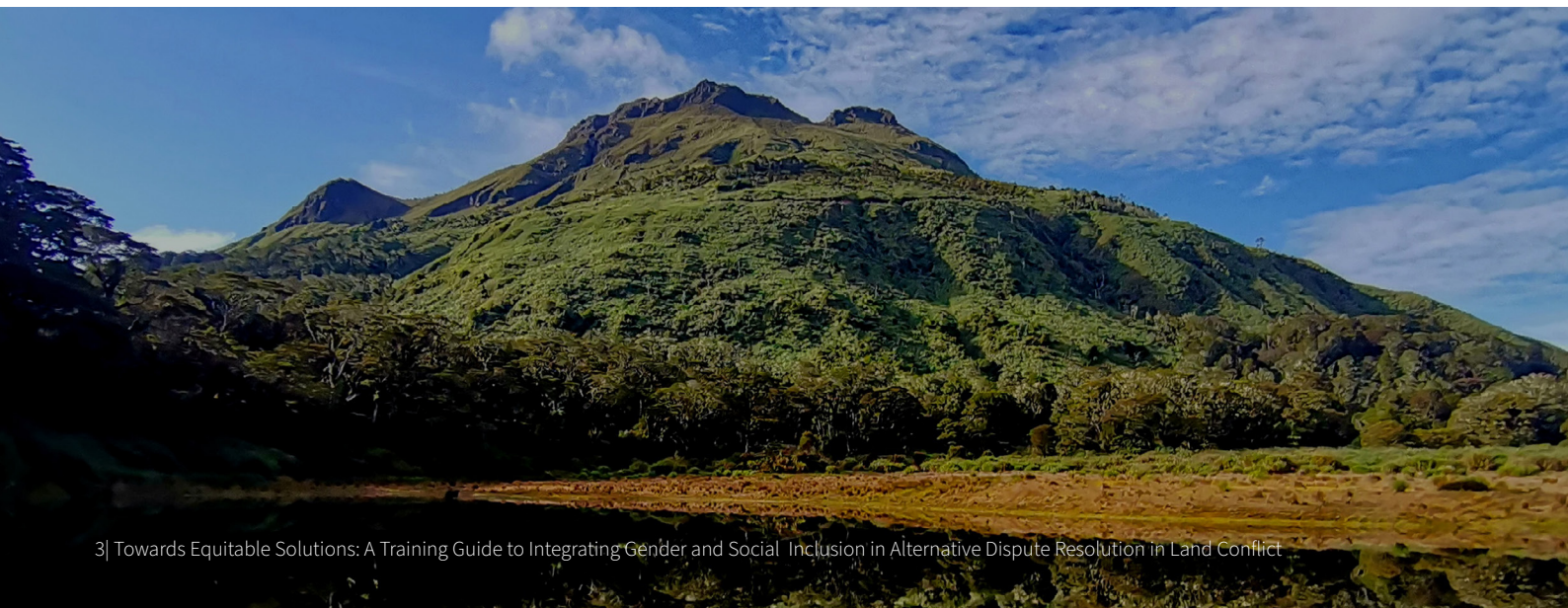
The “Promotion of the Rule of Law in Mindanao,” funded by the German Federal Foreign Office, aims to contribute to the stabilization and peacebuilding in Mindanao by reducing the potential for violence and conflict from land use and land distribution. In addition, it seeks to improve access to justice in land conflicts for marginalized groups in the Mount Apo area of the Davao Region.

The target groups are executive staff and administrative specialists of the authorities mandated to register resource-use instruments as well as selected local authorities in the Davao region involved in conflict resolution, including members of select Barangay Councils of Peace, Alternative Dispute Resolution Officers, prosecutors, attorneys, representatives of indigenous cultural communities, and other authorities and associations, including organizations that promote gender equality. In addition, Barangay Human Rights Action Centre employees and the regional Commission on Human Rights are included.

Another target group is the Mount Apo Region population, which will be the project’s final beneficiaries. The target group includes indigenous cultural communities that are or could be affected by land use conflicts. Women’s interests and possible disadvantages concerning land use and conflict resolution are also considered.

The intended results are the following:

- Support to the land administration of the Mount Apo area
- Support for gender-responsive and culture-sensitive dispute settlement mechanisms (mediation and alternative dispute resolution – ADR) in local land use conflicts
- Strengthening complaints offices in land conflicts, especially for marginalized groups, including indigenous population groups in the Mount Apo area.





Gender equality is a significant objective of this GG1 project; although essential, it is not one of the principal reasons for undertaking the development measure.

In March 2023, the Gender Analysis for the Promotion of the Rule of Law in Mindanao was completed. While the project has specific result statements and indicators to ensure gender considerations in accessing justice about land rights and addressing land conflicts, there were recommendations to improve project indicators, strategies, and interventions. One of the key recommendations from the said analysis is providing technical assistance and capacity development for land-related conflict resolution and management mechanisms towards revising their policies, structures, processes, and practices to become gender-, culture- and conflict-sensitive, including applying Do No Harm approaches. As it were, local conflict resolution bodies and processes, both formal and non-formal, barely have the representation of women, nor do they meaningfully participate in these bodies and processes. Such mechanisms also do not necessarily consider women's land issues and rights and the multiple types of discrimination they face. Aside from these, different agencies' authorities have adapted several existing handbooks, manuals, guidelines, and training materials for dispute resolution at the local level.

Hence, a supplemental gendered manual is being formulated to support a more systematic and practical mainstreaming of gender in conflict resolution processes in light of land tenure and rights. The manual will be designed based on the existing conditions in the Mount Apo area,

primarily benefitting indigenous peoples, other inhabitants, and relevant government agencies working on land tenure and land rights.

## Objectives

This manual aims to support the existing Alternative Dispute Resolution (ADR) Training Manual by integrating gender and social inclusion considerations into the structures, processes, and approaches to resolving land-related conflicts.

It specifically intends to:

1. Revisit gender and social inclusion concepts as it applies to ADR;
2. Re-examine various gender and ADR mandates to reinforce women's participation as well as gender-responsiveness of ADR structures, processes, and approaches;
3. Analyze existing ADR structures, processes, and approaches and identify entry points for integrating gender and social inclusion; and,
4. Arrive at actionable areas to use gender-responsive and socially inclusive approaches in ADR.

# Overview

This training manual consists of four modules:

## **Module 1: Revisiting gender and social inclusion concepts in the context of conflict**

This module introduces the basic concepts and frameworks for analyzing gender issues in the context of conflict. The sessions in this module are designed to enable participants to apply gender analysis in the context of land conflict, which is crucial in conducting ADR.

At the end of this module, participants will have the opportunity to use the different concepts and tools to analyze land conflict situations.

## **Module 2: Identifying entry points to integrate gender and social inclusion in conflict resolution**

This module introduces the four entry points for gender mainstreaming under the Philippines' homegrown tool, the Gender Mainstreaming Evaluation Framework. These four entry points are policy, people, enabling mechanisms and programs, projects, and activities. The module examines existing laws and policies on women, peace and security, and existing mechanisms to situate how ADR contributes to women's access to justice in land conflict.

It also introduces the four women, peace, and security pillars under UN Security Council Resolutions 1325 and 1820 as a framework for ensuring that ADR structures, processes, and interventions consider these pillars.

## **Module 3: Integrating gender and social inclusion in alternative dispute resolution**

This module introduces dimensions of women's access to justice that should be considered in ADR processes, mechanisms, and approaches.

At the end of this module, participants can reflect on the gender-responsiveness and inclusivity of their ADR processes, mechanisms, and approaches and plan priority interventions to improve them.

## **Module 4: Planning to integrate gender and social inclusion in alternative dispute resolution**

This module seeks to help agencies consolidate measures that could improve their ADR policies, capacities, mechanisms, and interventions.

### **Participants**

The training modules could target specific participants.

For example, Module 1 is mandatory for all participants, such as technical staff in policy, planning, and programming, and those involved in alternative dispute resolution as a leveling-off module. Module 2, on the other hand, may affect those in policy, planning, and programming, while Module 3 would be for ADR officers or those engaged in conflict resolution processes. Module 4 may be appended with Modules 1 and 2 towards developing measures to integrate gender and social inclusion in ADR policies, plans, and programs. Trainers of ADR officers or those involved in the conflict resolution process, as well as GAD trainers, are the prime users of this manual.

### **Notes for the Trainers**

Note that ADR, especially in the context of land disputes, is contextual. However, the principles of human rights, especially of women and other marginalized individuals, shall be respected, upheld, and protected regardless of the context of conflict.

It is important to assess the training participants prior to the training to appreciate their baseline knowledge and skills on gender and social inclusion. A pre-activity assessment should be administered, as shown in the Annexes. Such an assessment could also guide the trainer/ facilitator on which training concepts and approaches could be deepened. It could also be checked whether their initial understanding of gender and social inclusion concepts changed by the end of the training; a post-activity assessment is available in the Annexes.

It should also be assumed that the ADROs and trainers have not undergone any basic gender training; hence, this manual clarifies basic gender and inclusion concepts necessary for integrating gender and culture sensitivity in ADR.

Certain portions of the manual will require preliminary information or data to be brought in by the participants and used during the sessions. These will be specified in the sessions whenever necessary.

# Module 1

## Revisiting gender and social inclusion concepts in the context of conflict

This module introduces the basic concepts and frameworks for analyzing gender and social inclusion issues in the context of conflict. For those involved in alternative dispute resolution or other conflict resolution mechanisms, these concepts and frameworks are crucial in analyzing land conflicts and considering clients' circumstances. For policymakers and planners, these are necessary in interventions related to land distribution, planning, and use, among other things.

By the end of this module, participants will be able to use the different concepts and frameworks to analyze land conflict situations.

This module could be a stand-alone orientation module, useful for those new to gender and social inclusion. It is also a mandatory module prior to undertaking the succeeding modules, as it provides a fundamental understanding of gender and social inclusion issues in land conflict.

This module consists of:

Session	Session Title	Time Allocation
1	Understanding gender and social inclusion issues in the context of conflict	Two (2) hours
2	Analyzing gender issues in the context of conflict	Two (2) hours

## **Session 1:**

# **Understanding gender and social inclusion issues in the context of conflict**

### **Learning objective**

To revisit basic gender and social inclusion concepts in the context of conflict

### **Methodology**

Small group workshop

Lecture

### **Time allotted**

Two (2) hours

### **Materials and equipment needed**

Easel paper or whiteboards

Markers

Metacards

Masking tape

Scissors

Laptop and projector

### **Required participants**

Agency planners (or those involved in agency planning) and GAD Focal Points

ADR Officers

### **Session procedure and content**

Group work (45 minutes)

1. Share the objective for this session, then divide participants into groups.
2. Ask each group to identify the key issues women and men experience in conflict. Groups will have 30 minutes to identify and write their answers on easel paper or whiteboards.
3. After 30 minutes, participants will view the group outputs in plenary. They will place stickers on the issues they think are similar to the ones they identified in their group. The plenary viewing will take around 15 minutes.
4. Once the stickers have been placed, ask the participants about common and distinct issues that women and men experience in the context of conflict that surfaced from the exercise
5. To conclude the exercise, synthesize shared and distinct issues between women and men in conflict.

## Lecture (One hour)

### 6. Proceed to revisit the concepts of sex and gender:

- Women and men are distinguished by sex or natural or biological characteristics. However, society or institutions created roles and expectations for women and men because of these biological differences. Such societal roles and expectations are called the social construction of gender.
- Gender roles or expectations vary according to age, class, sexual orientation and gender identity and expression, race, ethnicity, religion and other beliefs and ideologies, and socio-economic and political environments. When analyzing gender issues, it is vital to consider these intersecting factors and adopt an intersectional approach since women, girls, men, and boys experience issues differently, and their severity varies depending on their contexts.
- While gender equality is necessary for fulfilling human rights, i.e., enjoyment of goods, opportunities, resources, and rewards between women and men, not all women and men are the same. Adopting an intersectional approach enables those who are more disadvantaged among women and men to be considered and reap more benefits through affirmative action to allow them to participate fully in development. Social inclusion is the process of improving the participation of the disadvantaged, such as youth, indigenous peoples, people with disabilities, persons of diverse sexual orientation, and gender identity and expression (SOGIE), among others.

### 7. Discuss what conflict is and underscore that conflict exacerbates the gender issues that women and girls experience:

- a. Conflict arises when two or more groups believe their interests and the means or ends to achieve such interests are incompatible. It is not a negative phenomenon. However, parties may resort to violent means to achieve their interests<sup>1</sup>.
- b. Women and girls are often seen as ‘collateral damage’ of violent armed conflict rather than active participants in peacebuilding. As such, women and girls are seen as mere beneficiaries of relief, recovery, and rehabilitation interventions. Their status and condition before conflict, e.g., poverty and discrimination, are often not considered in the design and provision of post-conflict programs and services, making them more poor and marginalized.
- c. Since there are more male landowners, titleholders, and farmers, women’s concerns are often ‘invisible’ when addressing or resolving land issues.

<sup>1</sup>UN Interagency Framework Team for Preventive Action. (2012). United Nations. Available at: [https://www.un.org/en/land-natural-resources-conflict/pdfs/FRAMEWORK\\_TEAM\\_FLYER-2July12.pdf](https://www.un.org/en/land-natural-resources-conflict/pdfs/FRAMEWORK_TEAM_FLYER-2July12.pdf).

8. Share the various building blocks of gender analysis in the context of conflict and insecurity:
  - a. Gender division of labor (Moser): Women, men, girls, and boys take on different roles in various spheres of life. According to a framework developed by Caroline Moser, these roles can be divided into reproductive, productive, community management, and community politics roles.

Reproductive roles are those undertaken in the domestic sphere, such as household and care work, that are necessary for maintaining the household. These roles are unpaid, done mainly by women, and extended to girls.

Productive roles, on the other hand, are those undertaken with financial or monetary value. These are often in the hands of men; in some cases, women are paid less than men.

Community roles are those undertaken at the community level. Community managing roles are necessary for the provision and maintenance of scarce resources and are usually unpaid. Volunteer work, for example, by women in solid waste management, is often unpaid but is deemed necessary for the sanitation of the community. Community politics roles provide status or power in the community. The work undertaken by men in addressing conflict is an excellent example of community politics roles – these are either paid or unpaid.

In the context of conflict, here are some of the manifestations of how women and men take on such roles:

Reproductive Roles	Productive Roles	Community Management Roles	Community Politics Roles
Men might take on childbearing/rearing and domestic tasks as they become targets of armed groups, hampering their mobility.	Women look for means of livelihood or food when men's mobility is hampered, vulnerable to sexual and gender-based violence (SGBV), trafficking, and cheap or unpaid labor.	Both men and women may carry arms. Men are often on the frontline of conflict, while women serve as medics, cooks, or budget officers of armed groups.	Men are present in formal peace tables and traditional/indigenous conflict resolution mechanisms.
Men take care of the family property while women evacuate and are vulnerable to harm.	Men receive peace dividends as they are considered combatants. Women are sidelined as recipients.	Armed groups may recruit boys. Girls may be used as an enticement for boys to join armed groups.	Women are often excluded or underrepresented in formal peace tables and traditional/indigenous conflict resolution mechanisms.
Women take care of immediate and extended family members.			

Gender division of labor already exists during peacetime, and women and girls often face more responsibilities, especially in the domestic sphere. This hampers their participation in the productive and community spheres. When conflict happens, it aggravates such gender division of labor, as shown in the table above.

#### Notes for the trainer/facilitator

- If you have ADROs or those involved in conflict resolution mechanisms as participants, you may engage them if they consider the circumstances faced by their clients. For example, do they consider if the client is the family's only breadwinner and, therefore, must they have the land in question?
- Women with several children or widowed women may find difficulty in pursuing land claims because of the reproductive or domestic roles they need to undertake alongside farm work. Hence, bringing ADR services at the local or community level might be helpful.



b. Practical gender needs and strategic gender interests (Moser): Another building block to gender and conflict analysis is understanding practical gender needs and strategic gender interests.

Practical gender needs	Strategic gender interests
Dignity kits or hygiene packs in relief packages to include sanitary napkins, diapers, whistles, flashlights	Gender- and culture-sensitive mental health and psychosocial support (MHPSS) (offline and online)
Special diets for pregnant and lactating mothers, the elderly, or persons with disabilities (PWDs)	
Minimum Initial Service Package (MISP) for Sexual and Reproductive Health (SRH)	Mechanisms and protocols to protect and prevent sexual- and gender-based violence in the context of conflict and insecurity (offline and online)
Women-friendly spaces (e.g., for breastfeeding), daycare centers	Transitional justice
Well-lighted areas; proximity to or security detail along and near water sources	Policies and mechanisms for zero tolerance on harassment, abuse, and violence in temporary shelters and camps
Privacy in bathing areas	
Forms to access government documents or access loans or grants for the rehabilitation of homes and livelihoods	Ease of procedures and forms in cases of loss of original documents or proofs or loss of property

Practical gender needs respond to an immediate necessity and arise from the existing gender division of labor. Strategic gender interests, on the other hand, arise from an analysis of women’s position in society and challenge the existing gender division of labor.

Practical gender needs are necessary for survival and household maintenance. Such practical gender needs should be bridged to achieve strategic gender interests, especially during conflict since circumstances change. For example, land and other economic resources are necessary for everyday survival (practical gender need). However, it is crucial that women can own these financial resources and that processes to enable them to own such resources consider their reproductive roles (strategic gender interests).

**Notes for the trainer/facilitator**

For those involved in planning and programming, engage them on how they could look at practical gender needs and strategic gender interests about ADR. One suggestion is for them to look at how land resources could be supported by other programs and services, such as livelihoods or enterprise development, which would entail coordination and cooperation with other agencies or entities. This ensures that ADR is seen from the perspective of providing land resources and empowering individuals, especially women and other marginalized individuals, to nurture and protect such resources for future generations. Another option is to ease processes and review forms to consider those with low literacy or educational background or who lost documentary evidence for land claims.

- c. Manifestations of gender bias (HASIK): Another building block to gender analysis is the manifestations of gender bias. This framework was developed by HASIK, a Philippine civil society organization involved in urban poor empowerment, gender equality, protection of children and youth, and housing and livelihoods.<sup>2</sup>

Multiple burdens	Women internally displaced persons (IDPs) take care of immediate and extended families, perform community work to support relief or aid or maintain order in IDP centers, and look for means of livelihood.
Gender stereotyping	Men are often considered combatants and benefit from peace dividends. Women and children are often considered non-combatants, incapable of carrying arms or joining armed movements.
Marginalization	Men are consulted on infrastructure and rehabilitation projects and peace interventions. Women are consulted on socio-economic recovery and rehabilitation projects. Youth are seldom consulted in peace interventions.
Subordination	Men considered decision-makers and leaders, are more involved in conflict resolution mechanisms. Women are seldom involved in such mechanisms. Youth are typically not included in peace mechanisms.
Gender-based violence (GBV)	Rape and other forms of violence against women are used as a weapon of war to destroy community morale, as a form of ethnic cleansing, or to demonstrate power and dominance.  Women and girls from conflict-affected areas are vulnerable to human trafficking.  Youth and LGBTIQIA+ individuals are targets of GBV

### Notes for the trainer/facilitator

Engage participants on how they could view manifestations of gender bias in ADR. For example, how do male clients view women ADROs during ADR processes and vice-versa? Is there a child-minding facility for clients with small children? Better yet, are ADR processes conducted at the local or community level to save on costs for the clients and consider their mobility issues (especially for those with small children, elderly, or with disabilities)?

<sup>2</sup> HASIK stands for Harnessing Self-Reliant Initiatives and Knowledge.

- Going back to the earlier building blocks, these gender biases aggravate gender relations within and outside the domestic sphere.

Multiple burdens are roles performed, primarily by women, despite limited time, energy, and resources. Gender stereotyping is the assignment of unquestioned and unexamined roles, beliefs, and perceptions of women and men. Marginalization, on the other hand, is relegating women and men to traditionally acceptable activities, projects, and programs connected with a gender division of labor. Subordination is attributing lower status in society arising from gender stereotyping, most especially to women. Finally, gender-based violence is any form of abuse and harm perpetuated against a person’s will, which is usually directed at women, girls, and other marginalized individuals such as LGBTIQ individuals.

In the context of conflict, women and girls solely perform reproductive roles within temporary shelters and evacuation camps. This affects their participation in public consultations about their and the community’s recovery and rehabilitation after conflict. Multiple burdens in the domestic sphere may place women and girls in a subordinate position; hence, they are not often involved in discussing or resolving land-related issues.

- d. Women’s Empowerment Framework (Longwe): Longwe’s Women’s Empowerment Framework shows that empowerment takes different forms. These levels are not sequential; instead, they may be achieved simultaneously. Along with the other building blocks, this framework could help us understand what kinds of interventions are provided to women and girls in the context of conflict and whether this helps them achieve their fullest potential.

Levels of Empowerment	Description
Control	Women and men have equal control over factors of production and distribution of benefits, without dominance or subordination
Participation	Women have equal participation in decision-making in all program and policies.
Conscientization	Women believe that gender roles can be changed and gender equality is possible.
Access	Women gain access to resource such as land, labor, credit, training, marketing facilities, public services, and benefits on an equal basis with men. Reform of law and practices may be prerequisites for such access.
Welfare	Women’s material needs, such a food, income, and medical care, are met.

In the context of conflict, dis-empowerment could look like the following:

Welfare	Women and youth as recipients of relief packages, often dependent on the males as heads of the household.
Access	Women often have access to diverse economic resources that may not be connected to their pre-conflict lives or may not align with their post-conflict circumstances.
Conscientization	Women are passive information recipients, not necessarily intended to change gender relations.
Participation	Women lead in relief distribution, water, sanitation, and hygiene (WASH).
Control	Women have limited control over economic resources as internally displaced peoples (IDPs)

**Notes for the trainer/facilitator**

You may need to stress that while ADR processes are intended to address women and other marginalized people’s access to land and land resources, awareness raising on land rights – including awareness of land claims mechanisms, procedures and forms – is a form of conscientization. As earlier mentioned, women’s participation in FPIC activities or as conflict resolution mechanisms is also a form of empowerment. Suppose women and marginalized individuals know their land rights and can participate in mechanisms or discussions about land. In that case, they are better positioned to decide over such resources for them and their families.

## Closing (15 minutes)

### 9. In closing, emphasize the following points:

- There are prevailing gender roles for women and men, girls and boys. In the context of conflict, these roles change drastically and even exacerbate gender inequalities.
- Understanding inequalities women face before, during and after conflict is critical towards addressing or mitigating the impact of conflict. The “Building Blocks to Gender Analysis” could support ADROs in understanding the context of women and other marginalized individuals to better situate processes and approaches addressing land issues and conflicts. For decision-makers and planners, these building blocks to gender analysis could help in reflecting how existing programs and services related land and land resources or ADR could be improved in supporting the empowerment of women and other marginalized individuals.

## Session 2: Analyzing gender issues in the context of conflict

### Learning objective

To analyze gender issues in the context of conflict

### Methodology

Small group workshop

Case study analysis

### Time allotted

Two (2) hours

### Materials and equipment needed

Case studies

Easel paper or whiteboards

Markers

Metacards

Masking tape

Laptop

Projector

### Required participants

Agency planners (or those involved in agency planning) and GAD Focal Points

ADR Officers

### Session procedure and content

Recall and objective (5 minutes)

1. Ask participants about their key learnings from the previous session and share the objective for this session.

Group work (One hour)

2. Divide the participants into four groups and distribute the case studies (See Case studies). Two of these groups will analyze the same case study.
3. Give the following guide questions to each group (project questions on screen if available):

---

### Case Study Analysis Guide Questions

1. Identify the gender issues in the case assigned to you. The different building blocks are as follows:
  - Gender division of labor
  - Practical gender needs and strategic gender interests
  - Manifestations of gender bias
  - Women's Empowerment Framework

Illustrate how these issues are manifested using the different building blocks.

2. What measures or strategies would your group recommend for addressing the gender issues you identified in the case study assigned to you?

- 
4. Provide each group with time to conduct their gender analysis, approximately 60 minutes. The workshop template would look like this:

Case Study Title	
Gender Issues found in the case	Recommend measures or strategies to address the gender issues

5. Ask each group to select a member who will present their case study analysis to the other group with a similar reviewed case. The selected rapporteur must concisely summarize the group's analysis, along with key recommendations.

Group exchange (30 minutes)

6. Request that each rapporteur provide a summary of the analysis and recommendations for 15 minutes, at most. Provide time for questions and discussion following each sharing.
7. Ask the two groups to agree on which points will be presented in plenary in terms of analysis and recommendations and who will represent them.

Plenary sharing (15 minutes)

8. Request the group representatives to present a synthesis of the case study analyzed by the two groups, their findings, and recommendations.

### Closing (10 minutes)

9. Provide a brief synthesis of the findings and recommendations. Ask the participants to share their insights on how the building blocks helped analyze the case and formulate recommendations.
10. Encourage participants to explore using the different building blocks in analyzing cases outside of the workshop to further enhance their skills in gender and conflict analysis.





# Module 2

## Identifying entry points to integrate gender and social inclusion in conflict resolution

This module introduces the Gender Mainstreaming Evaluation Framework (GMEF), which provides entry points to integrate gender and social inclusion in conflict resolution. Various mandates related to land, ADR and women, peace, and security are also revisited.

This module is particularly useful for policy makers and planners as it supports reviewing existing ADR-related policies to make them gender-responsive and socially inclusive.

This module could follow Module 1: Revisiting gender and social inclusion concepts in the context of conflict, to be followed by Module 4: Planning for integrating gender equality and social inclusion in alternative dispute resolution.

This module consists of

Session	Session Title	Time Allocation
1	Appreciating international and national mandates and frameworks towards integrating gender and social inclusion in conflict resolution	One (1) hour, 30 minutes
2	Integrating gender and social inclusion in alternative dispute resolution-related policies	One hour
3	Reflecting on gender-responsiveness and inclusivity of alternative dispute resolution services, programs, projects and activities	Two (2) hours

## **Session 1: Appreciating international and national mandates and frameworks towards integrating gender and social inclusion in conflict resolution**

### **Learning objectives**

To appreciate various mandates and mechanisms related to land and ADR and how these consider gender and land conflict towards contributing to human security

To introduce gender frameworks to influence existing ADR policies and other measures to become gender- and conflict-sensitive

### **Methodology**

Small group workshop

Lecture

### **Time allotted**

One (1) hour and 30 minutes

### **Materials and equipment needed**

Metacards

Easel paper/ board

Markers

Masking tape

Laptop

Projector

### **Required participants**

Agency planners (or those involved in agency planning) and GAD Focal Points  
ADR Officers

### **Session procedure and content**

Group work (15 minutes)

1. Share the objective for this session and ask the participants how they understand the term “human security.” Ask participants to place their responses in metacards and the easel paper or board for everyone to see these responses.

Lecture (One hour)

2. After which, level off on the concept of human security, following the UN General Assembly Resolution No. 66/290:

- Human security is the right of people to live in freedom and dignity, free from poverty and despair – enabling freedom from fear and freedom from want.
  - Human security calls for people-centered, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people and all communities. It recognizes the interlinkages between peace, development and human rights, and equally considers civil, political, economic, social and cultural rights.
  - Human security does not entail the threat, use of force, or coercive measures. Human security does not replace State security; it is based on national ownership.
3. Relate the achievement of human security about gender and land resources:
- People are more likely to use land sustainably with secure tenure. Yet insecurity remains high in many countries and the growing phenomenon of “land grabbing” worsens it.
  - Gender inequalities put many women and their families at increasing risk, leaving them among the most vulnerable. Yet in practice they are expected to take responsibility for land management as a growing number of men migrate in search of employment.
  - Women, whose rights are facilitated by their husbands, brothers, or fathers, become even more vulnerable as they can lose their property or tenure rights following migration, widowhood, divorce, or desertion.
  - Women play an important role in many forms of land management, including food production. Many women work as unpaid laborers on family farms and are not regarded as farmers.
  - Female farmers generally have lower output per unit of land and are less likely to be involved in commercial activities than male farmers. This results from women tending to have smaller farms on more marginal lands; less access to technical information and credit facilities; facing social constraints and family responsibilities that hamper productivity; and often having more dependent relatives and relatively less labor to help with work.
  - Traditional systems of inheritance and property transfers, especially of agricultural land, are predominantly patrilineal; however, an increasing number of countries now recognize women’s land rights in their constitutions and laws. Where women farmers already have informal or customary land rights, formal title can sometimes be acquired through the conversion of customary title to freehold title registered with the state or through statutory recognition and codification of customary title in the government registry.
  - Under the agrarian reform programme in the Philippines, over half of the land certificates issued still do not include the wife’s name, despite a longstanding order to include the names of both spouses.

*Land and land resources, while these address the practical gender needs of women and other marginalized individuals, these also address strategic gender interests as these resources ensure the incomes and livelihoods for families and sustainability of these resources for future generations. Land conflicts, therefore, are threats to human security; women and other marginalized individuals are more affected by these land conflicts not only because of threats to their resources but also to their safety and security. **Looking at land issues as human security issues enables a more gender-responsive, conflict-sensitive and peace-promoting approach to land conflicts.***

4. Pursuing alternative dispute resolution (ADR) ensures a peaceful approach to addressing land conflicts. Under Republic Act No. 9285 or the Alternative Dispute Resolution Act of 2004, alternative dispute resolution means “any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency, in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or a combination of such.”

Several institutions are involved in ADR on land conflict:

Katarungang Pambarangay	Lupong Tagapamayapa composed on Barangay Captain and 10 to 20 Lupon Members
DENR Alternative Dispute Resolution	Designated ADR Focal Points and Accredited ADR Officers (ADRO) in the respective offices
DAR Mediation	Barangay Agrarian Reform Committee (BARC) composed of 10 members from the DAR, the DENR, the Land Bank and other agricultural organizations <b>or</b> Senior Agrarian Reform Program Technologist (SARPT) or Agrarian Reform Program Technologist (ARPT) of the barangay where the land is located in case of non-existence of the BARC or its inability to convene <b>or</b> Department of Agrarian Reform Adjudication Board <b>or</b> Regional Agrarian Reform Adjudication <b>or</b> Provincial Agrarian Reform Adjudication
Indigenous Justice System	Tribal Chieftain and 7 or more Council Members (also known as Council of Elders or Council of Leaders)

5. While legislation and mechanisms are in place to promote ADR as a peaceful approach to land conflict, it is essential that these measures are mindful of contributing to human security and addressing women and other marginalized individuals' land needs and issues.
6. Introduce the Gender Mainstreaming Evaluation Framework (GMEF) as a framework to support the analysis of these existing measures about land conflict:
  - Policy: refer to the official statements and pronouncements of support for gender mainstreaming issued by the organization. These may be in the form of department orders, special orders, administrative orders, memoranda and executive orders that spell out an organization's commitment to pursue gender mainstreaming. This category also includes national and sectoral plans, specific guidelines, manual of implementation and the GAD Framework/Strategic Plan. The organization, through these issuances, shows its recognition and acceptance of gender mainstreaming as a critical and legitimate concern, even if in broad or general terms. Policy enhancement and improvements, including the use of gender-fair language and images, are also expected towards the development of a model GAD policy for potential replication and innovation.

*Policies on land rights, for example, should consider gender to ensure that interventions after that—from planning until monitoring and evaluation—are responsive to the differential impacts of land resources and issues on women and men.*

- People: refers to the relevant stakeholders who assume the task of gender mainstreaming. Critical to the success of gender mainstreaming are the following: (1) GAD champions among top management who actively support the GM program; (2) recognition of GFPS and staff members as GAD experts; and (3) clients (internal and external) able to participate in the planning, implementation and monitoring and evaluation of programs, activities and projects.

*Individuals formulating and implementing the policies and interventions on land rights should be capacitated on gender and social inclusion to ensure that they can deliver such with considerations to the differential impacts of land resources and issues to women and men.*

- Enabling mechanisms: refer to the systems and mechanisms installed in the organization and the funds allocated for GAD activities such as the GAD Focal Point System (GFPS) and Knowledge Management (KM) System. The success of any gender mainstreaming effort depends, to a large extent, on the resources allocated and the mechanisms that are institutionalized to implement it. Another example of an enabling mechanism for GAD is the GAD Funds Audit of the Commission on Audit (COA) that greatly helped to ensure institutional compliance to the minimum 5% utilization of the GAD budgets of agencies and local government units.

*Aside from the GAD Focal Point, plans and resources for resolving land conflict and promoting land rights must have gender and social inclusion considerations. Concrete activities and budget lines to address women's land issues or to enable women's access programs and services related to land ownership (such as legal aid or information/ education/ communication) indicated in agency or local government plans such as the Gender and Development Plan and Accomplishment Report are indications of commitment to pursue gender equality and social inclusion on land matters. Tools that enable better understanding of gender issues on land amongst decision-makers, planners, implementers, etc. could be considered as enabling mechanisms as well. Tools to monitor conflict to include potential affected populations should include data or information on women and other marginalized individuals.*

- Programs, projects and activities: refer to flagship programs or activities and projects that serve as a strategic entry point to mainstream GAD in an organization. PAPs are the most practical entry point since it involves the actual implementation of an organization's mandate.

*Interventions to address women's land issues or to enable women's access programs and services related to land ownership (such as legal aid or information/ education/ communication), among others, should be budgeted and indicated in agency or local government plans such as the Gender and Development Plan and Accomplishment Report.*

7. Present some key land, peace and security laws, policies and frameworks and some insights on gender considerations of these policy measures.

Mandates	Lead
Presidential Decree No. 1529, Property Registration Decree	
Republic Act No. 7160, Local Government Code <a href="https://www.officialgazette.gov.ph/downloads/1991/10oct/19911010-RA-7160-CCA.pdf">https://www.officialgazette.gov.ph/downloads/1991/10oct/19911010-RA-7160-CCA.pdf</a>	Department of Local and Interior Government and LGUs
Republic Act No. 8371, Indigenous Peoples Rights Act <a href="https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/">https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/</a>	National Commission on Indigenous Peoples
Republic Act No. 9700, Comprehensive Agrarian Reform Program <a href="https://www.officialgazette.gov.ph/2009/08/07/republic-act-no-9700/">https://www.officialgazette.gov.ph/2009/08/07/republic-act-no-9700/</a>	Department of Agrarian Reform
Philippine Development Plan, 2017-2022, Ch. 13, Ensure Peace and Security, and Enhance Administration of Justice <a href="https://pdp.neda.gov.ph/wp-content/uploads/2023/07/Chapter-13.pdf">https://pdp.neda.gov.ph/wp-content/uploads/2023/07/Chapter-13.pdf</a>	Office of the Presidential Adviser on Peace, Reconciliation and Unity
National Security Policy, 2023-2028 <a href="https://nsc.gov.ph/images/NSS_NSP/National_Security_Policy_2023_2028.pdf">https://nsc.gov.ph/images/NSS_NSP/National_Security_Policy_2023_2028.pdf</a>	National Security Council

**Notes for the trainer/ facilitator**

Engage participants in how they think they can improve the gender-responsiveness of these policies.

- Over the decades, laws have progressed to allow women to own land and property. From Act No. 496 or the Land Registration Act that stipulated women to seek the consent of their husbands to apply for registration of deeds to Presidential Decree No. 1529 or Property Registration Decree, which removed such provisions to Republic Act No. 6657 or the Comprehensive Agrarian Reform Law which assumed that farmers are only men to Republic Act No. 9700 or the Comprehensive Agrarian Reform Program which recognizes rural women’s right to own and control land independent of their male relatives and civil status. While this is so, only 45.19 % of women have been granted the Certificate of Land Ownership Agreement (CLOA) (Philippine Statistical Authority, 2022) under the



said laws. Such may be reflective of inheritance practice in rural areas by which women are often receiving non-land assets (Ani & Casasola, 2020); women's lack of information, legal support, and resources to apply for CLOA; or the lack of government consideration to women's domestic or reproductive roles in the procedures and systems for the application of CLOA. Women's low land ownership rate consequently lowers their opportunity to participate or lead in decision-making over the development and use of land and natural resources necessary for their survival, livelihoods and employment, and preservation of cultures for generations to come.

- Under the Republic Act No. 8371 or the Indigenous Peoples' Rights Act, indigenous women shall enjoy equal rights and opportunities with men as regards the social, economic, political and cultural spheres of life. Under this same law, forming a council of leaders<sup>3</sup> is necessary for titling ancestral domain. Such council of leaders, however, are male-led and follow a line of male succession within clans; hence, women do not have a space in such councils. Before awarding the Certificate of Ancestral Domain Title (CADT), another much larger tribal council of elders<sup>4</sup> is formed. In this council, members are chosen based on leadership skills, not bloodlines – enabling women to participate in the tribal council where community projects are managed. While this is so, most of the members of the tribal council of elders are still men, which affects the valuing of issues and priorities during negotiations and decision-making on ancestral domains, marginalizing women's voices. Conflict among families or clans is likewise apparent as the tribal council of elders selects its tribal chieftain; placing one leader in a traditional egalitarian leadership practice within the tribe poses an elite capture in their political organizations.

Despite their representation in the larger tribal council of elders, women still had a minimal role in the tribe's ancestral domain claim. They are primarily attendees to consultations and activities. Some women assisted

<sup>3</sup> Council of leaders are composed of several families within a tribe.

<sup>4</sup> Council of elders are composed of several council of leaders within an ancestral domain.

in preparing genealogy and land surveys as documenters or guides, while others were involved as cooks and servers during meetings and consultations. Despite their exposure to these activities leading to the claim, they have little knowledge of the process of CADT application nor participated in the formulation of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP), which sets out the manner and tools for regulating the use of natural resources within the ancestral domain upon awarding the CADT. Moreover, women's concerns in the ADSDPP were also confined to livelihood and health issues, when they have a lot more to offer regarding food security, agriculture and forestry. As a CADT is awarded, the assumption is that the ancestral domain is legally owned by the Indigenous cultural community (ICC) and governed by the Council of Elders. In practice, however, it is the male leaders of the clan that own the land and have the power to distribute the land to families or individual members within the clan (Alano, 2008).<sup>5</sup>

- Land laws lacked the representation and participation of women and other marginalized groups. For example, in Republic Act No. 7160 or the Local Government Code, reclassification of agricultural lands can only be done after conducting public hearings and only for the following cases: 1) when the land ceases to be economically feasible and sound for agricultural purposes as determined by the Department of Agriculture, or 2) where the land has substantially greater economic value for residential, commercial or industrial purposes as determined by the local legislature (sanggunian). The provision, however, does not specify the participation of women and other marginalized groups in these public hearings nor the setting up safeguards in politicizing decision-making over the reclassification of lands.
- In Chapter 13 of the Philippine Development Plan, 2023-2028 (Ensure Peace and Security and Enhance Administration of Justice), the Criminal Justice Information Exchange (CJiX) will be established linking all justice sector agencies. Each agency will develop its own information and communications technology system, which will then be linked to the CJiX. This will build the structure necessary to facilitate interchange of crime-related data pertinent to civil actions and special proceedings, such as fraud in commercial transactions, unfair competition, infringement on intellectual property rights, and infrastructure and land disputes. The DOJ, Department of the Interior and Local Government, and the judiciary are at the core of this network. Among the strategies identified in the said chapter is advancing the use of Alternative Dispute Mechanisms at all levels and streamlining the rules of the disposition of specialized and multi-party cases, which includes land despite settlement.

<sup>5</sup> Note however that much of the discussions of Alano were derived from the Manobos within the Mt. Apo National Park. It could be inferred that such practices on land distribution among Manobos are more or less similar among indigenous cultural communities.

- In the National Security Policy, 2023-2028, under Economic, Infrastructure and Financial Security: The economic security of people affected by climate change, armed conflict, and other crises or hazards shall be guaranteed through a rationalized land use plan and comprehensive hazard mapping. The tourism sector shall be strengthened, secured and promoted to ensure its sustainability, resilience, and global competitiveness. The Government shall guide the young and abundant human capital towards nation building by creating the conditions that will allow them to seize the opportunities in the blue economy and the globalized economic order.

8. Present some key women, peace and security laws, policies and frameworks:

Mandates	Lead
Republic Act No. 9710, Magna Carta of Women <a href="https://cws.up.edu.ph/wp-content/uploads/RA-9710-Magna-Carta-of-Women.pdf">https://cws.up.edu.ph/wp-content/uploads/RA-9710-Magna-Carta-of-Women.pdf</a>	PCW, CHR
National Action Plan on Women, Peace and Security, 2023-2028 <a href="https://peace.gov.ph/national-action-plan-women-peace-security/">https://peace.gov.ph/national-action-plan-women-peace-security/</a>	PCW and OPAPRU

- Republic Act No. 9710 or the Magna Carta of Women, was passed and is considered as the domestic translation of the CEDAW into the nation’s legal system, defining discrimination against women by Article 1 of the Convention, substantive equality as well as the obligations of the State as the primary duty-bearer in protecting, promoting, and fulfilling women’s human rights and gender equality. Under Rule IV, Section 12, the State is mandated to protect all women from all forms of violence, including situations of emergency<sup>6</sup>, armed conflict, and militarization. More importantly, this provision stipulates that predominantly indigenous and Moro<sup>7</sup> women abandon their lands, territories, and means of subsistence or relocate them to special centers for military purposes under discriminatory conditions. In the same context, the State must provide immediate humanitarian assistance, allocate resources and facilitate early resettlement, with services such as psychosocial support, livelihoods, education, and comprehensive health services, including reproductive health. It shall also ensure the participation of women in disaster management, including preparedness, mitigation, risk reduction and adaptation.

<sup>6</sup> Emergency is used interchangeably with (natural) disaster.

<sup>7</sup> Moro or Bangsamoro, as defined by the Bangsamoro Organic Law, refers to the people – natives and original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands including Palawan, and their descendants, whether of mixed or full blood, shall have the right to identify themselves as the Bangsamoro by ascription or self-ascription. Their spouses and their descendants are classified as Bangsamoro. It also refers to the territory – the five provinces of Lanao del Sur, including Islamic City of Marawi, Maguindanao, Basilan, Sulu and Tawi-Tawi and the 63 barangays of North Cotabato and Cotabato City.

- The National Action Plan on Women, Peace and Security (NAPWPS), 2023-2028, includes action points related to women's roles in land disputes such as:
  - Empowerment and participation, Action point 4: Addressed gender inequality in the formal and informal economy, productive and reproductive labor, and land and property rights to enable women to actively participate during post-conflict reconstruction.
    - Conduct awareness raising and capacity building on women's economic rights, specifically in land and property rights and reform, in conflict-affected and vulnerable communities
    - Incorporate protocols that ensure the involvement of women in decision-making process for land reform grants
  - Protection and prevention, Action point 12: Women in all their diverse and intersecting identities who were victims of conflict-related violence have full access to victim and survivor-centered legal remedies, including transitional and restorative justice
    - Fast-track the implementation of laws and policies that respect the housing, land, and property rights of IPs, persons with disabilities, and marginalized sectors.
- OPAPP-PCW Joint Memorandum Circular, 2014-01, states that Member Agencies of the National Steering Committee on Women, Peace and Security and those working in conflict-affected and post-conflict areas are to include women's, peace, and security interventions in their Gender and Development Plans, budgets, and Accomplishment Reports. These interventions should refer to the NAPWPS.

#### **Notes for the trainer/ facilitator**

Engage participants if they know these women, peace and security policies and if they are aware of their mandates or their contribution to implementing these policies. For example, DILG and NCIP are members of the NSCWPS while DENR and DAR are included as agencies working in conflict and post-conflict areas under OPAPP-PCW Joint Memorandum Circular, 2014-01. ADR efforts should be linked to implementing these women, peace and security measures.

9. Present the other mechanisms on peace and security:

National Security Council	Principal forum of the President on national security and foreign policy matters with his senior national security advisors and cabinet officials.
National Steering Committee on Women, Peace and Security	<p>Provides overall policy direction and manages, coordinates, monitors, evaluates, and reports on the implementation of the NAPWPS.</p> <p><i>DILG and NCIP are members of the NSCWPS while DENR and DAR are included as agencies working in conflict and post-conflict areas under OPAPP-PCW Joint Memorandum Circular, 2014-01.</i></p>
National Peace and Order Council	<p>Tasked with coordinating and overseeing the government’s integrated peace and order efforts and affirmative actions and providing an avenue for interdisciplinary discussion and deliberation on key issues affecting peace and order.</p> <p>It has equivalents at the provincial, city and municipal levels.</p>
Gender and Development Focal Points	<p>At the national level, this is led by the agency head; at the local level, this is led by the local chief executive.</p> <p>It is composed of a technical working group, that coordinates the development of a GAD plan and budget alongside agency or LGU plans.</p>

**Notes for the trainer/ facilitator**

Engage participants if they have engaged any of these actors in resolving land conflicts. It should be noted that ADR mechanisms on land conflict, often, are working in silos from each other. For example, when land conflicts are handled by ADR mechanisms such as the katarungang pambarangay or indigenous justice system, the peace and order council (POC) at the municipal level are not included. Hence, when land conflicts escalate, the POC is at a loss or needs to backtrack on the conflict at hand. GAD Focal Points are almost always not included in matters about land conflict or peace and security, given the stereotypical notion that their mandate is only for ‘social development’ matters.

10. Addressing land conflicts should consider various interventions impacting women, girls, and other marginalized individuals. Following the United Nations Security Council Resolutions 1325<sup>8</sup> and 1820<sup>9</sup>, there are four pillars on women, peace and security.



- **Protection** ensures that women and girls' rights are protected and promoted in conflict-affected situations or other humanitarian crisis, including protection from gender-based violence, in general, and sexual violence, in particular. Addressing land conflicts should also look at possible threats to women and girls' safety and security, including the impact of displacement to their lives.
- **Prevention** focuses on the prevention of conflict and all forms of violence against women and girls in conflict and post-conflict situations. It Includes integrating gender considerations into conflict early warning systems and involving women and their specific needs in conflict prevention and disarmament activities. It also includes measures to prevent GBV by fighting impunity and increasing prosecutions of conflict-related sexual violence. Women's participation in early warning systems among other interventions is crucial in enabling peaceful and inclusive options to resolve conflict.
- **Participation and representation** aim to ensure women's participation and influence in peace and security decision-making processes at the national, local and international levels. Whether conflict resolution mechanisms are formal, traditional, or indigenous, women's seats in these mechanisms provide diverse perspectives in understanding and resolving conflict.
- **Relief and recovery** ensure that women and girls' specific relief needs are met, for example, in repatriation and resettlement, disarmament, demobilization and reintegration programs (DDR), support to internally displaced persons (IDPs) and in the delivery of humanitarian assistance. It reinforces women's capacities to act as agents in relief and recovery process in conflict and post-conflict situations.

<sup>8</sup> <https://documents.un.org/doc/undoc/gen/n00/720/18/pdf/n0072018.pdf?token=jb4RKJdqj2eivjXA64&fe=true>

<sup>9</sup> [https://www.un.org/shestandsforpeace/sites/www.un.org/shestandsforpeace/files/unscr\\_1820\\_2008\\_on\\_wps\\_english.pdf](https://www.un.org/shestandsforpeace/sites/www.un.org/shestandsforpeace/files/unscr_1820_2008_on_wps_english.pdf)

### **Notes for the trainer/ facilitator**

Engage participants if they have considered any of these four pillars in their ADR interventions. Based on the discussions with various ADR actors, they perceive ADR as an end. Support programs or services such as livelihoods or enterprise development after land acquisition is often at the client's discretion, rather than as an offering to ensure sustainability of land resources. It is important to introduce the idea of collaboration and coordination with other program or service providers that could support sustainable land use and women's empowerment.

### Closing (15 minutes)

11. Provide a brief synthesis of the session. Ask the participants to share their insights on how the session helped them reflect on their ADR policies, mechanisms and other interventions.
12. Encourage participants to explore how the four entry points to gender mainstreaming and the four women, peace and security pillars could support in making their ADR measures gender and culture-sensitive and peace promoting.

## Session 2: Integrating gender and social inclusion in alternative dispute resolution-related policies

### Learning objectives

To reflect on existing conflict resolution-related policies and find possible entry points for integrating gender and social inclusion considerations

### Methodology

Small group workshop

### Time allotted

One (1) hour

### Materials and equipment needed

Copies of existing ADR laws/ policies

Checklist on reviewing gender-responsiveness and inclusivity of ADR policies

Laptop

Projector

### Required participants

Agency planners (or those involved in agency planning) and GAD Focal Points

ADR Officers are optional

### Session procedure and content

1. Remind the participants about Policy as an entry point to mainstream gender and social inclusion in ADR. Policies on land rights, for example, should have gender considerations to ensure that interventions after that – from planning until monitoring and evaluation – are responsive to the differential impacts of land resources and issues to women and men.

Small group workshop (45 minutes)

2. Each group will analyze their agency's existing ADR policy using the four women, peace and security pillars. Some possible policies to be reviewed are as follows:
  - DENR DAO 2016-30, Guidelines in the conduct of alternative dispute resolution in land management and disposition: <https://apidb.denr.gov.ph/infores/uploads/rmdd/dao-2016-30.pdf>
  - DENR DAO 2021-01, Guidelines in the conduct of virtual ADR proceedings in the resolution of land claims and conflicts and other natural resources disputes in the department: <https://drive.google.com/file/d/1hS2uyC3XEicdGfgM5-ZpZFAae049oIFE/view>



- 2021 Department of Agrarian Reform Adjudication Board Revised Rules of Procedure: <https://media.dar.gov.ph/source/2021/06/01/2021-darab-revised-rules-of-procedure.pdf>
- NCIP Administrative Order No. 3, s. 2012, Revised Guidelines on Free and Prior Informed Consent and related processes: <https://ncip.gov.ph/wp-content/uploads/2020/09/ncip-ao-no-3-s-2012-fpic.pdf>

#### **Notes for the trainer/ facilitator**

If a mixed group of participants comes from various agencies, then group them according to their agency.

If all participants are coming from the same agency, then ask two groups to review the same policy and that they could exchange notes on how they reviewed the same policy.

3. Each group will be given A set of guide questions to be used in the analysis. Remind the participants to note which provision concretely reflects their response rather than inferring, i.e., reasoning rather than from explicit statement, from the provision. Hence, participants must indicate which Article and/or Section of the policy supports their answer.

Groups will also be asked how gender-responsiveness and social inclusion policies could be improved.

#### **Notes for the trainer/ facilitator**

For participants from the same agency, ask the two groups who reviewed the same policy to exchange notes on how they reviewed it. They should share in plenary the common and distinct responses they have in the same policy.

During the pilot-testing session, participants have been observed to go beyond what is stated in the policy provision. Trainer/ facilitator should be able to determine which provision supports their response. Recommendations often do not indicate the lack or challenges derived from the “No” responses. The trainer/ facilitator should be able to direct the participants’ attention to address these “No” responses.

Plenary presentation (15 minutes)

4. Participants will present their outputs in plenary. To close the session, underscore the following:
  - While it is not necessary that ADR policies or all its provisions are integrated with gender and social inclusion considerations, it is essential to understand the context and objectives of the formulated ADR-related policy. ADR policies, by and large, are aimed at arriving at a peaceful solution to land conflicts. If in addressing these conflicts women and other marginalized individuals are left out, then agreements are not collectively owned and sustainable. There is greater chance that conflict will recur or escalate later.
  - Aside from emphasizing gender and social inclusion in policies, capacities of implementers need to be considered. The effectiveness of a policy is contingent on its implementation. Hence, implementers must be capacitated on integrating gender and social inclusion to effectively consider its clients' land issues and needs. Emphasize also the added value of the GAD Focal Point in enhancing gender and social inclusion provisions of the policy and its implementation.
  - While institutions have their respective ADR mandates on land conflict, land issues are complex and require a coordinated approach with other agencies providing socio-economic and justice support. Arriving at a peaceful solution to land conflicts is crucial but so is protecting and preserving land and land resources after peaceful agreements are made. Referral pathways, for example, are good mechanisms to support the poor and the marginalized about accessing land rights.
5. Remind the participants that their recommended revisions on the policy will be further discussed and considered in Module 4.

## **Session 3: Reflecting on gender-responsiveness and inclusivity of alternative dispute resolution services, programs, projects, and activities**

### **Learning objectives**

To reflect on existing conflict resolution-related projects and find possible entry points for integrating gender and social inclusion considerations

### **Methodology**

Lecture

Small group workshop

### **Time allotted**

Two (2) hours

### **Materials and equipment needed**

Copy of policies or program documents on ADR

HGDG Checklist on Justice Projects

Laptop

Projector

### **Required participants**

Agency planners (or those involved in agency planning) and GAD Focal Points

ADR Officers are optional

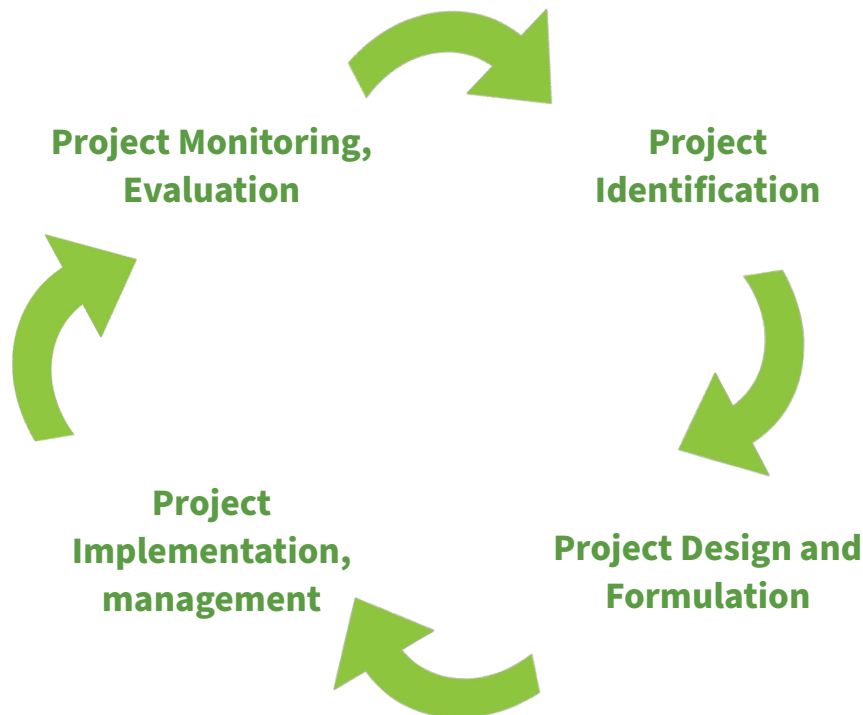
### **Session procedure and content**

Lecture (45 minutes)

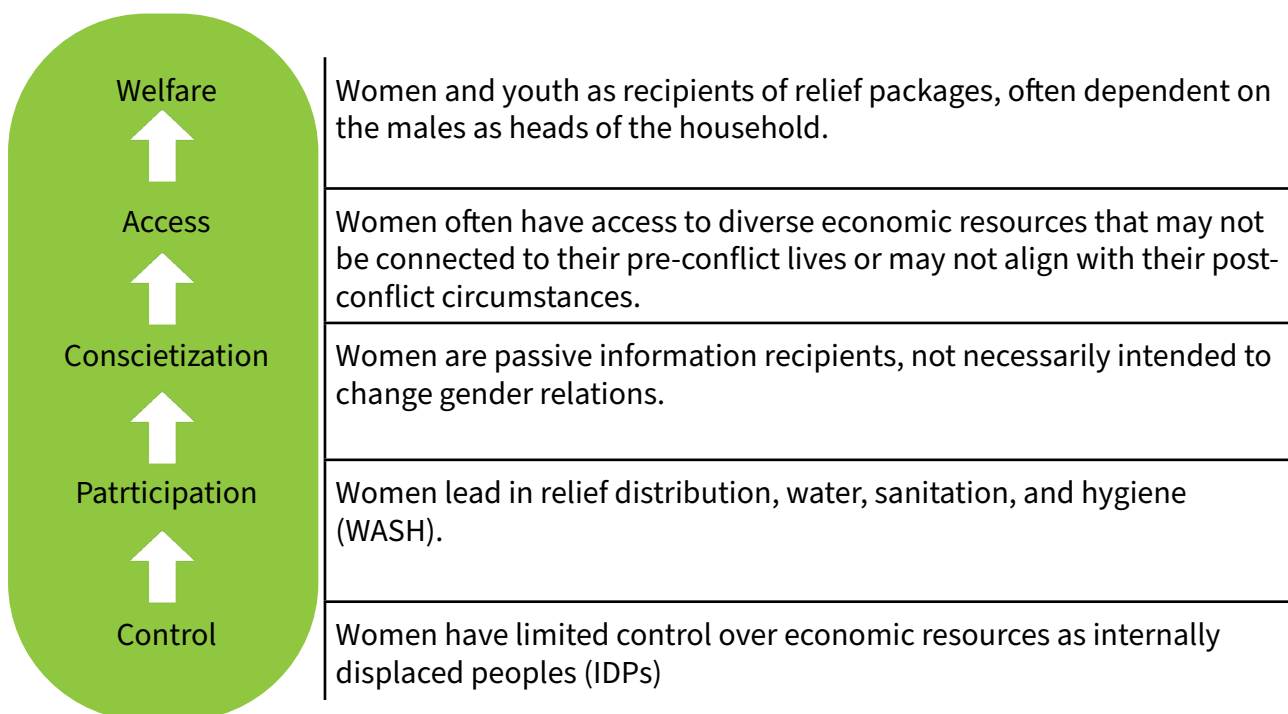
1. After analyzing ADR and land rights policies, introduce another homegrown tool to integrate gender and social inclusion in ADR services, programs, projects, and activities.

The Harmonized GAD Guidelines (HGDG) for Project Development, Implementation, Monitoring and Evaluation aims to support government agencies and overseas development assistance (ODA) donors in integrating gender considerations into development programs and projects. It was developed by the Philippine Commission on Women and the National Economic and Development Authority alongside the ODA donors.

2. The tool aims to integrate gender considerations into two things:
- The project development cycle



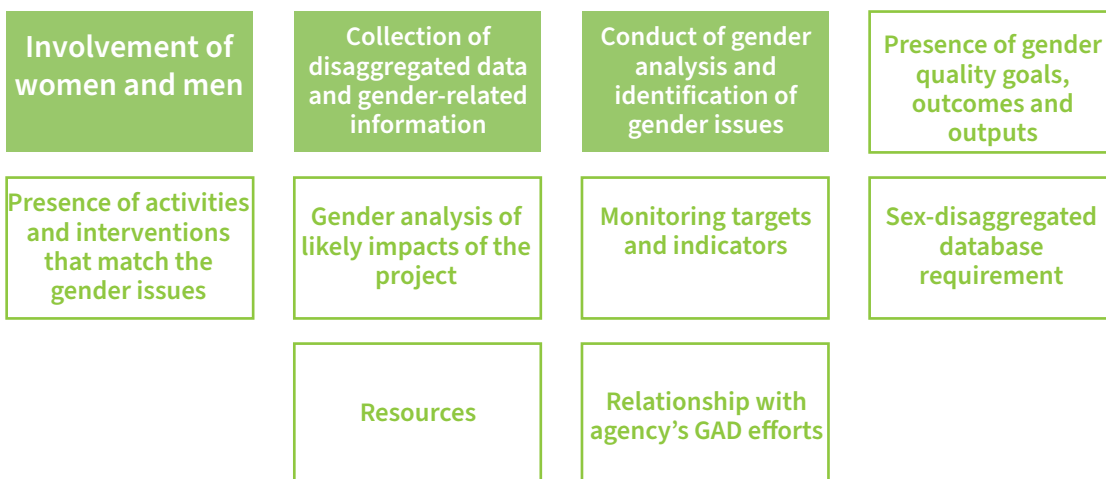
- Women’s Empowerment Framework by Sara Longwe (as earlier discussed in Module 1)



3. While initially the HGDG is intended for ODA-supported projects, recently, the tool is used to be the basis of government for attributing the cost of implementing gender and development interventions within flagship or regular agency programs.
4. At the **project identification** phase, gender elements being looked out for are as follows:



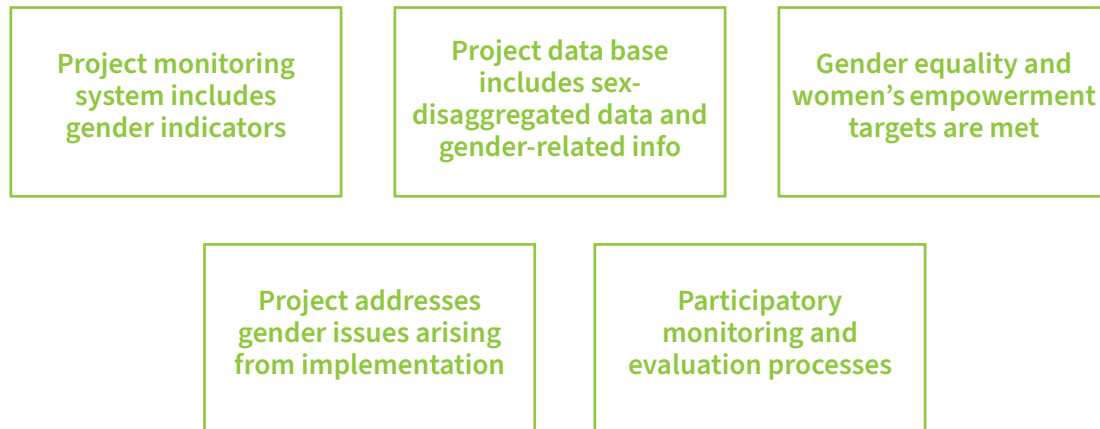
5. At the **project design** phase, gender elements being looked out for are as follows:



6. At the **project implementation** and management phase, gender elements being looked out for are as follows:



7. At the **project monitoring and evaluation** phase, gender elements being looked out for are as follows:



8. Note that gender elements must be integrated at the beginning of the project development cycle, i.e., at the project identification stage, to ensure that gender elements are cascaded until the project monitoring and evaluation stage.
9. Aside from integrating gender elements throughout the project development cycle, the HGDC also ensures gender considerations across various sectors or thematic areas such as agriculture and agrarian reform, natural resource management, justice, and women in areas under armed conflict. There are sectoral checklists found in the HGDC which could be pulled-out separately, depending on the context of the project being analyzed, with questions about the project development cycle. Responses to each question have a corresponding score added by the end of the checklist to determine the level of gender-responsiveness of the project. For ADR interventions, use the Justice sectoral checklist.

Box 18. GAD checklist for designing and evaluating justice-related projects

Dimension and question	Responses			Score for the item/element (col.3)	Result or comment (col.4)
	No (2a)	Partly yes (2b)	Yes (2c)		
<b>Project Identification</b>					
1.0 <i>Participation of women and men in project identification</i> (max. score; for each question, 0.67)					
1.1 Has the project consulted women and men, women's groups, or NGOs on the problem or issue that the intervention must solve and on the development of the solution? (possible scores: 0, 0.33, 0.67)					
1.2 Have the inputs of women and men been considered in the design of the project? (possible scores: 0, 0.33, 0.67)					
1.3 Are both women and men seen as stakeholders, partners, or agents of change in the project design? (possible scores: 0, 0.33, 0.67)					
2.0 <i>Collection of sex-disaggregated data and gender-related information prior to project design</i> (possible scores: 0, 1.0, 2.0)  Has the project tapped sex-disaggregated data and gender-related information from secondary and primary sources at the project identification stage? OR, does the project document include sex-disaggregated and gender information in the analysis of the development issue or problem					
3.0 Conduct of gender analysis and identification of gender issues (max score: 2.0; for each item, 0.67)					
3.1 <i>Gender division of labor and gender needs</i> (max score: 0.67; for each question, 0.33)					
3.1.1 Are the needs of both women and men considered in the situation analysis? (possible scores: 0, 0.17, 0.33)					

10. In responding to the checklist, it is crucial that responses are evidence-based, i.e., accompanying documents support the responses. At each project development phase, each element or questions has a checklist of methods and sources of information to justify the scores per questions. This information is included in submitting GAD plans, budgets, and accomplishment reports to accompany the HGDC results.

## Part I: PROJECT DESIGN CHECKLIST

Element or requirement	Methods and sources of information
1. Involvement of women and men in project conceptualization and design	Conduct stakeholder consultations, with woman and man stakeholders.
2. Collection of sex-disaggregated data and gender-related information at the planning stage	Analyze secondary sources that report sex-disaggregated data; review relevant gender-related studies done in the sector or area.  IF NO SECONDARY SOURCES ARE AVAILABLE: collect primary data related to gender roles and access to and control of resources using small-sample surveys or participatory rural appraisal (PRA) methods.
3. Conduct of gender analysis and identification of gender issues at the project identification stage	Analyze gender gaps using the gender equality and women's empowerment framework; activity, resource access, and constraints and opportunities profiles; socioeconomic and gender analysis.
4. Presence of gender equality goals, outcomes, and outputs	Formulate a logical framework analysis (LFA or logframe) statements based on PPGD goals and strategies (box 1, page 3), levels of gender equality and women's empowerment (box 2, page 5), and the examples in the sector checklist. Box 5a provides guide questions for integrating GAD in the logframe.
5. Presence of activities and interventions that match the gender issues identified to produce gender equality outputs and outcomes	Consider gender issues identified in requirement (3) when formulating activities and interventions; assess whether the activities will produce the expected gender equality outputs and outcomes, with the help of requirements (6)
6. Conduct of gender analysis of the likely impact of the designed project	Use gender analysis methods in (3) and assess the designed projects in terms of whether it will create instead of reduce or eliminate gender gaps, or create rather than mitigate constraints to the participation of women and men in project activities and benefits.
7. Presence of monitoring targets and indicators	Set monitoring targets in terms of the gender objectives of reducing gender gaps or creating increased opportunities for women to participate in the project.

11. Once all the scores have been added up, total score per checklist will be interpreted.

### Interpretation of the GAD Score

- 0 - 3.9 GAD is invisible in the project (proposal is returned)
- 4.0 - 7.9 Proposed project **has promising GAD prospects** (proposal earns a “conditional pass,” pending identification of gender issues and strategies and activities to address these, and inclusion of the collection of sex-disaggregated data in the monitoring and evaluation plan)
- 8.0 - 14.9 Proposed project is **gender-sensitive** (proposal passes the GAD test)
- 15.0 - 20.0 Proposed project is **gender-responsive** (proponent is commended)



In the annual preparation of GAD plans and budgets, agencies may attribute a portion or whole of the agency's major program/s or project/s to the GAD Budget using the HGDG tool. It shall be reflected under the GPB section on 'Attributed Programs.' Programs/ projects with HGDG scores below 4.0 are not eligible for budget attribution.

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$$\frac{\text{HGD Score}}{\text{Total HGD Points}} \times 100\% = \% \text{ of annual program budget attributable to GAD}$$

$\% \text{ of annual program budget attributable to GAD} \times \text{annual program budget} = \text{attributable to GAD}$

e.g.  $\frac{16.5}{20} \times 100\% = 82.5\%$   
 $82.5\% \times \text{Php } 50 \text{ million} = \text{Php } 41,250,000.00$

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12. In the case of ADR as a measure to support women and marginalized sectors' access to justice, ADR-related programs or services are aimed to address some of following justice-related issues:

- Processes and procedures that are not sensitive to the conditions and circumstances of women such as sexist or insulting remarks on women and other marginalized individuals;
- Lack of access of women to information on the nature and workings of the justice system;
- Lack of disaggregated data on sex, age, ethnicity, among others as basis for justice policy and programming;
- Multiple gender issues and discrimination faced by women in accessing justice services as women living in poverty, as women with low literacy, as indigenous women, as farmers or rural women or women in the informal sector; among others.

Use of the HGDG Checklist on Justice (45 minutes)

13. Then, ask the participants to review its ADR program or service through the HGDG Checklist on Justice. Ensure that participants have copies of policies or program documents on ADR to support the various responses in the checklist.

**Notes for the trainer/ facilitator**

Usually, participants find it difficult to fill out the HGDG Checklist given the lack of policy, service, or program information. It needs to be emphasized that the sources of verification to justify checklist responses are necessary and that it is often required by the Philippine Commission on Women, especially in the review of GAD plans, budgets and accomplishment reports.

14. Ask participants to report in plenary. Take note of the links to the responses:

- Responses under 1.0, Participation of women and men in project identification is connected with 3.0, Conduct of gender analysis and identification of gender issues, and 6.0 Gender analysis of the designed project under Project Design since this presupposes that people's participation should input to the gender analysis of the project.
- Responses under 2.0, Collection of sex-disaggregated data under Project Identification and gender-related information is connected with 8.0, Sex-disaggregated data base under Project Design.
- Responses under 3.0, Conduct of gender analysis and identification of gender issues, under Project Identification is connected with 6.0 Gender analysis of the designed project under Project Design.
- Responses under 4.0, Gender equality goals, outcomes and outputs are connected with 7.0 Monitoring targets and indicators, since such goals, outcomes and outputs are supposedly measured by setting indicators and targets.

## Identification of interventions (30 minutes)

15. After the presentation, ask the participants which questions they answered “No”. Ask them to develop interventions to improve their current ADR service or program.

Note that the interventions to be developed are intended to address gaps and challenges given the different dimensions or questions in the checklist in Project Identification and Project Design phases. For example, if women and men, women’s groups or NGOs were not consulted in justice services or projects such as ADR, (under 1.0 Participation of women and men in project identification) or, if there were no sex-disaggregated or gender-related information in ADR programs and services, what interventions could be developed and implemented to address these gaps?

These interventions will be considered and used in Module 4.

# Module 3

## Integrating gender equality and social inclusion in alternative dispute resolution structures, processes, and approaches

This module aims to enable a reflection process among members of ADR mechanisms on how they are contributing to women's access to justice, especially on land claims. Reflections will revolve around not only the accessibility of justice services to women and other marginalized individuals but also ensuring that ADR structures, processes, and approaches are mindful of gender responsiveness and inclusivity.

This module consists of:

Session	Session Title	Time Allocation
1	Appreciating alternative dispute resolution's contribution to women's access to justice	One (1) hour
2	Reflecting on the gender-responsiveness and inclusivity of alternative dispute resolution mechanisms, processes and approaches	One (1) hour and 30 minutes

## **Session 1: Appreciating alternative dispute resolution's contribution to women's access to justice**

### **Learning objectives**

To appreciate alternative dispute resolution's contributions to women's access to justice

### **Methodology**

Plenary workshop

Lecture

### **Time allotted**

One (1) hour

Materials and equipment needed

Metacards

Markers

Masking tape

Manila paper

### **Required participants**

ADR Officers

GAD Focal Points

Agency planners (or those involved in agency planning) are optional

### **Session procedure and content**

Quick plenary workshop (15 minutes)

1. Begin the session by asking the participants what access to justice is for them. Ask the participants to write keywords on meta cards and place them on a board or manila paper. Allow two to three participants to share in plenary what they have written on their metacards.

Lecture (45 minutes)

2. Raise that alternative dispute resolution is one channel by which women and other marginalized individuals can access justice. Present the six dimensions of access to justice derived from the UN Convention of All Forms of Discrimination Against Women (CEDAW), General Recommendation No. 33:



- **Justiciability** requires the unhindered access by women to justice and their ability and empowerment to claim their rights as legal entitlements under UN CEDAW.
- **Availability** calls States to ensure the creation, maintenance and development of courts, tribunals and other entities, as needed, that guarantee women’s right to access to justice without discrimination, including in remote, rural and isolated areas, to serve women living in remote, rural and isolated areas, and to the creative use of modern information technology solutions, when feasible. In geographically isolated and disadvantaged areas (GIDA), formal justice mechanisms are usually unavailable or dysfunctional, resulting to extrajudicial settlements amongst parties. While this is so, there is a strong possibility that such agreements are not adhered to by either party and may resort to conflict. In conflict- and post-conflict areas, extrajudicial mechanisms are in place to settle disputes however, legitimacy of agreements is, in most cases, at risk.
- **Accessibility** considers the needs of women in diverse capacities as claimants, respondents, accused persons and witnesses and the specific barriers they may face. Aspects of accessibility include non-discrimination, physical accessibility, economic accessibility, information accessibility, linguistic accessibility, and cultural accessibility. In geographically isolated and disadvantaged areas (GIDA), formal justice mechanisms are usually located in municipal or city centers which may require financial resources from parties crucial among

those from impoverished families. Women doing domestic and productive work may also find difficulties to pursue land claims given distance vis-à-vis time away from family and land. Procedures and forms are written in formal language which may be filled with legal jargons which may be intimidating for no- to low-literacy individuals. Persons with mobility issues such as women with young children, older people and people with disabilities may not access justice systems and processes anymore.

*In the focused group discussions conducted with government agencies, it has been learned that ADR processes are often undertaken at the office, with parties coming over to undergo them. While neutrality is the main reason parties are being asked to undertake the ADR process in government agencies, the resources and mobility of parties should be considered. Bringing ADR processes closer to the people may enable a greater understanding of the land issue at hand as well as the circumstances of parties.*

- **Good quality** requires that all components of the system adhere to international standards of competence, efficiency, independence and impartiality and provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women. It also requires that justice systems be contextualized, dynamic, participatory, open to innovative, practical measures, gender-sensitive, and consider women's increasing demands for justice. It also calls for sector-wide reforms, innovation in justice delivery, and the protection of the privacy and security of women as claimants and witnesses.

*In GIZ's Alternative Dispute Resolution Training Manual (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2023), one of the mediator's conducts is ensuring a quality process that calls for diligence and procedural fairness.*

*In the focused group discussions conducted with members of indigenous political systems in Mount Apo National Park, part of the mediation process is to inquire about the genealogy of parties involved to ease their tensions. Establishing blood relations between parties could ease land conflict and ensure the re-building of family ties brought about by conflict.*

*ADR members must be mindful that not only is resolving land conflict the goal of the ADR process but also ensuring that familial or community ties brought about by the settlement are rekindled.*

*In this manner, land conflicts have less chance of recurring amongst family or community members.*

- < UNK> Providing remedies requires that justice systems provide women with viable protection and meaningful redress for any harm they may suffer. In some cases, women land claimants may face challenges to obtaining land property and intimidation and harassment from the other party. Often, agencies in charge of settling land claims do not have referral systems to other agencies that could protect women and their families against intimidation and harm.
- **Accountability** ensures that the State and other duty-bearers are answerable for the observance of human rights. Where they fail to do so, aggrieved rights holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

*In the focused group discussions conducted with government agencies, it has been noted that once a compromise agreement has been reached, ADR officers assume that the land conflict has been settled and that the contents of the agreements will be complied with. The agencies will know that the agreement was not adhered to until the case has been raised in court. It is essential, therefore, to undertake monitoring after an agreement has been reached to minimize land conflicts being raised in court, as these take time and resources for such cases to be decided upon, given the bulk of docketed and pending cases in court.*

*For indigenous political systems, aside from agreeing, parties are asked to 'close' the complaint chapter by not discussing such anymore with other people. Not only does this uphold the confidentiality of the case and the parties, but it also avoids later escalation of conflict.*



3. In this regard, existing ADR policies, structures, processes, and approaches at the agency and local levels need to be assessed for their adherence to these six dimensions (see also the Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict).
4. Aside from these six dimensions, there needs to be accompanying actions to ensure that ADR is gender-responsive:



Legally empowering women calls for investing in rights awareness-raising and education to enable them to understand their options regarding pursuing land claims. Legal awareness could equip women with the knowledge and skills to engage with justice institutions and demand protection, redress, and accountability. Women's understanding of their rights could also change attitudes and norms of justice, leading to greater accountability.

Women's participation in justice mechanisms, like ADR, can increase women's access to justice programs and services, increasing trust in justice systems. As women in the community see that there are also women in ADR mechanisms, they are more likely to engage in the process. However, as most systems are led and composed of men, women's representation in ADR mechanisms (especially in traditional and customary mechanisms) remains low, and their quality of participation still needs to be studied and analyzed. Sometimes, women are made to serve refreshments or as notetakers rather than active participants in the mediation process.

Support and partnership with civil society organizations (CSOs) sustain the efforts of women toward access to justice. CSOs can undertake advocacy, capacity development, rights awareness among community women and other marginalized individuals, and monitoring women's human rights violations in land conflict. Their technical support could create paralegals among community members that could guide stakeholders in accessing support about land claims.

5. To close, ask the participants if they think their existing ADR structures, processes, and approaches are indeed mindful of women's (and other marginalized individuals') access to justice.

## **Session 2: Reflecting on the gender-responsiveness and inclusivity of alternative dispute resolution mechanisms, processes, and approaches**

### **Learning objectives**

To reflect on gender-responsiveness and inclusivity of ADR mechanisms, processes, and approaches

### **Methodology**

Small group workshop

### **Time allotted**

One (1) hour and 30 minutes

### **Materials and equipment needed**

Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict, which may also be placed on manila paper in advance<sup>10</sup>

Metacards

Markers

Masking tape

Manila paper

Laptop

Projector

### **Required participants**

ADR Officers

GAD Focal Points

Agency planners (or those involved in agency planning) are optional

### **Session procedure and content**

1. Given the learnings from Session 1, participants will be grouped to reflect on their existing ADR mechanisms, processes, and approaches using the Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict. Groupings could be per agency (if there are several agencies), looking at all categories of questions, or per category of questions (i.e., Policy, Outreach, Composition, Capacities, Monitoring) if all participants are from one agency.

<sup>10</sup> May also be placed in a shared file, e.g., Google Docs, for ease of arriving at collective responses to the different questions in the checklist.

Quickly introduce the checklist to the participants, underscoring the intention of each category of questions and proposed actions:

- **Policy:** Asks the question of whether there is a copy of policy that indicates explicitly gender equality and social inclusion considerations in ADR
  - **Outreach:** Asks questions related to accessibility of community members to, as well as their awareness of ADR structures and processes, most especially among women and marginalized individuals
  - **Composition:** Asks questions related to women's and other marginalized individuals representation and participation in ADR structures
  - **Capacities:** Asks questions related to the training undertaken by members of the ADR mechanisms on gender equality and social inclusion as well as procedures to ensure good quality of ADR services
  - **Monitoring:** Ask questions related to overseeing compliance with agreements as well as protection of parties and ADR members from any form of harassment or retaliation
2. Before breaking into groups, participants need to agree on a lead who will facilitate the discussion of checklist results and the prioritization of interventions to integrate gender-responsiveness and inclusivity in ADR further.
  3. After responding to the questions, participants will be asked to develop a set of interventions using the Proposed Actions column as a guide. Priority interventions could be 1-3 per category of interventions, which will be considered later in Module 4.
  4. The group lead will facilitate the discussion of the checklist results and the prioritization of interventions to integrate gender responsiveness and inclusivity in ADR further.

At the end of the workshop, there will be two outputs: 1) the filled-up checklist and 2) the list of priority interventions to make ADR more gender-responsive and inclusive.

5. Summarize the list of priority interventions per category and remind them that these will be used or considered later in Module 4.



# Module 4

## Planning to integrate gender equality and social inclusion in alternative dispute resolution

This module concludes the learnings from all modules by planning interventions that would enhance existing alternative dispute resolution policies, capacities, enabling mechanisms as well as programs, projects and activities with gender and social inclusion considerations. It is hoped that these planned interventions would be integrated into the existing agency and gender and development (GAD) plans.

This module could follow Module 2: Identifying entry points to integrate gender and social inclusion in conflict resolution. ADR Officers could also participate in this module to lay down possible improvements about ADR structures, processes, and approaches as discussed in Approaches as part of interventions for People and Enabling mechanisms under the Gender Mainstreaming Evaluation Framework (GMEF).

This module consists of:

Session	Session Title	Time Allocation
1	Revisiting Gender and Development Planning towards integrating interventions in alternative dispute resolution with gender and social inclusion considerations	One (1) hour
2	Planning for integrating gender equality and social inclusion in alternative dispute resolution	Two (2) hours and 30 minutes

## **Session 1: Revisiting Gender and Development Planning towards integrating interventions in alternative dispute resolution with gender and social inclusion considerations**

### **Learning objectives**

To revisit GAD planning and budgeting towards enhancing existing agency plans by integrating alternative dispute resolution interventions with gender equality and social inclusion considerations

### **Methodology**

Lecture

### **Time allotted**

One (1) hour

### **Materials and equipment needed**

Copy of the current GAD planning and budgeting policy issued by the Philippine Commission on Women (PCW), Department of Budget and Management (DBM), and the National Economic and Development Authority (NEDA) as reference

Laptop

Projector

### **Required participants**

Agency planners (or those involved in agency planning) and GAD Focal Points  
ADR Officers are optional

### **Session procedure and content**

1. Begin the session by sharing its objectives. Underscore that while only some participants are planners, alternative dispute resolution is one of the agency's major final outputs (MFO) or programs/ projects/ activities (PPAs).

In the case of the Department of Environment and Natural Resources (DENR), ADR is one of the PPAs under the MFO on Adjudication and Legal Services. For the Department of Agrarian Reform (DAR), ADR is also under its MFO on Agrarian Legal Services. For the Department of Justice (DOJ), ADR is a PPA under its MFO on Legal Services. For DILG, there is no specific

mention of ADR in its MFOs and PPAs; however, the work of the Katarungang Pambarangay may cut across all MFOs such as Local Government Development Services, Local Administrative Guidance Services, and Local Governance Policy Development Services.

Integrating gender and social inclusion adds value to these MFOs and PPAs, making such services responsive to women and marginalized individuals. It does not entail additional resources but enhances existing ADR structures, processes, and approaches.

## 2. Present the GAD planning and budgeting template and explain the various columns:

Gender issue/ GAD mandate (1)	Cause of the gender issue (2)	GAD Result Statement/ GAD Objective (3)	Relevant Organization MFO/PAP or PPA (4)	GAD activity	Performance indicators/ Targets (6)	GAD Budget (7)	Source of budget (8)	Responsible unit/office (9)
1. Client-focused								
2. Organization- focused								

- **Column 1**, Gender issue/ GAD mandate:
  - Gender issues are the result of gender analysis. These are gaps and challenges that are faced about the delivery of programs, projects, and activities
    - Stakeholders or clientele of the agency (client-oriented)
    - Staff or employees of the agency (organization-oriented)
  - GAD mandate is what has been indicated as the role of the agency vis-à-vis existing laws on women or GAD, such as the Magna Carta of Women
- **Column 2**, Cause of the gender issue, explains why the gender issue exists or is being raised in the plan. This column helps formulate the next column, GAD Result Statement of GAD Objective, which must be addressed by Column 5, GAD Activity. For example:
  - If the gender issue is a “*Low number of women applying for land titles*” (client-oriented), then one of the causes could be a “*Lack of information among women on the processes and mechanisms for applying land titles.*”
  - If the gender issue is “*Insensitive staff to women complainants*” (organization-oriented), then one of the causes could be a “*Lack of awareness or training in handling women complainants.*”



- **Column 3**, GAD Result Statement or GAD Objective, spells out the result the agency intends to achieve within one year given its identified gender issue and its causes. For example:
  - If the gender issue is “Low number of women applying for land titles” (client-oriented), and one of the causes could be a “Lack of information among women on the processes and mechanisms for applying land titles,” one possible GAD result statement could be “Increased number of women applying for land titles through information dissemination on procedures on land titling across 100 barangays.”
  - If the gender issue is “Insensitive staff to women complainants” (organization-oriented), and one of the causes could be “Lack of awareness or training in handling women complainants,” one possible GAD result statement could be “All ADROs trained in gender-sensitive handling of complainants by the end of Year xxx.

The agency needs to note its annual GAD result statements or objectives. Since gender issues and their causes may take more than a year to address, GAD result statements or objectives may be repeatedly mentioned in the GAD plan and accomplishment report, but the GAD activities may vary annually in contributing to addressing gender issues and their causes.

The GAD result statement or objectives must be connected with Column 6, Performance Indicators. The indicators under Column 6 will measure how the different GAD activities contribute to addressing gender issues and achieving GAD results.

- **Column 4**, Relevant organization Major Final Output/ Program, Project, Activity is the agency’s flagship/ regular programs/ projects and activities as per its agency work plan submitted to the Department of Budget and Management as well as Congress. This is where the GAD activity (Column 5) will be anchored, and the GAD budget (Column 7) will be charged.
  - In the case of the Department of Environment and Natural Resources (DENR), ADR is one of the PPAs under the MFO on Adjudication and Legal Services. For the Department of Agrarian Reform (DAR), ADR is also under its MFO on Agrarian Legal Services. For the Department of Justice (DOJ), ADR is a PPA under its MFO on Legal Services. For DILG, there is no specific mention of ADR in its MFOs and PPAs; however, the work of the Katarungang Pambarangay may cut across all MFOs such as Local Government Development Services, Local Administrative Guidance Services, and Local Governance Policy Development Services.

- **Column 5**, GAD activities are categorized into two:
  - Client-focused activities are activities that seek to address the gender issues of the agency's clients or contribute to responding to the gender issues of the sector.
  - Organization-focused activities may seek to a) create the organizational environment for implementing gender-responsive policies, programs, and projects; b) address the gap in knowledge, skills, and attitudes of key personnel on gender mainstreaming; and c) address the gender issues of employees in the workplace, subject to the mandate of the organization.

It is essential to determine whether the agency has the existing policies, structures, and capacities to deliver client-focused GAD activities—this is where organization-focused activities come into play.

Be mindful of the GAD activities being planned, i.e., if they are indeed addressing the gender issues and achieving the GAD result statement/ objectives indicated.
- **Column 6**, Performance indicators are quantitative and qualitative means set to measure the achievement of the GAD objectives to address the gender issues identified. On the other hand, targets specify the quality and quantity to be achieved within the planning period (one year). For example:
  - No. of women in upland Brgys X, Y, and Z received information on how and where to file land titling applications (performance indicator)
  - 240 women in upland Brgys X, Y, and Z received information on how and where to file land titling applications by December 2024 (target)
- **Column 7**, GAD Budget, is the cost of implementing GAD activities. Note that a 5% GAD budget is the minimum cost of implementing GAD activities, not the maximum. Column 8, Source of Budget, is where the GAD activity is anchored concerning Column 4, Relevant organization MFO/ PPA. It is then expected that the relevant MFO/ PPA underwent the Harmonized GAD Guidelines (see Social Inclusion in Conflict Resolution-related Programs, projects, and Activities). Hence, the GAD budget is not separate but an attributable cost to the agency's mainstream programs.

3. Remind the participants that the entries in the GAD plan are horizontally and vertically linked. Horizontal linkages ensure that entries hinge on the gender issue being identified are connected until the Source of Budget (Column 8). Vertical linkages, on the other hand, ensure that client-focused issues and activities are linked with organization-focused issues and activities. Client-focused issues and activities can only be effectively addressed if the organization has the enabling environment, such as policies, capacities, and mechanisms to integrate gender and social inclusion.
4. It is also expected that GAD plans and budgets are reported following, more or less, the same template for GAD accomplishment reports.
5. Ask the participants if they have clarifications.

**Notes for the trainer/ facilitator**

During pilot-testing sessions, participants articulated that planning is usually undertaken at the national level and that regional and provincial offices are instead asked for targets (rather than activities) on the different agency PPAs. However, the PCW-DBM-NEDA-DILG GAD planning and budgeting guidelines assume a bottom-up approach to planning, i.e., from the provincial to the national level. Submissions also in PCW's Gender Mainstreaming Monitoring System or the GMMS assume the same. Given this, national agencies should be encouraged to consider the nuances of gender and land issues at the regional and provincial levels in formulating PPAs and in identifying targets. Evidence-based planning entails that national agencies get hold of disaggregated data on land claims (sex, ethnicity, location, type of land claim or conflict, etc.) as bases for formulating PPAs and setting targets.

## **Session 2: Planning for integrating gender equality and social inclusion in alternative dispute resolution**

### **Learning objectives**

To enhance existing agency plans by integrating alternative dispute resolution interventions with gender equality and social inclusion considerations

### **Methodology**

Small group workshop

### **Time allotted**

Two (2) hours and 30 minutes

### **Materials and equipment needed**

An agency plan that contains ADR programs and services or a Gender and Development Plan

Metacards

Markers

Masking tape

Manila paper

Post-its or sticky notes

### **Required participants**

Agency planners (or those involved in agency planning) and GAD Focal Points

ADR Officers

## Session procedure and content

Review of key takeaways from Module 1 to 3 (30 minutes)

1. Prepare a template from Module 1 to 3 to be posted on the wall or board. Ask the participants to provide key takeaways from the different sessions to be placed on metacards. This exercise could help the participants juggle their memory of the discussed modules.

See proposed template:

Module 1	Module 2	Module 3
<i>Revisiting gender and social inclusion concepts in the context of conflict</i>	<i>Legal imperatives to integrate gender and social inclusion in the context of conflict</i>	<i>Integrating gender and social inclusion in alternative dispute resolution mechanisms, processes, and approaches</i>

Acknowledge the participants' learnings; synthesize and reinforce them.

Planning workshop (One hour)

2. Ask the participants to choose their groups according to the entry points for gender mainstreaming learned under Module 2.
  - For Policy, participants will revisit their recommended revisions or enhancements under Module 2, Session 2: Integrating gender and social inclusion in conflict resolution-related policies.
  - For People and Enabling mechanisms, participants will revisit their recommended action points to improve ADR structures, processes, and approaches under Module 3, Session 2: Reflecting on the gender-responsiveness and inclusivity of ADR mechanisms, processes,
  - For Programs, projects and activities, participants will revisit their recommended revisions or enhancements under Module 2, Activities

Each group will identify three (3) to five (5) priority interventions to improve their mainstreaming of gender and social inclusion, which they will, in turn, integrate into their existing agency or GAD plan. Note that these interventions should not entail additional resources.

Instead, these are enhancements to mainstream or regular programs/ projects/ activities of the agency (see earlier Session 1, under this Module), consistent with the various guidelines of the Philippine Commission on Women, Department of Budget and Management (DBM), and National Economic and Development Authority (NEDA) on GAD Planning and Budgeting. Hence, participants should indicate where these interventions will be in the existing agency or GAD plan.

See the template below:

<i>Entry point</i>	<i>Priority gender and social inclusion interventions</i>	<i>Reference in the existing agency or GAD Plan</i>
<i>Policy</i>	1	
	2	
	3	
	4	
	5	
<i>People and enabling mechanisms</i>	1	
	2	
	3	
	4	
	5	
<i>Programs, projects, and activities</i>	1	
	2	
	3	
	4	
	5	

References in the existing agency plan would indicate which MFO or PPA will anchor these priority gender and social inclusion interventions. As mentioned in Session 1 of This module, in the Department of Environment and Natural Resources (DENR) case, ADR is one of the PPAs under the MFO on Adjudication and Legal Services. For the Department of Agrarian Reform (DAR), ADR is also under its MFO on Agrarian Legal Services. For the Department of Justice (DOJ), ADR is a PPA under its MFO on Legal Services. For DILG, there is no specific mention of ADR in its MFOs and PPAs; however, the work of the Katarungang Pambarangay may cut across all MFOs such as Local Government Development Services, Local Administrative Guidance Services, and Local Governance Policy Development Services.

Plenary viewing and enhancement of group outputs (One hour)

3. After the group completes their set of priority interventions per entry point, one of the group members must stay on to present or explain or address clarifications of the roving participants.

The rest of the participants will be asked to move across the room and provide inputs in metacards or post-its to enhance the priority interventions identified or support in situating the identified priority intervention in the GAD or agency plan. Participants should indicate their names on the meta card or post-it for easy reference during clarifications.

Participants will be given 10 minutes per entry point to provide their inputs and comments.

**Notes for the trainer/ facilitator**

Remind the participants that their interventions should look at both client- and organization-focused activities and that these ultimately contribute to improving ADR interventions with gender and social inclusion considerations. Often, in these kinds of sessions, participants indicate 'generic' interventions rather than gender-responsive and inclusive ones.

4. After the plenary viewing, participants will return to their original group to review the inputs and comments of the roving participants and enhance their initial set of priority interventions. The group will be given 30 minutes to finalize their outputs.
5. Participants will assign a rapporteur and present their output in plenary.

**Notes for the trainer/ facilitator**

Ideally, this module should include the agency's principals so that they can appreciate the participants' recommendations and set commitments towards integrating gender equality and social inclusion in ADR and fulfilling land rights.

6. Close the activity by thanking the participants for their active participation. Administer the post-activity assessment form.

# Annexes

## Pre-activity assessment

<b>Name</b>			
<b>Position</b>		<b>Number of years in the position</b>	
<b>Agency</b>			
<b>Are you involved in formulating plans and developing programs?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Number of years in formulating plans and developing programs</b>	
<b>Are you involved in alternative dispute resolution?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Number of years in alternative dispute resolution</b>	
<b>Please check if you have undergone the following training:</b>			
1. Gender sensitivity training (GST)	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, in which year?	
2. Gender and development (GAD) planning and budgeting	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, in which year?	
3. Women, peace and security	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, in which year?	
4. Cultural sensitivity	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, in which year?	
<b>Please respond to the following questions:</b>			
1. Are current alternative dispute resolution policies recognizing the differential impact of land conflict on women and men?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Briefly explain your response:	
2. Do you think current alternative dispute resolution (ADR) structures have equal participation of women and men?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Briefly explain your response:	
3. Are current alternative dispute resolution (ADR) processes and approaches gender-responsive and socially inclusive?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Briefly explain your response:	



# Annexes

## Module 1: Case studies

### Case Study 1: Maco, Davao de Oro and Apex Mining

Apex Mining Co., Inc. (Apex) has been a gold mining company operating in Maco, Davao de Oro, Mindanao, since 1974. Maco is considered a first-class municipality in terms of income. Its total population as of 2015 was 81,277, with an annual growth rate of 2.27 percent (2.27%).

Maco has thirty-seven (37) barangays and covers a total land area of 34,223 hectares. Apex operates in four host barangays of Maco (Teresa, Masara, Mainit, and Tagbaros). Its mining operations affect four neighboring barangays: New Leyte, New Barili, Elizalde, and Panibasan.

The impact barangays in Maco are part of the ancestral domain of the Mansaka, the original IP inhabitants of the area. The Mansaka population varies from barangay to barangay. As required by law, the Mansaka tribe is represented by the tribal chieftain and the Indigenous People Mandatory Representative on the local legislative councils and all policy-making bodies in the local government unit. The tribal chieftain in Barangay Teresa is a woman.

Barangay Limbo is neither a host nor a neighboring barangay of the Apex mine Operations. It is situated downstream of the Masara River, which flows to lower-level areas in Davao de Oro.

Barangay Masara has the highest number of workers employed by Apex, with 295, followed by Teresa, with 230. The rest of the impact barangays have a far lesser number of workers employed by the company. Mainit has forty workers, while Tagbaros has thirty workers in the mines. Most of these workers are in the rank and file: miners, mine helpers, machine operators, and machinists.

Besides the abovementioned employment, the host and neighboring barangays continue to depend on farming for their livelihood. The IRA is the primary source of revenue for the host and neighboring barangays. In 2010, Elizalde's IRA was the highest at PhP1,908,599, followed by Panibasan's at PhP1,815,091, Masara's at PhP1,444,692, New Leyte's at PhP1,248,424, Teresa's at PhP1,096,102, and Tagbaros' at PhP1,102,049. Mainit and New Barili had the lowest PhP811,281 and PhP793,108, respectively.

The Davao de Oro (Compostela Valley) province was ranked 34th poorest of seventy-nine provinces in the country with a poverty incidence of 0.4644 based on 2000 data sources. The poverty incidence in Maco was 35.2% in 2006 and 30.6% in 2009. It went down to 29.6% in 2012. However, this reported poverty reduction was not reflected in conversations with women from the communities of Elizalde, Limbo, Mainit, Masara, New Leyte, Tagbaros, and Teresa.

They described their hardships and expressed a dire need for livelihood opportunities. Women from those communities have very few opportunities for employment or livelihood. As one During the FGD, one woman said, 'There is not much work here in the mountains.' Another said, 'Very few have jobs.' When asked if they knew of women from their communities employed in Apex, they could not name any, except for one mother who said her daughter was working in the cafeteria in one of the housing buildings.

# Annexes

Displacement is a serious problem for poor Maco, Davao de Oro households. The number of areas declared as non-habitable or as danger zones is increasing. According to the MPDO report, 211 households were displaced due to natural and man-made disasters, while thirty-one (31) were displaced due to armed conflict. The rest of the displacements were due to infrastructure and development projects and other causes.

Barangay Masara in Maco faces eventual dissolution as the whole barangay area was declared landslide-prone and, therefore, non-habitable. In Masara, informal mining operates alongside Apex's operations under an agreement between the informal miners, Apex, and the government. Elizalde is the relocation site of forty-three (43) families displaced by a landslide near the mine site in Masara in 2008. Apex relocated them and provided them with livelihood program support.

Women said that those of them in the barangays located in the lowlands are affected by whatever happens in the upland barangays. However, since they are not hosts or neighboring barangays of the mining site, they are not considered a priority for assistance from the mining company. When the dike uphill overflows, the silt settles in the lowland barangays. Coconuts and vegetables get destroyed. Their irrigation system was damaged. They claimed that they get the chemical pollution from the upland mining operation.

In December 2012, Typhoon Pablo brought heavy rains to Davao de Oro (then Compostela Valley), leading to landslides and flashfloods in the province's municipalities. Many houses and crops were destroyed, and farming animals died. Two residents were killed due to the destruction of a bridge and riverways. The women participants expressed fear that another strong typhoon might bring the mountain down on them. If natural hazards like floods and landslides were to occur, their sources of livelihood would be gone.

The viability of sustaining the local economy is severely compromised by environmental degradation. Land for cultivation is decreasing. According to one barangay captain and some women participants, pollution of rivers and streams results in regular fish kills and the incidence of skin diseases. These result in poverty that breeds the problems identified by the MPDO in its Municipal Development and Barangay Development Plans: malnutrition among children and diseases, including an unusually high incidence of Upper Respiratory Tract Infection (URTI). As early as 2005, Maco had ranked URTI as the number one cause of morbidity and pneumonia as the leading cause of mortality in the municipality. URTI was mainly listed as the number one cause of morbidity in Masara, Teresa, and Tagbaros.

As of 2015, forty-eight percent (48%) of rural households have no electricity. The percentage of households without electricity in the host and neighbouring barangays of Apex is as follows: Mainit, 87.99%; Tagbaros, 63.78%; New Barili, 67.71%; Panibasan, 55.3%; Elizalde, 48.74%; Teresa, 47.12%; and New Leyte, 39.94%.

# Annexes

## Module 1: Case studies

### Case Study 2: Aloguinsan land dispute: Police, NGO take conflict to court<sup>11 12</sup>

Heirs of Hacienda Gantuangco want to sell the farm's 168 hectares of agricultural and coastal land in Aloguinsan town, where farmers have been trying to fight off eviction since the 1990s.

"The heirs observed many illegal occupants. They decided to fence it to prevent further intrusion," said the Gantuangco clan's lawyer, Francisco Amit, yesterday.

A day after police dispersed a human barricade of about 200 farmers and militant supporters in barangay Bonbon, Aloguinsan, both sides declared they would file charges against each other.

Kim Mendoza, lawyer of the Farmer's Development Center (Fardec), said the 39 persons, many of them farmers, who were arrested were illegally detained by police.

In a press conference, militant farmers showed a video of Monday's confrontation between protestors and two platoons of anti-riot police who brought shields, batons, and a fire truck.

Mendoza said they would file charges of unlawful arrest, arbitrary detention, physical injuries, and robbery against the police and 78th Infantry Battalion.

Law enforcers, meanwhile, said they used "maximum tolerance" and were assisting the sheriff in implementing a court order for the Gantuangcos to fence off the disputed property.

In a press conference, Senior Insp. Allan Cuizon of the Cebu Provincial Police Office said those arrested would be charged with obstruction of justice, direct assault, malicious mischief, and resisting arrest.

Female detainees were kept in the Pinamungahan municipal jail, while the men were taken to the Toledo City jail pending the filing of charges today.

Of the 39 arrested, two were minors and three were college students of the University of the Philippines in Cebu. A 70-year-old male farmer was also arrested.

The land, occupied by at least 86 farming households, has been the focus of an agrarian reform conflict since the 1970s, when the national government made the occupants beneficiaries of Operation Land Transfer.

Fardec said the farmers had been tilling the cornfields since the time of their parents in 1910.

However, the Gantuangco family continued to pay real taxes and asserted ownership in court based on tax declarations.

<sup>11</sup> <https://www.philstar.com/cebu-news/2011/08/31/721956/aloguinsan-land-dispute-police-ngo-take-conflict-court>

<sup>12</sup> <https://newsinfo.inquirer.net/372833/farmers-against-land-settlement#ixzz8UWhA8Kjd>

# Annexes

There are 89 heirs in the Gantuangco clan, and they want to sell the property and get their rightful shares, said Amit. He said the property had been pawned to the Profoods Co. for an undetermined amount.

“The heirs haven’t been able to use the land for 40 years. The farmers didn’t share their proceeds from the crops, so the heirs decided to sell the property,” he said. The lawyer said he coordinates with two heirs, Jufil Sato and Venus Perez.

He said the Gantuangcos acquired the land from the Paras family in the 1920s. Felix and Juana Gantuangco, who have 10 children and 70 grandchildren, became heirs to the sprawling fields in barangay Bon-bon, Aloguinsan town.

A farmer’s group locked in a land dispute with the Gantuangco family reiterated yesterday that they won’t agree to a settlement over the 168-hectare lot in Bonbon, Aloguinsan town in southwest Cebu.

“We won’t be lulled into accepting a cash settlement because money can easily be spent,” said Roberto Engarcial, spokesman of the San Roque Farmers Association (SRFA), in a press conference yesterday.

He said their group is adamant about their claim as rightful owners of the lot based on their length of occupation and the certificate of cadastral survey issued by the Department of Environment and Natural Resources (DENR) in 1982.

“We lived here for so long already from the time of our forefathers,” said the 58-year-old Engracial in Cebuano.

Engarcial said they also received word that the Gantuangcos would fence their lot and use police to harass them.

“Kon ila koralon, asa naman mi paingon? Asa man mi agi? (If they corral the lot, where will we go? Where will we pass through?),” Engarcial said.

Lilia Yanong said she won’t allow another repeat of the 2011 incident in which police harassed her and others. “It’s like killing us little by little,” Yanong said. Aloguinsan town is located 73.2 kilometers from Cebu City. The Central Visayas Farmers Development Center (Fardec) lauded the decision of the Department of Agrarian Reform (DAR) adjudication board to dismiss the petition of non-tenancy filed by the Gantuangcos against the farmers.

Engarcial said the Gantuangcos planned to sell and develop the lot for commercial or industrial use. Despite the DAR decision, Fardec representative Patrick Torres said the farmers still face harassment charges and malicious mischief for trying to prevent the fencing of the lot.

In the late 1990s, SFRA farmers were informed by DAR that the land is public land and, therefore, under the DENR’s jurisdiction. The SRFA farmers later got DENR-certified cadastral claim certificates.

# Annexes

## Module 2: Checklist on reviewing gender-responsiveness and inclusivity of ADR policies

Title of policy reviewed			
Questions	Responses	If the response is <b>yes</b> , indicate which provision	Recommendations, if any
Is the policy using <b>gender-fair language</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy recognize <b>international commitments or national mandates on conflict resolution</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy recognize <b>international commitments or national mandates on land rights</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy recognize the <b>differential issues of women and men in conflict resolution</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy recognize the <b>differential issues of women and men in land rights</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have provisions on the <b>participation and representation of women in land conflict resolution</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have provisions for the prevention of violent land conflict between <b>women and girls</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have provisions for the <b>protection of women and girls from violent land conflict</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have provisions to support <b>relief/ recovery or rehabilitation from violent land conflict</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have provisions for <b>building capacities of individuals on the policy that is about to be implemented</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have provisions to <b>support the capacity development of agency personnel or stakeholders in addressing gender and social inclusion issues in the context of land conflict</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have enabling mechanisms such as TWG or plans or programs supporting its implementation?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Do these enabling mechanisms include <b>mechanisms that would support mainstreaming gender and social inclusion in The context of land conflict</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		
Does the policy have a provision for <b>violations, including breach of confidentiality and other violations against persons</b> ?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable		

# Annexes

## Module 3: Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict

Questions	Responses	Source or form of verification	Proposed actions
Policy			
Is there a clear policy in the agency to integrate gender equality and social inclusion (GESI) considerations in ADR mechanisms, processes, and approaches, especially on land conflict?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Copy of policy	<p>If <b>NO</b>, ensure that the agency updates its existing policy or formulates a new policy to include GESI considerations in ADR, given its mandate.</p> <p>Consider including the aspects indicated in this checklist in the policy, such as Outreach, Composition, Capacities, and Monitoring.</p>
Outreach			
Are community members accessing ADR processes and mechanisms to settle land conflicts?	<input type="checkbox"/> Yes <input type="checkbox"/> No	No. of communities and community members that accessed ADR for the past three years	<p>If <b>NO</b>, how do they settle land conflicts?</p> <p>If possible, account for the number of conflicts, especially land conflict, in areas that have been settled through peaceful means, such as ADR and those that resorted to violence. Such information could provide insights on how ADR mechanisms and processes could reach more community members.</p> <p>Ensure that community members, especially women and marginalized individuals, resort to peaceful conflict resolution rather than ‘settling’ conflict through violent means (<i>availability</i>).</p>
Is the community aware of ADR mechanisms and processes, especially for land disputes through channels and language that are gender- and culture-inclusive?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<p>If <b>NO</b>, ensure that information, education, and communication (IEC) strategies and interventions on ADR consider channels that community members, especially women and marginalized individuals, are accessing and in the language they prefer to use or understand (<i>accessibility</i>).</p>
Are community women and other marginalized individuals aware that your ADR mechanisms are accessible to them?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<p>If <b>NO</b>, ensure that information, education, and communication (IEC) strategies and interventions on ADR reach women and marginalized individuals (<i>accessibility</i>).</p>

# Annexes

## Module 3: Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict

Questions	Responses	Source or form of verification	Proposed actions
<b>Composition</b>			
Is there a woman in the ADR mechanism?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure at least one woman is in the ADR mechanism (participation).
If there is a member of an ethnic group as one of the parties, does the ADR mechanism assign a member of the same ethnic group to participate in the ADR process?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure, as much as possible, that someone from the same ethnic group is one of the members of the ADR process (participation).  Otherwise, ensure that there is one ready to participate in the process.
If any parties have disabilities (e.g., the person who is blind), does the ADR mechanism have ready service providers to participate in the ADR process?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that support is available for persons with disabilities before, during, and after the ADR process.
Does the ADR mechanism allow women and men to be assigned alternately in the ADR processes?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that women's assignment or appointment in the ADR mechanism accounts for 50% of overall annual participation (participation).
<b>Capacities</b>			
Are the members of the ADR mechanism trained on gender-, cultural- and conflict-sensitivity approaches in ADR?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that the ADR mechanism members have undergone gender-, cultural- and conflict-sensitivity approaches in ADR (good quality).
Are the members of the ADR mechanism capable of using gender-fair and inclusive language both during conflict resolution processes and in preparing the agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that the ADR mechanism members have undergone training on using gender-fair and inclusive language in ADR (good quality).
Are there procedures being followed by the members of the ADR mechanism should there be unruly behaviors (such as the use of demeaning, discriminatory, or sexist language) during ADR processes?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that procedures are in place in cases of unruly behaviors (such as using demeaning, discriminatory, or sexist language) during ADR processes (good quality).  Sometimes, private caucuses are made to 'calm down' parties. However, there should be zero tolerance for demeaning and discriminatory behavior. Appropriate disciplinary action or penalties for unruly behavior should be set and clarified at the beginning of each mediation session.

# Annexes

## Module 3: Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict

Questions	Responses	Source or form of verification	Proposed actions
Are agreements formulated in a language understood by and explained to both parties?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that agreements are formulated in a language understood by and explained to both parties ( <i>good quality</i> ).  Ideally, the agreement should be explained without technical or legal jargon to make it understandable to both parties, especially those from communities.
Is the privacy of the parties and the details of the conflict being settled assured?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that the identity of the parties and the details of the conflict being settled are kept in full confidence ( <i>good quality</i> ).  In indigenous political structures, part of the agreement and ritual is not to discuss the conflict. However, there are penalties if, upon agreement, there is still ongoing talk about the conflict that transpired.
During the ADR processes, are there provisions such as daycare, especially for those with young children?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure that there are spaces that could care for young children while ADR processes are ongoing ( <i>accessibility</i> ).
Are there provisions to bring in ADR processes and members if any of the parties are those with young children, elderly, or with disabilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure the flexibility of ADR processes and that members consider those with young children, older people, or those with disabilities who face mobility issues ( <i>accessibility</i> ).
Are there provisions if any of the parties have disabilities (e.g., a person who is blind, say, who will read documents on their behalf, or someone hard of hearing, with a sign interpreter)?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , ensure available support for persons with disabilities before, during, and after the ADR process.
Do members of the ADR mechanism consider the social status (class, age, sex, gender identity, ethnicity, disability, number of children, etc.) of the parties involved in analyzing the land conflict and arriving at an agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , apply gender-, culture- and conflict analysis in handling land conflicts to ensure a just, fair, and equitable agreement ( <i>good equality, remedies</i> ).
Do members of the ADR mechanism consider the financial capacities of the parties involved in the costs of various requirements for ADR processes and forms, among others?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , consider waiving costs, especially for indigent parties or those from low-income families ( <i>accessibility</i> ).



# Annexes

## Module 3: Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict

Questions	Responses	Source or form of verification	Proposed actions
Do members capture disaggregated data (age, sex, gender identity, ethnicity, disability, number of children, etc.) of the parties involved in reports?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , update existing reporting forms and databases to include disaggregated data (age, sex, gender identity, ethnicity, disability, number of children, etc.), which could be used and analyzed for policymaking and program development on ADR and land conflicts ( <i>accountability</i> ).
Are there referral pathways with other agencies and organizations if other issues aside from land conflict exist, such as harassment?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , establish links and partnerships with other agencies and organizations for other socio-economic services linked to land claims or conflicts ( <i>remedies</i> ).
<b>Monitoring</b>			
Are settled land conflicts monitored regarding their compliance with or enforcement of agreements?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , set up or update existing monitoring systems to ensure that agreements have been complied with and enforced to ensure the non-recurrence of land conflicts ( <i>accountability</i> ).
Is there a non-retaliation policy to comply with to avoid any form of harassment, abuse, or violence to occur during mediation and after settlement – either between parties or against ADR members?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , formulate a non-retaliation policy against any form of harassment, abuse, or violence to occur during mediation and after settlement – either between parties or against ADR members ( <i>accountability</i> ).  Mechanisms should be in place to protect parties and ADR members against retaliation, in addition to the policy (see next entry).
Is there a mechanism to protect parties or ADR members against any form of harassment, abuse, or violence during mediation and after settlement – either between parties or against ADR members?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If <b>NO</b> , create a mechanism to protect parties or ADR members against any form of harassment, abuse, or violence to occur during mediation and after settlement ( <i>accountability</i> ).  This mechanism should be in place to protect parties and ADR members against retaliation (see previous entry), backed up by a policy.

# Annexes

## Module 3: Checklist to ensure gender equality and social inclusion (GESI) in alternative dispute resolution (ADR) in land conflict

Questions	Responses	Source or form of verification	Proposed actions
Is there a mapping of land conflicts, settled/ unsettled/ potential, which becomes the basis for proposing (mandatory or voluntary) ADR processes among parties?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<p>If <b>NO</b>, set up or update existing monitoring systems to cover the settled, unsettled, or ongoing settlement and potential land conflicts in a particular area to ensure non-recurrence and non-escalation of land conflicts (<i>accountability</i>).</p> <p>If possible, account for the number of conflicts, especially land conflicts, in the areas that have been settled through peaceful means, such as ADR, and those that resorted to violence. Such information could provide insights on how ADR mechanisms and processes could reach more community members.</p>
Are there feedback mechanisms from parties involved after settling an agreement on land conflict?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<p>If <b>NO</b>, set up a feedback mechanism (e.g., a satisfaction survey) to assess the quality of the ADR process from the parties involved' perspective (<i>accountability</i>).</p>
Are there mechanisms for reporting wrongdoing among members of ADR mechanisms, including reporting sexist and other discriminatory behavior and asking for sexual favors, among others?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<p>If <b>NO</b>, set up a grievance redress mechanism for reporting wrongdoing among members of ADR mechanisms, including reporting sexist and other discriminatory behavior and asking for sexual favors, among others (<i>accountability</i>).</p>
Are there mechanisms for providing recognition and incentives for members of ADR mechanisms that are gender, culture, and conflict-sensitive?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<p>If <b>NO</b>, set up or upgrade recognition or incentives for outstanding ADR members to include gender, culture, and conflict sensitivity as criteria (<i>good quality</i>).</p>

# Annexes

## Post-activity assessment

<b>Name</b>			
<b>Position</b>		<b>Number of years in the position</b>	
<b>Agency</b>			
<b>Please respond to the following questions:</b>			
1. Given what you learned from the different sessions, what improvements can be made to integrate gender and social inclusion in current alternative dispute resolution policies?			
2. Given what you learned from the different sessions, what improvements can be made to integrate gender and social inclusion in current alternative dispute resolution (ADR) structures?			
3. Given what you learned from the different sessions, what improvements can be made to integrate gender and social inclusion in current alternative dispute resolution (ADR) processes and approaches?			







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