



Tackling property rights in Bangladesh

Building a grassroots
coalition of social
entrepreneurs



Cover photo: BRAC

Tasmia Rahman, Amanda J. Misiti and Maria A. May prepared this case study as part of the BRAC Social Innovation Lab's "Doing while Learning" initiative, supported by The Rockefeller Foundation. The authors would like to acknowledge the contributions of Manisha Bhinge, Faustina Pereira, Sadrul Hasan Mazumder and Wahid Abdallah.

The purpose of this case study is to provide context and analysis about complexities of scaling social impact in South Asia. It does not intend to serve as endorsement or illustration of effective or ineffective organizational practices. The full series of cases can be found at innovation.brac.net.

Approximately two thirds of Bangladesh's population is landless. It is estimated that women own less than 3.5% of the country's agricultural land (*Economist 2013*).

BRAC, originally known as Bangladesh Rehabilitation Assistance Committee, started as a relief operation in 1972 soon after Bangladesh gained independence. The founder, Fazle Hasan Abed, a former Shell executive, soon realised that more than relief operations would be necessary to improve the lives of the poor. BRAC built upon its experience delivering relief aid, and shifted to development. From the very beginning, the organisation approached human development in a holistic way. BRAC quickly realised that if it wanted to improve the situation of Bangladesh, it had to work to improve the lives of women. This became the focus of most of its work. Even its earliest interventions included adult education for women and men, health and family planning, and the formation of village organisations for collective economic activities and agricultural programmes.

In 2014, BRAC estimated that it reached 135 million people in Bangladesh and 11 other

countries worldwide. It operated 38,000 schools, provided health services through over 100,000 community health workers and had nearly 5.5 million microfinance borrowers. BRAC had also established multiple social enterprises.

Fighting for the legal rights of the poor

In 1986, BRAC established the Human Rights and Legal Aid Services (HRLS) programme to focus on the legal issues of the poor. Its primary objectives were to provide legal education, services, and mobilize the poor. It established over 5,000 *ain shebikas*, or barefoot lawyers across the country, who worked to improve legal literacy and acted as the first point of contact for human rights violations at the community level. As with any BRAC programme, women were the primary focus. More recently, the HRLS programme expanded its work to include legal aid support either through court cases, or out of court through alternative dispute resolution, as well as occasionally working on national policy issues.

Ideas in brief

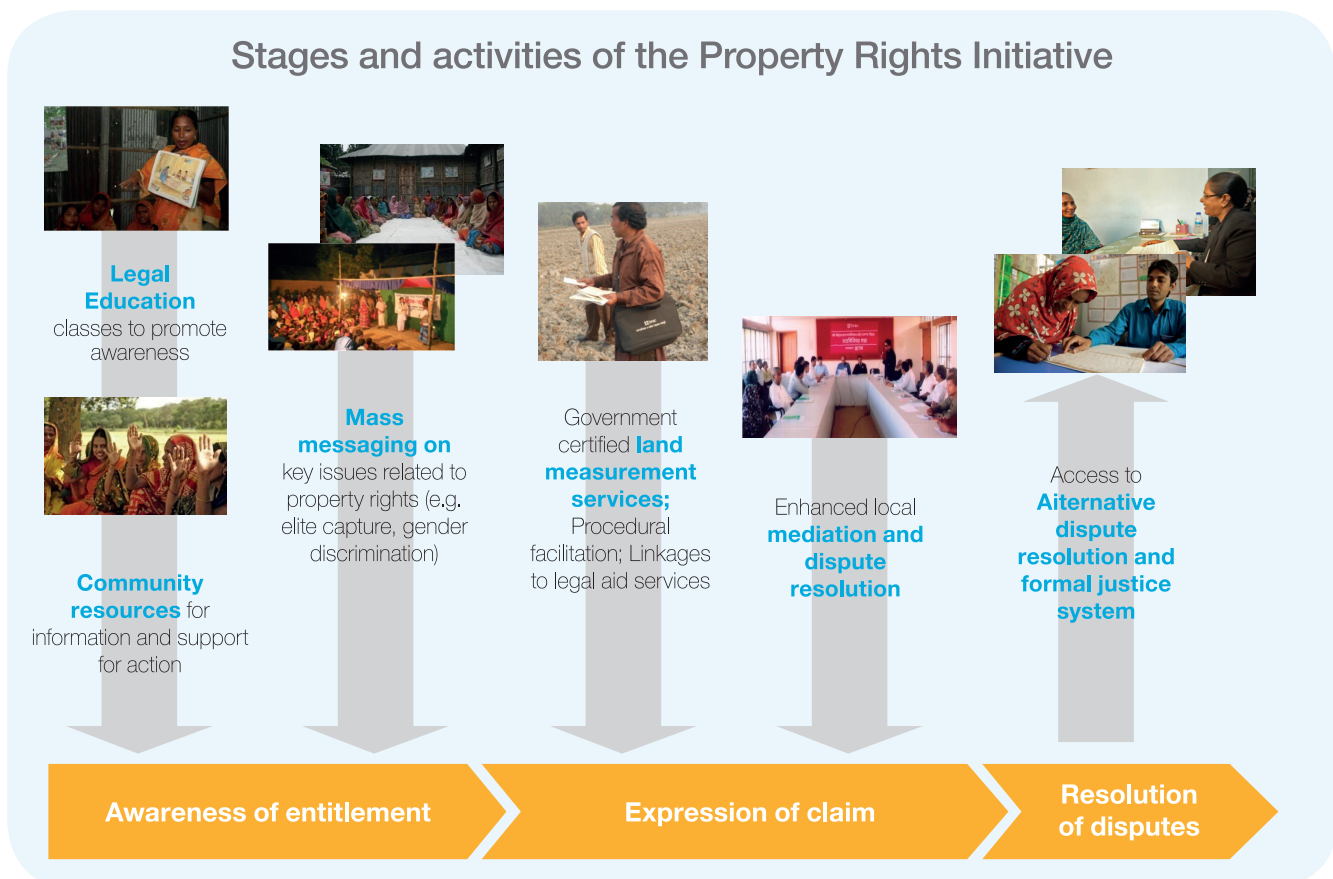
- 1 Complex problems will require multiple levels of intervention—from the grassroots to the policy level, and therefore necessitate a long-term perspective from the outset. When designing the initiative, think about the full environment and stakeholders, laying out a phased strategy with objectives one by one.
- 2 Organisations that have a big reach may be able to experiment with their model simultaneously in different areas. However, there are inherent risks with this approach. People may resent having a model tested on them, especially if they become aware of other people receiving preferable conditions.
- 3 During a scale up, the original vision will likely be tested as other issues, such as financial sustainability, become more pressing. An organisation should think through what it's willing to compromise for scale.
- 4 Scaling an entrepreneurship model requires significant attention to incentives and the selection and retention of entrepreneurs. The selection of effective entrepreneurs is critical. These models are more sensitive to incentives, and therefore the system of incentives must be considered from the outset and re-evaluated throughout the scale up, especially if changes are made along the way.

BRAC received two main types of legal complaints: property related disputes, and family disputes, which often resulted in violence. In working through the complaints and cases of violence against women, HRLS discovered that nearly 70% of all instances of violence against women stemmed from property-related disputes. Whether it was a land dispute between male members of a community or a family, it was often women who were victimised as a result. BRAC was reluctant to take on property-related issues because they were notoriously complicated cases, often lasting decades. In addition, land property rights, particularly women's right to land were seen as the most difficult and sensitive issues in rural Bangladesh. However, it became increasingly clear that the magnitude of the problem and its clear link to women's issues meant that the organisation had a moral obligation to try to improve the situation.

In 2011, the Omidyar Network approached Faustina Pereira, the director of HRLS with an interesting question: were there any rights based activities in the current format of the HRLS programme that could result in social or livelihood options; and if so, was it something that, if tweaked just slightly, could dramatically impact people's lives? She reflected, "I thought about this for a while and kept coming back to the issue of property. It was the thorny and

complicated issue, but I wondered if by focusing on the existing work of amins, or land measurers could be the gateway to answer this question." The small tweak in this case would be the recognition and certification of the amins. Though a seemingly small issue, this was critically important. If the amins had a legally recognised certification, they would be able to make a huge impact in innumerable households.

When Faustina shared this idea with Omidyar Network, they were intrigued and asked her to develop the concept further. As a result in 2012, BRAC launched the Property Rights Initiative to ensure access to property rights for the poor and vulnerable, particularly women, in Bangladesh. Through legal education, awareness building, legal aid, support and community mobilisation, the project would enable transformative behavioural change amongst the poor and vulnerable members of the society, and provide access to legal aid services at no cost. A key component of the model was the BRAC land entrepreneurs. They were government-certified land measurers trained by BRAC at no cost for the entrepreneurs, who provided accurate land measurement at a low cost to inform and resolve land disputes. In return, they provided free services to the poor and became change agents within their communities.



Key stakeholders and their strategic roles

Who	What	Why
<i>Odhikar Bastobayon Committee (Rights implementation committee)</i>	<i>Odhikar Bastobayon Committees</i> are comprised of three active female community members. The members attend daylong workshops hosted by BRAC and are introduced at various government offices, including <i>union parishad</i> and Deputy Commissioners' offices.	They are HRLS's observers in the communities and work as an 'information hub'. Though they lack the technical knowledge that land entrepreneurs have, they can assist communities with conflict mediation and accessibility to legal resources.
Local community leaders (<i>union parishad</i> members)	The <i>union parishad</i> members are responsible for decision-making at the village courts housed within each <i>union parishad</i> . BRAC organises half-day Local Community Leaders workshops on property rights issues in all unions and chooses three active participants to receive a longer training on the topic.	Their support is needed to ensure an enabling environment for the poor to access property rights. They have acceptance within communities which can be leveraged to spread awareness. They often lack in-depth knowledge on property rights issues even though they are mediating disputes at the local level. They are a vital source of information in the recruitment of land entrepreneurs, and good referral sources for cases of property rights violations.
Panel of lawyers at district level	HRLS works with a panel of lawyers in each district who can assist with and fight court cases for their clients at a nominal cost. In the beginning, HRLS senior management spent time with a panel of lawyers in each district to inform them about the project and request their assistance on future cases.	Since the project works with limited funding to support poor clients, it is important to have a group of dedicated lawyers in each district who are willing to work pro bono. They are an important source of legal advice.
District Commissioner's (DC) office	The District Commissioner's office carries out all government administrative activities, including land registration and documentation, within each district. HRLS creates linkages between this office, land entrepreneurs and <i>Odhikar Bastobayon Committee</i> members.	Creating and maintaining strong linkages with the District Commissioner's office is critical to the smooth functioning of the project. In order to get any land-related documents or records, land entrepreneurs and community members need to get them from this office.
Directorate of Land Records and Surveys	This is an independent directorate under the Ministry of Land, which was mainly responsible for conducting land surveys and preserving land records. They provide the local map especially used to measure land to land entrepreneurs at a minimum fee.	At a national level, this is the Directorate under Land Ministry with the most direct influence on HRLS's work. They have no direct engagement with the Ministry as part of its core set of activities, but when it comes to policy level engagement and lobbying, linkages with this ministry is crucial.
Other BRAC programmes	This includes all BRAC programmes outside of HRLS. At the commencement of the project, HRLS programme leadership conducted an orientation in each region to inform other staff about their work on this project.	With only one project staff person working in each area, there is much to be gained from engaging other BRAC staff in raising awareness, identifying potential land entrepreneurs, and referring cases to HRLS.

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loyalty to BRAC and consequently risk the number of pro-bono land measurements they provided. With the training fee dramatically changing—from a 2,600 (\$33 USD) taka stipend paid during the pilot to a charge of 10,000 taka (\$128 USD) in the district of Dinajpur it was difficult to predict whether the positive motivations and impact of the land entrepreneurs could now be sustained. For Jalil, who had to oversee the selection in all six districts, this was a major challenge. His responsibility included overseeing the land entrepreneurs' selection process in all districts. He observed, "When you bring money into the equation, the social element becomes a lower priority. With the introduction of the 10,000 taka fee in the Dinajpur district it became a challenge to find one, let alone three, land entrepreneurs in each union. Many committed to join the training and later retracted their commitment due to financial hardship. Attendance was also low at various BRAC forums they were expected to attend, and there was an overall gap in communication between BRAC and the land

entrepreneurs. Even though the same messages and motivations were being communicated at training in every district, the impact on the ground was very different."

Knowledge of the price differentiation within the districts spread quickly. The Dinajpur trainees were infuriated to learn that they were paying the most, and BRAC staff tried to appease them by explaining that this was a new criterion added by the donors. In addition, the scale-up phase kicked off at an inopportune time. With the national elections scheduled to be held in January 2014 and the war-crimes tribunal announcing verdicts against war criminals, the political climate in the country took a turn for the worse. Continuous strikes and political violence made it increasingly difficult for staff at both the head office and field offices to continue with regular operations. Activities such as training the land entrepreneurs, local leaders, *Odhikar Bastobayon Committee* workshops and legal aid classes were delayed in several locations. HRLS used the time to conduct new staff orientation and training on land entrepreneur selection, recruitment and selection of land entrepreneurs, as well as training for legal aid workers, and at a slower pace, they began their core activities.

The primary objective of the initiative was to ensure property rights for the poor and vulnerable, particularly women. Gender issues were a priority from the outset. At the beginning of the project, Sadrul even conducted a special gender-focused session with field staff. However, though women were at the centre of this intervention design, as the project evolved the reality was quite different.

It was evident from the start that getting women to demand their land rights was going to be challenging. Few women owned land, and among

Recruiting Aleya

When Hamid, an HRLS branch manager in Puthia, Rajshahi, began recruitment of female land entrepreneurs in his area, he asked his BRAC colleagues, union parishad members, and other community members to recommend any active women in the community. Aleya was an obvious choice as a former BRAC primary school teacher and a current female union parishad member. She had already established herself as a local activist. She mediated disputes, acted against dowry and early marriage, and even accompanied the local land entrepreneur to appointments for disputed lands. Convinced that she had the capacity and determination to establish herself as a land measurer, Hamid approached Aleya and explained that the training would enable her to better serve her community and earn a living. Aleya is now scheduled to begin training with the first batch of female entrepreneurs in fall 2014.

those who did, there was a tendency to rely on male members of the family, such as sons or husbands, to look after the land and speak on their behalf. Consequently, more men demanded land-related support. The service providers, in this case land entrepreneurs, naturally found it more profitable to focus on them instead of women. Much of the land measured was reported to belong to male members of the community, even if the actual owner was a woman. When it came to property disputes, it was often men who came forward and sought support rather than the women who tend to be the victims. While many property disputes were being effectively addressed and settled in this way, it was not consistent with the project's initial vision.

Recruitment of female land entrepreneurs was yet another challenge. Traditionally, land measurement is seen as a male-dominated occupation. Based on their experience during the pilot, there was a clear need to improve communities' attitude towards female land entrepreneurs. According to the initiative's progress report, the majority of the women trained during the pilot phase, "remain inactive primarily because the community does not come forward asking them to measure land. One of them initiated to measure land of her close relatives but the community people laughed at seeing her in the field, which according to her was "discouraging". While it is true that men often better fit the land entrepreneur's selection criteria and find it easier to operate within communities, the introduction and integration of female land entrepreneurs had the potential to persuade more women to come out of their homes and speak up against the injustices they were suffering. Though women were trained free of cost, staff needed to go above and beyond during recruitment and selection to find women who were interested, and second, to ensure that they had the social acceptance to carry out the land measurement work.

Experimenting with the model

BRAC made a deliberate decision to respond to the challenges and priorities that emerged in the pilot phase through continuous experimentation, particularly around training fees and targeted recruitment of female entrepreneurs.

In planning for the second phase, BRAC intended to offer land entrepreneurs access to credit to cover their training fees. However, they soon realized that

Training fees paid by land entrepreneurs, by district

District	Training fee (USD)
Naogaon	15.38
Natore	15.38
Rajshahi	15.38
Dinajpur	128.21
Gaibandha	38.46

the introduction of credit, and consequently monthly loan instalment payments, would disincentivize land entrepreneurs from coming to monthly refresher meetings at the BRAC offices, thereby affecting the relationship they had with staff. When the land entrepreneur trainings rolled out in the Rajshahi region, a nominal fee of Taka 1,100 (\$14 USD) was introduced.

Recruitment and selection had already started in the Rajshahi region before BRAC became realised Omidyar's insistence on finding ways to cover the cost of the land entrepreneurs' training component. Unable to increase the cost at this stage, they decided to continue with the original fee of taka 1,100 in this district and experiment with higher fees elsewhere. Recruitment was temporarily halted in the Dinajpur district while BRAC held a series of discussions and consultations to determine what fee to charge for training. In the end, the land entrepreneurs' training was launched there with a fee of Taka 10,000 (\$128 USD). Given that the land entrepreneurs recruitment was much more difficult in Dinajpur where the fee was relatively high, BRAC had to rethink its strategy with the next district, Gaibandha. Though Gaibandha was one of the pilot districts (along with Rangpur), this was the only region where the month long training of land entrepreneurs was not initially completed. Instead, they offered a two week training for the ain shebikas, but this group didn't become government certified. At that point, they didn't have the resources to recruit and offer a full training at both places, so they prioritized Rangpur.

In the second phase, BRAC management knew that charging a high fee would increase the risk of failure and make the training and land measurement services inaccessible to the client target group because Gaibandha was one of the poorest and underdeveloped districts of Bangladesh. They thus settled on a lower fee of Taka 3,300 (\$42

USD) in Gaibandha, and the first batch of 25 land entrepreneurs paid upfront. At this rate, they were able to recruit land entrepreneurs without as much difficulty as in Dinajpur.

Another challenge from the pilot that the team hoped to address in the second phase was increasing the number of female land entrepreneurs. The idea of female land measurers was a new concept in Bangladeshi communities. It was difficult to find women whom BRAC could train, much less supporting the trained female land entrepreneurs to achieve acceptance and find work in their communities. In the first phase only five women were trained in Rangpur, two of whom moved out of the area after marriage, and one became too busy after she was elected to be a member of the union parishad. The remaining two were inactive. Given that the second phase aimed to train at least 50 women out of a total of 306 people, there was a need to intensify the recruitment tactics and ensure that the women they had trained had the ability and social acceptance to carry out land measurements in their communities and beyond.

When it came to recruiting women, BRAC field staff chose to target those who had already established themselves as leaders in their communities—something they did not focus as much on for male entrepreneurs. They consulted local union parishad members for recommendations, and even invited female union parishad members themselves to apply for training. As these members were familiar figures in their communities, staff felt that they had the ability to both influence communities' attitude towards female land measurers and provide the service effectively. BRAC staff were strategic about who they approached. In addition to consulting with

established union parishad members, they also approached prominent community members, such as the local police, to see if they had daughters who might be interested in receiving training, as well as BRAC staff from other programmes, such as microfinance, health and education, to see if any of their former staff or volunteers might be available.

At scale, factors which could previously be dealt with locally became much bigger issues. The prime example of this was the procurement of the right maps. When the land entrepreneurs measure land, they needed government-issued maps to provide an accurate measurement. Though copies of these maps existed, they were not deemed as accurate as the originals issued by the Department of Land Records and Surveys because even a minuscule difference in scale was unacceptable. Furthermore, land measurers who had worked in areas before the land entrepreneurs were introduced were unwilling to share them with competitors. Unfortunately, due to bribes and massive delays these maps were both expensive and time consuming to procure, during the pilot phase. As the number of land entrepreneurs continued to increase, the shortage of maps emerged as a huge challenge.

BRAC knew how critical procuring these maps was to the success of the initiative. They decided to use the Cambridge University research team's visit to Dhaka as an opportunity to share the research findings with senior government staff. As a result of this meeting, BRAC was assured that maps would be shared in a timely manner and at a fair price going forward. The programme successfully procured a large number of the maps, which were made available for a minimal fee of 315 taka (\$4 USD).



A land entrepreneur is measuring land in rural Bangladesh (Photo: BRAC)

BRAC Property Rights Initiative in 2014

In the next phase, BRAC didn't plan to significantly increase the training fees. In the three areas with the lowest fee, they were exploring the possibility of introducing a small increase. They couldn't increase the price significantly, because everyone in the communities was well aware of the fees the land entrepreneurs had paid. They were excited to begin their first all female land entrepreneur training at the end of October. They were training 77 women from the districts of Rajshahi, Natore and Naogaon.

A government staff working at the sub-district level recently suggested that BRAC provide information and support outside of the sub-district land offices one day a month. BRAC programme officers could answer questions and review applications before people submitted them. This plan was being considered by BRAC senior management at the writing of this case.

The initiative had already trained nearly 400 land entrepreneurs, and BRAC was already starting to see an increase in the number of land-related complaints they were being asked to assist with, which they took as a positive sign. However, the path ahead for the property rights initiative was not going to be easy. Recruiting and retaining female and poor land entrepreneurs proved very difficult. In addition to finding a financially sustainable model for the project, BRAC also needed to decide how much they were willing to compromise on the original vision of impacting women and the poor.

Reflections and closing thoughts

A problem as complex as property rights in Bangladesh and specifically women's access to property rights, would take decades to solve. With this in mind, BRAC designed the initiative to engage at the grassroots and policy levels simultaneously. They worked to change the overall ecosystem, by engaging with the government and building knowledge and awareness about land related rights at the grassroots level. They developed an initial cadre of land entrepreneurs who could not only provide accurate land measurements, but also help inform people of their property related rights.

Others who are dealing with extremely complex, multidimensional issues, might also consider a long-term plan with a phased approach. They could begin by tackling incremental problems first, building local capacity and awareness, and simultaneously engaging with key stakeholders, such as the government.

As with other entrepreneurship models, the recruitment and selection of the entrepreneurs proved critical to the success of the initiative. A careful consideration of the incentive system and how that would impact recruitment and the performance of the land entrepreneurs was important. In this case, the incentives evolved over the course of the initial phases of the scale up, with different training fees charged in different regions. This was risky because entrepreneurs became aware of the different fees offered, which negatively affected their morale. The introduction of the fee made it more difficult to recruit women and the poor, and their willingness to provide extra services for free. On the positive side, by testing the model simultaneously, BRAC leadership gained a lot of insights into how much they could charge, knowledge that would enable them to sustain the model. Others who are implementing entrepreneurship models should allocate sufficient resources towards finding the right individuals and should think carefully about how their incentive systems will impact their desired outcomes. The original vision was tested during the scale-up, leading to hard decisions, and in this case an emphasis on ensuring the financial sustainability of the model.

References

Information for this case was collected over the course of a year as part of the “Doing while Learning” project. Methods included field visits, regular discussions, logbooks, and analysis of the Property Right Initiative’s existing management information system.

Interviews were conducted with the following individuals:

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