ADVANCING INCLUSIVE LAND GOVERNANCE

SUCCESSFUL STRATEGIES AND PRACTICES FROM THE FIELD

GENUINE AGRARIAN REFORM

LAND RIGHTS!

Both ENDS
Connecting people for change

Colophon

Table of Contents

Introduction

Background and Purpose. Land lies at the very foundation of our society and social life; it plays a central role in the livelihoods and cultural identities of communities across the globe, and contains the resources that underpin our now globalised world. However, partly because of this, it is often at the heart of social and political conflicts. Increasing demand for food, energy and other primary products is driving agribusinesses, mining companies and speculative investors in a quest for new land to acquire and exploit. Unjust and unsustainable use of already converted lands has contributed to alarming levels of inequality, corruption, livelihood insecurity, environmental degradation, and human rights violations, further perpetuating the problem of land injustice. These patterns of inequality, exploitation and expansion are central to the environmental, social and economic crises that we now face as a global community, with the worst impacts often falling on land-dependent communities.

Strong land governance is therefore crucial in managing land in a just, conflict-free and sustainable manner. This works best when local communities and rights-holders are placed at the centre of planning and decision-making, are able to define their own priorities and pursue them in meaningful and self-determined ways. However, formal land governance processes and decision-making often overlook or ignore the needs and perspectives, and sometimes even existence, of local communities, Indigenous Peoples and marginalised groups.

In order to address and overcome this situation, Both ENDS works together with a diverse network of Civil Society Organisations (**CSOs**) on inclusive land justice and land governance agendas. Collaborating and engaging with communities and decision-makers, these organisations actively identify, implement and advocate for inclusive land governance and sustainable land-use policies and practices that suit their local context. Local CSOs possess a wealth of knowledge and experience on the effectiveness of specific practices, as well as the strategies, tools and considerations that contribute to successful land justice efforts.

This publication provides a collection of experiences, practices and strategies in the form of a guidebook. The aim is to provide a source of inspiration as well as practical guidance that other organisations can draw upon to strengthen their own work towards achieving inclusive land justice.

Structure. Together with our partner network, we have identified a number of successful strategies and ways of implementing them that are relevant for CSOs and local communities working on land justice agendas around the world. These strategies form the chapters of this guidebook. Each chapter was developed based on the experiences, expertise and insights of different local CSOs with years of experience and leadership in their field.

Each section briefly introduces the topic and presents a set of 'tools' as well as key considerations that CSOs can integrate into their own work. Every section concludes with a case study that illustrates how some of the tools outlined in the chapter can be put into practice in order to achieve success.

However, it is important to emphasise that the case studies as well as the different tools presented in this publication reflect the particular circumstances in which the contributing organisations work. All partners that contributed to this guidebook expressed the need to adapt potential strategies or approaches accordingly to fit different contexts. Therefore, instead of being seen as a blueprint, the information provided should be seen more as guidance that can help to improve and inform local advocacy strategies and land governance practices.

Participatory Mapping

CAN BE USED FOR:

☐ Community mobilisation
and ownership

☐ Strengthening community
bargaining power

☐ Agreement and adoption
of community maps
and land management zones

☐ Political recognition
of collective land rights

☐ Conflict prevention or resolution

▶ Overview

Participatory mapping allows communities or groups to identify, define and map the resources, natural and socio-cultural features, different land-uses, and boundaries of an area. This can range from mapping a village to the charting of Indigenous territories.

"Participatory mapping generates live, editable, spatial information, but it must always be part of a wider advocacy process."

DAVE DE VERA (PAFID, PHILIPPINES)

Whilst the practical mapping process may utilise specific technologies in order to generate spatial data (such as handheld GPS devices, drones or satellite imagery), it is important to understand that participatory mapping is not merely a technical, passive or politically neutral process. The decisions about who is involved or excluded, what is mapped and especially what is not mapped, are inherently political, cultural and gender-sensitive decisions. For this reason, it is important to integrate participatory mapping as part of a broader capacity-building and advocacy strategy.

"Mapping is a tool that works when integrated with wider approaches on legal empowerment."

CHRISTIAN JITAR TAKU (COMAID, CAMEROON)

TOOL #1

Community-defined aims & consultation

"Traditional knowledge is often not considered enough by government agencies: maps are a type of language through which to capture this knowledge in a way that can be used as evidence in legal processes."

IMAM HANAFI, JKPP-INDONESIA

Participatory mapping processes need to engage with the wider context, meaning the needs, values, priorities and aspirations of the relevant community. Effective community facilitation and dialogue should be at the heart of all stages of the participatory mapping process, which should be informed by the principles of Free, Prior and Informed Consent (**FPIC**). This helps to ensure that communities themselves are central in defining the aims of any mapping process. These aims could include, amongst others:

☐ Gaining a better understanding of land and resources to inform improved management practices.

☐ Preventing or resolving conflicts between or within communities or with external entities such as plantation companies or governments.

☐ Gaining formal state recognition of rights to own, manage or use land and resources.

"Participatory mapping is a strategy of empowerment and cultural replenishment. It provides a form of evidence to say 'we exist.'"

KRIS GUNUI (INSTITUT DAYAKOLOG, INDONESIA)

Clear problem definition

The specific methodologies and strategies chosen will depend on the context, aims and priorities of the community or communities in question. However, a basic framework can be used and adapted across different contexts. The first stage in any participatory mapping process should seek to clearly define the problem at hand and what the community would like to achieve. This then informs the advocacy goals, and defines the type of data or information needed to serve these goals. Decisions on these aspects should be reached through a culturally appropriate community consultation and consensus process, which again should adhere to FPIC principles. CSOs can play a role here by providing relevant information on possible pathways and tools, including their advantages and drawbacks, supporting vulnerable groups within communities to organise and participate, and facilitating collective dialogue, but the decisions must ultimately be taken by the community members themselves.

> **"We look at how we can come on board to assist. The community are the full owners. As CSOs we are here to facilitate."**

HARRISON NNOKO (AJESH, CAMEROON)

Joint work plan and training

If there is consensus on the need for participatory mapping, then the next step would be to agree on a process and work plan. This can include the methods for data collection based on the information and outputs required to achieve the community's goals, technical and physical capacities, and available budget.

Once a work plan is in place, training can begin, for example on how to use specific technologies such as GPS trackers for plotting data points, or operating drones for aerial surveys. The focus should be on building expertise in the community so that community members can collect data themselves now and in the future without needing outside support. Identifying key people in the community that can be fully trained, and can then in turn train others, is a particularly effective (known as the 'train the trainer' approach).

Define advocacy outputs

Following the collection of mapping data, the next stage is to go about creating the relevant outputs. These can take many forms, from digital or paper maps, general reference or topographic maps, thematic or cadastral maps that include data on ownership, resources, economic value and socio-cultural information, as well as 3D physical models. The information generated should then be checked and verified by the community, and altered accordingly before moving forward.

The outputs that have been generated should feed into the wider advocacy strategy defined by the community's specific priorities. For example, cadastral maps could help communities, individuals or groups make a claim for legal ownership or management rights over plots of land. CSOs can play a role here by providing information on relevant legislation and legal processes, linking communities with public services, or utilising their networks and platforms to lobby public or company officials.

These claims have a greater chance of success if they are connected to processes that influential political actors have already endorsed. In Cameroon, for example, CSOs have driven a process of developing a national harmonised methodology[1], involving the Ministry of Economy, Planning and Regional Development as well as the Institute of Cartography. The output was an eight-step approach that can be adapted based on local contexts, and is now being tested in five of the country's agro-ecological regions[2].

In the Philippines, the Philippine Association for Intercultural Development (**PAFID**) identified that the lack of data on the economic value of community lands and resources weakens the position of communities in negotiations. In specific cases, mapping has been used to generate data on the value of standing crops, infrastructure or other resources. This has been used successfully in advocacy campaigns to demonstrate the economic damage that granting concession licenses to external companies would bring, or to negotiate for fair compensation.

1   Fomete, T., Acworth, J., Afana, A., Kankeu, S., Bonnemaijer, J, et al. (2019). Reframing local land use planning methods and tools in south-west Cameroon as a foundation for secure tenure, sustainable and equitable rural development, and REDD+. 2018 World Bank Conference on Land and Poverty: Land Governance in an Interconnected World. [Online]. Available at: https://core.ac.uk/download/pdf/265380547.pdf

2   Rainbow Environment Consult (2017). Synthetic and practical guide of the unified methodology of participatory mapping in Cameroon. Practical Guide. [Online]. Available at: https://view.publitas.com/the-tenure-facility/guide-to-the-unified-methodolgoy-for-participatory-mapping-in-cameroon/page/1

Things to consider and anticipate

☐ **NEW CONFLICT.** The overview of a community's land and resources that participatory mapping generates can also create new conflicts or revive old tensions. For example, by exposing the previous sale of land without community consultation, or the existing unequal distribution of land. Being explicit about the benefits and drawbacks of participatory mapping and agreeing a conflict resolution process with the community from the start is very important so that communities can be clear about what they are getting into.

☐ **SKEPTICISM FROM OFFICIALS.** State officials or experts are often sceptical of community-generated maps and spatial data, and certain actors can oppose participatory mapping because they feel their power is threatened. Sensitising officials to the benefits that it can bring for them and their constituents, such as helping to fill gaps in government capacity, mitigating conflicts and demonstrating their progressiveness to win political support, is key to any advocacy strategy.

☐ **OFFICIAL STANDARDS.** Ensuring that outputs are of high quality is essential; at the very least they should meet the minimum criteria set by government mapping agencies so that they cannot be dismissed for procedural reasons without consideration. The official requirements should be researched and confirmed before starting a participatory mapping exercise so that the technical, process, budget and time implications can be understood, explained to the community and planned for.

☐ **FUNDS.** Funding and financial planning should not be overlooked. The costs of actualising and digitising maps can be a very real barrier to success. For example, purchasing satellite imagery for live mapping, purchase or hire of data collection equipment, as well as the costs of the data collection process itself (hours of work, supplies, foregone wages).

Engendering Participatory Mapping

Mapping Indigenous lands from the perspective of adat (Indigenous) women in order to build their capacity to participate in the wider adat rights movement.

Whilst participatory mapping is intended to allow communities to define their priorities and strengthen their wider advocacy agenda, the process and outcomes may still reflect existing inequalities. Adat women often still find themselves excluded from decision-making and consultation processes within their own communities, let alone at local or regional government level. In the context of growing critique of the patriarchal nature of the Indigenous rights movement, Perempuan AMAN set out to mainstream women's perspectives and build their capacity to enter substantive discussions within this wider movement.

In four different regions across Indonesia (West Kalimantan, East Kalimantan, Flores and Maluku), they approached Indigenous women to understand their perspectives and priorities. It soon became clear that women did not necessarily identify with the concept of adat territories in their daily lives, so beginning by trying to map territories in a cartographic manner did not make sense. Instead, women were encouraged to describe land-use changes over the generations. This process allowed adat women to express and share their knowledge on management of these areas, such as particular farming methods, areas that should be protected and specific knowledge on an array of different plant species.

Through their narratives it became clear that adat women did not see overall territories or express ideas of ownership, but rather saw specific areas as spaces in which they could fulfil their social responsibilities. The concept of wilayah kelola perempuan (women-managed areas) came out of this, and women could then talk about why it was important to protect these areas. For the first time women were able to demonstrate the wealth of knowledge they had, building their individual and collective confidence and putting this into a frame that showed that their management decisions were forms of politics and self-governance.

Once this was established, sketch maps were created which further emphasised how women experienced their living spaces differently. Women focused on features such as houses and roads in the vicinity of their homes, whereas men tend to focus more on borders or physical landscape features. This recognition of differing priorities between men and women opened up space for dialogue within communities as well as amongst women themselves. Satellite images were printed and cut up into pieces, with communities asked to piece them back together. This served as an inclusive interactive tool that stimulated discussion on existing land-use and priorities for the future.

The concept of women-managed areas could also provide the frame for collection of data relevant to women. The location of priority areas for protection or conservation, for example, could be pinpointed. Quantitative data such as the number of women and their age groups were collected as part of a women-led census, as well as data on poverty levels as defined by adat women, which revolved around ease of access to land and food.

The mapping process provided women with a platform to engage in local decision-making spaces, and the data collected strengthened advocacy on national legislation.

2

Legal Empowerment and Paralegal Training

CAN BE USED FOR:

- ☐ Community awareness of existing laws and standards

- ☐ Improved access to, and capacity to engage in, legal processes and complaint mechanisms

- ☐ Strengthened community ability to defend, secure and reclaim land and resource rights

- ☐ Avoidance of criminalisation of traditional land users or land and environmental rights defenders

▶ <u>Overview</u>

There are various legal domains that impact upon land governance, from land acquisition to contract law and inheritance. Legal empowerment equips communities with knowledge of their legal rights, existing land laws and the relevant legal processes or mechanisms available to them. Paralegal training can form part of this, and aims to build knowledge of laws and legal processes so that individuals or local CSOs can serve as guides on legal procedures and empower communities to engage with authorities themselves.

"We see paralegal training as part of developing capacity to assist communities and improving their bargaining position within legal processes and village government bodies."

DITTA (PUSAKA BENTALA RAKYAT, INDONESIA)

Community sensitisation

Those subjected to inequitable land governance practices often have limited bargaining power or legal agency. Central to this position of vulnerability is often a lack of awareness of rights and correct legal processes that state or private actors are supposed to respect. For vulnerable communities, their geographic isolation and lack of financial resources typically means that seeking paid legal advice is often not an option. Sensitising community members and leaders on their rights to land, formal land acquisition procedures, as well as laws related to activities for which rural smallholders and Indigenous Peoples are often criminalised, such as land clearance, can allow individuals and communities to advocate for themselves autonomously, and therefore strengthen their bargaining position[3]. This knowledge can also help to diffuse land disputes and prevent them from happening in the first place.

Aside from knowing which regulations exist, it is also important that people know which institutions have formal responsibility for dealing with the specific issues they face. For example for mediation of disputes about land ownership with plantation companies. In addition, information on how legal processes should function step-by-step is useful and empowers communities to engage in these processes as well as hold authorities to account if the correct procedures are not followed.

This information can be communicated in various forms, through dedicated training programs, as part of wider community-level discussions, in leaflets and small guidebooks, or on local radio stations. An effective method to share information can be to combine legal information with other topics that people find more directly engaging. For example, when talking about farming or sustainable land use with smallholder farmers, issues such as land rights and gender can be built into the conversation with examples of why they are relevant.

TOOL #2

Paralegal support

Another way of empowering communities is through the provision of paralegal services. Paralegals are individuals who are trained in basic law, human rights and court procedures. Whilst they cannot serve as lawyers, they have sufficient expertise to offer general or case-specific advice to individuals or groups, as well as facilitate education programs.

Embedding paralegals within communities can be an effective way to enhance community resilience and prevent exploitation. Training a diverse variety of actors is one way to ensure maximum access to legal aid across a community. Traditional leaders, community members, councillors, church-based organisations, and local NGOs are all examples of actors suitable for paralegal training. Adapting the content of trainings to the particular interests and circumstances of the participants can be a successful strategy to ensure that knowledge is taken up and applied in practice. In Zambia, the Zambia Land Alliance has facilitated the creation of paralegal help desks at district level to enhance access to justice for peri-urban communities. People can report cases to the help desks and receive information, advice and assistance with mediation for live issues that they are facing.

"The aim is to equip people with knowledge on their rights so they can be autonomous in their legal advocacy. This can help to prevent disputes from happening before they occur."

MUFALALI SAMALUMO (ZAMBIA LAND ALLIANCE, ZAMBIA)

3   Zambia Land Alliance (2013). Training Manual and Toolkit. [Online]. Available at: http://beyondresearch.org/documents/ZLA%20Manual.pdf

Dealing with criminalization

In addition to issues relating to land governance, land users and land defenders are increasingly facing criminalisation in the face of corporate takeover of customary land. Activities such as clearing new land or protesting against land grabbing can trigger intimidation from state authorities or private security-forces or even result in arrests by local police or civilians. CSOs can help by filing or assisting with lawsuits in specific cases, but in contexts where corruption is rampant this is unlikely to deliver the desired results. Non-litigation approaches centred on communities themselves can therefore be an equally important part of a successful advocacy strategy.

In Indonesia, Wahana Lingkungan Hidup Indonesia (**WALHI**) Central Kalimantan and Pusaka Bentala Rakyat both provide assistance to communities facing criminalisation. Both organisations stress that paralegal training represents one tool within the wider advocacy process, and it is equally important that communities are united and connected to wider networks of support, such as media contacts or neighbouring villages. This means being aware of tactics used by companies to divide communities and encouraging the practice of traditional conflict resolution mechanisms to bring communities together. In addition, any assistance should be provided within the framework of a collaboration with the community as opposed to being delivered in a top-down manner. Holding initial 'coffee conversations' with communities and investing in personal relationships with community members can help to make communities feel comfortable and confident in taking control of their own process, as well as allowing the real issues facing the community to become apparent.

Things to consider and anticipate

☐ **LITERACY LEVEL**. Adapt the form of delivery as well as content based on the target audience. The challenge is to simplify information without misinterpreting the law. Including step-by-step options and going through case studies from elsewhere can be a useful tool for making things easier to understand.

☐ **MATERIALS.** In addition, the content will need to be adapted to the training context, including the time period and location. You need to think about how much can realistically be covered and then prioritise certain topics based on the needs of the participants.

☐ **LOGISTICS.** The setting will also determine the facilities available and in turn the methodologies that can be used. Covid-19 regulations are a new aspect that needs to be taken into account. All of this needs to be carefully planned in order to ensure that the training has maximum impact.

☐ **LANGUAGE.** Ensure that the training material has been translated into the local language, and use local staff to deliver the training where possible.

☐ **SENSITISATION.** Understand that empowerment for some can be seen as a threat by others. Engaging with traditional leaders or local officials prior to the training and clearly communicating the mandate and goals can help to avoid creating new tensions.

CASE STUDY // ZLA, ZAMBIA

Community Land Advocacy Committees

Voluntary community structures trained in mediating minor disputes and providing a link to paralegal experts.

Zambia Land Alliance (**ZLA**) is a network of NGOs across Zambia that work with communities and other stakeholders to ensure that the interests of the poor and vulnerable are incorporated into land administration, laws and policies. Legal aid and paralegal training are a core part of their work, aimed at allowing communities to mediate conflicts and advocate for their land rights autonomously.

Communities wishing to build upon and strengthen this autonomy can establish community structures called Community Land Advocacy Committees (**CLACs**). These structures serve as a link between communities and ZLA district branches and project offices, as well as participating in local governance structures and mediating minor land disputes.

The structures are composed of nine volunteer members elected by the community themselves, including a Chairperson and Vice-chairperson, Secretary and Vice-Secretary,

Treasurer and Vice-treasurer, and three general members. In the interests of gender parity, where the chairperson is male, the vice chairperson should be female, and vice versa. The length of the term that members serve in the committee is for the CLAC and wider community to decide.

The idea is that CLACs feed into the existing ZLA structure by acting as a local interface, providing information to communities on ZLA, participating in local ZLA activities or national programmes and documenting land-related cases at community level. The fact that they are already embedded within communities means that they are well positioned to facilitate community outreach programmes, including mobilisation on land issues, community sensitisation, and legal and leadership training.

However, they also receive training and technical support so as to be operational beyond ZLA interventions. CLAC members are able to assist with mediation of land disputes within the community[4], and can report cases beyond their capacity to the paralegal officer or district coordinator at their local ZLA branch.

In addition to this, CLACs play a role in creating and implementing local land advocacy plans and activities. With the support of ZLA, CLACs can lobby local policy- and decision-makers to adopt, amend or implement laws, policies and practices that promote good land governance. The CLAC structure provides an organised platform through which communities can hold customary leaders and government officials to account on the implementation of land, agricultural, gender and resettlement policies or customary land administration guidelines.

4   Zambian Governance Foundation for Civil Society (2020). Preserving the land for future generations. [Online]. Available at: http://www.zgf.org.zm/portfolio-items/preserving-the-land-for-future-generations/

Collective Natural Resource Management and Sustainable Land Use Planning

SUPPORTED GOALS:

☐ Improving natural resource-based livelihood opportunities through strengthened management practices

☐ Equitable participation and fair representation in decision-making processes

☐ Political recognition of participatory land use plans and community resource management rights

☐ Conflict prevention

► <u>Overview</u>

Natural Resource Management (**NRM**) and Sustainable Land Use Planning (**SLUP**) offer frameworks for supporting livelihoods by utilising land and natural resources in a sustainable way. However, these processes are not inherently inclusive, and often exclude the communities they are meant to serve. Promoting collective forms of management and planning can serve to create sustained livelihood benefits, unify communities, prevent conflict, and strengthen community claims to land.

Spatial and land-use planning

Communities and individuals that depend upon their land and natural resources have often developed traditional methods of managing them. However, it is important to understand that these management practices are dynamic, and people are constantly making decisions based on new developments. Communities are not necessarily completely opposed to external investments, for example, but want to ensure that the terms suit their priorities.

Participatory spatial planning can help communities to autonomously evaluate their current land use and decide on their priorities for the future, including whether or not to engage with external investors and on which terms. Participatory mapping can be a useful tool in providing a foundation for the planning process, so that communities can fully visualise the extent and composition of their territories, resources, rights and interests. Again, it is important that the goals of the process are clear and agreed upon at the beginning, that potential benefits and drawbacks are understood, and that the community is at the heart of the process. CSOs can play a valuable role by bringing diverse actors together, connecting communities to government officials and planning bodies, and providing information on existing spatial plans and planning laws. Training can also be provided on mapping and planning methodologies, as well as how to use the outputs of this process both in community activities as well as for advocacy purposes.

> **"Tribal groups have the right to land, but training is needed so people know how to claim and map their own lands. Communities are often not sure how to approach state officials, where to go and what to do, or which documents are needed for land titles."**
>
> GAYATHRI THAYAPPA (DHAATRI RESOURCE CENTRE FOR WOMEN AND CHILDREN'S RIGHTS, INDIA)

Highlighting the role of women

Despite often being the main managers of land in practice, women are regularly left out of both customary and state planning processes. This is particularly the case when external investors arrive. Consultation processes tend to focus on men, and community decision-making about whether to accept commercial activities on customary lands, like opening new oil palm plantations, is typically dominated by men. When land is taken over by investors, men are listed as the owners, with women often seen as passive beneficiaries. This places a double-burden on women who not only have to deal with losing their productive spaces, but also displacement of their domestic spaces, like areas for washing, gathering firewood or collecting clean water.

Establishing and empowering women's groups can help to increase leadership capacities of women as well as emphasise the importance of their central role in resource management within the wider community. Focus group discussions can provide a platform for women to come together to identify and discuss the problems they are facing and build solidarity. For example, Kalimantan Women's Alliance provides specific leadership training for women in the provinces of West, Central and East Kalimantan in Indonesia, focusing on improving negotiation and communication skills as well as building a shared commitment to sustainable NRM among potential leaders. The aim is to improve women's capacity to push feminist perspectives within planning or consultation processes, and to lobby for policies that consider gender perspectives and are oriented towards community participation, access and control. Similarly, Dhaatri Resource Centre for Women and Children has sought to develop self-organisation and leadership skills within Adivasi women groups across India, as well as increase awareness of their rights to land[5]. This has enabled Adivasi women to strengthen their own claims to the right to manage land and forest resources according to their traditional knowledge, both within their communities as well as in relation to government institutions.

Lobbying for community management rights

Recognition of a community's rights to manage their lands and resources is fundamental to allow collective NRM and SLUP to take place. CSOs can play a vital role in advocating for this recognition as well as connecting communities to policy makers and local officials so they can advocate for themselves.

> **"** You have to involve the government because they are the ones who serve as agents of change. It can be effective to appeal to them by positioning them as change-makers.

SUMI RAE
(KALIMANTAN
WOMEN'S
ALLIANCE,
INDONESIA)

Hosting seminars and workshops on topics such as land use, spatial planning, environmental issues or conservation can be a good platform through which to do this. Inviting officials from local or regional government, forest authorities, or spatial planning bodies to attend or even speak at these events can allow community representatives to express the importance of land to their livelihoods as well as the barriers they face in having their rights recognised. Engaging with local media to get the topic on the agenda is an effective tool to stimulate this engagement. For example, Kalimantan Women's Alliance has facilitated appearances on talk shows by women leaders to make the issues they face visible.

TOOL #4

Grasping legal opportunities

Sometimes laws already exist that facilitate the rights of communities to map, manage or plan their land use, but they are not being implemented in practice. These may not always be explicit in the sense that they address community land rights directly, but opportunities can exist where decision-making power is decentralised to regional and local authorities. CSOs can play a role by monitoring existing laws and pressing the relevant authorities on their implementation, as well as any new developments for opportunities to engage with decision-makers. Indonesia's Village Law of 2014 is one such example; it grants greater autonomy to villages in controlling their territories. Gemawan has worked with communities in West Kalimantan to help them approach local district officials with proposals for village mapping and spatial planning as part of wider village development plans.

> **"Many government officials still have not figured out how to implement new regulations, and there is a lack of information for communities. We try to facilitate two-way information sharing."**
>
> LAILY KHAIRNUR (LEMBAGA GEMAWA, INDONESIA)

Things to consider and anticipate

☐ **COMMUNITY AUTONOMY**. For communities to invest time and energy, they must have confidence in and ownership of the process. Any training activities should be focused on how to ensure that participants can operate autonomously now and in the future.

☐ **GENDER IMBALANCES**. It is important to recognise that any community will have its own internal power dynamics, which can affect inclusivity in the planning process. Women are often excluded from decision-making despite their central role in land management, so strengthening their capacity to engage and facilitating gender-sensitive opportunities to participate is key to truly participatory land-use planning.

☐ **POLITICAL MOMENTUM**. National or local political contexts can make it difficult to get community land-use plans formalised. Corruption, local government development agendas, or the need to raise funds can see district or regional governments prioritise large land concessions. Seizing on moments of potential political change or instability can also provide opportunities for pushing community-based natural resource management and development issues into the political debate and public awareness. This should be done carefully, as political debates can quickly become divisive and adversarial.

CASE STUDY // LEMBAGA GEMAWAN, WEST KALIMANTAN-INDONESIA

Participatory Village-level Spatial Planning

Participatory formulation of village spatial plans to be submitted to district governments.

In many parts of Indonesia, the expansion of industrial commodity plantations, such as palm oil, poses a significant threat to community lands and livelihoods. Part of the problem is that district government maps often do not recognise local community lands or land use areas, displaying only concession areas and government land-use zones.

Indonesia's Village Law of 2014, which grants greater autonomy to villages in controlling their territories, is seen as one opportunity for communities to define their own land use plans and practices[6]. Lembaga Gemawan is working with communities and their CSO network in West Kalimantan to promote village-level spatial planning, with the aim of strengthening the negotiating power of local communities.

In response to uncertainty over their lands, village representatives from the Sambas district approached Gemawan to assist them with mapping and spatial planning activities[7]. Several meetings were held in order to define the objectives for the process and plan relevant mapping activities. Gemawan's role was to facilitate and provide guidance, for example through workshops or information on village law and

governance as well as the importance of the meaningful involvement of women. However, it was important that the communities were in control of the process themselves.

They eventually formed designated mapping teams, with the village head providing formal authorisation for their activities. Village borders were mapped using GPS trackers and maps were created through the use of high-resolution photography taken by drones. Neighbouring villages were consulted first in order to obtain their blessing for the use of the drones.

The data generated was then used to formulate village-level spatial plans. Specific land-use zones were identified, such as rubber groves, rice fields, mixed-crop gardens and residential areas.

Depending on the priorities and vision of the communities themselves, other land uses could also be proposed, such as conservation, social forestry or peatland restoration. These spatial plans were then taken to the district government for approval, and if approved, they could be enforced through official village regulations. Once formalised, these land use zones cannot be used for other purposes without prior consultation with the communities. This serves as a deterrent for oil palm companies, or at least pushes them into a consultation process in which the community is already well informed about the spatial characteristics of their land. This gives communities a foundation from which to negotiate, as well as providing a process through which to collectively define and plan their own natural resource management.

5   Harvard University South Asia Institute (2016). Interrogating the norm: innovative interventions to promote gender justice and safety in India. [Online]. Available at: http://www.dhaatri.org/dhaatrinew/womenpub/Gender%20Based%20Violence.pdf

6   De Vos, R., Khairnur, L. & Iskandar, H.J. (2016). Drones put land rights back on the map. [Online]. Available at: https://www.newmandala.org/drones-put-land-rights-back-map/

7   ETRFN & Tropenbos International (2019). Exploring inclusive palm oil production. [Online]. Available at: http://www.etfrn.org/publications/exploring+inclusive+palm+oil+production

Women Empowerment and Leadership in Land Governance

CAN BE USED FOR:

☐ Enhancing control and ownership of land for women

☐ Increasing participation and representation of women in decision-making spaces

☐ Building platforms and capacity for women to claim their rights in wider society

☐ Challenging cultural barriers and redefining gender roles

Access to and control over land often mirrors wider patriarchal patterns in society; decision-making spaces for example are typically male-dominated arenas. By empowering women to occupy leadership roles, claim agency in decision-making processes and advocate for their own rights to land, strides can be made towards gender justice within land governance as well as within wider society.

> **"We need to ensure women have rights to the means of production, so that we can speak out about gender-based violence and other rights. Without this we are not in power and unable to speak out from a solid platform."**
>
> KALPANA KARKI (CSRC, NEPAL)

Establish Community-based Women's Groups

Facilitating the establishment and organisation of community-based women's groups is a proven way of creating space and a platform for empowerment. These groups can be informal or have more formal structures depending on the needs of the women involved, and provide a safe space where women in a given community can come together to build solidarity, discuss the issues they are facing, and strategise to develop and implement solutions together.

> **"Our theory of change is that people are not beneficiaries but they are change agents themselves."**
>
> FRIDAH GUTHUKU (GROOTS KENYA, KENYA)

Because rural women own these processes, their work holds far greater legitimacy and relevance. Organising collectively makes it easier for women to work on the tricky topic of land governance, mainly as collective mobilisation helps women to identify the common structural barriers they face. It also reduces risks of censorship or backlash to individual participants, which together increases the chances for success at local or national levels. Connecting women's groups within broader regional or national movements or networks can further amplify their weight and impact. This strategy has been followed by GROOTS Kenya, a movement comprising over 3,500 women-led groups across Kenya, with a direct presence in 17 of the 47 counties nationwide. These groups come together to identify issues affecting them and initiate and actively engage in dialogue with their local administrative authorities on these topics. Similarly, Rural Women's Assemblies in Zimbabwe and Zambia sit together to agree upon advocacy campaigns to pursue and coordinate on putting them into action.

"On the ground, it is easier to see the challenges. That is why it is so important to have participatory problem analysis."

THANDIWE CHIDAVARUME (WLZ, ZIMBABWE)

Data-driven Advocacy

Advocacy work can be challenging without good quality and relevant data underpinning it. Data on gender inequality is often inadequate, even more so in relation to access, control and ownership of land. Therefore, training women's groups to generate their own data to support their own advocacy ambitions can help to fill this gap. In addition, training for women's groups, women leaders, and CSOs on how to use this data in wider advocacy activities can significantly strengthen their chances of success.

GROOTS Kenya has found it effective to support women's groups to generate localised data needed for specific projects. Because the data is real-time and contextually relevant, it becomes a powerful form of evidence to back up advocacy demands in public spaces and interactions with other stakeholders[8]. As a result, grassroots women have been able to collectively influence county budgets[9].

Participatory research also helps to ensure that advocacy efforts target the real issues relevant to rural women. In Nepal, the Community Self Reliance Centre (**CSRC**) has helped to facilitate the creation of Land Rights Forums (**LRF**) at national and local level, with 60 of the 77 districts nationwide now hosting an active LRF. These structures are now independent organisations populated by landless and tenant farmers. With assistance from CSRC, they carry out reviews, field visits and context mapping in order to identify the problems people are facing, which in turn feeds into policy-level advocacy and wider mobilisation. Women's land rights form a central issue and are always emphasised in reports and policy dialogues. The participatory nature of the LRF problem mapping process has built legitimacy and broad-based support for their advocacy work, making it far more powerful as a result.

Promoting Women's Involvement in Decision-making Spaces

The lack of attention to women's land rights in decision-making at both policy and practice levels stems from the lack of female representation in these spaces. Raising awareness amongst women on where these decisions are made and providing training on leadership and lobbying skills can help to get women into influential seats at the table. In addition, when new policy spaces open up, CSOs can work to ensure that women's involvement is prioritised and that gender perspectives are always on the agenda. Woman and Land Zimbabwe (**WLZ**) uses its position in land policy reform dialogues to advocate for the consideration of gender and marginalised groups to be inserted into every article, and GROOTS Kenya pushes for prioritising women involvement in stakeholder engagement in the ongoing process of digitalising Kenya's land registry.

Of course, decision-making extends beyond the public policy realm. Even if national constitutions or specific policies are well formulated, they may be poorly implemented on the ground, implemented in gender-biased ways or not implemented at all. Public service delivery, for example land registration or agricultural extension services, can be gender-biased in their operations. Empowering women with information on their entitlements as well as where they can go to demand them can form part of a wider advocacy strategy to overcome this imbalance. Similarly, gender-bias in access to justice and redress mechanisms can pose a serious barrier to women's access to and control over land. In Kenya, GROOTS Kenya has been part of pioneering an alternative justice system that works for the wider population at large. This is now recognised by authorities as an alternative to the statutory

8   Winrose Mwangi (2018). Our data our strength. [Online]. Available at: https://womendeliver.org/2018/our-data-our-strength/

9   Equal Measures 2030 (2020). The power of community-generated data. [Online]. Available at: https://data.em2030.org/stories/the-power-of-community-generated-data-to-drive-progress-on-gender-equality/

10 The Huairou Commission & UNDP (2014). Engendering access to justice: Grassroots women's approaches to securing land rights. Available at: https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Access%20to%20Justice%20and%20Rule%20of%20Law/Engendering%20Access%20to%20Justice.pdf

justice system[10], and provides a more engaging and less intimidating environment for women than the formal legal system.

Economic Empowerment

Ensuring that women are able to participate in productive activities can strengthen their position within households and wider communities, and in turn allow them to take up leadership positions and push for greater recognition of women's rights to land. CSOs can collaborate with and support women to identify contextually appropriate economic activities which can lead to greater influence and agency. They can also play a vital role in helping to establish and develop these economic activities, for example through facilitating access to markets and finance or assisting with lobbying for community or government support to access and manage land.

If women are involved in the lobbying process themselves, they are more likely to gain the confidence and capacities needed to engage in wider advocacy activities and take on leadership roles in order to demand their rights. Having recognised this, WLZ has worked with rural women and local authorities in Zimbabwe to secure land for women to grow small gardens and sell excess produce to generate income. Women did the lobbying themselves, approaching relevant actors such as local leaders, members of parliament and councillors in order to secure signatures for full ownership of the land. The greater income stability achieved through these gardens has not only given women a foundation to make independent financial decisions, but also provided them with dignity and recognition within their households and communities.

> **"**
> SERUNI is always looking to work with many organisations. We look at the community composition and try to encourage different groups to work together and form alliances.

TRIANA DHANY (SERUNI, INDONESIA)

In other contexts, slow and bureaucratic processes and corruption can mean that pursuing official procedures isn't a viable option. Through 16 female farmer collectives across Indonesia, Serikat Perempuan Indonesia (**SERUNI**) is supporting women to practice agroecology on reclaimed land, growing a diverse range of vegetables for household use as well as for market. They also function as a prototype for alternative modes of collective living, organising families in networks of support to share domestic tasks, family care and field labour. Part of the daily routine is also dedicated to 'intellectual work', in which the group can learn and educate each other about their rights and share their education and skills. Although prevailing cultural perceptions regarding gender roles and outdated national legislation remain barriers, they are now starting to see results in terms of shifting perspectives on the role and capacity of women within the community. A key part of this has been SERUNI's work in helping to form alliances with other groups, for example labour and farmer unions or youth groups, and uniting them around opposition to large corporate land control.

Things to consider and anticipate

☐ **RURAL FOCUS**. Ultimately it is women in rural areas who suffer from unjust land governance practices. Therefore, any movement building and community organising work must be heavily invested in rural areas, and advocacy must be built upon the specific needs of rural women.

☐ **COLLABORATION IS KEY**. In many contexts, women find themselves in a position in which it is hard for them to fight the problems they are facing alone. Building alliances with influential individuals and groups is therefore a recommended strategy, such as labour and farmer unions, youth groups, religious leaders, cultural elders, and male champions within communities.

☐ **NEW POLICY SPACES**. Whilst offering opportunities, policy reforms can also serve to further embed existing inequalities. CSOs need to be vigilant in ensuring that women's rights and needs are prioritised in stakeholder engagement processes and catered for in new policy outcomes. Offering to link policymakers with community-based women's groups can strengthen public consultation processes and increase recognition of women's rights in policy outcomes.

☐ **FOCUS ON ENGAGEMENT, NOT NUMBERS**. Simply ensuring that women attend meetings or activities does not necessarily mean that their voices are heard, or their views are taken seriously. Gender justice is contested because it requires men to yield control of decision-making spaces and outcomes over to women. Ensure that women are able to participate on their own terms and that their input is taken seriously.

Joint Land Ownership Titles in Nepal

Grassroots campaign for the establishment of a policy allowing joint land ownership titles.

Community Self Reliance Centre (**CSRC**) was first established in one district of Nepal in order to help tenant farmers in claiming their land rights and obtaining ownership certificates. Impact research found that men were the ones who owned certificates, and so it was felt there was a need for focused work on women's land rights. In 2006, the first national conference concerning women's land rights was held in Kathmandu, serving as the basis for future advocacy. In 2009, policy and advocacy reports were released on the issue and this was followed in 2010 with the organisation of an 11-day march involving 347 women from 42 different districts across Nepal. These actions were designed to put the issue of women's land rights firmly on the national agenda. This level of mobilisation was made possible due to the strength of the national and localised Land Rights Forums (**LRFs**) that CSRC had helped to set up, as well as the focus on building women leadership and advocacy skills within these structures. As a result of the march and follow-up advocacy, the Constitutional Assembly along with members of parliament declared a commitment to improve land rights for women.

In 2011, various CSOs together with the national, regional and district LRFs came together to advocate in a coordinated manner for women's access to and control over land. One of the major actions that came through this collaboration was the organisation of a seated protest and encampment in the capital Kathmandu, aiming to make the issue visible and incite urgency for change. 50 districts participated, each nominating 20 women and 3 men to attend, meaning that 1,000 women were present in Kathmandu. The encampment involved visiting the offices of different national parties to advocate for women's land rights, as well as a month-long open theatre, with cultural displays, workshops, artwork and traditional food, which was visited by members of parliament and even inaugurated by the head of the Constitutional Assembly[11]. One of the central asks was for national policy arrangements to be made in support of joint land ownership (**JLO**) certificates, that would allow husbands and wives to register for land titles together. Not only would these certificates give women a formal right to the land and property that they work to maintain, but they would also raise self-confidence, social status and improve women's ability to take part in financial transactions. JLOs were thus important in laying the foundation for greater economic empowerment.

Following the encampment and further advocacy work such as the presentation of research demonstrating the need for and potential benefits of JLO, the government eventually agreed to trial a joint ownership scheme. In 2012 the policy was officially announced by the government, with responsibility for implementation being delegated to district governments.

The advocacy focus then shifted to pushing for successful implementation, which proved more difficult than

anticipated. Frontline women leaders needed to advocate strongly at district level for implementation, carrying out training and information campaigns on the importance of the policy for communities themselves as well as district officials and village development committees. CSRC assisted in facilitating these dialogues as well as lobbying district officials. Information on the documents and process necessary for JLC was spread through trainings and pamphlets, and land revenue officials were invited to camps of around 20 families in remote areas in which the process could be completed in a timely and efficient manner[12]. JLO has since been implemented in 50 districts across Nepal, with 9,872 families now registered covering a total of 2,771 hectares of land. The issuing of certificates is seen as a major victory but also as a first necessary step towards empowering women in terms of access to and control over land. CSRC is now working on facilitating local government policies to support women farmers, for example by ensuring that land use plans and the implementation of the National Land Act at the local level are sensitive to women's ownership rights.

11   Basnet, J., Dahal, K. and Battistelli, S. (2014) Greater empowerment and security of women through the Joint Land Ownership Certificate, Nepal. Case study of the ILC Database of Good Practices. [Online]. Available at: https://d3o3cb4w253x5q.cloudfront.net/media/documents/case_studies_leaflet_5_nepal.pdf

12   CSRC & Oxfam Nepal. Joint Land Ownership Certificate for Equality, Dignity and Prosperity: Resource Manual. [Online]. Available at: https://nepal.oxfam.org/land-rights-women

Building Movements and Campaigns

CAN BE USED FOR:

- ☐ Putting land and natural resource rights on the political agenda
- ☐ Increasing visibility and public awareness of land rights issues
- ☐ Development or implementation of specific laws or policies
- ☐ Building community and civil society solidarity and collaborative networks

► __Overview__

Movements and campaigns are active and coordinated methods of working towards particular advocacy goals. In order to promote inclusive land governance in policy and practice, these can be used to target specific policy changes, put the topic of land justice on political and development agendas, and bring hidden or invisible issues into the public spotlight.

However, building movements and coordinating campaigns requires good planning, organisation and strategic decision-making. To have impact, these efforts often require the participation of many organisations, allies and stakeholders, which can make management and coordination a challenge. This section outlines some of the key components that need to be addressed when creating and running movements or campaigns in order to have the best chance of prolonged and sustained success.

Define a clear objective

The first thing that needs to be clarified is the objective of the campaign or movement. This needs to be clear and agreed before progressing onto anything else: why do the groups involved want to work together? If this is not clear and agreed upon then the campaign will inevitably end up moving in different directions. Confusion about the objective can be counterproductive and undermine the potential strength of the campaign, making it less likely to achieve success, or even lead to conflict between participating organisations.

In addition, the objective should be used to inform all decisions and actions taken from that point onwards: specific advocacy demands, who to target, which activities to carry out, what methodologies to use, and which data needs to be collected, among other things. If it is not clear in the beginning then the campaign will lack focus, leading to inefficient use of time and resources.

Define the roles of partners

Once the objective is clear it is important to clarify the role that each partner is going to play within the campaign or movement. The value that each partner is bringing to the process should be clear, as ultimately this is a collaborative undertaking. This could involve, for example, research expertise, strong media relations, links with parliamentarians, or community organisation. The latter is particularly important as ultimately any campaign or movement draws its strength from the communities and people that are involved and give its actions life and shape.

Build consensus and confidence

uilding and respecting trust is essential. Internal communications need to be nurtured so that people feel they are an important part of the movement, and that they can see their contributions. Maintaining a good internal flow of information can help this cause, ensuring that everyone is up to date with the status of the campaign and where it is going.

Building trust between different groups or organisations can prove challenging, for example between farmer, fisherfolk and indigenous groups. This partly stems from the fact that land is a scarce resource upon which these different groups depend. The Asia NGO Coalition for Agrarian Reform and Rural Development (**ANGOC**) has had success with trans-sectoral meetings in The Philippines where people have been able to express the importance of land to them and share this with other groups with differing perspectives or livelihoods. This demonstrated that all groups were dependent on land in one way or another and served to unite them in their interactions with government officials.

Establish strong internal governance

As campaigns or movements grow, it is essential to agree and implement clear internal governance processes. It can be useful to set up internal committees to serve this purpose, for example on specific topics such as communication, strategy or public education. Forming a steering committee of member representatives to take the initiative with planning can also be effective. Good internal governance does not necessarily require formal structures or procedures, and very flexible, decentralised and informal processes may be most effective depending on the needs of the participants. What is important is that all participants agree on how they will work together, resolve differences of

opinion, share responsibilities, and take joint decisions effectively. The secure flow of information within the group is essential so that everybody feels like they are part of the decision-making process and they can communicate openly and with confidence that communications are secure.

Establish a clear message

Campaigns or movements can often fall short or fade away because they don't establish clear messages and concrete demands. Pragmatism is necessary in this regard; an understanding that you cannot win everything can help to formulate realistic demands. Within the campaign or movement, the 'negotiables' and 'non-negotiables' should be determined in advance of any interactions with policy-makers or corporate representatives. This provides a strong foundation at the negotiation table and can fast-track discussions as you do not need to constantly go back and confer with other partners on what is and is not acceptable.

Knowing your target can also help your demands to be relevant and realistic; if demands are unrealistic then they are easily ignored. Understanding the position of the actors you are talking to and their roles and responsibilities can help to establish your specific demands for them and determine whether or not you are talking to the right people.

> **"CSOs demand many things from government officials, but in certain situations they are talking to the wrong person. CSOs need to know who is in charge of what, as well as the limits of their influence."**
>
> NATHANIEL DON MARQUEZ (ANGOC, PHILIPPINES)

Develop champions and allies

There is a tendency within civil society to look at entities such as the government or land investors as being a single entity. In reality, these institutions are composed of many individuals and understanding this can open up many doors. It is useful to assess individuals who are likely to be more open to your messages and demands, and those that have influence within their institutions, and focus on building relationships with these people. They can play a crucial role in terms of providing information, putting your perspectives on internal agendas and lobbying for action to be taken in line with campaign demands.

Things to consider and anticipate

- ☐ **LEVEL OF CAPACITY**. Understand the capacities of different partners within the network and allocate tasks accordingly to avoid exhaustion. Similarly, understand that lack of capacity and knowledge is relevant on all sides, including state institutions and officials, and use this to target them or offer incentives for collaboration.

- ☐ **DIFFERING MOTIVES**. Understanding the motives and priorities of certain actors can also help in deciding how best to target them, for example preventing conflict, issuing land titles or personal motives such as gaining prestige.

- ☐ **LAND ISSUES ARE DYNAMIC**. Constant re-evaluation of objectives and priorities within the movement or campaign is necessary to adapt to changing contexts and landscapes. The Covid-19 crisis is a good example; new tools and strategies need to be identified to adapt to this new context. The increasingly online nature of meetings and general communication is a key shift, and movements need to ensure that they have the technological skills necessary in order to bridge that gap and adopt digital platforms to support their engagement and advocacy activities.

CASE STUDY // ANGOC, ASIA

The Land Watch Asia Campaign

Regional campaign in ten countries across Asia aimed at putting the issue of land on national development agendas.

Amid dwindling public attention to the issue of land, the Land Watch Asia (**LWA**) Campaign was initiated in order to put access to land, agrarian reform and sustainable rural development firmly on the regional political and development agenda. It is facilitated by Asia NGO Coalition for Agrarian Reform and Rural Development (**ANGOC**) and comprises CSOs from 10 countries across Asia.

The member organisations first came together for an initial planning phase and to discuss the form that a potential campaign should take. Overarching common objectives and areas for strategic intervention were discussed and agreed up-front. It was decided that a regional level platform was needed in which to share, learn and strategise, but that national level partners should retain their own autonomy to act on issues relevant to their own national and sub-national contexts. The campaign was structured to follow the principle of subsidiarity, with the regional level body catering for tools and guidance, and individual country organisations focusing on activities such as engaging in national dialogues or data gathering. This division of responsibilities affects the type of language used in the campaign; it must be understandable for all country contexts, with specific recommendations decided at the country level. In certain situations, having a regional platform can also strengthen or accelerate advocacy. For example, in Cambodia, where the policy environment was not   conducive to CSO advocacy, the regional platform

was able to push politicians to attend national workshops that they otherwise would not have attended.

Evidence-based advocacy was identified as a necessary strategy in order to gain a better understanding of land issues in the region and generate data for policy advocacy. For this it was agreed that studies on land grabbing as well as land conflict monitoring were essential to support the advocacy work. However, many studies on land grabbing already existed, so the campaign needed to decide what their specific contribution or added value was going to be. For example, a specific focus for LWA was the identification of sectors in which land grabbing was common practice. In Cambodia for example, LWA studies mapped the emergence of investments in sugar cane plantations by Chinese companies as a particular risk factor.

The campaign then started to produce both national and regional Land Monitoring Reports that provided an overview and assessment of the current policy and legal situation regarding access to land and tenure security for the rural poor[13]. These reports were designed with the specific aim of providing the foundation for multi-stakeholder dialogues and land policy reform processes, and so the data collected was based around common indicators and methodologies developed by LWA in order to track progress and compare situations in priority areas for advocacy in different countries. They focused on how policy was formulated, the issues being faced, perspectives of Indigenous and marginalised groups and the extent to which customary land governance is recognised in policy or law. They have also included data on policy implementation. Data collection and reporting are done in a participatory manner, findings jointly verified by LWA members, and results publicly shared with government officials for comment and early engagement. Regional workshops are also held in order to discuss and finalise the reports.

LWA partners have been able to achieve instances of success. For example in Indonesia, LWA member Konsorsium Pembaruan Agraria (**KPA**) has achieved a number of significant changes and advanced proposals to the government like the recognition of priority areas for agrarian reform. CSRC in Nepal is also one of the national partners, and their involvement with LWA contributed to their success and ongoing efforts in lobbying for joint land certificates for women and men.

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13 Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA). 2019. State of Land Rights and Land Governance in Eight Asian Countries: Forty Years after the World Conference on Agrarian Reform and Rural Development. Quezon City: ANGOC. Available at: https://angoc.org/wp-content/uploads/2019/07/State_of_Land_Rights__Land_Governance.pdf

Ensuring Inclusiveness in Sustainable Land Use Practices

CAN BE USED FOR:

☐ Creating greater awareness
of local land issues

☐ Increasing uptake and spread
of sustainable land use practices

☐ Transparent and representative
local land governance mechanisms

☐ Building collaborative networks
for both advocacy and implementation

▶ Overview

Encouraging the uptake, spread and political support of sustainable land use (**SLU**) practices can play a key role in protecting and regenerating land, and in turn the livelihoods of those dependent upon it. Agroecology[14] in general and an agroecological approaches like Analog Forestry[15] in particular have proven to be SLU approaches that offer great potential. Beyond the mere technical implementation of the practices that those approaches entail however, it is vital to ensure inclusivity in both implementation and advocacy to achieve long term and meaningful success. This will be the focus of this section, rather than the actual practices themselves.

> "Analog Forestry can allow communities to seize the rural capacity to restore degraded areas whilst empowering themselves. Improved social and economic standing enables them to lobby to sit at traditional councils and influence decision-making."
>
> PERRY NDZEFEMMEGHO
> (CENDEP, CAMEROON)

TOOL #1

Awareness raising and training

Striving for inclusivity in SLU practices requires a wider awareness of land governance issues amongst a diverse group of stakeholders. Training and sensitisation of stakeholders on the issues affecting land governance, such as land degradation and financial pressures, as well as on existing land and forestry laws, can prepare the ground for follow up training and advocacy. Additionally, raising awareness of the solutions that Analog Forestry and other agroecological practices can provide for farmers as well as for local economies and ecosystems can help to build support for their implementation. This should not only target farmers, but also mayors, local elected officials, technical service employees, customary and religious authorities, landlords and representatives of farmers', women and youth organisations.

In Senegal, Environnement Développement Action pour la Protection Naturelle des Terroirs (**Enda Pronat**) have found that effective methods for exchanging information include village forums, radio broadcasts, and even inclusion of these issues in functional literacy and education programs. Trained facilitators also continue awareness-raising work at village or household

level. These approaches have resulted in increasing levels of community organisation and calls for greater transparency and participation in local land governance processes. For example, in three particular communes, 544 land titles have been issued across the past three years, covering a total land area of 820ha. The fact that local officials had already been sensitised on the importance of land tenure security has helped to facilitate this process. In Cameroon, the Centre for Nursery Development and Eru Propagation (**CENDEP**) encourages communities that it works with on Analog Forestry to engage with their local land consultative board as a way of securing legal ownership of their land, but also note that the productive use of land, especially tree planting, can serve as an effective informal way of improving tenure security. The economic gains brought about through increased productivity can also serve as a form of empowerment, particularly for those typically excluded from traditional decision-making circles.

TOOL #2

Building an enabling environment

Ensuring that supportive policies and governance mechanisms are in place is another key component in promoting inclusiveness. Supporting the establishment or functioning of village committees or consultative boards can be an effective tool in promoting participatory decision-making. These should be democratic institutions comprising a range of stakeholder representatives, such as the village chief, municipal councillors, religious leaders, and leaders of farmers', women's and youth groups. In Senegal, Enda Pronat has supported the establishment of these bodies, and notes that they are now systematically consulted by government commissions or municipal authorities on interventions concerning natural resources and land use. Earlier awareness raising work has helped to make these institutions more open to engaging with organised groups at the local level. In this way, local realities can be worked into municipal adaptations of national laws, for example in local natural resource management charters or development plans. Grassroots SLU approaches such as agroecology and Analog Forestry then have a stronger basis through which to spread.

TOOL #3

Territorial or landscape approaches

Whilst trainings on specific SLU practices are important, such as composting, paddocking, crop diversification or the integration of trees, emphasising the importance of a territorial or landscape approach can help to achieve long-term buy-in from a diverse range of stakeholders. This promotes the need for inclusive collaboration between arable farmers, pastoralists, water users and environmental authorities, amongst others, based on an understanding that their activities are interlinked and

that joint co-benefits can be created together. For example, CENDEP's Analog Forestry trainings emphasise the connection between watershed protection and local food security and incomes. Organising exchange visits can also provide a powerful tool for knowledge exchange and promoting collaboration.

Potential collaboration pathways can also be integrated into trainings. For example, CENDEP demonstrates how compost can be managed at community level, and Enda Pronat advocates for urban waste recovery programs for rural compost provision. Encouraging and building the capacity of local actors to co-design territorial agroecological transition plans can help to scale SLU practices up. As previously mentioned, earlier awareness raising work and establishment of local governance mechanisms provide the foundation for this.

TOOL #4

Unified advocacy

National level advocacy also forms a key component of any strategy to promote legislative support for inclusive SLU practices. The challenge is to ensure that this advocacy is brought with a unified voice at the national level, as in this way government institutions and officials are more likely to engage. In order to try and achieve this, Enda Pronat has been part of the formation of Dynamique pour une Transition Agroécologique au Sénégal, a network containing CSOs, as well as research and training organisations. In Cameroon, CENDEP has been working together with other CSOs to present cases to the government that demonstrate the benefits that Analog Forestry can bring, while also being involved in the land reform process, suggesting solutions to current loopholes and gaps in it.

Things to consider and anticipate

☐ **LOCAL LEVEL FOLLOW-UP**. Any laws and regulations adopted at the national level must be well understood by grassroots actors, communities and elected officials to ensure successful implementation at the local level. Disseminating this information in an understandable and relevant manner is therefore key.

☐ **BEHAVIOR CHANGE TAKES TIME**. Meaningful long-term change requires behavioural changes across a broad range of different actors. Unfortunately, there is no 'quick fix' for this and a certain level of patience is required. Rushing the process can prove to be counterproductive.

☐ **INFLUENTIAL ACTORS**. Collaboration with research institutions and media is fundamental in order to convince the different government actors. Building alliances with state institutions can also be of help, as well as with international institutions, who in turn have leverage with national policymakers.

CASE STUDY // ENDA PRONAT, SENEGAL

Farmer Managed Natural Regeneration

Promoting the spread of agroecology and Farmer-Managed Natural Regeneration

Farmers and authorities in the department of Fatick, Senegal, are faced with the issue of severe levels of land degradation. In response, Enda Pronat has worked with communities and other stakeholders to promote the restoration and regeneration of these lands through agroecology and a reforestation practice called Farmer-Managed Natural Regeneration (**FMNR**). Within these approaches, farmers are seen as the engines through which to affect long-term change, meaning that ensuring inclusivity is paramount.

Enda Pronat therefore supported farmers to engage in a participatory diagnosis process, in which the state of local ecosystems was assessed. Farmer field schools were set up as a means to learn, share and experiment with regenerative practices, which in turn provided the framework for further research and training activities, where farmers, researchers and technicians could interact in a participatory way.

In parallel with this, awareness-raising sessions were held with a range of different stakeholders. This included national and municipal authorities regarding waste recovery systems for the provision of compost, researchers to encourage them to place questions of land management and fertility on their research agendas, and schools to ensure a better understanding of soil fertility from a young age onwards. The aim was to sensitise stakeholders to the issues at hand, but also emphasise the potential role they could play in offering solutions as well as reaping the benefits.

Because farmers were central in these processes, their concerns could be quickly identified and addressed. For example, FMNR requires some level of upfront investment, with the benefits only being felt after a number of years. In the meantime, farmers still need to earn a livelihood. In recognition of this, self-managed village funds were set up to either allow access to means of production or to develop parallel income-generating activities. 38 self-managed funds have now been set up across 6 municipalities, managing a total of around 40 million francs, to facilitate access to agricultural inputs and equipment. Despite tenure insecurity providing a barrier in balancing between the long-term nature of FMNR payoffs and the short-term economic pressures experienced by most farmers, a strong focus was placed on sensitising local officials about these issues. Together with increased awareness and training at the community level, an increase in land title allocation has been observed. The inclusion of both the local community as well as officials thus provided fertile ground for simultaneously tackling land governance and land use challenges in the region.

Over the past three years, Enda Pronat has trained 1,132 producers in FMNR, who together have reforested a total of 1,654ha in the communes of Diouroup, Tattaguine, Diarrère, Koussanar and Ndoga Babacar. Grazing corridors have been organised at the village level and 'FMNR control stretches' formed to facilitate monitoring of excessive cutting. Action research has been able to track progress, revealing dramatic increases in yields, dietary diversity and incomes. The statistics generated can then be used in local and national level advocacy to demonstrate the need for policies that promote an agroecological transition. Together with farmer exchanges, they also provide a powerful tool to convince other farmers to adopt similar practices in their own contexts.

The successes achieved have been built upon the focus on participation within the process: farmers were involved from the very beginning, a diverse range of stakeholders were included, and communities have set up their own finance, monitoring and collaboration mechanisms.

14 Both ENDS (2019). Unlocking Public Finance for Agroecology: Catalysing the potential of agriculture in achieving the Sustainable Development Goals. [Online]. Available at: https://www.bothends.org/nl/Actueel/Publicaties/Unlocking-Public-Finance-for-Agroecology-Catalysing-the-potential-of-agriculture-in-achieving-the-Sustainable-Development-Goals/

15 Both ENDS (2015). Rich Forests: Making a living under the canopy. [Online]. Available at: https://www.bothends.org/uploaded_files/document/Rich_Forests_making_a_living_under_the_canopy_webve.pdf

Engaging with decision-makers

CAN BE USED FOR:

- ☐ Improving community capacity to carry out advocacy autonomously

- ☐ Strengthening voice of communities and marginalised groups in decision-making processes

- ☐ Negotiating new policies or law reforms that facilitate inclusive land governance

▶ Overview

Interactions with decision-makers are key to any efforts to improve inclusivity in land governance, whether they be state officials, Indigenous or community leaders, or corporate representatives. Communities and marginalised groups often have restricted access to decision-making platforms and the information required to meaningfully engage in decision-making processes. A lack of political will to address the issues faced by local communities, corruption of government officials, unethical relationships with the business community, informal power imbalances, safety risks, and the potential for recrimination, backlash or criminlisation can all be legitimate issues that discourage or hamper efforts by local communities to access and safely participate in decision-making spaces.

Building reputation and relevance

One of the main barriers to influencing decisions at both policy and practice levels is accessing decision-makers themselves. This could be due to their lack of willingness to engage directly with local people, but also due to a lack of understanding, awareness, information or connections on both sides - for decision-makers and for local communities. Understanding the needs and priorities of decision-makers can help to overcome these barriers and to streamline processes that can otherwise be complicated and bureaucratic. Regional governments, for example, may lack the capacity or expertise to implement national land regulations and may be unaware of the special rights and interests of Indigenous Peoples and local communities that should be taken into account. By bringing in their awareness of government processes and ability to mobilise people at the grassroots level, CSOs can position themselves and the communities they serve as important actors for decision-makers to consider in the creation, revision and implementation of new policies and legislations.

In Indonesia, for example, a national government decree on adat areas requires further action and implementation by district governments, but many have been slow to respond or do not fully understand the new decree. In addition, many local mayors are not up to date with the land rights and livelihood situation of Indigenous or local communities in the rural areas of their districts, particularly because district governments themselves lack adequate funding to properly reach, survey and understand all the communities and issues in their respective areas. Even simple things like travelling to rural communities can be a major challenge when roads have been neglected for years and bad weather can make them impossible for cars to traverse. Perkumpulan Pancur Kasih (**PPK**) realised that without support, the district government in

Sanggau in West Kalimantan would not be able to implement the national Adat decree in a way that respected the rights and interests of Indigenous Peoples. Consequently, they approached district government officials about putting the Adat decree into practice in the form of a draft regulation they had prepared with a network of other CSOs working on Indigenous Peoples land justice issues, demonstrating to government officials how their knowledge and expertise could assist the decision-making and implementation process. They also positioned the local mayor as a champion of progressive policy change and demonstrated the popularity he would gain amongst his constituency if he took action. As a result, a Memorandum of Understanding with the mayor was signed in 2017, which includes agreements on participatory mapping, working with women and protecting

and restoring adat culture. Specific regulations have since been put in place that recognise and protect adat law across the whole district.

> **"National policies do not always make it to the local level. It is important for us to communicate the content of the regulations and offer support in understanding them"**
>
> SAULUS EDY (PPK, INDONESIA)

In Senegal, IED Afrique has worked with paralegals in order to select and train women leaders within communities. The aim is that they can then form a local group of facilitators or paralegal advisors. The knowledge and skills they have developed and capacity to advise community members has helped them to be accepted into decision-making spaces within their communities.

Inclusive advocacy

Advocacy is more powerful when communities and rural land users themselves drive engagement with authorities, based on their own priorities. CSOs can play a facilitatory role here, for example by assisting in setting up local dialogue forums. These could be within communities themselves in order to collectively identify the main issues they are facing and develop advocacy strategies, or involve multiple stakeholders to work towards solutions.

> **"When you work locally, you do not need to be the leader. Let the community lead, and you can be there to facilitate."**
>
> MAMADOU FALL (IED AFRIQUE, SENEGAL)

For example, prior to the Covid crisis, PPK facilitated dialogue between Indigenous adat and women leaders and the local mayor on implementing the national decree on recognition of adat customary areas in West Kalimantan, Indonesia. In Senegal, women's organisations have been at the centre of lobbying mayors and parliamentarians for the creation of local Land Commissions extensions; bodies made up specifically of women which must be consulted by the Commission when decisions are being made[16]. In both cases, the presence of women at the centre of these advocacy efforts and their direct engagement with decision-makers were fundamental to their success.

Constructive engagement & evidence-based research

Depending on the context, approaching advocacy in a manner that seeks to build relationships with state officials and other stakeholders can prove more productive than confrontational approaches. Maintaining good relationships with officials in development or spatial planning bodies can help CSOs to stay up to date on the latest policy developments, support transparency and information sharing, and promote the inclusion of local communities in relevant planning processes.

Clear communication is very important here, for example in identifying priorities and establishing an accurate understanding of decision-making processes and procedures. Knowing when and how decisions are made can reveal opportunities for targeted engagement, such as public consultation phases or gaps in decision-makers' knowledge that CSOs and local communities can help to fill. It is important that input or demands are formulated in a constructive manner so that decision-makers do not feel they are being attacked, which could make them less willing to engage. This can be done by clearly identifying problems, their perceived source, and providing concrete steps that can be taken to overcome them that will benefit decision-makers as well as local communities. Emphasising wider goals and mutual benefits is an effective way to influence decisions. For example, local decision-makers often have a shared interest in conflict prevention, sustainable development and more efficient implementation of national policies at the local level.

Evidence-based research is a persuasive tool to strengthen the case for advocacy demands. The data gathered should be clearly targeted at relevant issues or policy processes. For example, PPK has found it effective to create analyses of regional and municipal spatial management plans, highlighting the potential risks if certain actions are or are not taken, suggesting alternatives and emphasising the potential long term financial and time-related savings that could be made. It is also important to remember that decision-makers exist beyond state structures as well, so research should also focus on providing recommendations for customary leaders, CSOs, private sector actors and any other relevant stakeholders.

Things to consider and anticipate

☐ **NEEDS OF DECISION-MAKERS**. Decision-makers often sit within bureaucratic structures. In order to take actions on civil society advocacy demands, such as certain policy changes for example, they may need specific information or documents that they cannot easily access or create. To help facilitate a good outcome, CSOs should understand these needs and show how they can help to provide for them.

☐ **CONSTRUCTIVE**. CSOs can often be seen as a nuisance by decision-makers. Strong critiques can be taken as a threat to their authority, making them less likely to engage with advocacy demands. Where possible, it is useful to engage in a constructive manner whilst emphasising mutual beneficial outcomes in working together. A helpful strategy is to know and understand the positive aspects of local political agendas where CSOs could work together with decision-makers in order to build constructive relationships and frame engagement on more critical agendas.

☐ **CAPACITY BUILDING**. Capacity building is relevant for all actors, from communities to CSOs and government officials. Strategies should be put in place to ensure that all stakeholders, including decision-makers, understand and appreciate the significance of decisions for local communities and the information required to achieve a good outcome in the relevant decision-making processes. Identifying differences in perspectives and understanding between decision-makers and local communities is a fundamental first step to breaking down bias, prejudice, stereotypes and other barriers to good outcomes.

☐ **NETWORK**. Investing time and energy in building a strong network for engaging with decision-makers is very important. This can bring earlier and deeper access to information, stakeholder engagement platforms and expert panels, as well as increased solidarity and resilience for local communities when advocacy processes appear to be slow and exhausting. Simple practices such as saving phone numbers at meetings, making a database of strategic contacts and keeping in touch regularly can lead to useful collaboration and new opportunities.

CASE STUDY // IED AFRIQUE, SENEGAL

Community Land Charters

Facilitating the development of local land charters at commune level that lay out rules for decisions over land allocation and acquisition.

Past attempts at land reform in Senegal have paved the way for the current privatisation of state lands. Decentralisation that placed responsibility for land allocation in the hands of local authorities has seen an increase in land allocated to private investors without local communities being consulted in a meaningful way. The increased interest from investors, escalating land conflicts and increasing demands for accountability from citizens led to the establishment of the National Land Reform Commission in 2012. It was tasked with addressing these issues, amongst others, and formulating a new land policy.

In this context, IED Afrique, a Senegal-based CSO working on sustainable development, has pioneered a participatory approach to decision-making on land allocation. It takes the form of locally negotiated land charters, which are essentially a set of rules and protocols verified by multiple stakeholders[17]. These must be followed when decisions

are being taken on land allocation, for example when local authorities are approached by external investors.

The charters can take different forms based on the specific local context, but the process always starts by creating a local forum for dialogue in order to identify local issues. Different actors such as farmers, pastoralists, women, youth, local government officials and traditional leaders convene in these forums. The community also appoints a group of paralegals, including women and youth, in order to support this process and the drafting of the charter. The aim here is to identify three or four main issues or challenges and form specific dialogues around them to come up with potential solutions. The first meeting is held at commune level, but thereafter participants can be split into smaller groups, with the idea being that certain actors may be better able to express themselves in a smaller setting. Each group designates a facilitator, who then represents them when the conversation comes back to commune level. Within this process, specific tools such as SWAT analysis (Strengths, Weaknesses, Advantages, Threats) or 4Rs (Respect, Reciprocity, Reconciliation and Relevance) for facilitating discussions can be used.

This is followed by a process of consultation and negotiation, facilitated by paralegals as well as the local government, which eventually progresses into outlines and then more elaborate drafts being created. This process involves multiple revisions and ongoing discussion and negotiation between community members and different actors, requiring not only verification at community level but also by legal experts and local government officials to ensure that the charters comply with prevailing laws. Once the final charters are ready they are submitted to the relevant state authorities for approval.

These are still relatively new innovations, but signs of success are already evident. Because community participation and verification is at the centre of the process, the charters hold greater legitimacy. Active involvement has also made communities, and marginalised groups within communities in particular, aware of the issues at play and more inclusive protocols being developed. This, combined with interaction with multiple local stakeholders, leaves them in a far stronger position to hold decision-makers accountable and to engage with them on the issue of land as well as other issues relevant to them.

16   Sutz, P., Seigneret, A., Blankson Akapko, P., Alhassan, F. & Fall, M. (2019). A stronger voice for women in local land governance: effective approaches in Tanzania, Ghana and Senegal. London: IIED. Available at: http://www.iedafrique.org/IMG/pdf/a_stronger_voice_for_women_in_local_governance_.pdf

17   Cotula, L. and Berger, T. (eds) with Di Giovanni, A., Fall, M., Kakraba-Ampeh, M., Nguiffo, S., Nkuintchua, T., & Yeboah, E. (2017). Improving accountability in agricultural investments: Reflections from legal empowerment initiatives in West Africa. IIED, London. Available at: https://pubs.iied.org/pdfs/12604IIED.pdf

8

Monitoring Guideline Compliance and Implementation

CAN BE USED FOR:

- ☐ Strengthening advocacy on legal and policy reforms
- ☐ Holding governments to account on implementation of existing land governance regulations
- ☐ Raising community awareness of relevant industry/business rules and standards
- ☐ Assisting or advising communities through investigation of specific cases
- ☐ Identifying grounds for filing formal complaints or grievances

▶ Overview

Civil society, together with local communities, can play a vital role in highlighting deficiencies in existing land governance policies and practices, in lobbying for policy change, and in pushing for the proper implementation and enforcement of good policies and laws.

Monitoring existing policies & guidelines

Assessments of existing land policies that highlight their strengths and weaknesses can serve as a strong advocacy tool, and legal analysis can help to determine whether or not current regulations align with international laws and guidelines.

Developing standardised indicators that reference international standards or best practice can help to frame these assessments and to monitor progress over time. For example, the Land Watch Asia (**LWA**) campaign facilitated by the Asian NGO Coalition for Agrarian Reform and Rural Development (**ANGOC**) has developed a set of indicators against which CSO partners assess the land laws in their respective countries. This analysis is portrayed in country reports, which track progress and serve as a powerful tool in identifying issues and challenges and in pushing for improvements.

Working together with coalitions that also include government institutions can help to transform the results of monitoring assessments into legal reform. For example, the Network Movement for Justice and Development (**NMJD**), in its role as lead partner in the Land for Life initiative, has sought to construct multi-actor partnerships in Sierra Leone to bring laws in line with international standards on responsible agricultural investment, with a particular focus on the human right to food. Through these platforms, the country's Agricultural Investment Approval Process has now been revamped to align with the Voluntary Guidelines on the Responsible Governance of Tenure (**VGGTs**)[18].

"CSOs have to be present, accessible & relevant. People may find it difficult to get to you, so you have to be proactive!"

BERNS LEBBIE (NMJD, SIERRA LEONE)

Monitoring implementation

Sometimes existing legislation or guidelines are already well formulated on paper, but the real problem lies in implementation. This can stem from a lack of political will, but also from a lack of capacity or knowledge on the part of state authorities or private actors. Empowering local communities to engage with authorities themselves by building community capacities and knowledge, for example about their rights and government regulations, can be an effective strategy in mobilising implementing agencies to hold government actors, companies and/or investors to account.

> **"We try to step back and play a role in guiding communities to speak up independently and engage with ministers themselves. This has far more legitimacy."**
>
> **FLAIDA MACHEZE (NATIONAL PEASANT UNION (UNAC), MOZAMBIQUE)**

Experience shows that community training is more effective when information can be presented in a clear and understandable way that reflects the needs and concerns of local community members. In its advocacy on palm oil developments in Indonesia, Lembaga Studi dan Advokasi Masyarakat (**ELSAM**) trains both community members and local NGOs on human rights, relevant national legislation and industry standards (like the Roundtable on Sustainable Palm Oil's 'Principles and Criteria' and similar national standards) using relatable case studies from across Indonesia to illustrate key points. They also explain the various mechanisms that are available to local communities in the case of violations of their rights or non-compliance with these standards, including how they work and where to go to lodge complaints.

> **"Those experiencing the issues directly are going to be the driving force behind any successful on-the-ground monitoring activities."**
>
> **ANDI MUTTAQIEN (ELSAM, INDONESIA)**

Generating clear evidence of gaps or failures in implementation or enforcement can support advocacy demands. For example, LWA partners have now started to gather data on policy and program implementation; this involves collecting and verifying government data, but also going beyond public information to investigate how things work in practice on the ground (known as 'ground-truthing'). LWA members have found that the number of land titles issued to community members is a common statistic presented by government agencies to demonstrate fair allocation of control over land, but ground-truthing often shows that private or state entities can still control land despite farmers holding official titles

to it. Further information from the field is therefore necessary to demonstrate whether or not these titles are working as they should. Monitoring land conflicts has proven difficult in the past due to the lack of a standard definition, so the LWA partners came together to develop a common understanding and methodology.

> **"By having a common framework, our advocacy work is much more consistent and coordinated, and therefore more effective."**
>
> NATHANIEL DON MARQUEZ (ANGOC, PHILIPPINES)

Generating clear evidence of gaps in implementation can serve to back up advocacy demands. LWA partners have now started to gather data on policy and program implementation; this involves verifying government data, but also going beyond this to look at how things work in practice. For example, the number of land titles handed out is a common statistic presented, but private or state entities can still control land despite farmers holding official titles to it. Further information from the field is therefore necessary to demonstrate whether or not these titles are working as they should. Monitoring land conflicts has proven difficult in the past due to lack of a standard definition, so the partners came together to develop a common understanding and methodology.

Community-based case monitoring

Local communities and local CSOs are best-placed to monitor the situation on the ground, whether it be flagging the emergence of new land governance issues or tracking how situations develop. Sometimes local communities come to ask for assistance or advice for a live issue - in this case one approach, as followed by Ecoton, would be to start by identifying the relevant existing legislation or guidelines, which can be done with the help of other NGOs or legal experts.

These can then be communicated to the community and an action plan can be formulated together based on the information required to monitor compliance with the specific legislation or guidelines. It is best not to pursue litigation or embark on explicit

investigations at this stage as that can create safety risks for local community members or unnecessary attention and even intimidation from companies or state actors. Instead, wider community development activities can be used as a platform to make further inquiries. This also facilitates closer dialogue with community members and leaders to get to know local dynamics, community views, and the causes of the problem the community is facing, and avoids imposing an external agenda upon the community.

Community members can then be trained in data collection and sampling techniques for the information needed to verify compliance. Where necessary, samples are best sent to professional certified labs for analysis when a formal complaint or litigation process may follow, so that the evidence cannot be dismissed for being unreliable.

Obtaining documents such as Environmental and Social Impact Assessments can also form part of the monitoring strategy, firstly to check whether the document meets the relevant standards, to verify whether the information presented is correct and to check if the follow-up measures identified have been sufficiently carried out. Accessing these can often be challenging; the first step would be to write to the relevant institutions requesting access, and follow up with formal requests for information or legal action if this does not succeed.

TOOL #4

Building international alliances

Building networks with international actors can also help to strengthen monitoring and related advocacy activities. For example, CSOs from elsewhere can help to lobby their own governments to build international pressure for action to be taken in cases of land grabbing or rights violations, and to ensure national policy and implementation works to prevent rights violations from occurring. Research and monitoring work on the ground can strengthen the case for action, whilst international monitoring can also help to inform those on the ground of the wider context and international links to their local struggles.

"We try to build up networks, publish in the media and generate international attention. This is what pushes the government to act."

RISKA DARMAWANTI (ECOTON, INDONESIA)

In addition, we must understand that unfavourable policies or weak implementation are often rooted beyond the national realm, external actors are interested in making land more accessible for foreign investment, and dependent national governments can be left with their hands tied. International networks can help to identify the source of power so that advocacy can be targeted there.

"You have to be proactive, go out to find partners, find where the power is, and go there."

FLAIDA MACHEZE (NATIONAL PEASANT UNION (UNAC), MOZAMBIQUE)

Things to consider and anticipate

☐ **HIDDEN POWER DYNAMICS**. The reasons behind poor policy implementation or weak policy reform often extend beyond the responsible government agencies themselves. Pressure from powerful corporate actors, development finance institutions or foreign governments can lead to unfavourable policy outcomes for communities. Tracing these dynamics to locate where power is being exercised is vital for any advocacy based on monitoring activities.

☐ **MONITORING OBJECTIVES.** Having a clear objective will help monitoring activities to achieve successful results. This may be to reform a particular law or set of guidelines, or to improve their practical implementation. Failing to set clear objectives will likely lead to poorly targeted and inefficient monitoring.

☐ **COOPERATION AND INCLUSIVITY**. Work with communities should be carried out as a collaboration, and CSOs should focus on what they can bring to the table to cater for community priorities. This could include sharing knowledge on relevant policies and guidelines, capacity building in data collection techniques or accessing and analysing key documents such as environmental and social impact assessments.

Monitoring the ProSAVANA project

Monitoring and mobilisation campaign to oppose a large-scale international agribusiness investment in Northern Mozambique.

The ProSAVANA project, launched in 2009, was an international cooperation programme between the governments of Mozambique, Brazil and Japan. Its aim was to improve agricultural development in Mozambique's Nacala Corridor, targeting an area of 10 million hectares inhabited by approximately 4 million farmers[19]. In reality, it supported a large-scale land grab for the production of commodity crops, primarily soybean.

The National Peasant Union (**UNAC**) and other national CSOs became aware of the plans through their monitoring of land-related issues. UNAC turned to international networks for more information and potential collaboration. Contact was made with Brazilian organisations at the People's Summit at Rio+20 in 2012, and a more structured civil society dialogue was formed later that year with members of Japanese civil society. A visit to Brazil's Cerrado region was organised, learning from rural workers unions and Indigenous leaders about the industrial agricultural model that had devastated the region's rural communities and ecosystems. Footage from the trip and these discussions were used to make a documentary film called 'Face Oculto' that served as a powerful advocacy tool in local communities and at national meetings back in Mozambique[20]. UNAC also met government representatives and took part in existing government-civil society dialogues in order to express their concerns.

Through their existing base in rural areas, UNAC communicated information, consulted with affected communities, and monitored developments on the ground. This information fed into their advocacy, for example an Open Letter published in 2013 signed by 66 national and international organisations and a further 72 individuals. It was addressed to the Presidents of Mozambique and Brazil as well as the Prime Minister of Japan, and highlighted violations of constitutional rights that the project threatened to bring[21].

When the project's original master plan was leaked in 2013, UNAC formed part of a national and international coalition that intensively analysed the plans, demonstrating the ways in which it violated national legislation and the provisions of the National Land Policy[22]. Japanese CSOs were able to access key documents by utilising Japanese information disclosure law, and produced detailed analyses showing how voices of farmers had been ignored and revealing that the grand rhetoric of the project did not match the reality of the project's implementation.

UNAC's prominent involvement in the historical creation and implementation of Mozambique's National Land Policy, as well as its ongoing revision, meant that they and their members already had a strong understanding of existing legislation. Equipped with knowledge on the right to consultation and correct land acquisition protocols, communities were able to mobilise and lobby local officials and members of parliament, forming the basis of the No to ProSavana campaign

that launched in 2014. This pressure at local, national and international levels forced the governments involved to backtrack and rebrand the project in an attempt to keep it alive, but persistent monitoring and advocacy campaigns have continued to reveal deficiencies. In July 2020, the Japanese government announced the termination of ProSAVANA[23].

18 FAO (2019). The Voluntary Guidelines: Securing Our Rights Sierra Leone. [Online]. Available at: http://www.fao.org/3/CA2687EN/ca2687en.pdf

19 GRAIN (2013). Leaked ProSAVANA Master Plan confirms worst fears. [Online]. Available at: https://www.grain.org/fr/article/entries/4703-leaked-prosavana-master-plan-confirms-worst-fears

20 Shankland, A. & Gonçalves, E. (2016). Imagining Agricultural Development in South–South Cooperation: The Contestation and Transformation of ProSAVANA. World Development, 81, pp 35-46.

21 GRAIN (2013). Open Letter from Mozambican civil society organisations and movements to the presidents of Mozambique and Brazil and the Prime Minister of Japan. [Online]. Available at: https://www.grain.org/bulletin_board/entries/4738-open-letter-from-mozambican-civil-society-org

22 FASE (2017). The South-South Cooperation of the peoples of Brazil and Mozambique. [Online]. Available at: https://fase.org.br/wp-content/uploads/2017/05/ProSavana-Ing.pdf

23 GRAIN (2020). Victory for peasant and civic movements! ProSAVANA officially ended. [Online]. Available at: https://www.farmlandgrab.org/post/view/29758-victory-for-peasant-and-civic-movements-prosavana-officially-ended

9

Dealing with Conflict

CAN BE USED FOR:

☐ Developing durable solutions
to land and resource-based conflicts

☐ Preventing or mediating land disputes

☐ Improving inclusivity
within conflict mediation processes

☐ Improving resilience of communities,
women and marginalised groups
to violent contexts

▶ <u>Overview</u>

Given the centrality of land and natural resources to the livelihoods and cultural identity of Indigenous Peoples and local communities, disputes about ownership or control over land can often contribute or lead to conflicts within and between different groups of actors. Where underlying conflicts already exist, suitable dispute resolution mechanisms are needed, but ultimately, preventing conflict from emerging or escalating in the first place has proven to be a more effective approach.

In other contexts where violence is pervasive, strengthening the capacity of communities and marginalised groups to identify safety risks and navigate this environment is vital for improving the inclusivity of land governance.

TOOL #1

Identify root causes & drivers of conflict

In order to effectively deal with conflict, it is vital to understand precisely how and why it emerges and what elements are likely to create, provoke or de-escalate potential conflict. This will vary depending on the specific context. A good start is to engage with local stakeholders in ways that help build trust and explore their perspectives on the problems at hand. Although certain issues such as water scarcity or historical boundary disputes may appear as the cause of the conflict on the surface, this process can help to reveal other factors such as miscommunication, lack of information and cultural barriers, which can be thought of as conflict 'hotspots'. It is important that all stakeholders in the conflict are able to participate in this process in a meaningful manner, including stakeholders that may not at first be visible in the dominant narrative of the conflict told by the central figures. For example, marginalised or silenced groups, minorities, women or youth may not initially appear as stakeholders, but they may nevertheless have unique, important and meaningful views or roles in the conflict and its resolution. Creating a conflict 'map' of all relevant stakeholders and their stake in the conflict is a helpful method to ensure that important insights are not missed. Ideally, this conflict map should be seen as a 'living document' that does not remain the same but can change as local circumstances change. Therefore, the mapping process should be seen as a continual process so that conflict hotspots are continually re-evaluated to reflect changing circumstances on the ground.

Collaboratively developed solutions

Once conflict hotspots have been identified, the focus can switch to how they can be addressed. Part of the reason that existing conflict resolution mechanisms may prove ineffective is that conflicting parties were not involved in deciding the 'rules' and procedure for resolving their conflict or the development of solutions. State-run dispute mechanisms, for example, tend to focus on financial penalties or compensation as opposed to developing contextually relevant and constructive solutions that benefit both parties and respond directly to their needs.

> **"Farmers and herders themselves were often not involved in formulating solutions. This meant they were not win-win, and would therefore never be long-lasting."**

SALI DJANGO (MBOSCUDA, CAMEROON)

In Cameroon, for example, the Mbororo Social and Cultural Association (**MBOSCUDA**) has facilitated several conflict resolution platforms that identified water scarcity as a key source of conflict between farmers and pastoralists. Together with the communities in question, they focused on how to develop water sources and protect the catchment area. A water management committee was set up consisting of representatives from both communities, and wider measures, such as minimising the felling of trees, were agreed upon. Other communities have come to ask for help having witnessed the success they have had, and the concept is starting to spread.

Inter-cultural dialogue

Cultural differences are often intertwined with land and resource conflicts and can create invisible barriers to reaching understanding and agreement. Overlooking these is likely to undermine long-term success in conflict prevention or resolution processes. Sensitising different groups to the reasons behind the perspectives, behaviours or cultural values held by others is therefore a crucial part of trying to understand, resolve or prevent conflicts. This is relevant not only for conflicting parties themselves to understand, but also for any potential mediator, be they traditional authorities, government officials or CSOs, as even mediators can bring a bundle of assumptions, values and experience that may colour their interpretation of a conflict.

Sensitisation can be worked into existing platforms such as community dialogues, local radio and other media, and ongoing development or capacity building activities. In its simplest form, it is about getting to know the other side - putting yourself in their situation and trying to understand their perspective and how it differs from yours. Engaging networks of actors that already hold trust or legitimacy from certain groups is an effective way to strengthen this communication. Examples can be CSOs that have worked with specific communities, or farmer cooperatives and unions active in the area and known to the relevant community.

Navigating violence

In certain contexts, it may not be possible to bring people together for dialogue due to safety or security risks. Where threats, criminalisation, or violence against Indigenous Peoples, local communities, community leaders and/or land, environment, or human rights defenders is a risk or is treated with impunity by authorities, ensuring safety for community members should be a priority and constant consideration. Building community resilience is crucial in circumstances of potential safety risks and security threats. A core component of community resilience is internal unity, something that can be weakened by the presence of external investors and security forces. Helping communities to strengthen and see the value in their shared values, cultural practices and traditional land management systems can help to bring them together. CSOs can assist in facilitating the process of affirming shared community values and aspirations, strengthening the integrity of shared cultural and traditional-knowledge institutions (especially, for example, celebrating the role of women within the community), and conceptualising inclusive community development plans that embody these shared values - a process which is key in minimising internal conflict.

These community plans can include components such as organising forest guards or community-based security protocols to help navigate violent contexts and address the safety risks identified by the community.

It is also important to remember that women, and Indigenous women in particular, are often disproportionately affected by conflict and violence. This violence can also come from within the community itself. Training Indigenous women in leadership skills and ways of how to carry out human rights defender work can start to challenge the patriarchal violence that they face.

> **"It is essential to work with women themselves to develop a shared vision and strategy. Empowerment should help them to advocate from their own perspectives."**
>
> ABBY DUPALE
> (LILAK, PHILIPPINES)

With this goal in mind, LILAK works with Indigenous women in five communities in the Philippines through the Indigenous Women Human Rights Defenders Program. Training is provided on documenting cases of domestic and gender-based violence, as well as patterns of economic and socio-cultural violence. It also aims to strengthen women's knowledge of their rights by providing legal information in an easily understandable manner. This has enabled women to feel able to stand up and actively participate in conflict mediation processes from which they are often excluded.

Things to consider and anticipate

- ☐ **LIVELIHOOD NEEDS**. One of the key factors underlying land conflicts is competing livelihood needs of different land-users. CSOs must first educate themselves on the livelihood requirements of conflicting parties in order to be able to contribute towards meaningful solutions. Conflicts that may appear at first to be about competing claims to land may in fact be caused by livelihood needs that are very similar but are being pursued in inconsistent ways. Distinguishing between the positions of the parties to the conflict (what they want) vs the interests they are pursuing (why they want it) is an important first step.

- ☐ **CULTURAL EDUCATION**. Similarly, cultural differences and rivalries are also key factors that may not be visible if solutions are narrowly focused on land or resource-use. Ensuring that mediators, government officials and conflicting communities understand the cultural reasons behind the actions of certain groups can help to diffuse conflict before it escalates.

- ☐ **FAIR REPRESENTATION AND VOICE**. Perceived biases should be identified and addressed in order to help conflicting parties engage in solution-seeking processes. Working with a diverse network of organisations that are already known and trusted by parties to the conflict can help to overcome this challenge. Identifying social, cultural and gender barriers that may prevent the fair representation of important stakeholders, for example women, youth or minorities within a community, is an important step to ensuring that all interests in the conflict are taken into account and that all parties have a say in the resolution process and potential solution. Solutions that ignore the voices of those silenced in the resolution process are unlikely to resolve all aspects of the conflict and may therefore lead to superficial or short-term solutions and future conflict.

- ☐ **AVAILABLE PROCESSES**. It is easier to prevent and resolve conflict at an early stage when people are aware of the mediation options available to them, and feel empowered and able to access and participate meaningfully in these. Providing clear information about the range of choices available and their advantages and disadvantages is essential to helping local communities design a conflict resolution process that responds to their needs and concerns. CSOs can play an important role in ensuring that this discussion process is inclusive and that special needs or concerns of different groups or community members are identified and taken into account.

Community-led dialogue platforms

The formation of dialogue platforms consisting of elected volunteer representatives designed to facilitate conflict management at village level.

In the North West region of Cameroon, conflicts often trace back to the use and control of land and natural resources between different user groups, such as herders, farmers and fishermen. The Agropastoral Commission is the government institution charged with mediating these conflicts, but the mechanisms in place have proven ineffective and the law on conflict management is outdated. Given this context, MBOSCUDA, which works on developing long-term solutions to poverty and inequality for people in Cameroon's North West Region, sought to facilitate alternative forms of mediation.

This process started by identifying conflict hotspots together with diverse stakeholders, including representatives from the government administration. It became clear that there was a need for better communication and dialogue, and so communities experiencing land conflict were asked to put together committees called dialogue platforms[24]. These could take the structure and organisational form deemed appropriate by the community themselves, but with the basic premise that they were formed of volunteer representatives chosen by the communities to mediate conflicting parties and help them to reach an agreement.

The role of MBOSCUDA was to provide training and capacity building in conflict mediation, as well as maintaining a conflict database to assist with evaluation and learning. The idea is to prevent conflict from emerging in the first place, but if it does then to have an established and locally-recognised platform already in place to deal with it.

The organisational structures and internal processes of these dialogue platforms were not set in stone, but subject to constant re-evaluation, and were also context dependent. Some platforms hold regular meetings, whilst others only meet to preside over an emerging conflict. This approach started to achieve success, and other communities started to come and request assistance in setting up their own dialogue platforms. Representatives from existing platforms were invited to be part of the training process, and their enthusiasm and expertise rooted in lived experiences were key to the spread of the concept. Another key to their success has been their acceptance by background stakeholders such as the Agropastoral Commission and local authorities, achieved by emphasising that these structures were not there to replace their authority but rather to make their jobs easier and diffuse conflicts before they became real issues. Now more than 100 such platforms exist, with both herders and croppers involved and gender and ethnicity also taken into account to ensure fair representation.

These platforms could then be used as the basis for collaboration in building longer-term conflict resolution strategies as well as other development activities. For example it became clear that perceived encroachment was a major

source of conflict. Rather than deal with this by seeking to define borders, which would always be a contentious process, communities were encouraged to look at why this encroachment was happening. Scarcity and degradation of land and resources such as water were found to be central to this, and so water management committees were set up to protect catchment areas and the concept of alliance farming was developed. This promoted collaboration, for example allowing herders to graze their animals on farmland in certain periods of the year in return for the fertility building service provided by the animals' manure. The dialogue platforms also served as the basis for intercultural dialogues that helped to minimise conflict by understanding each other's cultural values and the reasons for certain behaviours that might appear offensive.

24   MBOSCUDA (2014). Mediation in the management of conflicts over agro-pastoral resources: Training guide for facilitators of community-based dialogue platforms of agro-pastoral resource stakeholders. [Online]. Available at: http://mboscuda.org/Joomlasite/attachments/article/73/Conflict%20Mediation%20Manual.pdf

Conclusion

As competition for land and natural resources continues to escalate globally, it is vital that inclusive land governance policies and practices are developed, implemented, and strengthened further. Ensuring that land is governed in an inclusive manner is likely to increase the sustainable management of land and equitable access to the subsequent benefits. Inclusive land governance frameworks and their benefits for local communities can also provide opportunities to challenge wider communal or societal issues such as cultural conflict, political and economic marginalisation, corruption and gender inequality.

CSOs can play an important role in facilitating and promoting inclusive land governance strategies by assisting communities in strengthening their capacity to secure and manage their own lands, as well as lobbying governments to provide a just legal and policy framework that allows them to do this.

This guidebook has introduced some potential strategies and practices that CSOs can use as part of their work towards achieving inclusive land justice. These are drawn from the extensive expertise and experiences of organisations actively working on land justice and are intended to provide advice and guidance through examples 'from the field' to help local organisations and communities formulate and pursue their own advocacy goals. It should be emphasised that the strategies and practices presented here are not isolated solutions to the common barriers to achieving inclusive land justice, but that they can form part of a wider advocacy strategy and repertoire of practices to choose from and customise to suit a respective context.

However, there are some recurring recommendations that cut across the different strategies and thematic areas that are important to note. Firstly, approaches are usually stronger when the communities involved are at the heart of the process; from leading participatory mapping or land use planning processes themselves to being the driving force behind movements and campaigns. Outcomes are ultimately likely to be more relevant and sustainable when local communities have ownership over the process.

Secondly, any approach or strategy should be adapted to the context in which it is going to be used. What works in one country or region may not work elsewhere due to differing social, cultural, political or economic factors. CSOs should therefore take time to understand the context in which they operate in ways that include both the visible landscape (e.g. geography, land-use zones, village boundaries, ecology, hydrology etc.) and invisible landscapes (e.g. power dynamics, gender roles, cultural norms, traditional values, customary rules etc.). This will always need to be an iterative process that is updated and refined with new knowledge and experiences as well as changing local circumstances, which should in turn support the evaluation and improvement of new or existing advocacy strategies.

Finally, the chances of success are often greater when different groups and stakeholders collaborate. Building broad networks, and helping communities to do the same, can bring about greater resilience, amplify the influence of advocacy activities, and increase solidarity and motivation when setbacks happen.

Whilst the struggle for inclusive land justice can sometimes appear as a daunting task, the experiences and examples documented in this guidebook demonstrate that local CSOs, working in the service of informed and empowered local communities, can achieve significant progress. It is hoped that the information provided here will encourage and support other organisations to strengthen their strategies and approaches for land justice advocacy, building on the experiences of the organisations that have contributed to this guidebook and adding even more success stories to advance struggles for inclusive land justice around the globe.

This guidebook comprises a collection of practices and strategies
used by civil society organisations around the world
working to advance inclusive land governance.

The aim is to provide a source of inspiration
as well as practical guidance that fellow actors can draw upon
to strengthen their own work.

It is based upon extensive expertise and experiences of organisations
engaging in the struggle for land justice and is intended to offer advice
and guidance through examples 'from the field' that can help
local organisations and communities formulate and pursue
their own advocacy goals.

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