

DOCUMENT 05: ILC GOVERNANCE REVIEW

Background

The governance framework of ILC has remained largely unchanged since its establishment in 1995 with 21 founding members. In 2017, the Assembly of Members made a first revision to recognize the role of regionalization within a growing network. ILC will start the new strategy 2022-30 with about 300 members, working in over 80 countries. Almost half of these are *people's organisations*, collectively representing over 70 million people.

In the light of ILC's evolution and new strategy 2022-30, the 37th ILC Council commissioned a Working Group to review ILC's governance. This was done with the intention to address power imbalances within ILC's decision-making and strengthen its bottom-up and regionalised nature, while recognising the growing consolidation of national coalitions. It also responded to the recommendation of the recent Impact Assessment (see box) to review ILC's governance in the lights of its increasing complexity.

2016-21 Impact Assessment Recommendation 12 on Governance:

There is evidently a need to reconsider the governance structures in two ways; firstly, within the Council itself, and secondly at the regional level. The ultimate solutions as yet is unclear, however, the ILC needs to dedicate some time to exploring this as a collective. In order to do so, the ILC should commission an open and inclusive review of governance structures to identify how best to move forward.

The Working Group co-opted eight members representing different constituencies.¹ It met virtually five times, while exchanging over email and other means in between meetings. It presented its report to a Council meeting on 6th October 2021. The full report is available on request.

The challenge to be addressed

ILC was formed to foster dialogue in a coalition of equals, based on diversity. ILC's highly diverse membership is valued. However, *real-world power imbalances exist*, and some elements of its current governance and management framework do not adequately overcome such power asymmetries. These restrict the ability of some members to fully participate in decision-making.

¹ The council members who volunteered to be part of the group: Anne Larsson (CIFOR); Dewi Kartika (KPA); Amina Amharech (AZUL); Selmira Flores (NITLAPAN) Jean Philippe Audinet (IFAD); Fridah Githuku (GROOTS), Rowshan Jahan Moni (ALRD) and Barbara Codispoti (OXFAM).

The Working Group recognized two main sources of power differences, one arising from the diversity of the membership – the very nature of the coalition – and the other deriving from the governance and institutions of the coalition. While the former is an asset of the ILC and cannot be changed, the latter needs redressing. Indeed precisely because of the former (diversity), the institutional arrangements cannot be neutral (e.g. “treating people as equals”) without reinforcing inequalities. A “one size fits all approach,” such as in administrative or institutional systems, favours those who are more familiar with these.

ILC needs to recognize the existing imbalances and take action, such as through positive discrimination within the context of a diverse coalition, to address them.

The Working Group identified 32 issues that characterize the overall challenge, and organised them around two main determinants. The first was the diversity and nature of the ILC membership, general power imbalances and differences of interest. The second was the institutional set up of ILC, leading to power asymmetries in Council and One Team relations, and in relations with Regional Steering Committees and regional platforms.

Proposed recommendations

A number of the Working Group recommendations are already being addressed, including:

- The idea in this coalition should not be to “fund members” but to “resource high impact interventions for land rights”, which is foundational to the new strategy
- Avoid inefficient layers of decision-making in budget allocation, which is addressed by the single budget structure of the new strategy

Based on the review of the Working Group, the Council makes the following additional recommendations along three tracks that require differentiated responses.

TRACK ONE: RECOMMENDATIONS TO THE NEW COUNCIL ON CHANGING PRACTICES.

These are changes in practice that can be actioned immediately as they are fully within the Council mandate

The following recommendations are for consideration by the new Council as they onboard following the Assembly of Members.

- **Induction:** Undertake a full induction process for the incoming Council. This should include discussing expectations and setting clear goals and indicators for their mandate, and monitoring progress. Ensure adequate induction time with use of relevant documentation, and rely on past board members for induction.
- **History of the coalition:** Council should oversee its documentation for dissemination and discussion to the membership, to help build understanding among members and clarify roles, especially to build solidarity for the future.

- **Member feedback:** Implement a governance survey of members as soon as possible, as a baseline, to be implemented annually and then incorporated into the next and future triennial members surveys.
- **Meetings:** Council should call its own meetings, decide on the agenda, decide on who to invite, including who from the Secretariat should be present for which agenda items. There should be significant time for the council to meet without others present.
- **Documentation:** Allocate adequate time to receive documents, and ensure adequate support and facilitation from One Team. Use “board papers” with clear purpose, background and requested action for each item. Tie papers to agenda items by number etc (best practices for boards)
- **Agenda-setting:** The agenda should be set at least two weeks prior to the meeting, between the chairs and Secretariat. A short council meeting could be arranged to discuss the agenda prior to finalizing the agenda
- **Content:** Consider time quotas for the agenda, to ensure that administrative tasks (25%) are secondary to strategic discussions (75%)
- **CBO Working Group:** Extend the mandate of the CBO working group to ensure a strong and coordinated CBO voice into the governance reform and transition to new strategy
- **Conflict/tension within the membership:** go beyond the current dispute resolution mechanism to cover tensions and conflicts of all kinds. Make sure that the resolution pathways are established for each kind, and well understood by the members – including IGO’s existing dispute mechanisms

TRACK TWO: RECOMMENDATIONS TO THE ASSEMBLY TO AUTHORISE PROVISIONAL CHANGES IN ILC’S GOVERNANCE PRACTICES

These are provisional changes in ILC’s governance practices to be decided by the incoming Council and Regional Steering Committees. They would eventually require formalisation through amendments to the ILC Charter

The following recommendations are for changes in ILC’s governance that go beyond the stipulations of the ILC Charter. As such, they require the authorisation of the membership to be practiced on a provisional basis. Changes made by the new Council and Regional Steering Committees will be formalised through amendments to the Charter by a subsequent Assembly of Members.

PROBLEM STATEMENT	PROPOSED ACTION
For a large and growing coalition, global council meeting twice a year is not an effective decision-making body/ Inclusiveness and participation cannot depend on the global council	<ul style="list-style-type: none"> • Consider rotation of chairs each meeting, representing a certain constituency • Consider smaller group meetings or caucuses of council members to be held prior to or during the council meetings to reflect on the agenda or specific topics
Councillors come to Council with no experience – experienced members have an advantage over those, e.g.	<ul style="list-style-type: none"> • Mentoring by outgoing members for a determined period of time (pairing of new members with former members) • Board induction program to be led by former council members • Advisory committee established of former board members

grassroots organizations are more likely to rotate	<ul style="list-style-type: none"> The retirement of members from the council and RSC should be staggered/ distributed across the years. That way we avoid having an entirely new council or regional steering committees
How to manage 'conflicts' or disagreements among coalition members	<ul style="list-style-type: none"> Ensure that all types of members have full access to the dispute resolution mechanism, with member-member support if so-required
Current Council does not correspond with proportional representation of the members, disadvantaging grassroots	<ul style="list-style-type: none"> Make council membership proportional to ILC membership, or at least increase weight of grassroots organizations represented at the council

TRACK THREE: RECOMMENDATIONS TO THE ASSEMBLY TO LAUNCH A WIDER GOVERNANCE REFORM PROCESS TO BE SHAPED BY THE ILC MEMBERSHIP

This proposes the launch of a process that engages members on ILC's governance reform, leading to an action plan and formal revision of ILC's Charter

The full range of governance reforms and their formalisation in the ILC Charter demand wider consideration by the membership. Some will require progress on the necessary cultural changes before rushing into institutional changes. These changes will likely result in a more complex governance system that increases mandates at regional (and possibly national) level, narrowing to a more focused set of responsibilities for the global Council.

A Working Group overseen by the newly elected Council is proposed to oversee a review process, including with support of an external consultant as needed. This Working Group could take stock of the full analysis of the prior Working Group, as well as of regionalization process so far, and build on lessons learnt. Different types of member organisations should be engaged to contribute ideas on how to move to a more collaborative, member-driven coalition, with people's organisations as the driving force. This may include, for example, theory of change workshops, where members come to a mutual understanding of the role and potential of different types of members and alliances.

The Working Group could look into gradually transforming the regional steering committees into regional councils that can function better to manage the growing size, complexity and diversity of membership. Membership intake should be guided by the imperative to ensure the mix of coalition members, and quotas can be considered for countries with many members.

The Working Group (or consultant) will establish goals with clear progress indicators and a system for monitoring over time.

The governance structuring will consider the implications for further membership expansion.

The Working Group should have a 12-month mandate, within which time a virtual Assembly of Members should make the necessary changes to ILC's Charter.

The 8th Assembly of Members is requested to:

- Authorise the incoming Council and Regional Steering Committees to make provisional changes in ILC's governance practices in advance of eventual formalisation through amendments to the ILC Charter**

- **Authorise the Council to oversee a process led by a Working Group that engages members on ILC's governance reform, leading to an action plan and a formal revision of ILC's Charter within 12 months**