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INCLUSIVE DECISION-MAKING TOOLKIT

INTERNATIONAL LAND COALITION
UNITED FOR LAND RIGHTS

TOOLKIT 7

INCLUSIVE DECISION MAKING

CONTENTS

WELCOME TO THE INCLUSIVE DECISION-MAKING TOOLKIT!

This toolkit gathers together information on seven tools successfully used by members of the International Land Coalition (ILC) to ensure that processes of decision-making over land are inclusive. The toolkit intends to facilitate mutual learning based on the good practices of specific ILC members. The opportunity to share knowledge is one of the main benefits of being part of a network like ILC. Use these tools, adapt them to your specific context, share them with your partner organisations and share with us your achievements and successes!

WHAT IS THIS TOOLKIT FOR?

This toolkit aims to provide information on a range of tools, intended to be effective at the global, national and community levels, depending on their features. One of the main characteristics of the tools is their adaptability to different contexts and areas of work. We aimed for these tools to be clear, replicable and, above all, useful in ensuring inclusive decision-making.

WHAT'S THE STORY BEHIND THIS TOOLKIT?

The tools presented in this toolkit have been either developed or implemented by ILC members. The Database of Good Practices gathers the good practices shared by ILC members and partners around the 10 ILC commitments for people-centred land governance. It also includes good practices developed and implemented to ensure that policies, laws, procedures and decisions concerning land adequately reflect the rights, needs and aspirations of individuals and communities who will be affected by them. This toolkit is the result of an analysis of these good practices to extract information about seven tools, selected for inclusion in this toolkit by using replicability as the key criterion. The selected tools represent four regions: Asia, Europe and the Middle East, Africa and Latin America and the Caribbean.

HOW TO USE THE TOOLKIT?

Each section describes the characteristics of each tool: its goal, actors involved, the ILC members that have used it, the expected outcomes of the tool's use and a step-by-step practical guide to implementation. The stories at the end of each section summarise aspects of good practice connected with the tool's use by one or more ILC members. Tools can be adapted to different contexts or needs. By using the links available, it is possible to access more information about each tool and to get in touch with ILC members that have used it.

DOCUMENTING CUSTOMARY LAND RIGHTS

THE TOOL

Documenting customary land rights is a tool that uses inclusive and participatory research approaches to consolidate the customary practices of local communities into a book. The book assists rural communities, traditional leaders, land administrative officers and judicial officers such as magistrates, judges and lawyers to understand and enforce the communities' customary laws

ITS GOALS

- Formal documentation of oral customary land laws
- Supporting the enforcement of customary land laws
- Harmonising contradictions and gaps in formal and informal land tenure systems
- Strengthening access to justice for vulnerable populations.

ACTORS INVOLVED

Civil society organisations (CSOs), local non-governmental organisations (NGOs), local rural communities, traditional leaders, judicial officers, government departments.

ALREADY TESTED BY

Land and Equity Movement of Uganda - LEMU (Uganda)
https://www.landcoalition.org/en/explore/our-network/land-and-equity-movement-of-uganda/

FURTHER INFORMATION

Protecting customary land tenure through principles, practices, rights and responsibilities (PPRR) books
https://learn.landcoalition.org/en/good-practices/protecting-customary-land-tenure-through-principles-practices-rights-and-responsibilities-pprr-books/

EXPECTED OUTCOMES

- Protection of land rights of rural communities
- Recognition of traditional and customary land laws of local communities
- Implementation of land-related legislation and policies to protect diverse tenure systems
- Strengthened traditional land tenure systems
- Strengthening inclusive and participatory land governance

HOW IT WORKS

Documenting customary land rights enables rural and local communities to draft customary land laws on land governance into PPRR books and share them with authorities charged with the implementation of laws in order to preserve the communities' long-held customs and traditions.

DOCUMENTING CUSTOMARY LAND RIGHTS STEP-BY-STEP

1. PRELIMINARY RESEARCH

To understand the causes of insecure land tenure and its effects on vulnerable groups such as rural and traditional communities, women and youth, a broader understanding of the national tenure system, and all other factors that influence public and political discourse, is needed.

Preliminary studies and community meetings assist in obtaining this information. All interested stakeholders should be involved and consulted so that the processes are comprehensive and inclusive. More importantly, inclusive processes give confidence to all interested stakeholders.

It is essential to identify how customary law works in a particular context. For instance, customary laws can be oral and passed down through community practices. The oral nature of customary law, however, renders it vulnerable to different interpretations and to abuse, with adverse effects on vulnerable communities.

Other vulnerabilities affecting citizens may include:

- their lack of information and knowledge about the law, their rights and justice institutions;
- legal frameworks that do not offer comprehensive formal legal protection of property rights, for example, the land rights of women in co-habitation relationships are not formally protected by law;
- the lack of access to justice because of physically inaccessible courts, or long and costly procedures and;
- the misinterpretation and abuse of traditional leaders powers.

2. ESTABLISH BUY-IN FROM THE WHOLE COMMUNITY

Secondly, the whole community needs to be committed, as a participatory and inclusive process can be time-consuming and tedious. Further, to encourage participation, and to increase the likelihood of adherence to the rules, the community's concerns should be included in the drafting process and, ultimately, the book.

To help establish community trust, qualified staff members engage with the community to understand the challenges they face in protecting their land rights. Staff members may need to identify groups of people in the community who need additional assistance or encouragement to provide input. For example, women may not feel comfortable about speaking up at meetings owing to cultural barriers.

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3. ASSESSMENT OF LEGISLATION AND IDENTIFICATION OF RECOGNISED LAND TENURE SYSTEMS

A significant amount of research is essential for understanding customary land tenure systems and the causes of tenure insecurity, and potential solutions to these. This requires an assessment of all applicable land laws, including the national constitution if it recognises customary law and corresponding laws governing land tenure. The assessment includes customary land governance, even if it is uncodified in legislation.

Workshops are then held with land administrators, land tribunals and traditional institutions. These workshops present an opportunity to investigate the history of land rights and responsibilities in families, along with changes that are taking place and their impact on vulnerable communities.

4. IDENTIFYING VULNERABILITIES

When engaging with communities living under customary law, the parts of customs that cause vulnerability to the community should be identified. These may include:

- The marital status of women, meaning that they can access land through marriage only;
- Disinheritance of widows;
- Disinheritance of women due to the assumption that they will get married and access land through their spouses;
- Non-recognition of customary land tenure systems as part of the national land governance system;
- Disparities between customary laws and land legislation;
- Lack of knowledge of customary law by administrative authorities, including judicial officers;
- Parallel justice systems, i.e. the traditional justice system and the formal court system;
- Lack of accountability of corrupt authorities.

5. DOCUMENTING CUSTOMARY LAND LAWS

When engaging with local communities to detail their customary laws, it is crucial to highlight customary practices that are susceptible to the abuse of power and that ultimately may lead to insecure land tenure for people living under customary law. The legal rights identified in the previous stages are then used to question the customary practices that lead to marginalisation, or the abuse of customary practices.

Simulation exercises can be used as a tool to identify other aspects of customs that are not apparent. After the workshops, other activities include:

- field research to verify information provided by communities, land administrators, land tribunals and traditional institutions at the workshops;
- analysing the information;
- presenting a first draft of the customary law book to stakeholders for comments to ensure that the facilitators have accurately captured the practices discussed.

6. PUBLICATION AND DISSEMINATION

The documented customary laws are then adopted in the regions that have participated in the exercise. The customary law books, which should also be made available in vernacular languages, describe the rights and responsibilities of community members, including married men, widows, unmarried women, children born inside and outside of marriage and heirs. Finally, the customary law book is shared with traditional leaders, members of the judiciary, magistrates and land administrators.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF LEMU

Many communities in northern and eastern Uganda live under a system of customary land governance; this is one of the country's four tenure systems, although it is not governed by an Act of Parliament. Customary law is mostly oral, which renders it susceptible to misinterpretation and abuse. Furthermore, the parallel land governance systems often clash and contradict one another, to the disadvantage of vulnerable people. Consequently, many vulnerable people, such as women, widows and rural communities, lose their land because dispute resolution mechanisms misinterpret customary law.

To remedy this, LEMU worked with eight communities in northern and eastern Uganda to draft their customary land laws into Principles, Practices, Rights and Responsibilities (PPRR) books. First, LEMU worked with local communities to gain a broader understanding of customary land tenure systems and to look for potential solutions for the fair recognition of the land rights of vulnerable groups. It engaged in a participatory and inclusive process to learn about the land tenure system, mechanisms for the protection of customary rights and the challenges faced by traditional communities. It gained the trust of the communities by engaging with all relevant stakeholders, including traditional institutions (such as the Lango Cultural Foundation (LCF), Iteso Cultural Union (ICU), Elders' Forum and Ker Kwaro Acholi (KKA)) and the local communities in a series of three-day workshops.

LEMU PPRR facilitators used participatory and inclusive processes to collect information on the customary practices of the communities. With due regard for customary norms that could potentially silence women and youth, they made sure to engage with smaller groups who might otherwise not have had the chance to contribute to the process. LEMU then verified the accuracy of the information it collected through field visits.

Based on the information collected, LEMU drafted a PPRR book that explained the land rights and responsibilities of married men, widows, unmarried women, children born inside and outside of marriage and heirs. It then presented the first draft of the book to stakeholders for comments and verification. Once its contents were confirmed, LEMU published the book and distributed copies to the judiciary in the districts of Apac, Lira and Soroti. Magistrates and members of the District Coordination Committee (DCC) under the Justice Law and Order Sector (JLOS) committed to using the book in the courts as a guide in customary land cases, in line with the recognition under the Constitution of customary laws and land tenure.

In the Lango and Teso regions, clan heads and women representatives now meet annually to review the PPRR book, and over the past five years there have been some limited changes. The clan leadership in Lango region is now more inclusive and involves women leaders who have read and accepted the PPRR book.

A HUMAN RIGHTS-BASED APPROACH TO LAND REFORM

THE TOOL

A human rights-based approach to land reform uses multi-stakeholder dialogue to introduce human rights to rural land governance in order to ensure access to and equitable ownership of land by rural communities and to protect community land rights.

ITS GOALS

- Strengthening **community land rights**
- Identifying **rights and responsibilities concerning the protection of community land rights**
- Introducing **human rights** to the national land policy
- Adopting a **Land Rights and Responsibilities Statement**

ACTORS INVOLVED

CSOs, local- and national-level human rights organisations, rural communities and government ministries.

ALREADY TESTED BY

Community Land Scotland (Scotland)
https://www.landcoalition.org/en/explore/our-network/community-land-scotland/

FURTHER INFORMATION

A human rights approach to rural land governance in Scotland
https://learn.landcoalition.org/en/good-practices/human-rights-approach-rural-land-governance-scotland/

EXPECTED OUTCOMES

- Equitable land ownership
- Protecting community land rights
- Strengthening rural land governance

HOW IT WORKS

Land reform is a tool to promote community land ownership and strengthened rural and governance as a means of de-concentrating land ownership and empowering communities.

A HUMAN RIGHTS-BASED APPROACH TO LAND REFORM STEP-BY-STEP

1. MOBILISING STAKEHOLDERS AROUND LAND REFORM

Where the national government is interested in land reform, it is essential to mobilise support from stakeholders. Relevant stakeholders include the government, rural communities, civil society, academia, human rights organisations and parliamentarians.

Rural community landowners lead the way in changing national thinking about property rights and how they intersect with human rights. Community landowners identify CSOs and academics who specialise in human rights to help find a pathway to rebalance property rights and human rights, and land rights and land responsibilities.

Once a legal case has been made, rural communities and human rights organisations work with other stakeholders and policy-makers to embed the changes into law and wider practice.

2. TAKING A POSITION ON LAND REFORM

Land concentration is a primary indicator of inequality in rural areas, where people still depend on land for the long-term sustainability of their communities. This may be for sustenance or to create affordable housing, employment or community facilities. The community ownership of land becomes a tool to reduce socio-economic inequality, disempowerment and environmental degradation.

3. MODEL CONTRACTS

Once there is a legal argument and a wider acceptance amongst society that there is a human rights dimension to community landownership, it becomes easier for governments to develop legislation setting out communities' rights to own land in certain circumstances. In turn, community landownership is legitimised and it becomes common practice for communities to purchase land through negotiation, which is without recourse to the law.

To this end, protocols provide the communities with guidance on important elements of land sales to consider during negotiations. The protocols are built on experiences of negotiating sales in the past. As such, communities that are seeking to buy land for the first time can build in the experience of other communities that have already done so.

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4. STAKEHOLDER BUY-IN AND INFLUENCING THE LEGISLATIVE PROCESS

The buy-in of all stakeholders is pivotal to the success of land reform efforts. In this light, a platform that brings together all the relevant stakeholders to debate the various views is important. The platform proffers evidence-based work to argue for a human rights-based approach to land reform and to lobby for a commitment from the government to protect community land rights.

5. DRAFTING A LAND RIGHTS AND RESPONSIBILITIES STATEMENT

The results of engagements with multiple stakeholders are then written down as part of a statement highlighting the rights and responsibilities of different stakeholders in the land sector. At this stage, government buy-in is essential, as the government is the primary custodian of the law and of the implementation of human rights at the national level.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF COMMUNITY LAND SCOTLAND

In Scotland, 432 owners privately owned half of all the country's land, and a mere 16 owners held 10% of all the land. Landownership in Scotland has a complex history that has led to rural landownership becoming highly concentrated. In 1999, the Scottish Parliament was established and it became more straightforward to reform landownership.

Although a land reform programme has been in place for over 20 years, since the creation of the devolved Scottish Parliament, much of the early debate was weighted heavily towards property rights rather than the human rights of people living on the land. To remedy this, Community Land Scotland (CLS) worked with the Scottish Human Rights Commission and other CSOs in the land sector to introduce a human rights-based approach to land governance through multi-stakeholder dialogue and advocacy.

CLS and its partners convinced the Land Reform Review Group, set up by the Scottish government in 2012, of the need for a Scottish land policy statement. First, CLS and Scottish and international human rights organisations researched international human rights frameworks and developed human rights arguments on behalf of rural people. They lobbied for Scotland to create a human rights-based land policy, and their activities led the Scottish Government to develop a Land Rights and Responsibilities Statement (LRRS).

As part of its advocacy efforts, CLS held a national event explaining the importance of a human rights-based LRRS in protecting community land rights. Building on this, it worked with the Scottish Government to develop the Land Reform (Scotland) Act 2016, which expressly includes references to human rights instruments such as the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR). The reference to international human rights instruments was vital in reorienting the land governance system towards human rights.

Due to the work of CLS and its partners, Scotland has experienced a shift in the land reform debate. There is a new focus on land rights as a pathway to achieving greater social justice, equality and human rights and, to achieve this, Scotland has adopted a human rights-based LRRS.

DECENTRALISED AND SIMPLIFIED LAND MANAGEMENT

THE TOOL

Decentralised and simplified land management combines recognition of social land management practices and the formalisation of land rights by the authorities. Land governance is decentralised to the local level, resulting in reduced time, cost and regulatory burdens on community members. As a result, the rural poor can secure land tenure in a simplified manner.

ITS GOALS

- **Decentralising** land governance
- **Reducing time, cost and regulatory burdens** on local communities
- **Reducing commercial pressure on land** by recognising community land rights
- Promoting and recognising **traditional land tenure** and rights systems.

ACTORS INVOLVED

CSOs, intergovernmental organisations (IGOs), local communities, land administration authorities and government departments.

ALREADY TESTED BY

World Bank (Global, Madagascar)
https://www.landcoalition.org/en/explore/our-network/world-bank/

FURTHER INFORMATION

Decentralised and simplified land management addresses the administrative bottlenecks to securing rural land in Madagascar
https://learn.landcoalition.org/en/good-practices/decentralised-and-simplified-land-management-addresses-administrative-bottlenecks-securing-rural-land-madagascar/

EXPECTED OUTCOMES

- Recognition of traditional land tenure systems
- Establishment of communal land offices
- Issuance of land certificates to secure land rights
- Quick and responsive land registration system

HOW IT WORKS

The tool establishes decentralised communal land offices at the municipal level, charged with the registration of customary land rights and the recognition and absorption of traditional land tenure systems into the formal system.

DECENTRALISED AND SIMPLIFIED LAND MANAGEMENT STEP-BY-STEP

1. LAND TENURE DIAGNOSTIC

The first step is an assessment of the land laws and their effects on land tenure. The assessment identifies bottlenecks to land registration that render local communities vulnerable to evictions and land grabbing. Communities may face the following challenges to recognition of their land rights:

- Land tenure insecurity;
- Commercial pressures on land from national and international land investors;
- Inability of the local administration to plan for local development due to insecure land tenure;
- An inability to enforce land rights through the judicial system as courts have a backlog of land cases.

Communities often develop their own land registries in response to the failures of the government's land administration system. However, while communities may use informal land registries, these do not guarantee people's land rights. People's lands remain at risk of despoliation at the hands of commercial investors. Therefore, it is essential to identify and analyse the informal land registration system which, despite its informal nature, gives communities a first layer of tenure security.

General information in the informal land register includes the identity of the title-holder, validation of the title by neighbours, estimated surface area of the land, information on the type of land occupancy and use, and the nature of the rights held.

2. ADVOCATING FOR PRESUMPTION OF OWNERSHIP

Based on the findings of the land tenure assessment, CSOs initiate a national debate on the importance of a land policy reform that would simplify the land registration process. For this engagement to be inclusive, CSOs must involve all relevant stakeholders, including local councillors, parliamentarians, senators, and heads of regions and representatives of farming associations.

A presumption of ownership by occupants within communities inevitably removes the presumption of state ownership, thus adding a layer of protection for local people. Attestations to individual or collective occupation are sufficient for recognition of users as owners.

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3. ESTABLISHMENT OF COMMUNAL LAND MANAGEMENT OFFICES

Thirdly, to improve and decentralise land management centres, local or municipal land administration systems are created. These local and regional land management offices have the authority to issue land certificates. The idea is also proposed to grant municipalities the power to validate property rights, not by granting titles but land certificates, based on simplified, less expensive and less cumbersome local procedures. The state recognises the land certificates issued by the municipal land office as guaranteeing permanent property rights.

The authority to register land rights comes from enabling legislation. This means that the buy-in of local government or the national parliament is pivotal to the success of decentralising land management.

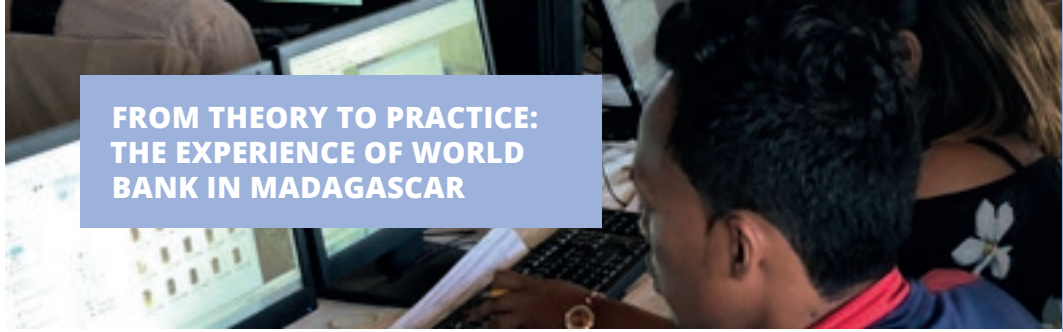
4. COMMUNITY-LED LAND MAPPING

A commission of local recognition reconciles legal requirements and customary land management practices at the local level. The Commission, composed of community representatives, including traditional authorities, elders and community members facilitates land demarcation and adjudication processes and validates the outcome based on its members' knowledge of the local tenure system. Representatives of both national and local government are consulted, since the proposed land management system falls within the remit of both.

The land certificates issued by the decentralised land offices are cost- and time-effective, making them ideal for formalising the individual and collective land rights of forest dwellers and pastoralists, who often own their land collectively.

5. LAND CONFLICT RESOLUTION MECHANISM

The communal or local land offices adopt an alternative and community-based mechanism for addressing land conflicts, with the communal council serving as an administrative appeals board; cases are only sent to the courts when it is impossible to resolve the dispute at the local level. Using a local conflict resolution mechanism enables communities to expedite cases that would otherwise take much longer to settle.



FROM THEORY TO PRACTICE: THE EXPERIENCE OF WORLD BANK IN MADAGASCAR

At independence in 1960, Madagascar inherited a land tenure system inspired by the Australian Torrens title system, which presumed state ownership of land. The Malagasy system also prioritised state ownership, and vested the power to grant land titles in the state. However, land administration in Madagascar was beset by bureaucracy, corruption and a lack of transparency, resulting in failures to issue land titles in a timely and efficient manner, to the disadvantage of poor land users.

For example, land title registration and transfers involved a 24-step procedure for registration, taking an average of six years to complete and with administrative costs of up to USD 600. These costs were prohibitive in a country with an average GDP per capita of USD 450 in 2017, according to the World Bank's World Development Indicators. Furthermore, physical distance, the cost of travel and poor transport infrastructure made it more difficult for rural people to register their land rights, as applicants were required to go to registry offices in person. During its century-long existence, the land administration service issued 400,000 titles, but these covered a mere 10–15% of the country's area. In the early 2000s, the administration delivered on average just 2,000 titles per year, against half a million pending applications.

As a remedy, traditional leaders and local communities developed an informal system to regulate and manage local land tenure. They came up with the concept of petits papiers (small papers) to prove their land rights to anyone attempting to grab their land. The petits papiers, which could be stamped by any government officer, contain information identifying the landowner and the land, a validation of the title by neighbours, the estimated surface area of the land, information on the type of land occupancy and use, and the nature of the land rights held. Despite the absence of national standards, the petits papiers often contained identical information throughout a territory.

In 2005, with the assistance of the World Bank, the Government of Madagascar embarked on an innovative land reform process that focused on the decentralisation of land services to the municipal level through the establishment of communal or local-level land offices. The introduction of land certificates simplified procedures and reduced the costs associated with the registration of land rights. Consequently, the decentralised land management system has increased the number of rural households with registered and secure land rights over their parcels of land.

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Commissions of Local Recognition composed of community representatives were established across the country to facilitate, inform and validate land demarcations and to adjudicate land disputes, in the presence of landholders' immediate neighbours. GIS/GPS technology was used to demarcate land boundaries to bypass the previously onerous land surveying requirements.

Following this intervention by the Malagasy government and the World Bank, the simplified land management system at the municipal level has led to a significant reduction in the time, cost and regulatory burdens on community members. The average processing time and cost for the issuance of land rights documentation have been significantly reduced, from an average of six years and USD 600 to seven months and USD 14 for land certificates. From 2005 to 2017, 535 communal land offices received almost 200,000 applications and issued over 140,000 land certificates, covering a total of nearly 200,000 hectares. Among the landowners with newly documented rights, more than 30,000 women received certificates either on their own or jointly.

DEVOLVED AND INCLUSIVE PASTURELAND MANAGEMENT

THE TOOL

The tool prioritises **devolved and inclusive pastureland management** so that pasture users and local communities have equitable and socially and environmentally sustainable access to pasturelands.

ITS GOALS

- Ensuring **sustainable management of pasturelands** at the community level
- **Devolving pastureland management** to the local level
- Restoration of rangelands through **rotational grazing**
- Establishment of **Pasture Users' Unions (PUUs)** with legal personality for the collective governance of pasturelands
- **Joint development of local rules** for pastureland management
- Establishment of **pastureland monitoring systems**

ACTORS INVOLVED

CSOs, local NGOs, IGOs and local forest-dwelling communities.

ALREADY TESTED BY

IFAD (Kyrgyzstan)
https://www.landcoalition.org/en/explore/our-network/international-fund-for-agricultural-development/

Kyrgyz Jayity (Kyrgyzstan)
https://www.landcoalition.org/en/explore/our-network/national-pasture-users-association-of-kyrgyzstan/

FURTHER INFORMATION

Pasture Users' Unions (PPUs) improve rural farmers' livelihoods in Kyrgyzstan
https://learn.landcoalition.org/en/good-practices/pasture-users-unions-ppus-improve-rural-farmers-livelihoods-in-kyrgyzstan/

Use of the Electronic Pasture Committee (EPC) information management system in Kyrgyzstan
https://learn.landcoalition.org/en/good-practices/use-electronic-pasture-committee-epc-information-management-system-kyrgyzstan/

EXPECTED OUTCOMES

- Ensuring sustainable management of pasturelands at the community level
- Protection of pasturelands from degradation caused by mining activities
- Establishment of Pasture Users' Unions to devolve and decentralise pastureland governance
- Enhanced capacity for community self-governance

HOW IT WORKS

Devolved and inclusive pastureland management is a tool for implementing a statute- and community-based pastureland resource management system. It allows for the formation of Pasture Users' Unions (PUUs) consisting of local herder communities. PUUs have the power to:

- enter into agreements for seasonal use and management of pasturelands;
- empower pasture users and local communities to participate and manage local areas directly;
- combine traditional and science-based management systems; and
- adopt environmental best practices such as rotational, effective and planned pasture usage.

DEVOLVED AND INCLUSIVE PASTURELAND MANAGEMENT STEP-BY-STEP

1. ASSESSMENT OF LOCAL PASTURELAND MANAGEMENT SYSTEM

An evaluation of the state of pasturelands and the traditional pastureland management system assists in understanding the causes of land degradation. This includes identifying the following:

- Unregulated grazing practices that lead to land degradation;
- Water sources and management practices;
- Plant species in the pasturelands;
- Size of the national herd;
- Degraded pasturelands; and
- Remote and under-utilised pasturelands.

The evaluation also aims to identify other influences, such as distrust of formal land management practices, which often ignore transhumance and are often inclined to private herd management practices. These are relevant as they influence grazing systems.

2. ASSESSMENT OF ENABLING LEGISLATION

An assessment of all land-related laws should identify possible options to protect and regenerate degraded pasturelands. In this context, it is essential to consider devolving pastureland management to the communities who use the pasturelands. Relevant laws include laws on the environment, water, livestock, veterinary practices and land policies. Also, national development programmes and projects dedicated to pastureland management should be considered in order to identify best practices.

3. INCLUSIVE DECISION-MAKING PROCESSES AND CONTRIBUTING TO THE LEGISLATIVE PROCESS

Effective legislation captures the concerns of all relevant stakeholders and is multi-disciplinary. As such, all relevant stakeholders contribute to the development of an adequate legal, regulatory and institutional framework for the devolution of pastureland management to the local level.

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To develop an equitable, legitimate and efficient system, all relevant stakeholders must contribute to the planning and management of pastureland. At the same time, the different and often competing interests of stakeholders should be considered. Stakeholders such as local communities may face socio-economic barriers that hinder the devolution of pastureland management at the local level.

Awareness-raising campaigns are a strategy to solicit the contributions of stakeholders. Stakeholders can be identified through various means, including interviews with key community members, observations on the ground and recommendations by community members, and through convening community meetings to generate an inclusive list of communities and community members whose livelihoods depend on access to and use of pastureland resources.

The laws that seek to devolve land governance may be top-down and not adapted to addressing local demands.

4. FORMATION OF PASTURE USERS' UNIONS

The buy-in of local communities is essential for the successful devolution of pastureland management. Both formal and informal channels should be used to mobilise pasture users into groups that can be registered as PUUs to ensure the participation of all stakeholders. The PUUs are registered as legal entities in every municipal area in accordance with the law. PUUs are required to develop community-based pastureland management plans, which serve as a foundation for the management, maintenance, improvement and use of pastureland. The PUUs are allocated pasture tickets, which give members and right-holders access to grazing routes and grazing days for their animals.

The approach used should be both inclusive and bottom-up, ensuring that all active pasture users and local communities are involved and included in community discussions and adjustments, taking into account the interests of all parties.

5. RIGHTS AND RESPONSIBILITIES APPROACH

Land demarcation and allocation to different PUUs simplifies the process for them to work efficiently between themselves and with government agencies. Further, demarcation prevents conflicts among pastureland users and ensures that women and youth have access to pasturelands and are involved in the planning process, and that their priorities are represented in the plans.

When demarcating pasturelands, important considerations include the following:

- land maps marking boundaries;
- grazing routes;
- protected areas, watering places and other significant infrastructure facilities;
- optimum animal load;
- infrastructure development;
- annual update of community-based pastureland management plans; and
- plans to regenerate pasturelands.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF IFAD IN KYRGYZSTAN

In Kyrgyzstan, transhumant pastoralists take advantage of the different altitudes for livestock grazing and foraging: they graze mixed herds at higher altitudes in the summer, middle altitudes in the spring and autumn, and low-lying pastures in the winter. Traditionally, kinship-based groups had rights over recognised areas of pasture along their transhumance routes between the lowlands and the mountains. However, the Soviet system that replaced the traditional method was characterised by central management and intensive livestock production. At independence in 1991, the national herd was distributed to households, but Kyrgyzstan lost guaranteed markets for its wool, resulting in a rapid reduction in its sheep and cattle herds.

However, as individual families continued to rebuild their livestock numbers, the country's national herd increased exponentially, resulting in pressure on pasturelands located near permanent settlements. The fragmented and often uncoordinated pastureland management system further exacerbated the problem, resulting in the degradation of pasturelands and the under-utilisation of grazing lands further away. Consequently, an estimated 33% of pastures near farms and settlements were substantially degraded, 19% were eroded and 33% of pasturelands were overgrown with inedible weeds.

As part of the remedy, the Agricultural Investments and Services Project (AISP) (2008–2014), led by the International Fund for Agricultural Development (IFAD) and in conjunction with the Swiss Agency for Development and Cooperation (SDC) and the World Bank, supported the adoption and implementation of Kyrgyzstan's 2009 Pasture Law. This new law sought to devolve pastureland management to the local government and to Pasture Users' Unions (PUUs).

The project aimed to develop an integrated, equitable and socially and environmentally sustainable pasture use and management system by devolving responsibility to local actors by applying a community-based approach. To do this, IFAD raised awareness about the challenges and provided guidance on legislative reforms, which resulted in the development and adoption of the 2009 Pasture Law. The law transferred authority over pasture management to the lowest administrative level of *aiyl okmotu* (local self-government). This was then followed by the delegation of authority from *aiyl okmotys* to the PUUs and their executive bodies, the pasture committees.

The pastoralist communities established PUUs in each *aiyl aimak* (rural municipal) territory at the initiation of local pasture users. They registered the PUUs with regional offices of the Ministry of Justice, granting them the legal status of "Body of Territorial Public Self-Government". The PUUs then worked with local pasture users to develop community-based pasture management plans, which guide pastureland management, maintenance, improvement and use by pasture users.

As a result of the inclusive and participatory method used by IFAD, the AISP was a success. It was consolidated in new programmes, namely the Pasture and Livestock Management Improvement Project (2014-2019), financed by the World Bank, and the Livestock and Market Development Project phases I and II (LMDP I and LMDP II) (2014–2019/2020 respectively), financed by IFAD. These programmes have supported legal and regulatory reforms as well as sustainable pasture management through capacity-building of the PUUs.

MULTI-STAKEHOLDER DIALOGUE INTEGRATING GRASSROOTS PERSPECTIVES

THE TOOL

Multi-stakeholder dialogues (MSDs) bring relevant stakeholders together to better involve them in decisions that concern them. Mainly, MSDs aim to better integrate grassroots organisations into national, regional and international dialogues on land in order to enhance levels of trust between the different actors, to resolve conflicting interests and to share information and institutional knowledge.

ITS GOALS

- Enhancing **accountability in large-scale land acquisitions**
- Strengthening local capacity to **engage with governments and other stakeholders** at the national, regional and international levels
- Enhancing **inclusive and participatory decision-making** in land-related matters
- Enhancing the **capacity of grassroots organisations to analyse large-scale land deals** and their implications.

ACTORS INVOLVED

CSO, international NGOs, agro-industries, government, businesses, farmers' organisations (FOs), research institutes and academia.

ALREADY TESTED BY

Asian Famers' Association for Sustainable Rural Development - AFA (the Philippines, Indonesia and Cambodia)
https://www.landcoalition.org/en/explore/our-network/asian-farmers-association-for-sustainable-rural-development/

FURTHER INFORMATION

Expanding the dialogue on large-scale land acquisition and its alternatives
https://learn.landcoalition.org/en/good-practices/expanding-dialogue-large-scale-land-acquisition-and-its-alternatives/

EXPECTED OUTCOMES

- Strengthened negotiation skills for grassroots organisations
- Strengthened capacity of grassroots organisations to take stock of agricultural land investments
- Averting the threat of extractives industries expanding into lands occupied by communities
- Increased grassroots awareness about large-scale land acquisitions
- Dialogue space between key stakeholders such as government, businesses, NGOs, FOs, academia and research institutes

HOW IT WORKS

The tool facilitates the involvement of farmers' organisations (FOs) in multi-stakeholder dialogues on large-scale agricultural land investments. The premise of the tool is that in MSDs all stakeholders hold relevant experience, knowledge and information, which inform the decision-making process. The tool works to assist diverse stakeholders in building consensus around complex issues.

MULTI-STAKEHOLDER DIALOGUE STEP-BY-STEP

1. PRELIMINARY RESEARCH AND FORMING A STEERING COMMITTEE

A preliminary study is required to map out all relevant issues, stakeholders and participants, to ensure that financial resources are available and that grassroots organisations have sufficient interest and knowledge about land rights matters.

The first step is to identify individuals who will act as a steering committee within the national FO. The steering committee in turn will select cases and at a later stage will coordinate focus group discussions (FGDs). It should be made up of people who are experts in the land rights field, with grounding in multi-stakeholder processes, as they will work across different sectors with multiple stakeholders. Secondly, a focal person is identified who will act as organiser. The focal person mobilises and brings together participants from various stakeholder groups to participate in the dialogue.

The steering committee is tasked with determining the parameters of the process by setting clear timelines and milestones, and ensuring that financial resources are available. The focal person organises meetings with senior representatives of all interested and relevant stakeholder organisations, such as agro-industries and their representatives, the ministries or departments of land, state agents for environmental protection and academics. The steering committee identifies cases that it would like to highlight in the multi-stakeholder dialogue.

Other vital considerations include identifying whether an MSD is the most suitable approach to achieve the desired end goal, whether it will enhance inclusive decision-making, and what content will be included in the engagement process and when this can be held.

2. PARTNERSHIP BUILDING AND THE FORMATION OF FOCUS GROUPS

From the list of stakeholders and potential participants, key partners are identified for each stakeholder group and allowed to select their own representatives. It is essential to ensure that women and youth are represented and that they participate in meetings.

The participating organisations are grouped into multi-stakeholder focus groups. In constituting these groups, the following are key considerations to keep in mind:

- fair representation of grassroots organisations;
- equitable representation of different sectors;

CONT.

- potential challenges that may arise from different interests of different stakeholders;
- availability of funds, particularly for grassroots organisations; and
- the need to hire a researcher who will ensure that all the information is available and captured in print form.

3. PREPARATION FOR MULTI-STAKEHOLDER FGDs

The success of the focus group discussions hinges on preparation before the event. To prepare, the organiser arranges awareness-raising and preliminary interviews with representatives of the participating organisations to collect information on large-scale land investments. This information can be in the form of discussion papers, databases of information, land maps, etc. The participating organisations also conduct local interviews to collect primary data, as well as desk reviews to gather secondary information. On average, each participating national FO interviews five men and five women leaders, government officials and other stakeholders. At this stage, the steering committee finalises the cases to be studied further in the MSDs.

Depending on the participants, it is essential to design the content of the engagement process in a way that all relevant stakeholders will understand. Also, it is important to choose a common language or to ensure that translation facilities are available when needed.

4. FGDs WITH GRASSROOTS ORGANISATIONS

It is important that FGDs be held first with participating representatives of grassroots organisations. This is to build the capacities of these organisations, to analyse and articulate their issues and recommendations, and to obtain a better understanding of the national and international policy instruments that support their cause.

5. THE ROLE OF THE FACILITATOR

The facilitator of the FGDs plays a critical role in bringing together the various stakeholders. To assist in this task, the facilitator is provided with pre-agreed principles and guidelines: these may include guidance on the design of the MSD process, identification of equity indicators, and tools to enhance dialogue between people of different cultural, educational and professional backgrounds.

During the FGDs, the facilitator identifies the key priorities and positions of the different stakeholders. To ensure that discussions are fruitful, the participants must have enough time and resources to prepare their presentations, to read them to the group and to engage with other stakeholders.

6. MULTI-STAKEHOLDER DIALOGUE AT THE NATIONAL LEVEL

During the national-level MSD, the case studies identified in the preparation stage are presented. The participants also analyse national laws regulating land rights in the framework of international instruments such as FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) and the Principles for Responsible Agricultural Investment (RAI). National MSDs create an opportunity for various stakeholders to brainstorm and agree on the way forward. These stakeholders include government, NGOs, FOs and businesses. The participation of government officials further strengthens MSDs on the issue of large-scale land investments and increases the possibilities for collaboration.

7. REGIONAL-LEVEL DISCUSSIONS AND KNOWLEDGE SHARING

In the final step, representatives of all regional FO partners convene for a regional-level discussion, to which other partners such as NGOs, development partners and regional intergovernmental bodies are invited. At this meeting, participants share their knowledge on large-scale land acquisitions, focusing on the conclusions of the national-level MSDs, including key issues, recommendations and immediate action points. All the discussion points are documented by a researcher, who will write a paper on the process, based on the outcomes of the FGDs. A final position paper identifying the various perspectives of different sectors affected by large-scale land acquisitions is distributed to all stakeholders.

For regional dialogues, all countries should be represented by an equal number of people to ensure fairness and uniformity. Affirmative action can be used to give women and young farmers the opportunity to participate in MSDs.

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FROM THEORY TO PRACTICE: THE EXPERIENCE OF AFA

Large-scale land acquisitions (LSLAs) and investments increased rapidly in the East Asia and Pacific region in the first years of this century, with a 2010 report by the World Bank indicating that Indonesia and the Philippines were the two countries experiencing the highest levels of land grabbing. In Indonesia, 3.6 million of its 50 million hectares of agricultural land were subject to LSLAs, with 1,753 cases of land conflict involving 10,892,203 hectares in 2,834 villages and affecting 1,189,482 households across the country. In the Philippines, 3.1 million hectares of a total 14.1 million hectares of agricultural land were identified as grabbed land. Cambodia also saw a significant increase in LSLAs, with 61 large-scale land concessions covering an area of 958,000 hectares issued in 2011.

Growing interest in land is transforming land use in Southeast Asia. Increased international interest in biofuels, consumer demands and expectations, tourism, conservation and extractive industries have all resulted in growing demand for land. Land grabbing is associated with dispossession, violence and social exclusion. Farmers in Indonesia, the Philippines and Cambodia have been displaced by agricultural land investors, governments, foreign companies and local elites to make way for private biofuel investments.

Their agricultural lands are being converted into export processing zones, industrial zones or commercial plantations for biofuel and export crops. Despite growing discontent around LSLAs, peasants often lack the capacity to influence policies and negotiate with policy-makers.

In addressing the situation, CSOs, including COPROFAM from Latin America, ROPPA from West Africa and the Asian Farmers' Association for Sustainable Rural Development (AFA), worked together to present the plight of farmers to an international forum in 2010. To do this, first the CSOs had to increase their capacity and knowledge about LSLAs and develop ways of engaging with other stakeholders in the field. In Asia, AFA worked with grassroots members of its network to increase their capacities to:

- take stock of agricultural land investments, and their potential impact on small-scale farmers in Indonesia, the Philippines and Cambodia;
- increase awareness about the impact of LSLAs undertaken by powerful organisations such as inter-governmental agencies and private businesses, and their proposed initiatives;
- develop policy and programme proposals on large-scale agricultural land investments to be articulated in national, regional and international processes; and
- provide a space for dialogue between key stakeholders such as government, businesses, NGOs, farmers' organisations, academia and research institutes.

As part of its workshops, AFA increased the engagement of primary stakeholders such as small producers in order to document their experiences more accurately and to articulate the full effects of LSLAs on the lives of farmers. In doing this, AFA conducted national and regional workshops in order to consolidate the experiences and grievances of farmers across the region.

At the national level, the AFA Secretariat conducted project orientation meetings with key leaders and staff of Aliansi Petani Indonesia (API), Farmer and Nature Net (FNN) from Cambodia and PAKISAMA from the Philippines. Each of these three member organisations was tasked with conducting focus group discussions and national consultations, and with delivering three case studies and a paper highlighting land rights issues in their countries. Each participating member selected three case studies on agro-land investment issues faced by their communities, making nine case studies in total. The participating members also held FGDs for each of the case studies, with 15 farmer participants in each.

The results of the FGDs conducted in each country were then discussed during national consultations. The implementing members also conducted analyses of national laws regulating land rights and orientations on the VGGT. National consultations created an opportunity for farmers and their organisations to brainstorm about the way forward, and the involvement of government officials further strengthened stakeholder dialogues.

After the national consultations, AFA held a regional sharing session to which it invited representatives of its 10 member organisations. The three selected organisations presented their case studies and the results of their respective national consultations. Other AFA members from Thailand, Nepal, Bangladesh, Japan, South Korea and Taiwan also shared their struggles and initiatives on land rights issues. The data collected from this regional consultation became a key resource and reference point in the finalisation of AFA's issue paper on large-scale land investments, and contributed to AFA's facilitation of a multi-stakeholder process that contextualised the effects of LSLAs on the lives of small-scale farmers. Further, it built the capacity of grassroots organisations and other CSOs on how to engage with governments and large private sector entities.

CONT.

AFA also used other opportunities to present the results of the national dialogues and the regional sharing workshop. First, in June 2011 it held a regional consultation in Bangkok along with API and its other members in Indonesia. This provided an opportunity for AFA and API to learn more about the effects of LSLAs, strengthen the NGO network and discuss implementation plans.

Then in November 2011 AFA, with the support of partner organisation Agriterra, undertook a regional consultation process in Siem Reap, Cambodia and compiled a report entitled "Hot Issues Confronting Asian Farmers: Land, Unstable Food Prices, Financing for Adaptation to Climate Change", which presented the initial findings of the FDGs and the national consultations.

MULTI-LEVEL AND MULTI-ACTOR GOVERNANCE

FOR INCLUSIVE TRANSNATIONAL PLANNING AND JOINT DECISION-MAKING

THE TOOL

Multi-level and multi-actor governance for inclusive transnational planning and joint decision-making seeks to include and involve grassroots organisations in cross-regional planning and decision-making processes concerning the management of natural resources such as ecosystems, water resources and common territories for an integrated environmental, human and economic development model.

ITS GOALS

- Empowering local communities to participate in the preservation and **protection of biodiversity**
- Creating and strengthening **networks for better management of natural resources** in the face of expanding large-scale monoculture
- Strengthening the **participation of grassroots organisations and communities in decision-making** relating to local issues
- Strengthening **inter-regional management** of natural resources
- Improving the **socio-economic conditions of local communities**

ACTORS INVOLVED

CSOs, civil society, governments, private sector corporations, grassroots organisations, local communities.

ALREADY TESTED BY

FUNDACIÓN NACIONAL PARA EL DESARROLLO - FUNDE
(El Salvador, Guatemala and Honduras)
https://www.landcoalition.org/en/explore/our-network/fundaci%C3%B3n-nacional-para-el-desarrollo/

FURTHER INFORMATION

Inter-agency task force for sustainable development of cross-border territories (in Spanish)
https://learn.landcoalition.org/en/good-practices/articulacion-interinstitucional-para-el-desarrollo-territorial-sustentable-transfronterizo/

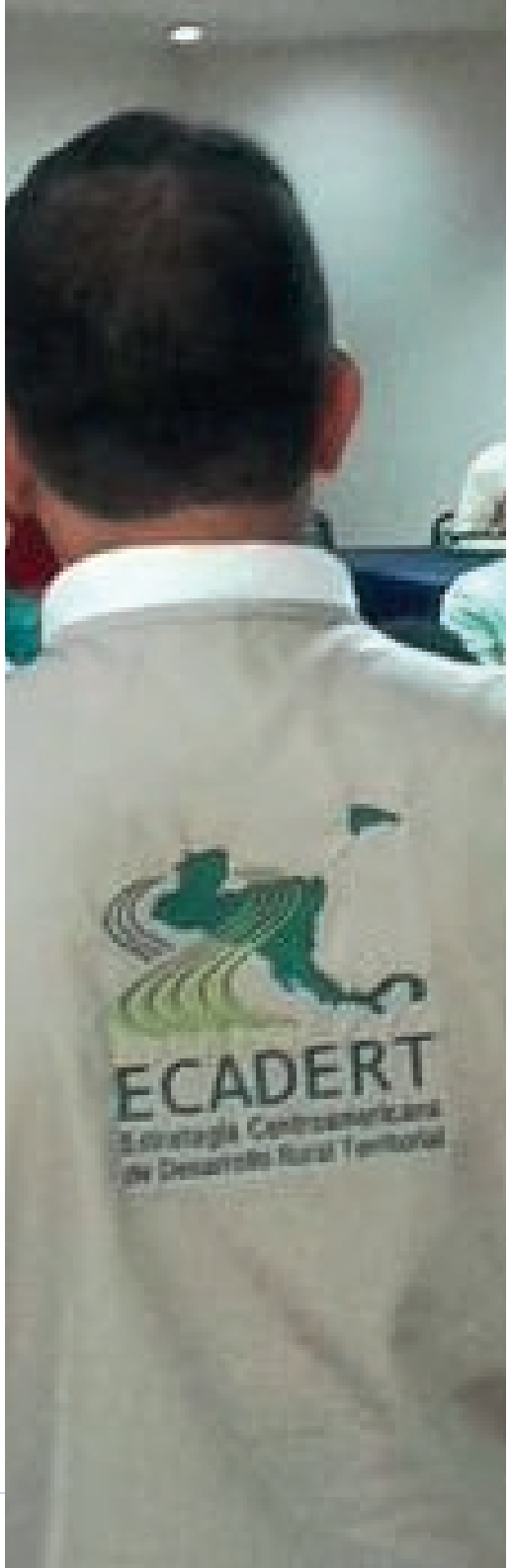
EXPECTED OUTCOMES

- Preserving land use systems that protect small-scale farmers' livelihoods
- Strengthened ecosystem management
- Inclusion of grassroots organisations and local communities in decision-making regarding the management of natural resources, including ecosystems, water and biodiversity

HOW IT WORKS

The tool seeks to improve decision-making processes by facilitating the inclusion of grassroots organisations and local communities in discussions regarding:

- land use patterns;
- over-exploitation of land;
- land degradation;
- the use of toxic agrochemicals;
- contamination of land and water sources by extractive industries; and
- effects on the livelihoods and land rights of local communities.



MULTI-LEVEL AND MULTI-ACTOR GOVERNANCE FOR INCLUSIVE TRANSNATIONAL PLANNING AND JOINT DECISION-MAKING STEP-BY-STEP

1. ACTIVE PARTICIPATION AS THE MAIN GOAL

First, a common platform needs to be identified, through which all the relevant parties can engage. Common platforms present a space in which to identify common strategies for the active participation of all stakeholders in local planning, debate and action concerning the management of community resources. All stakeholder groups should be represented, including grassroots organisations, public officials, private corporations and local communities. The inclusion of grassroots organisations affords marginalised people, such as peasants, indigenous communities, women and youth, a chance to participate in decision-making.

2. IDENTIFY EXISTING GOVERNANCE FRAMEWORKS

It is essential to identify existing frameworks to guide the joint management of territories, with a common goal of improving stakeholder involvement and transnational cooperation and fostering innovation.

It may be challenging to set up transnational programmes where there is no transnational cooperation agreement in place. Different countries may have different regulatory frameworks and procedures designed to govern the same challenges. Different languages, cultures and experiences may also affect the potential for effective transnational cooperation.

3. ALIGNING THE GOALS, COMPETENCIES AND EXPERIENCES OF RELEVANT STAKEHOLDERS

It can be difficult to align goals, community needs and relevant competencies for addressing the challenges facing communities through transnational cooperation. In this light, it is essential to ensure that the goals and developmental approaches of all stakeholders are aligned. All stakeholders must be in favour of an inclusive land governance model. Where goals are not aligned, workshops and meetings should be organised to facilitate the dissemination of information on the benefits of cooperation; these may also assist in identifying common goals.

Transnational cooperation is mutually beneficial for all the participating regions. The strategy employed promotes a developmental approach that integrates environmental, human and economic development in the region in a synergistic manner. The success of this cooperation depends on acceptance and legitimisation by relevant stakeholders. To ensure the legitimacy of collaborative efforts, the representation of all stakeholders is required at all stages of decision-making concerning development of their region. Stakeholders should be involved, and not just informed.

CONT. ▶

FROM THEORY TO PRACTICE: THE EXPERIENCE OF FUNDE

5. CREATING SPACES FOR DIALOGUE ON SECURE TENURE AND LAND GOVERNANCE

Through the various workshops and meetings, stakeholders such as CSOs, public and private institutions and international cooperation agencies work together to discuss and bring to the forefront common themes such as secure land tenure and management of water resources, soil, pasturelands and ecosystems. Cross-cutting themes, such as the protection of women's land rights, indigenous land rights, access to land for youth and climate change, are also considered.

The dialogue spaces ensure the participation of different actors representing the multiple levels and sectors affecting land governance. Further, they help to align activities and commitments made by the various stakeholders and ensure the diffusion of diverse perspectives of regional stakeholders.

Between 1997 and 1999, the republics of El Salvador, Guatemala and Honduras established the Trifinio biosphere reserve, recognising the area as "an indivisible ecological unit". The Legislative Assembly of El Salvador, the Congress of Guatemala and the Congress of Honduras ratified the Treaty for the Execution of the Trifinio Plan in 1997, intending to contribute to Central American integration through joint action by the three nations.

In November 2014, the Regional Commission for the Implementation of the Central American Strategy for Rural Territorial Development (ECADERT) declared the Trifinio region to be an appropriate territory for implementation of the ECADERT strategy. The natural territory of the Trifinio region is judged suitable for the integration and harmonisation of natural resource management and the prioritisation of socio-economic rights. The treaty seeks to promote and guide a developmental approach that integrates environmental, human and economic development in Central America.

The Trifinio region has water resources that are essential for all of Central America, with a high level of biodiversity for its 818,920 inhabitants. However, despite the region's natural wealth and the efforts made to improve the living conditions of its populations, approximately 42% of people here still live in extreme poverty due to socio-economic inequality and unsustainable exploitation of natural resources. The region faces challenges of over-exploitation of natural resources and degradation caused by over-use of agrochemicals, deforestation, overgrazing of livestock, changes in land use patterns and water contamination caused by agrochemicals and mining, among others. At the same time, the dependence of vulnerable communities on these ecosystems has increased due to the effects of climate change.

Vulnerable communities and grassroots organisations are seldom involved in planning and implementation of the Trifinio Plan, and the closed nature of information and dialogue spaces results in a lack of participation by local communities and grassroots organisations. The Executive Secretariat of the Trifinio Plan's Tri-national Commission has played a vital role in highlighting the importance of including grassroots organisations in the implementation of the plan.

Other institutions such as the Tri-national Border Community of Rio Lempa, the Network of Municipalities of the Trifinio Region, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Tropical Agricultural Research and Higher Education Centre (CATIE) have supported grassroots organisations and CSOs such as FUNDE to participate in dialogue spaces for the implementation of the Trifinio Plan.

As a result of their participation, various grassroots and social organisations and local government bodies in the three countries, representing peasants, small farmers, women and youth, can now access and contribute to debates at a regional level. All the participating organisations contribute to the regional planning and implementation processes that have a bearing on their land, natural resources and socio-economic development. Local communities are committed to incorporating the ECADERT approach into their local processes and providing feedback for appropriate planning and implementation for their local contexts.

POLICY ENGAGEMENT PLATFORMS TO INCREASE PUBLIC PARTICIPATION IN POLICY MAKING

THE TOOL

Policy engagement platforms give citizens, CSOs and the media space in which to engage with a government on national land policy reform processes. The platform brings together citizens, CSOs, NGOs, international development organisations, state agencies at the local, provincial and national levels, research institutions, and private sector and media organisations.

ITS GOALS

- Strengthening dialogue about securing communal land tenure for local and rural communities
- Promoting agriculture for food security
- Promoting agriculture-based household and cooperative economies
- Promoting multi-stakeholder participation in national land policy dialogues, particularly at the local level
- Creating multi-stakeholder coalitions to increase opportunities for citizens to participate in decision-making.

ACTORS INVOLVED

Citizens, NGOs, CSOs, citizens, state agencies at the local, provincial and national levels, research institutions, private sector and media organisations.

ALREADY TESTED BY

Oxfam International (Global, Vietnam)
https://www.landcoalition.org/en/explore/our-network/oxfam/

FURTHER INFORMATION

Coalitions foster citizen participation in decision making over land
https://learn.landcoalition.org/en/good-practices/coalitions-foster-citizen-participation-decision-making-over-land/

EXPECTED OUTCOMES

- Creation of strong multi-stakeholder platforms
- Establishment and strengthening of platforms for advocacy for the prioritisation of communities, secure land rights and small-scale family farming
- Increased capacity of grassroots organisations and media to engage with government on policy issues.

HOW IT WORKS

Multi-stakeholder alliances influence land policy reform processes by building partnerships between civil society, government and private sector actors. The platforms open up spaces to engage with policy-makers on the development and implementation of land policy.

POLICY ENGAGEMENT PLATFORMS STEP-BY-STEP

1. IDENTIFYING THE SOURCES OF LIVELIHOODS FOR LOCAL COMMUNITIES

First, it is essential to identify the sources of livelihoods of local communities. These sources of livelihoods are intrinsically linked to the reduction of poverty within the community. Where small-scale and family farming is a significant contributor to local livelihoods, then securing land rights should be a priority in the land rights agenda.

2. MULTI-STAKEHOLDER MOBILISATION AND THE FORMATION OF COALITIONS

One of the challenges facing land reform efforts is the lack of participation in planning by local communities and grassroots organisations. Coalitions and networks assist local communities, grassroots organisations and other stakeholders whose voices are not heard to consolidate their contributions and bring them to the forefront. Multi-stakeholder platforms bring diverse actors with diverse perspectives and competencies together to engage in dialogue on land policy.

The coalition platforms are tasked with assisting grassroots organisations to engage with governments in land policy dialogue efficiently by:

- Organising joint workshops and meetings;
- Providing training and coaching to coalition members and coordinators to build and strengthen their capacities to lead partnerships, engage in advocacy work and link with the media and other actors;
- Convening coalition events, reflection and learning sessions and cross-visits to successful coalitions; and
- Providing technical support to issue-based projects carried out jointly by two or more coalition members towards agreed objectives.

3. PUBLIC CONSULTATIONS ON LAND REFORM

In order to obtain the various perspectives of diverse stakeholders, a process of public consultation on land law is initiated in different provinces across the country. Citizens are invited to share their stories and to present evidence of their land rights experiences, particularly the challenges they face in land conversion, changes in land use, expansion of private investments and registration procedures.

For instance, local communities may share information about traditional institutions. In this case, they are guided to identify a traditional practice that could potentially address the ecological challenges caused by the over-exploitation of natural resources by private companies. Community and religious leaders are granted institutional roles to oversee the implementation of traditional conservation systems. The results are consolidated and presented to provincial and national government leaders, then published in hard copy and online.

CONT.

FROM THEORY TO PRACTICE: THE EXPERIENCE OF OXFAM INTERNATIONAL IN VIETNAM

4. ADVOCACY AND CAMPAIGNING

The findings of the public consultations are analysed and presented in a report to reflect recommendations for changes to the law. The key messages form the basis of advocacy, reflecting the local context. The platform engages with the government in dialogue on land policy, aiming to persuade it to incorporate the recommendations made by citizens, especially at the grassroots level, using these advocacy messages.

5. MEDIA ENGAGEMENT

In order to create publicity for the issues and to grab the attention of government, the platform presents its findings through the media, using platforms such as television, radio, newspaper articles and social media. Its report can be launched through a conference, a launch event or a workshop.

Rural agriculture in Vietnam has contributed significantly to the country's transition from food shortages to food security. Household and cooperative economies in rural communities contribute, in part or wholly, to the livelihoods of 70% of Vietnam's population of 90 million. However, issues such as poor-quality forestry planning, illegal encroachment and changes in forest use, ineffective forest production and inefficient management of state-owned forests and farms had become urgent. Further, with the growing impacts of climate change and population growth, and increasing demand for timber for domestic and overseas use, a new and inclusive land policy had become inevitable.

Although forest sector reforms had generated some positive outcomes such as reforestation, rapid industrialisation and economic growth had increased commercial pressures on land. The state owns all land in Vietnam, including farms and forests, and state-owned forest enterprises control large areas of land in rural and mountainous regions, giving the state power over all lands. The law did not elaborate or limit the application of the state's right, leaving a legal grey area that was used by state agencies, private firms and foreign investors to convert up to one million hectares of farmland for non-agricultural purposes.

Communities were disadvantaged because the state did not recognise communal land rights, and agricultural lands could be expropriated from farmers for public purposes such as economic development. The lack of citizen participation in land use planning perpetuated the situation. To remedy the situation, the Government of Vietnam embarked on a revision of the Land Law in 2012. However, the nexus between secure land tenure, livelihoods and poverty reduction was not explored. Oxfam International and its partners noticed this gap and identified land governance as a topic with a high level of public concern and strong potential for policy reform. This led Oxfam to support the formation and facilitation of two land-related coalitions, in order to draw attention to issues of land policy and governance.

Oxfam sought to increase public involvement in policy-making by creating platforms for policy dialogue with government representatives. A comprehensive community consultation process explored the status of land management and land use, its impacts on vulnerable groups and the lack of enforcement of land policies and procedures under the 2003 Land Law.

The dialogue on the new land policy covered issues relating to land use planning; the use of agricultural land; the allocation of forest and farmland for ethnic minorities; land pricing; land acquisition, compensation, support and rehabilitation; the participation of communities in decision-making on land; and transparent procedures for the enforcement of land laws. In the forestry sector, Forest Land Alliance (FORLAND), a forest management coalition supported by Oxfam, conducted studies in two provinces in 2016–2017, which included recommendations from local authorities and grassroots organisations.

As a result, civil society made concrete recommendations for an amendment to the 2003 Law. Other concrete recommendations from the coalition included the recognition of communities as forest owners; the removal of state monopoly over agro-forestry farms that disadvantaged local communities; the mandatory inclusion and participation of grassroots organisations, households, individuals and communities in forest planning; and access to information and transparency regarding land deals, among other recommendations.

After six months of consultations and discussions, eleven of FORLAND's nineteen recommendations were accepted by the Vietnamese government, and incorporated into the draft forestry law. As a result of the platforms created by Oxfam and its partners, citizens and local communities are now benefiting from the improved national land policies.

READ MORE

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p.4, 15, 44-45 Jason Taylor; p.10-11 LEMU; p.19-20 World Bank; p.22, 26-27 Kyrgyz Jayity; p.32-34 AFA; p.36, 38-39 FUNDE; p.42-43 Duy Khuong/Oxfam

International Land Coalition (ILC)

ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's over 250 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

ILC's Database of Good Practices

We've created a space where land rights practitioners can look for and find inspiration and solutions to the challenges they face on a daily basis. ILC's Database of Good Practices is where you can learn from ILC members and adapt methodologies and tools that we know work!

Visit the Database to learn, share and be inspired!

https://learn.landcoalition.org/en/good-practices/

INTERNATIONAL LAND COALITION

UNITED FOR LAND RIGHTS