

COMMUNITY LAND PROTECTION FACILITATORS GUIDE

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ABOUT THE COMMUNITY LAND PROTECTION FACILITATORS GUIDE

This Facilitators Guide describes Namati’s approach to community land protection in detail. Each chapter suggests various strategies and practices that facilitators can use as they support communities to protect their land claims. It is accompanied by short animated videos that demonstrate the community land protection process visually, available at <http://namati.org/ourwork/communityland>.

This Guide is intended for the directors and staff of local, community-based organizations, national civil society organizations, faith-based organizations, government actors, and other community land protection advocates and activists. The Guide refers to these groups as “facilitating organizations,” and their field staff as “facilitators.”

We recommend reading the entire Guide at least once before beginning community land protection efforts. Facilitators can then review specific sections of the Guide as they support communities to move through the process. However, because all the activities within each “step” are inter-related, it is best to be familiar with all the land protection activities before beginning facilitation.

To support the adaptation and re-ordering of community land protection activities, this Guide has been designed to be printed as a binder so that facilitators can easily move chapters around, or replace chapters with more updated versions that reflect emerging learnings and strategies. To access the most recent versions of the Guide and connect with Namati, visit namati.org/communityland.

INTRODUCTION AND HOW TO USE THIS GUIDE



CONTEXT AND HISTORY OF THE COMMUNITY LAND PROTECTION PROGRAM

It is estimated that only 10% of the 2.5 billion rural and indigenous people who depend on collectively managed lands and natural resources have formally recognized rights to their lands. **Without formal recognition or documentation, these communities' lands, livelihoods, and cultures are more vulnerable to dispossession** by those with political, legal, and economic power.

Population growth, climate change, and increasing global demand for land and natural resources are putting pressure on land. Rural, nomadic, and forest-dwelling communities are experiencing an influx of investors seeking land for logging, mining, infrastructure, and agribusiness ventures. In addition, national elites and government agencies are claiming millions of hectares of land for investment ventures, mega-projects, and speculation. Even when communities welcome private investment, investment activities may lead to environmental degradation, human rights violations, and other injustices. As communities lose their lands, competition, conflict, and environmental degradation are exacerbated. These trends underscore the **urgent need to increase community land protection efforts** across the world.

Many countries do have laws or legal provisions that make it possible for communities to secure tenure over their lands in ways that respect local custom and culture. But those **laws have largely not been implemented** due to financial and capacity constraints – and lack of political will. Communities cannot afford to wait for their governments to protect them. **Proactive community-based action to leverage and demand legal protections is critical.**

Namati's Community Land Protection Program supports communities to use existing laws to proactively strengthen their ability to protect, document, and steward their customary and indigenous lands. As **communities empower themselves to use these laws to document and secure their land rights**, they also strengthen their own local mechanisms to govern their lands equitably and sustainably, and to advocate for their own interests into the future.

Over the past six years, Namati and our partners – the Sustainable Development Institute in Liberia (SDI), the Land and Equity Movement in Uganda (LEMU), and Centro Terra Viva (CTV) in Mozambique – have developed, tested, and evaluated innovative strategies to support communities in community land protection.¹ Over the years, we have adapted our approach to suit various local contexts and modified the process to address obstacles, leverage community expertise, and ensure positive outcomes. The five-step approach laid out in this Guide is the culmination of our collective findings, innovations, and creative adaptations.²

1. The Community Land Protection Program's efforts are derived from a two-year randomized controlled trial investigation designed to facilitate the documentation and protection of customarily held lands through legally established community land titling processes; understand how to best and most efficiently support communities to successfully document their lands; and support communities to establish mechanisms to address intra-community injustice and discrimination relative to land and natural resource rights. The findings and conclusions of that effort are detailed in a series of reports available at <http://www.namati.org/work/community-land-protection/phase-one-findings-and-reports/>

2. Special thanks to: Ali Kaba, Silas Siakor, Rowena Geddeh, James Otto and Nentarkpor Leeway in Liberia; Alda Salomao, Issufo Tankar, Nelson Alfredo, Feliciano Chamo, Dilaria Marenjo, Ideltrudes Zelia Namburete and Antonio Consul in Mozambique; and Judy Adoko, Teresa Eilu, Simon Levine, Jeremy Akin, Hilda Alupo Makmot, Robert Ojok, Priscilla Aling, Robins Odur, David James Arach and Susane Irau in Uganda.

NAMATI'S APPROACH TO COMMUNITY LAND PROTECTION: A STEP-BY-STEP OVERVIEW

The various components of Namati's community land protection approach are grouped into the following five "steps." Facilitators should aim to support communities to complete the entire process in six to twelve months of weekly or bi-monthly meetings. Because the process is labor- and time-intensive, facilitators may choose to support no more than five to ten communities through the process at once, depending on community size, local logistics, and the facilitating organization's staffing, time and resource constraints. To improve efficiency and maintain community momentum, it is often best to undertake the by-laws drafting process and the boundary harmonization process concurrently, as they both take significant time and effort to complete. Facilitators should feel free to adapt this suggested process to the local culture, legal context, and to community needs and interests.

STEP 1: Laying the Groundwork. This step creates structures to ensure inclusive community participation throughout the land protection process. It is also designed to raise awareness of the importance of protecting community lands and to motivate community members' participation in all efforts. The *Laying the Groundwork* phase includes the following activities:

- **Community Definition.** Facilitators consult with regional leaders, relevant government officials, and community members about how best to define and determine the level of "community" that will undertake the land protection activities
- **Introduction to the Community Land Protection Process.** Facilitators support community members to understand their land rights and how to use formal procedures to protect their lands, then teach communities about the community land protection process.
- **Community Visioning.** Community members analyze the past and present conditions of their community's natural resources, then begin to plan for a thriving, prosperous future.
- **Establishing Expectations and Terms of Engagement.** Facilitators and communities clarify how the community and the facilitating organization will interact throughout the community land protection process, define specific roles and responsibilities, and establish clear expectations to reduce confusion, inefficiencies and delays.
- **Selection and Training of Community Land Mobilizers and Interim Coordinating Committees.** Communities elect or

select Community Land Mobilizers to work closely with the facilitating organization and help lead all land protection activities. They also elect or select an Interim Coordinating Committee (composed of representatives from key stakeholder groups in the community) responsible for spreading news and updates about the community land protection work throughout their networks, as well as seeking out the ideas, comments and reflections of people in their networks who cannot attend meetings, and reporting what happened at each meeting back to their networks.

- **Valuation of Community Land and Natural Resources.** To appreciate the value of their lands and natural resources, community members use simple math to calculate the monetary value that they are already receiving from natural resources gathered from their common lands, forests and waters.

STEP 2: Strengthening Community Governance of Lands and Natural Resources. The activities in this step support communities to document their existing rules for land and resource management, then modify and add rules that increase protections for all peoples' rights and lead to community-driven development and prosperity. When well-facilitated, these activities can support communities to: create protections for the rights of women and minority groups; hold their leaders accountable; increase community members' democratic participation in land and natural resource-related decisions; improve natural resource conservation and promote biodiversity; and align customary rules with national laws. The *Strengthening Community Governance of Lands and Natural Resources* phase includes the following activities:

- **Creation of Community By-laws.**
 - Communities collectively brainstorm all existing local rules and all rules followed in the past. (1st Draft)
 - Facilitators provide legal education on national laws and basic human rights.
 - Communities review the 1st Draft of their by-laws, add new rules, delete old rules, and change existing rules to reflect emerging community needs. (2nd Draft)
 - Facilitators, lawyers and/or judges review the 2nd Draft to ensure that it does not contradict the national constitution and other relevant laws.
 - Communities modify any rules that contradict national law and make any final changes. (3rd Draft)

- Communities hold large “by-laws adoption ceremonies,” inviting district and regional leaders, judges, neighbors, and others, at which they review the final draft of the by-laws, then vote to adopt the by-laws by consensus (100% agreement) or supermajority vote (66% agreement).
- **Creation of a Zoning Plan.** Communities make basic zoning plans to connect their by-laws to the physical landscape and to ensure that the community develops according to its future vision.
- **Financial Management Training.** Facilitators train community members in basic principles of good financial management and record keeping to support transparent management of revenue generated from community lands and natural resources.
- **Creation of a “Land Governance Council.”** Communities elect a Land Governance Council, composed of trusted community leaders and members of all local stakeholder groups, including women, youth and marginalized groups, to manage community lands and natural resources according to the adopted by-laws.
- **Ensuring Implementation and Enforcement of the By-laws.** Communities build relationships with relevant leaders and local governments and create systems to ensure that their by-laws are enforced and all agreed boundaries are respected.

STEP 3: Harmonizing Boundaries and Documenting Community Lands. The activities in this step support communities to create participatory sketch maps of their lands, and resolve boundary disputes and land conflicts related to their community lands. Communities then document the agreed boundaries by signing agreements with neighbors, planting boundary trees or other markers, recording measurements of location coordinates. The *Harmonizing Boundaries and Documenting Community Lands* phase includes the following activities:

- **Participatory Community Mapping.** Communities document their lands using sketch maps and satellite imagery.
- **Boundary Harmonization.** Communities meet with their neighbors to negotiate and agree on shared boundaries.
- **Land Conflict Resolution.** Facilitators train community members to resolve land conflicts peacefully and, supported by respected, trusted local leaders, mediate disputes that communities cannot resolve on their own.

- **Documentation of Agreed Boundaries.** Communities hold large ceremonies to draft and sign “memoranda of understanding” with their neighbors to formally document all boundary agreements. They also plant boundary trees or place other locally-accepted markers to indicate the limits of their lands. Facilitators support communities to record measurements of their boundaries using coordinates collected with a Global Positioning System (GPS) device, by using high resolution satellite imagery, or through a land survey completed by a licensed surveyor.

STEP 4: Completing Government Registration Procedures.

During this step, communities follow national legal procedures to formally document and register their lands and receive state documentation of their rights. Facilitators should review relevant national laws to understand how to best support communities to follow national land registration procedures.

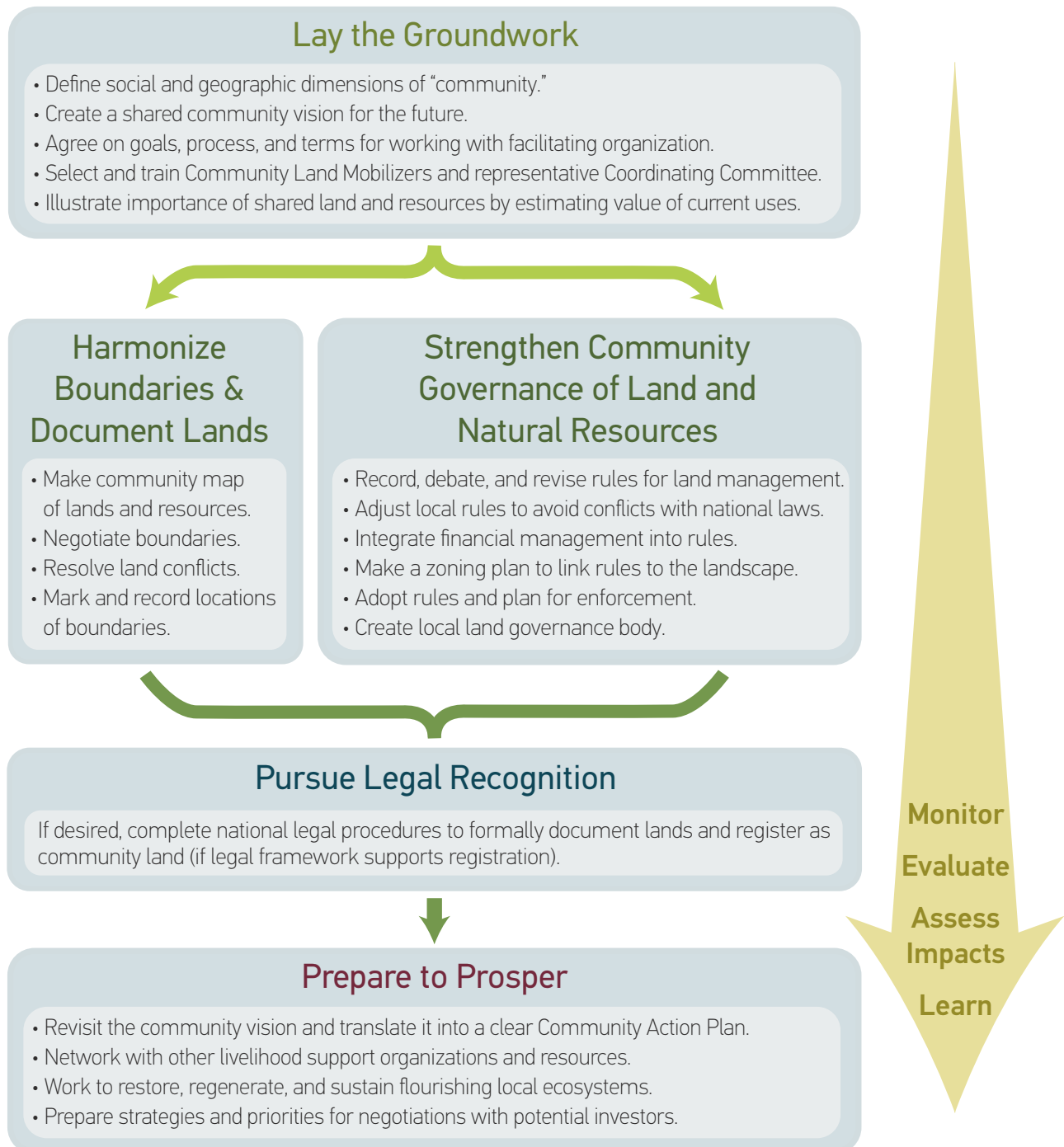
STEP 5: Preparing Communities to Prosper. These activities are designed to lead to long-term community growth and prosperity, according to each community’s self-defined plans and intentions. They support community members to pursue a range of livelihoods activities, regenerate local ecosystems, prepare for potential negotiations with investors, and take specific steps towards their shared community vision. The Preparing Communities to Prosper phase includes the following activities:

- **Creation of a Community Action Plan.** Communities articulate clear, specific goals that they want to achieve within a particular timeframe and identify what actions they will take to achieve these goals.
- **Livelihood Diversification Support.** Facilitators help link communities with local organizations and agencies whose mandate is to provide livelihood support, technical skills training, micro-credit lending, and market access.
- **Ecosystem Regeneration Strategies.** Communities receive basic training and support to take action to remedy community-identified aspects of environmental degradation, such as practicing sustainable agriculture, undertaking afforestation activities, improving soil quality, and other efforts necessary to maintain a thriving local natural environment.
- **Preparation for Negotiation with Potential Investors.** Facilitators train community members to assess potential investment requests and negotiate skillfully with potential investors.

A visual representation of the Community Land Protection process can be found on the following page.



Community Land Protection Process



A NOTE ON ADAPTATION

Every national context is different, and within each country, all cultures and regions are unique. Although this Guide uses the word “should,” it is not to be taken as “must.” While Namati has designed the community land protection approach to be applicable to a wide range of cultures and contexts, facilitators will need to critically analyze the process and adapt the techniques described in this Guide to best suit the local culture, political and legal context, and facilitating organization’s way of working.

In general, the components of the community land protection process may be done in any order, according to what is best suited to local context. However, Namati and partners have found that completing “Step 1: Laying the Groundwork” first is necessary to gain community trust and establish a solid foundation for the rest of the work. After laying the groundwork, facilitators and communities should feel free to change the order of the steps and activities, to leave out some of the activities, or to add additional activities that they feel are necessary. Facilitators should discuss the whole process with communities and work together to agree on what efforts they feel comfortable with and are ready to undertake. For example:

- Communities in some regions may not want to make maps and seek formal documentation of their lands; in such situations, signing MOUs with neighbors, planting boundary trees, and adopting by-laws that hold leaders accountable may create sufficient protections for or proof of community land rights.

- Communities struggling with intra-community land grabbing (community members grabbing common lands for their own private use) may want to complete the entire by-laws drafting and adoption process and elect a Land Governance Council before beginning to map the land, so as to ensure that the community has strong governance and conflict resolution skills before addressing boundary conflicts.
- If a community is working on harmonizing its boundaries but is suddenly approached by an investor seeking land for a business venture, community members may want to temporarily pause boundary harmonization activities and take time to learn about their right to Free, Prior Informed Consent and strategies for negotiating with potential investors.

All aspects of the work should be driven by the community’s own priorities and concerns, with facilitators listening carefully and adapting the process as necessary.

Namati champions innovation, creative adaptation, and shared learning. Facilitating organizations are encouraged to share all adaptations, modifications and lessons learned (and their outcomes and impacts) both with Namati and the wider network of community land protection advocates. By working together, organizations and advocates around the world can empower communities to protect their lands, drive their own development, create more just, equitable societies, and preserve ecological and cultural diversity for future generations.

NAMATI’S COMMUNITY LAND PROTECTION APPROACH: GUIDING PRINCIPLES

Seven guiding principles form the backbone of Namati’s community land protection approach:

- 1. Communities drive and direct the community land protection work according to their own expertise and priorities.** The community land protection process is most successful when it is powered by the energy, motivation, and efforts of community members themselves. The role of the facilitating organization is to guide, steer, advise and empower. Giving community members the direct responsibility to complete the land protection work helps motivate them to take community land protection activities seriously, address intra-community obstacles more proactively, and claim greater “ownership” over the community land protection process. At every possible opportunity, facilitators should empower the community to see itself as the central driver of the community land protection process and take ultimate responsibility for its success and completion.
- 2. Full community participation is essential.** The entire community must take part in the community land protection process for it to be successful. All community members, including women, men, youth, elders, traditional leaders, seasonal users and members of minority groups should be invited to all meetings and encouraged to participate and speak their minds.

3. Strong program management must be paired with heart-centered leadership. The community land protection process is most successful when facilitators and communities make clear work plans; define specific roles and responsibilities; set clear deliverables, expectations and goals; and create clear accountability mechanisms. Yet work plans and timelines are only part of good program strategy: staying open-minded and open-hearted is essential. The community land protection process is very challenging, and may bring up significant conflict. Community leaders and members may need to be reminded to let the work be driven by their love for their ancestors, children and grandchildren, their homes and lands, and for the earth. At times it may be useful to invoke prayer and tradition to focus energy away from conflict and toward what is best for the community. Facilitators should look to local culture and spirituality for influences that will help keep leaders and community members focused on protecting their lands, forests, waters and mountains – rather than on their own personal agendas. Navigating such dynamics can be challenging, so facilitators should also take care to stay humble, to listen, to pay attention, and to remain vigilant not to project their own motivations, agendas, prejudices and dreams onto the work.

4. By-laws drafting and adoption is key to community land protection. Community land protection activities must combine the *technical* work of mapping and documenting community lands with the *governance* work of strengthening land and natural resource management, holding leaders accountable, and ensuring intra-community equity. If community land documentation efforts are undertaken without empowering communities to establish good governance over their lands and natural resources, they may create more harm than good: leaders with a map and no downward accountability can sell or transact community land much more easily. Community land documentation initiatives that do not support communities to establish systems for transparent, just, and equitable land governance will likely invite mismanagement, corruption, and local elite capture. They may also weaken women’s land rights by entrenching discriminatory practices that exclude women from land governance and community decision-making. In contrast, a well-facilitated, participatory, careful process of drafting and adopting community rules for land and natural resource management often results in true community empowerment, accountable leadership, stronger rights for women, youth, and members of minority groups, improved conservation and sustainable natural resources use, and increased community capacity to vision, plan for and actualize community-defined local development.

The by-laws drafting process is time-intensive and characterized by disagreement and productive, lively debate. Communities must have the space and time to authentically discuss and decide upon the rules they want to govern their lands and natural resources. Facilitators should allow communities to freely determine the content of their by-laws as they see best, to structure their by-laws in a way that makes the most sense to them, and to phrase each by-law in a way that will be clear to community members.

5. Thriving local ecosystems, sustainable natural resources use, and the protection of women’s and minority groups’ land rights are core values of the community land protection approach. Facilitating organizations and communities are highly encouraged to have a strong commitment to justice, equality and sustainability in all aspects of their programming.

6. Community land documentation protection is not the end goal, but a means to community growth and prosperity. A title and a map are not the end goals of the community land protection process. Rather, the community land protection process must be rooted within broader efforts to support future local prosperity, community-defined development and flourishing, and vibrant ecosystems and cultures. The community land protection process should leave communities in a stronger position to:

- Generate local prosperity using their own resources, skills, and expertise;
- Defend their rights and promote their interests (in national courts and government agencies);
- Steward their community lands and resources sustainably;
- Make wise decisions about how to interact with and relate to outside investors and government agencies; and
- Design and implement a community development plan, driven by community members’ own priorities.

7. Lessons learned during grassroots fieldwork should influence policy advocacy efforts. The community land protection process is an opportunity to gather data that can be used to advocate for improvements to national land policy and practice. Through thoughtful data analysis and reflection, facilitators can identify challenges that can be addressed by better laws and policies as well as effective strategies that should be supported by government agencies.

ABOUT NAMATI



Namati is dedicated to placing the power of law in the hands of people. In a world where billions of people live outside the protection of the law, Namati is building a global movement of grassroots legal advocates who work with communities to advance justice. These advocates are solving problems on the front lines to help people protect their rights, pursue their livelihoods, and demand accountable and responsive governance from public institutions.

Namati is advancing the field of legal empowerment, building it into a vibrant, evidence-based, well-financed movement with the reach and scope to solve some of the world's most pressing justice problems. Namati's strategy has three elements: grassroots innovation, a global network, and the translation of grassroots experience into systemic change:

1. Grassroots innovation. Grassroots legal advocates have the potential to take on the toughest justice challenges of our day. But realizing that potential requires a commitment to innovation and methodological rigor that the field of legal empowerment has not yet developed. Together with local partner organizations, Namati implements innovative, evidence-driven legal empowerment programs that demonstrate how grassroots legal advocates can generate results on some of the greatest justice issues of our times: delivering quality legal aid at scale; protecting community land rights; closing the enforcement gap in environmental

law; fulfilling the right to citizenship; and ensuring that essential services like healthcare and education are accountable to local communities. Namati evaluates and documents all of these efforts, publishing both impact studies and practical guidance for practitioners.

2. Global legal empowerment network. Namati cultivates the largest global community of legal empowerment practitioners: a network of over 500 legal empowerment organizations from across the world working to take innovations to scale and raise the profile of the field as a whole. Members of the network learn from one another and from Namati's experiences with partners. Join the network at <https://namati.org/network/>.

3. Systemic change. Namati leverages insights from grassroots implementation, drawing on data to advocate for large-scale policy change. Namati and its partners aim to show that not only can grassroots legal advocates help bring good laws to life, their work can also lead to positive changes in the law itself and the institutions through which law is applied. Namati also collaborates with network members to advocate for global policies that advance legal empowerment.

Together these elements form a reinforcing cycle that leads to empowered citizens and sustainable, equitable development.

ABOUT NAMATI'S COMMUNITY LAND PROTECTION PROGRAM

Namati's Community Land Protection Program partners with national and local organizations to proactively strengthen communities' ability to protect, document and steward their customary and indigenous lands. Namati's integrated community land protection approach combines the legal and technical work of mapping and documentation with the governance work of establishing mechanisms for accountable, equitable and participatory local management of land and natural resources. Namati's community land protection process supports communities to:

- Improve local governance by holding leaders accountable and increasing community involvement in land and natural resource management;
- Strengthen protections for women's and minority groups' land rights;
- Resolve long-standing land disputes and reduce future land conflict;
- Improve conservation and sustainable use and management of natural resources;

- Align community norms and practices with national and international law; and
- Vision and plan for community-defined local development.

To strengthen fieldwork and ensure significant impact, Namati and its partners rigorously collect and analyze data on communities' land protection activities. Namati then develops all findings, shared learnings, innovations and strategies into practical resources for the growing network of organizations working to protect community lands and natural resources. Namati also offers technical support and legal assistance to advocates and activists, and advises governments on how best to enact and implement legislation protecting community land rights. All Namati publications, policy advocacy, and technical support are grounded in and informed by grassroots fieldwork.



THE COMMUNITY LAND PROTECTION PROGRAM'S VISION AND GUIDING PRINCIPLES

The Community Land Protection Program envisions a world where community land and natural resource governance and management systems are celebrated as powerful and viable models for modern societies, and lead to the realization of:

1. Vibrant, engaged communities with accountable governance structures, empowered to participate and advocate for themselves in wider political and governance systems;
2. Inclusive, diverse communities that respect the rights of women and other marginalized groups;
3. Sustainable local economies, connected with regional markets, that enable a diversity of livelihood options while maintaining protections for community members who rely upon communal lands and resources to support their families;
4. Effective local environmental stewardship that results in flourishing ecosystems, food security, and the protection of future biodiversity; and
5. The revival, maintenance, and inter-generational transfer of dynamic local cultures, languages, ceremonies, and traditional knowledge.

Namati's Community Land Protection Program operates according to the following guiding principles:

1. **Self-awareness.** We strive to be deeply reflective, thoughtful, and humble in all that we do. We embrace complexity, learning and vulnerability. We commit to recognizing and addressing the underlying power dynamics that exist between international and local organizations – and between local organizations and communities – and the potential imposition of desired outcomes.
2. **Critical self-reflection and honesty about our shortcomings and uncertainties.** We are clear and honest about which findings and impacts are supported by hard data, and which are based on anecdotal evidence. We report on our failures and ongoing challenges so that we and others can continue to learn and improve.
3. **Adaptation, not replication.** Our goal is for our partners and the communities we work with to critically assess and adapt our approach to local circumstances, not to simply replicate it. Communities' priorities and concerns drive the work forward, with facilitators listening carefully and adapting the process as necessary. While maintaining the approach's core components, we remain open to continuously learning from our partners and improving our strategy.
4. **Bridging indigenous/customary knowledge with statutory systems.** We work to bridge the gap between communities, national governments and international institutions by elevating the voices, lived experiences, priorities and interests of communities up into national and global decision-making processes. We aim to create a legitimate space within statutory law for customary norms, practices and knowledge.
5. **Grassroots-driven advocacy.** We engage in policy advocacy efforts to strengthen communities' rights to their lands and natural resources and to facilitate community land protection in practice. Our policy priorities are derived from communities' expressed needs and our experiences working at the grassroots.

NOTES



BEST PRACTICES FOR PROGRAM MANAGEMENT

This section sets out recommendations and guidance on how to most effectively design, manage, and facilitate community land protection initiatives, including strategies to ensure inclusive participation and how to responsibly exit communities.

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- Community Selection 21
- Ensuring the Participation of Women and Minority Groups 29
- Working with Community Leaders 33
- Preserving and Revitalizing Culture 37
- Community Exit 41

SUGGESTED PRACTICES FOR GOOD PROGRAM MANAGEMENT



Experience has shown that one of the most important factors that determines the success of community land protection efforts is well-organized project management. Managing the many activities necessary to successful community land protection can be challenging. Because the process includes so many different activities and involves so many community meetings, the work is very resource- and time-intensive. Over the years, facilitators have confronted the following logistical and project management challenges:

- **Cost, scheduling and time requirements.** When working in various communities at once, it is difficult to manage the frequency of community visits, especially because of high logistical costs (fuel and transportation) and long distances between facilitators' offices and communities.
- **Workload.** Facilitators are often challenged by the many tasks they must take on, including facilitating community meetings, training community land mobilizers, documenting community progress and evaluating impacts, meeting with local government officials, and resolving land conflicts.
- **Communities' varying paces, needs, and capacity to complete the work.** Facilitators' time and energy must adapt to each community's situation – one community may confront few conflicts and challenges and complete the effort in a few months, while a neighboring community may get bogged down in intra-community conflict and need more than a year of support. The pace that communities move through the process can change, forcing facilitators to modify their work plans on a regular basis.

- **Progress tracking and document management.** Throughout the process, communities and facilitating organizations produce many important documents that are evidence of communities' land rights. When working with a number of communities, it can be challenging to keep each community's documents organized and secure.
- **Staff skills.** It often takes time to understand what kind of skills facilitators must bring to the work. Some organizations actively recruit facilitators that have mapping experience, legal knowledge, conflict resolution expertise, democracy-building experience, and conservation experience, while others work with existing staff that have general fieldwork experience. If a facilitator has no legal, mapping, or conservation expertise, organizations must train them in some of these skills so that they can successfully facilitate more technical community land protection activities.

Each organization must ultimately create systems and procedures that best suit the local legal and political context, community needs, and their own organizational protocols and systems. Overall, however, years of experimentation have shown that certain strategies lead to more effective program management of community land protection initiatives:

1. **Work in a limited number of communities at the same time.** It is best to support community land protection work intensively in a few communities, rather than spreading facilitators' time and energy thinly across too many communities. Facilitators should carefully analyze how many communities they can successfully support to complete community land protection activities at once, and make programming decisions accordingly. It is best to work with

the number of communities that allows facilitators to visit each community at least *twice a month* and stay in *weekly* communication with community leaders and Mobilizers.

2. Work in communities that are geographically close together. Community land protection efforts go most smoothly when facilitators are able to work in clusters of communities that border each other. Working in clusters of communities is helpful for a number of reasons:

- **Cost reductions.** When working with communities that border one another, facilitators may be able to visit more than one community per day (scheduling a morning meeting and an afternoon meeting, or travelling as a group to the area and then splitting up to work with multiple neighboring communities simultaneously), significantly reducing petrol costs and allowing quick “check-ins” and easy drop-off of needed supplies or pick-up of key documents.
- **Fewer boundaries to harmonize.** When working with communities that neighbor one another, there are fewer boundaries to harmonize, and harmonization may go more smoothly because neighboring communities are undertaking the same process and receiving the same conflict resolution support.
- **Shared leadership.** Communities that share borders often share higher-level leaders (clan chiefs, paramount chiefs, district officials, etc.) who can encourage communities to coordinate and collaborate.
- **Multi-Community Meetings and Trainings.** When neighboring communities work toward documenting and protecting their lands, community leaders and Community Land Mobilizers can cooperate and communicate, share successes, and find solutions to challenges. Facilitators can call all the leaders from various communities together for a “leaders’ meeting,” or facilitate a “women’s meeting” that brings together women from a number of neighboring communities to share ideas and empower one another. Working in neighboring communities also makes it easier and more cost-effective to bring together Community Land Mobilizers for periodic trainings and supervision.

3. Visit communities frequently. Community land protection work goes best when facilitators visit each community once a week to keep community energy motivated and focused. At the very least, facilitators should visit communities twice a month. When more than a month goes by without a visit from the field team, community energy and time investment decline. If communities are very far from facilitators’ offices, facilitators may choose to go into the field for a few weeks

at a time, work intensively with communities through an entire “Stage” of the project, then leave the community with “homework” to complete (to prepare them to complete the next series of community land protection activities) before the facilitators return for their next intensive visit.

4. Assign communities homework. Community land protection efforts are most successful when facilitators hold a community meeting to introduce an activity, lead the community to begin the activity, and then assign the community specific “homework” to complete before their return. For example, facilitators might begin the process of brainstorming the 1st draft of community by-laws in a long community meeting, and then assign the community the homework of finishing the 1st draft on their own before the facilitators’ next visit.

5. Provide comprehensive training and support to Community Land Mobilizers. To ensure that Community Land Mobilizers can provide the necessary support, facilitators should train them rigorously, supervise them well, and make sure that Mobilizers have copies of all relevant national laws, guides and pamphlets, and enough pens, markers and papers to carry out their duties. (See the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees.*)

6. Have realistic expectations for Community Land Mobilizers. Community land protection efforts should be led by facilitators, not by Community Land Mobilizers. Facilitating community land protection efforts is a full time job and takes significant work. When Community Land Mobilizers are unpaid or receive only a small stipend, it is unreasonable to ask them to devote more than a few hours per week to the effort because they need time to pursue their livelihoods and support their families.

7. Ensure clear lines of communication. It is best to create a formal Community Land Protection phone line (ideally separate from facilitators’ personal phone numbers) and share this number with all community members to ensure that community members can call facilitators when they need to discuss their community land protection efforts. This is especially important when leaders are corrupt, or elites are challenging the community land protection process. Facilitators should make sure that this number is widely known throughout the community – youth, women and other community members who may not have a voice in the community may have key information to share with facilitators, and be willing to share it if they can speak with facilitators directly.

- 8. Manage community documents carefully.** The community land protection process produces many documents, including hand-drawn maps of the community, satellite/technical maps, various drafts of the by-laws, boundary documentation MOUs between neighboring communities, and, not least of all, formal registration certificates for community lands. Facilitators should help communities to keep all of these documents in one, contained binder or folder that will ensure that the documents are safe, secure, dry, and clean. Facilitators should make digital copies of all paperwork and store the files in a safe, secure computer or in an internet-based file management system that cannot be easily broken into by outsiders. With community permission, facilitators should also keep copies of all paperwork in their offices in a secure location. Communities may also want to explore keeping their documents in a bank's safe deposit box, or in a trusted government office.
- 9. Hold regular meetings with local government.** Community land protection efforts tend to be most successful when facilitators schedule a regular monthly meeting with relevant local government officials. At this meeting it is good to have a prepared, one- or two-page summary of the past month's activities, highlighting specific achievements and challenges. Regular meetings can help build strong relationships with local government officials, who may then be called upon to: help resolve land conflicts; reign in corrupt community elites; support the drafting, adoption and enforcement of community by-laws; and ensure that communities' documents are processed quickly, among other supports.

EXAMPLES OF SUCCESSFUL PROGRAM MANAGEMENT STRATEGIES

Facilitating organizations have devised a number of ways to make their community land protection efforts more manageable and to work with many communities at once. Some notable examples include:

- 1. Ten communities, two facilitators and a motorcycle.** One cost-effective project management strategy is to work in ten communities at once, with communities grouped in five sets of two neighboring communities. All communities are located within an hour's ride from the facilitating organization's office. The team of facilitators divide the communities between themselves and visit each community once a week. The facilitators motorbike or drive to the field together. The facilitator working in the farther community drops off and picks up the facilitator working in the nearer community. Each facilitator visits one community per day, Monday through Friday. Each community has a fixed day of the week and time that their community land protection meetings are held, so community members know, for example, that every Monday from 1 pm until 4 pm, they have a community land protection meeting.

Note: Some organizations have found that it is necessary to have two facilitators at every community meeting –one to facilitate discussion and one to take notes or support the meeting in other ways. If the Community Land Mobilizers are high-literacy enough, then one facilitator may be sufficient. If the organization has a car, then students, interns and volunteers may accompany facilitators to play supporting roles.

- 2. Leveraging Facilitators' Specific Expertise.** Another strategy is to create teams of facilitators that include individuals with expertise and experience in different aspects of the community land protection process. For example, a community land protection team might include a facilitator who has special expertise in mapping and conflict resolution, and another facilitator who has a background in legal education and local governance.

In this model, all staff are responsible for all communities, but the community land protection process unfolds in different sequences: facilitators enter a community together and collaborate throughout the "Laying the Groundwork" phase. The facilitators then divide communities between themselves, with one facilitator leading half the communities through the "Boundary Harmonization" phase, while the other facilitator leads the community through the "Promoting Good Governance" phase. Then they switch communities. Finally, they co-lead the "Preparing Communities to Prosper" phase. This model allows communities to have a specially trained expert supporting each phase of the process, as appropriate.

NOTES

COMMUNITY SELECTION



Facilitators must carefully select which communities they will support to complete community land protection efforts: working with healthy, highly functional communities can be the key to program success, while working with highly dysfunctional communities will likely drain facilitators' time and resources and may lead to negative outcomes.

Experience has shown that communities are much more likely to complete the land protection process successfully if they:

- Are highly motivated to protect their lands and/or feel strongly that their tenure security is threatened;
- Have strong, unified leadership;
- Are flexible and willing to compromise when harmonizing boundaries with neighbors and drafting community by-laws; and
- Are well-organized and familiar with pursuing collective goals cooperatively.

Meanwhile, communities are less likely to complete the community land protection process if they:

- Are not highly motivated to protect their lands or do not feel that their tenure security is threatened;
- Are governed by weak or corrupt leadership or by leaders who cannot cooperate;
- Lack internal cohesion and a proven track record of collective action;
- Are unwilling to compromise to harmonize boundaries and agree on by-laws; and
- Are confronted with elite community members who seek to grab land for their own use, and are thus intent on sabotaging the community land protection process from within.

A NOTE ON WORKING WITH DYSFUNCTIONAL COMMUNITIES

Facilitators should reflect carefully before beginning community land protection efforts in a dysfunctional community: if a community begins the work (especially boundary harmonization) but is not able to complete it, the process may increase tensions, create or aggravate land and power conflicts, and potentially leave the community in a worse situation than before the intervention began.

However, often the communities most vulnerable to losing their lands are the ones that are disorganized, have corrupt leaders, and/or struggle with elites trying to claim land and natural resources. While these communities are most in need of land protection support, the work may take years, require significant time and resources, and may ultimately fail.

If a community is highly motivated to protect its lands but is challenged by weak leadership or intra-community conflict, facilitators should carefully consider how much support a potential community may need in order to address these weaknesses. Facilitating organizations might undertake a cost-benefit analysis of working in a community that will likely struggle through activities and require significant support. Facilitators should assess whether it is more useful to support one dysfunctional community, or use the same time and resources to help two or more highly functional communities. Achieving success in some communities can be an important way to inspire weak communities to organize themselves so that they, too, can protect their lands.

Facilitators can take the following concrete steps to research and screen potential communities before committing to support them to document and protect their lands:

1. Ensure that communities are highly motivated to document and protect their lands.

It is best to work only with communities that have proactively and assertively requested support to document and protect their lands. The following strategies can help ensure selection of motivated, healthy communities who are capable of completing the community land protection process:

- **Public awareness campaigns:** It is useful to conduct a public awareness campaign to inform communities about the opportunity to request community land protection support. Not all communities will know about potential threats such as planned mining projects or forestry and agribusiness concessions, so campaigns to raise awareness of threats and land protection strategies can increase demand from communities who may soon face external pressures on their lands. Public awareness campaigns should describe the nature of the community land protection work, the reasons a community might want to undertake the work, and the various steps and activities involved. As part of a public awareness campaign, facilitating organizations can:
 - Use local radio to let communities know that they can apply for NGO support to protect their land rights;
 - Meet with local government officials and ask them to spread the word to communities and leaders;

- Inform other NGOs working in the area and ask them to support communities to apply; and
- Make presentations at community events, among other strategies.
- **Competitive application process:** One way to quickly assess community demand and motivation is by asking communities to apply for support through a competitive application process. To do this, the public awareness campaign should inform communities that the facilitating organization is currently accepting requests for support but can only help a limited number of communities at one time. Facilitating organizations can create a basic application form to assess community interest. Application forms can include questions about the threats facing community lands, the effectiveness and unity of leadership, existing land conflicts in the region, and the community's openness to addressing intra-community discrimination. A community's willingness to fill out a simple, low-literacy form will help to illustrate members' and leaders' degree of motivation and commitment to community land protection work. (See the *Sample Application Form* at the end of this chapter.)
- **2. Establish clear selection criteria.** Establishing clear community selection criteria can be helpful for facilitating organizations. Experience has shown that the following factors directly impact the likelihood of community success:
 - **Community demand.** The community land protection process requires serious commitment from community members. If community members do not strongly demand

the program, it is very unlikely that they will be motivated enough to complete the process. When communities themselves decide that they want to protect their lands with legal tools and take initiative to request support from an organization, there is a higher likelihood that the community will be coordinated, motivated, and empowered to lead the process forward with minimal facilitator support.

- **Leaders’ effectiveness and level of commitment.** Facilitating organizations will rely on leaders to organize meetings, ensure that community land protection work continues when facilitators are not present, resolve land and boundary conflicts, and perform other critical functions. Without exception, when communities have leaders who are ineffective, influenced by outside elites, and/or opposed to community land protection efforts (openly or covertly), these communities have been unable to successfully complete land protection activities. When local leaders are unresponsive or work actively to undermine community land protection efforts, they may demobilize community members, frustrate community land protection efforts and even create a security risk for facilitators.
- **Cooperation between leaders.** Community leaders must not only be well respected and effective – there must also be relatively good cooperation between various community leaders. Power struggles between leaders can also derail community land protection efforts.
- **Community cohesion.** Communities must be able to collaboratively and collectively agree on rules for community governance, resolve land conflicts, agree on boundaries of their lands, create a unified vision for their future, and manage their lands and resources sustainably. Communities characterized by a high degree of internal conflict, distrust, and divided factions will not be able to undertake such work without enormous difficulty.
- **Community size and composition.** Certain factors tend to erode or undermine the degree of community cohesion and ability to complete community land protection efforts, including: the number of sub-units (villages, towns, wards, etc.) within the larger “community;” how many transient individuals or families (seasonal laborers, pit-sawyers, miners, etc.) live temporarily in the community; and the overall size of the community. A community with a very large population and a very large territory may struggle to complete community land protection efforts. In contrast, smaller, less populous and less diverse communities tend to more easily unite around the project activities.
- **Existence and prevalence of internal threats.** Namati and its partners have observed that if the threat to a community’s land is coming from inside the community itself (local encroachers or local leaders and elites who seek to claim land for themselves), the community land documentation work will likely fail. Internal encroachers have a strong incentive to demobilize their communities and leave communal lands undocumented and vulnerable to exploitation.
- **Existence of external threats.** External threats can help to unite a community against a common “enemy” and increase the sense of urgency to finish the process. Such threats often increase community motivation and help people to put aside conflicts with their neighbors to work collectively against investors, elites, or government agencies seeking to claim their land.
- **Existence of valuable natural resources.** Recent discoveries of oil, minerals, gas and other valuable natural resources (or even rumors of them) may motivate communities to claim and document their lands. However, such resources may also obstruct successful community land protection efforts: neighboring communities may refuse to compromise on boundaries or each seek to claim as much valuable land (and the resources on it) as possible. As well, elites may sabotage community land protection efforts in the hope that they can claim the land or resources privately.
- **Logistics.** When facilitators visit a community regularly (ideally every week or every two weeks) the community is more likely to complete community land protection activities successfully and efficiently. When facilitators work in communities located far from their offices, program expenses increase, inefficiencies arise, and it is difficult for staff to conduct regular meetings and visits. Good connectivity is also critical: it is easier to successfully coordinate and plan with communities that have cell reception.
- **Neighboring communities:** Several of Namati’s partners have found that selecting a group of communities that border each other can help all of them move through the process more efficiently. Working with neighboring communities ensures coordinated boundary harmonization efforts, can allow facilitators to visit multiple communities in one day, and may foster cooperation and joint problem-solving among leaders. Supporting communities in geographic clusters may also increase communities’ bargaining power with investors interested in lands or natural resources that span across several communities in the same area.

- 3. Undertake a “Community Assessment.”** Ideally, facilitating organizations should support land protection efforts in communities where they are already well-known and trusted. Yet this is not always possible, so when considering working with a new or unfamiliar community, facilitators should go slowly and take the time to assess a community’s strengths, weaknesses, and all existing challenges and conflicts before deciding whether the community is a good candidate for community land protection work. Such an assessment should include:
- **Background research:** Facilitators should try to find: any government reports on the community’s history; any case law or legal documents relative to past or current land conflicts; any news articles about events that occurred involving the community; information on existing investment ventures in the community; information on any connections the community has to powerful elites in the business sector or in government; how many private titles or deeds have been registered within the bounds of the community; and all other important information that may be relevant to the community’s community land protection efforts.
 - **Scoping Visits:** It is essential to visit potential communities to assess their motivation and factors that could influence the likelihood of successful completion of the community land protection process. Scoping visits are an excellent time to meet with leaders and community members to discuss community land protection and to gather information about the community. While scoping visits do require time and resources, they help to select communities that are more likely to succeed, which will improve efficiency and reduce costs overall. Facilitators should develop a list of questions to ask community stakeholders during scoping visits. Facilitators should speak with leaders, elders, women, youth, and minorities because each of these groups will have different information and insights to share. Scoping visits also provide an opportunity to identify which leaders are widely trusted by community members.
 - **Reference Checks with Other NGOs and Trusted Officials:** Many communities have undertaken projects with other NGOs and local government offices in the past. If possible, facilitating organizations should speak with these NGOs and trusted government officials to gather information and insights about community leaders and community dynamics. In contexts where the government is supportive of community land protection efforts, local officials and agencies may be able to recommend highly motivated communities that have good leaders. Cultivating good relationships with local government officials early in the process may help to expedite future land documentation and ensure support for enforcement of community by-laws.
 - **Score cards:** It may be useful to make a “score card” to help critically assess a community’s potential ability to successfully complete the community land protection process and so help to determine whether to offer support at the present time. (See the *Sample Score Card* at the end of this chapter.)
- 4. Ensure that leaders are open to governance changes.** Community assessment efforts should also include direct conversations with existing leaders about how the community land protection process is designed to make local land governance more participatory, accountable, and transparent. Facilitators should be careful to select communities whose leaders are committed to creating a more inclusive governance system – which may mean sharing their power and authority over land and natural resources with women, youth and members of minority groups. (See chapters on *Working with Community Leaders* and *Creating Land Governance Councils*). If leaders are resistant to making changes to local governance, the community land protection process may not result in the intended outcomes.

SAMPLE COMMUNITY APPLICATION FORM

We (*the Facilitating Organization*) support communities to protect and document their land rights. Please use this application to express your interest in working with us. The community land protection process will take at least one year and will require your community to put in a lot of time and energy. We work with communities that show that they are organized, motivated, and committed to protecting their lands. Please fill out this form to see if your community is ready to work with us to document and protect your lands.

1. Community Name:

2. Community Location:

3. Estimated community population and number of households:

4. Names of all tribes or ethnic groups living in your community:

5. Estimate of community area (hectares or acres):

6. Names of neighboring communities:

7. Do you have boundary conflicts with any of these neighbors? Yes Maybe No

If yes, what actions has your community taken to resolve these boundary conflicts?

8. Is your community currently facing any threats to your lands? Yes Maybe No

If yes, please describe the threats and any actions your community has taken to address them.

continue over >

SAMPLE COMMUNITY APPLICATION FORM – *continued*

COMMUNITY LEADERSHIP

1. Names and positions of all community-level state or government leaders:

2. Names and positions of all community-level customary leaders:

3. Names and positions of your community's political representatives:

4. Names and positions of your community's spiritual/religious leaders:

5. Names of all women and youth leaders in your community:

6. Do leaders in your community work together well, or do they struggle to work together peacefully?

7. Are there particular groups or leaders that are responsible for managing lands and natural resources in your community?

Yes No

If yes, What are the names of these groups, and what are their functions?:

COMMUNITY LAND PROTECTION

1. *Why* does your community want to protect your land rights? What are your motivations?

2. Please give an example of 3 rules or practices that your community follows to take good care of your lands and natural resources:

3. What changes would your community like to make in how your community manages your lands and natural resources, so as to ensure that your children and grandchildren have enough land, food, firewood, and clean water to live well and prosper?

4. What actions could your community take to help make sure that every community member's land rights (including women, ethnic minorities, the poor, orphans) are protected?

5. Please give an example of when your community worked together to plan and complete a project that made life better for community members. What was the plan? What worked well? What challenges came up, and how did you address those challenges?

ENDORSEMENT FOR THIS APPLICATION

Please include the names and signatures of at least 7 community leaders (including women and youth leaders) as proof that your community is committed to community land protection work.

1.

2.

3.

4.

5.

6.

7.

SAMPLE COMMUNITY SELECTION SCORECARD

Community Name:

Location:

Size of community land:

Population:

Number of “sub-units” within the larger “community” unit:

Level of community demand/motivation: (1 = low, 5 = high) **1** **2** **3** **4** **5**

Effectiveness of leadership: (1 = low, 5 = high) **1** **2** **3** **4** **5**

Power struggles between leaders: (1 = low, 5 = high) **1** **2** **3** **4** **5**

Level of community cohesion: (1 = low, 5 = high) **1** **2** **3** **4** **5**

Degree of logistical difficulty: (1 = low, 5 = high) **1** **2** **3** **4** **5**

Distance from office / relevant logistical challenges:

External threats to land? (circle) **Yes** **No**

If yes, describe:

Internal threats to land? (circle) **Yes** **No**

If yes, describe:

Valuable Natural Resources in Community? (circle) **Yes** **No**

If yes, describe:

Overall assessment of whether the community would be able to successfully complete community land protection efforts:

Yes **Maybe, will need extensive support** **No**

Notes:

ENSURING THE PARTICIPATION OF WOMEN AND MINORITY GROUPS



The entire community must take part in the community land protection process for it to be successful. All community members, including women, men, youth, elders, traditional leaders, members of minority groups, practitioners of various livelihoods, and seasonal users should be invited to all meetings and encouraged to participate and speak their minds. The active participation of all community members throughout the community land protection process is necessary to:

- **Increase the validity of the community land protection process.** When a high percentage of the community is involved in community land protection activities, it is more likely that the effort will have good results and lasting impacts. If the community land protection process is a community-led, community-driven activity (not just an effort by a handful of elite male elders), it is more likely that the agreed-upon rules and boundaries will be respected over the long term. If the process excludes certain people or stakeholder groups or if the community and facilitators allow powerful community members and leaders to control the process, then community land protection outcomes may be challenged in the future or sabotaged in the short term.
- **Strengthen the work with good ideas and information from a diverse array of community members.** Active involvement by women and members of minority groups will increase the quality and comprehensiveness of the community land protection process. If women are not present at meetings to describe the natural resources they gather daily (to build their homes, feed their families, and care for their children's health), the community may not remember to create rules to ensure the sustainable use of these resources. Likewise, because most work in rural

communities is highly gendered or differentiated by livelihood (agriculturalists, pastoralists, etc.), excluding women and minority groups from the community land protection process may mean that maps are left incomplete and/or that important natural resource management strategies are not included in the by-laws.

THE IMPORTANCE OF WOMEN'S KNOWLEDGE

In some communities in Uganda, women's participation in community land protection meetings remained low for many months. Facilitators had to work to understand the reason behind the women's silence: although the grazing lands being protected were central to a variety of activities critical to families' livelihoods and survival, community perception was that the grazing lands were used only for grazing, a primarily male activity. It was therefore assumed that the project related only to men. Yet women in those communities use the grazing lands on a daily basis to collect basic household necessities such as firewood, building materials, wild fruits, white ants, herbal medicines, honey, mushrooms, and other resources. By convening special "women's conferences," during which women catalogued and described the various ways they used the communal grazing lands, facilitators were able to show women how their input into the community by-laws drafting process was urgent and necessary: if women did not speak up, the community may not make rules to ensure that the resources women depend upon to care for their families were managed sustainably.

- Create opportunities to address intra-community injustice and discrimination.** In many parts of the world, growing competition for scarce lands and natural resources has meant that relatively “weaker” community members – women, widows, orphans, the poor, the elderly, and members of minority ethnic groups – face the greatest risk of losing land to land-grabbing relatives or elites, in distress sales to more powerful people, or in land disputes with neighbors. In some contexts, customary protections for the rights of women and minority groups are being disregarded and “forgotten,” while in other contexts families are reinterpreting or “rediscovering” customary rules in ways that undermine women’s and minority groups’ land rights. The community land protection process addresses these trends by creating opportunities for women and marginalized groups to challenge local rules that discriminate against them and argue for changes that strengthen their land rights.
- Promote more diverse, participatory governance and give “voiceless” groups a voice.** When well-facilitated, the community land protection process creates opportunities for women and members of minority groups to push for equal rights, such as the right to participate in local governance or to own land). In many communities, decisions are made by a few leaders and/or a group of male elders. The community land protection process is an opportunity for all community members to take part in decisions. When all community members are invited to take part in every community land protection activity, it can help foster a new culture of participatory rule-making and local democracy.
- Strengthen the land rights of women and minority groups.** Women’s and minority groups’ active and vocal involvement in the community land protection process often results in communities adopting by-laws that strengthen and protect the land rights of these groups. (For more details on how the community land protection process can positively impact the rights of women and members of minority groups, see the chapter on *Strengthening the Land Rights of Women and Members of Minority Groups*)

HOW TO ENSURE THE ACTIVE PARTICIPATION OF WOMEN AND MINORITY GROUPS?

To strengthen the land rights of women and members of minority groups most effectively, facilitators should undertake some or all of the following strategies:

- Undertake a gender analysis.** Before beginning community land protection work, facilitators should carry out a gender analysis in each community (cataloguing all barriers to inclusion or participation) and design community-specific strategies for how they will proactively address these barriers.
- Ensure women’s and minority groups’ attendance at meetings.** Facilitators must devise innovative solutions to ensure women and other groups can attend meetings. Strategies might include:
 - Scheduling project meetings in places and at times that women could more easily attend, such as holding meetings on Sunday afternoons when women are free from their work;
 - Have a few women gather food from all households in the community and cook lunch for the whole community at the meeting venue (to ensure other women do not have to stay home from a meeting to cook lunch for their families);
 - Send community leaders and Community Land Mobilizers door-to-door to request that women and members of minority groups attend project meetings; and
 - Proactively request that husbands bring their wives and other female household members with them to meetings, among other strategies.

In Liberia, community members reported that as a result of the community land protection process:

“There has been a change in decision-making process: all the community members have to come together to agree or disagree on any new decision, and the voice of women is also considered.”

“There are changes. In the past, elders made all the decisions – now we are all involved. Now elders don’t just make decisions without consulting the whole community.”

“In the past elders and our big people made all the decisions. Now we call meetings for everyone to take part.”

- **Foster women’s and minority groups’ verbal participation during meetings.** *Attendance* at meetings does not equal *participation* during meetings. Good facilitation is key. Facilitators should model good meeting facilitation skills by making sure that men and women speak equally at meetings, and train Community Land Mobilizers to ensure that the voices and interests of women, youth, and minority groups are all given equal time and space during meetings.
- **Support the community to elect or select a woman to serve as a Community Land Mobilizer.** Women can play an important role in mobilizing other women’s attendance at and participation during community land protection meetings. Facilitators should ensure that the female Community Land Mobilizer is a strong leader who will help to ensure that women’s voices are heard throughout the community land protection process.
- **Ensure women and members of minority groups are elected to the Interim Coordinating Committee.** Facilitators should actively support communities to elect women and members of minority groups to be members of the Interim Coordinating Committee, then train them to mobilize large numbers of women and minority groups to attend all community land protection meetings. (See the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees.*)
- **Convene special women-only meetings.** Facilitators may need to organize meetings where women can work together to identify their interests and craft strategies to effectively advocate for these interests during the broader community meetings. At these meetings (sometimes called “women’s conferences”) facilitators should teach women about their rights under national and international law; ensure that they understand the importance of their contributions to the community by-laws drafting process; and prepare them to speak as a group, as there is strength in numbers. Experience has shown that women’s conferences play a significant role in supporting women to actively challenge discriminatory norms and argue for protections for their land rights.
- **Educate men and leaders about the benefits of strong land rights for women.** Efforts to educate only women about their rights ignore the fact that men – husbands, fathers, fathers-in-law, brothers-in law, community leaders, etc. – are the arbiters of women’s land claims. Experience has shown that when men and leaders understand how women’s land tenure security can increase household income and ensure their children’s future prosperity, they are more likely to create rules that strengthen and protect women’s land rights.
- **Let women show their necessity.** Men may be resistant to pressure from facilitators to include women in land and natural resources governance. It has proved more useful to show men – by example rather than mandate – that women’s participation in the land protection process will help to improve land and natural resource management. By supporting women to speak up about issues related to women’s livelihoods and those natural resources traditionally considered “the domain of women” (medicines, honey, water, etc.), facilitators can help women *show* how critical their knowledge and experiences are to good land and natural resources management. Because such input does not threaten traditional gender roles, men may be more willing to listen to their opinions and accept their recommendations.
- **Leverage custom.** Facilitators can help communities to understand that national laws that protect women’s land rights do not violate customary rules. To do this, facilitators should:
 - Educate communities about national laws that protect women’s and minority groups’ rights;
 - Support community leaders to remember traditions and customary rules that emphasize men’s and leaders’ role as “protectors” of the rights of women and minority groups; and
 - Help communities to reinvigorate customs that emphasize men’s and leaders’ role in protecting the rights of women and other vulnerable groups.

CUSTOM DOES NOT NECESSARILY UNDERMINE OR WEAKEN WOMEN’S LAND RIGHTS

It is more effective and more culturally sensitive to find creative ways of working within custom to strengthen women’s property rights. By bringing all community members into dialogue and creatively problem-solving around the question of how the community may best strengthen women’s land tenure security, facilitators can work with existing cultural practices to address discrimination and bring the wider customary legal structure into alignment with national and human rights law.

WOMEN AS MEDIATORS

In one Liberian community, elders wanted their by-laws to include restrictions concerning palm oil harvesting, a major source of income for youth. The elders argued that youth's focus on palm harvesting was undermining the community's food supply: very few youth were planting rice and other food crops, as they were occupied with planting palm, a non-food cash crop. The youth became alarmed and countered that palm harvesting was a major source of their income and that they deserved to "have a say" in the rules governing household palm oil production. They argued that they were responsible for contributing to local development projects and needed income to support their commitments to the community and their families. To resolve the argument, the men and youth called upon community women to intervene as neutral arbitrators. The women concluded that while some restrictions on palm oil production were indeed necessary, the new rules also had to take into account the interests of the youth. In the end, the community collectively agreed to a three-month annual freeze on palm harvesting during the rice farming season.

- **Ensure implementation of by-laws protecting the land rights of women and minority groups over the long term.**

Experience has shown that efforts to protect the rights of women and minority groups must not end when the community adopts its by-laws and elects a Land Governance Council. To ensure that the by-laws protecting women and minority groups' rights are enforced, facilitators must also:

- Provide legal education for local magistrates, police, district and regional land administrators, and other relevant local bodies that can play a role in enforcing and protecting the land tenure security of women and members of minority groups – and ask them to help the community enforce its by-laws;
- Train and work with customary justice institutions to ensure that they use and enforce community by-laws and national laws that protect the rights of women and minority groups (for example, when mediating family land disputes); and
- Support communities to create "watchdog groups" whose responsibility it is to be on the lookout for violations of women's and minority groups' rights and take action to prevent discrimination before it happens.

- **Ensure the election of a diverse Land Governance Council.**

At the completion of the by-laws drafting process, the community elects a Land Governance Council composed of existing respected leaders and representatives of community stakeholder groups, including women, youth, members of minority groups, and others. (See the chapter on *Creating Land Governance Councils*.)

- **Involve customary leaders.** In rural contexts where communities look to their customary leaders as the authorities and enforcers of rules, these leaders have a critical role as defenders of the rights of women and members of minority groups. To ensure increased protections for their land rights, facilitators may want to train customary leaders and cultivate them as allies in the defense of women's and minority groups' land rights. Customary leaders across various cultures have shown a willingness to learn about national laws that protect women's land tenure security and to shift their practices to align with these laws.

WORKING WITH COMMUNITY LEADERS



A community's ability to successfully complete the community land protection process is directly related to its leaders' integrity, management abilities, organizing skills and commitment. Communities fortunate enough to have motivated, trusted leaders dedicated to mobilizing community members to complete land protection activities between facilitators' visits tend to progress most efficiently through the community land protection process. When community leaders are committed to protecting community lands, they also legitimize the process in the eyes of both community members and outsiders. For example, when leaders agree to respect a harmonized boundary or commit to enforce agreed by-laws, community members are more likely to respect and abide by the boundaries and rules.

On the other hand, when a community's leaders are particularly ineffective, responsive to the influence of outside elites, and/or covertly opposed to land protection efforts, communities are often unable to successfully protect their lands. When weak, corrupt, or indifferent leaders encourage community members to reject the project or boycott meetings, they can stop the work entirely and increase conflict. This is true even when a community has a strong, united desire to complete the community land protection process – a corrupt leader opposing the process can still devastate efforts.

To make matters more complex, in every community there are multiple leaders with overlapping spheres of power and influence: customary/indigenous leaders, state leaders (elected or appointed), political party leaders, spiritual leaders, etc. **For the community land protection process to function there must be relatively good cooperation between all community**

leaders. If community leaders cannot work together peacefully throughout the community land protection process – if they struggle for dominance, or publicly challenge each other's actions – the community may divide into factions allied with particular leaders and activities may stall.

HOW TO WORK EFFECTIVELY WITH COMMUNITY LEADERS?

Facilitators should establish a good working relationship with all community leaders and then build leaders' capacity to lead community land protection activities, cooperate and coordinate with one another, and mobilize community-wide support for the land protection effort. To support this, facilitators should:

- **Determine how to communicate with all local leaders.** While the Community Land Mobilizers will be the main intermediaries between facilitators and the community, it is important to liaise through one or more leaders as well. To know who best to liaise with, facilitators should convene the community and all leaders and in a large group discussion ask the community and its leaders to identify one primary contact person among the leaders who will have the responsibility of communicating all news and information to the other local leaders and the community.
- **Identify trusted leaders.** Facilitators must be careful to align themselves with leaders who are trusted by community members. Unsuspecting facilitators may inadvertently align themselves with leaders who want to grab community lands or who are seen as corrupt. In such instances, community members might perceive the facilitators as supporters of the

leaders' land grab and threaten them with violence or completely reject the effort. To avoid this, it is best to spend time asking questions about the leadership structures in the community and listen carefully to community members' responses. They may not directly identify untrustworthy leaders, so pay attention to evasive responses, body language, and the nuances of how people interact with each leader. Facilitators should also ask regional leaders or officials about community dynamics and pay attention to their own intuitions about who is honest and trustworthy. It may be useful to undertake a "leadership mapping" exercise during any baseline focus group discussions, during which time facilitators ask focus group discussion participants to "map out" all existing community leaders and discuss their roles in the community.

- **Build the capacity of trusted leaders.** Community leaders may need special training and capacity-building to prepare them to best support community land protection efforts. At these trainings, facilitators might emphasize that:
 - Local leaders have the power to help their communities succeed – or fail;
 - Leaders should lead by example by participating in all land protection activities, respecting all agreed boundaries, and implementing and abiding by all by-laws; and
 - Leaders have an important role to play in helping to resolve land disputes that arise.

Consider training community leaders in land conflict resolution/mediation skills, principles of good governance and equity, mobilization strategies, participatory meeting facilitation (to ensure women and minority groups speak and are heard), by-laws drafting, and transparent financial management. Facilitators should notice which leaders are eager to learn and take time to foster their interest and build their capacity. Stronger, better prepared community leaders will mean that the facilitation team will have to put less energy toward maintaining the community's momentum through the process.

- **Proactively address power struggles between leaders.** Community leaders often have different mandates, objectives, and visions for how their community will best grow and prosper. When these visions conflict – or when leaders strive to claim more influence – there can be power struggles. In such instances, facilitators should consider calling all the leaders together to speak about grievances, conflicting agendas and solutions, with the goal of reaching a consensus about the direction and aims of the community's

land protection process. During such discussions, facilitators should continually remind the leaders of the overall goals of protecting community lands and increasing community wellbeing. Facilitators may need to seek support from higher-level customary/indigenous leaders or government officials to help mediate these discussions.

- In instances of power struggles between leaders, it may be useful to invoke prayer and sacred law. Facilitators should look to local culture and spirituality for influences that will help keep leaders at their moral and ethical center, away from self-interest or desire for power. Depending on the culture, it may be helpful to invoke ancestors, future generations, or relevant deities/spirits to focus the energy away from conflict and toward what is best for the community.
- **Include leaders who may be inadvertently excluded.** Leaders who are excluded from the land protection work may feel threatened and attempt to sabotage the community's progress. Some communities may not immediately involve all leaders, especially spiritual or cultural leaders who may not seem necessary to the community land protection process. However, involving these leaders can make the process more legitimate and thorough: these leaders often have significant traditional knowledge or expertise related to the use and management of natural resources, the preservation of sacred sites, the location of key medicinal plants, and the history of the community's changes and growth over time.
- **Carefully manage leaders' participation in community land protection efforts.** Facilitators may notice that leaders attempt to dominate or control a community's land protection process. If leaders are speaking too much in community discussions or being overbearing, one useful strategy is to assign a dominant leader to be the moderator of a discussion and ask him or her to call on all meeting participants (especially women, youth and members of minority groups) to add their comments.

If leaders argue that community members are not knowledgeable enough to take part in community land protection activities and decisions, facilitators should remind them that if leaders or elites dominate the community land protection process, it will be a weak process and likely fail. Be firm in explaining that community-wide participation and support is necessary to ensure that community rules and boundaries are respected and fair. If leaders refuse to support a fully participatory process, facilitators should be prepared to invoke the Terms of Engagement and withdraw from the community.

WHAT TO DO WHEN CORRUPT LEADERS TRY TO OBSTRUCT OR UNDERMINE THE PROCESS?

Corrupt leaders may secretly or overtly try to sabotage community land protection efforts in an effort to maintain or claim control over land and natural resources. Often, such leaders have authority in the community and can use their influence to reject facilitators. In one community in Uganda, 95% of the community welcomed the facilitation team and urgently requested their help in completing the land protection process, because they were aware that their leader was trying to claim the community's grazing lands as his own private lands. Yet when the facilitation team arrived for their third community meeting, this leader was waiting with a group of men armed with knives, and told them that they were not welcomed in the community and should never come back. The facilitation team had no choice but to leave. To proactively address such challenges before violence is threatened, facilitators should:

- **Avoid communities with powerful, corrupt leaders:** Undertake a careful community vetting process and work only with communities in which all leaders are clearly in support of the community land protection process.
- **Do research and be prepared:** After holding focus group discussions in a community (that include questions that collect information about leaders), complete a power-mapping exercise that identifies all the community leaders, their spheres of influence and authority, and their known or suspected personal interests.
- **If already engaged in the community:** Allow the community to impeach the leader (if possible) or seek support and intervention from higher authorities with the power to control corrupt leaders or remove them from leadership.
- **Leverage the support of the regional leaders that community leaders report to. Strong, unified support from regional leadership will increase a community's confidence in the land protection process.** Facilitating organizations should work to ensure that regional leaders are aware and supportive of community land protection efforts. Facilitators can encourage communities to invite regional customary and state leaders to attend community land protection meetings as appropriate. Regional-level leaders may also be helpful for resolving power struggles between local leaders, intractable boundary conflicts in which local leaders remain inflexible, and situations in which community leaders act corruptly or seek to undermine the community land protection process.

COMMUNITY-LED ACTION TO REMOVE CORRUPT LEADERS

In Liberia, one community removed a leader from power after discovering that he had been quietly working to impede the community's progress in order to protect his own land holdings and misappropriating funds collected for food at community meetings. In another community, women and youth raised concerns that their Interim Committee members had privileged local elites' interests during community boundary harmonization. In both instances, facilitators observed that when communities took action to remove and replace corrupt or poorly-performing leaders, the change immediately improved the communities' ability to progress through the remaining land protection activities.

OTHER TIPS FOR WORKING WITH LEADERS

In some contexts, it may be most effective for a trusted, high-capacity community leader to serve as one of the Community Land Mobilizers. (See the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees.*)

Monitor for and manage leaders who are opposed to what may seem like reductions in their authority. Leaders may oppose the by-laws drafting process, as it serves to make them more accountable and inherently diminishes their power. Specifically, the by-laws drafting process provides community members the opportunity to publicly voice their dissatisfaction with their leader(s), challenge their leaders' conduct, and institute term limits, periodic elections for their leaders, and criteria for impeachment. Leaders may oppose such efforts and seek to influence or sabotage a participatory, inclusive by-laws drafting process. (See the chapter on *Community By-Laws and Legal Education.*)

When creating the Land Governance Council, ensure that existing leaders are included and maintain (some of) their authority. If existing leaders are excluded from these new governance structures, they may undermine the authority of the Council or create a split in the community. (See the chapter on *Creating Land Governance Councils.*)

STAKEHOLDER ANALYSIS AND POWER MAPPING ACTIVITY
 (COURTESY OF THE COMMUNITY SELF RELIANCE CENTRE, NEPAL)

The goal of this “stakeholder analysis” is to catalogue and understand the positions of all allies and opponents to a community’s land protection effort.

In this activity, facilitators support either a group of Community Land Mobilizers (at a training and supervision session) or each community (in a community meeting) to undertake a regional stakeholder analysis.

To facilitate the activity, facilitators draw the following chart on a large piece of white paper. The community then brainstorms every key “actor” in the community or region (including customary leaders, government officials, elites, companies, neighboring communities, ancestors, future generations, etc.) who would be: involved in community land protection efforts; support the efforts; oppose the efforts; have a strong opinion about their results and impacts; or be ambivalent about the efforts.

As each “actor” is mentioned, facilitators write the actors’ names on a sticky note, and ask the group where to place each “actor” on the chart. (As the group debates, the facilitator can move the sticky note around the chart.) Facilitators should continue to prompt participants to continue naming all actors they can think of – and to be creative!

Significant/ High Influence					
Some Influence					
Minimal/ Low Influence					
	Strongly Supportive	Supportive	Neutral	Opposed	Strongly Opposed

By the end of the activity, all the various stakeholder groups and actors should be located in the most appropriate place on the board. Facilitators should allow time for participants to get a good look at the position of each actor. Facilitators should then lead a group discussion of how to best navigate and address the various dynamics that will likely arise during the community land protection efforts.

During this discussion, facilitators might ask such questions as:

1. How can we most effectively use the time and energy of people who are supportive?
2. What are good strategies to move an actor from “neutral” to “supportive”?
3. What are good strategies to move an actor from “opposed” to “neutral” – or “supportive”?
4. How can we communicate and work with actors that may be opposed or strongly opposed?
5. Notice how some government actors are opposed and other government actors are supportive – how can we use the supportive government actors to help us work with the unsupportive government actors?

Facilitators can then conclude the activity by asking participants to share the most important “take-aways” from the discussion. Later, facilitators can remind the community and its Community Land Mobilizers to use the ideas that they brainstormed during interactions with the various actors/stakeholders considered in this activity.

PRESERVING AND REVITALIZING CULTURE



Land and culture are tightly woven together. Human cultures are shaped by the landscapes that support them: the lifestyles, diets, and livelihoods of pastoralists, hunter-gatherers, fisherfolk, nomads, and agriculturalists have all evolved to suit their local ecosystem. A community's cultural identity, artistic traditions, and spiritual practices are also often deeply rooted in their lands. As such, culture is at the heart of all community land protection efforts: it infuses all aspects of community life, and informs how the community uses, manages, and relates to its lands and natural resources. For these reasons, the community land protection process has the potential to positively impact the revival, maintenance, and inter-generational transfer of local cultures, languages, ceremonies and traditional knowledge.

WHY IS CULTURE CENTRAL TO THE COMMUNITY LAND PROTECTION PROCESS?

There are several reasons culture is central to, and supportive of, the community land protection process:

- **Personal identity, dignity and empowerment are often linked to a strong sense of local culture.** Individuals' sense of self and connection to the wider community may hinge on shared cultural practices, stories, beliefs, and ways of life. A strong connection to cultural identity often strengthens community members' motivation, personal responsibility, and determination to protect their lands and resources.
- **Burial grounds, sacred sites, and the locations of cultural ceremonies are where a community's religious beliefs meet the land.** The protection of community lands is also often

about protecting a community's connection with its ancestors and spiritual life. In many cultures, spiritual and religious practices are earth-based and tied to specific local sites and natural resources, such as mountains, lakes, caves, and forests. When people lose access to sacred places necessary for cultural rituals, key cultural ceremonies may no longer be performed, forever altering the fabric of society.

- **Exploration of the original rationale behind discriminatory cultural practices can help transform them.** Women's rights are often connected to cultural rules – so much so that failure to discuss culture may result in never getting to the roots of customary norms related to land. "Traditional practices" – such as "widow inheritance" or the recent trend of denying widows the right to remain on their marital lands after their husbands' death – are often modern day, bad-faith "interpretations" of cultural practices that were originally intended to protect women's rights. Thoughtful, carefully facilitated community discussions about discriminatory cultural practices can lead community members to uncover the original positive intentions behind customary practices and help them to update cultural rules to both align with custom and promote the original, more positive rationale behind customary rules.
- **Art, music, theater, dance, song and storytelling can motivate and strengthen community land protection efforts.** Festivals, celebrations, holidays, dances, rituals, and rites of passage can build community cohesion, strengthen social bonds, and enforce positive ethics, beliefs and traditions. When a community's lands are threatened, cultural ceremonies and celebrations can help a community feel strong and united.

- Promoting cultural practices can help a community thrive and prosper. History has shown how forced dispossession from indigenous/customary lands – paired with oppressive tactics aimed at stopping people from speaking their native language or practicing their culture – has led whole groups of people to lose essential parts of their collective identity, and to suffer negative consequences as a result. Positively, efforts to promote or strengthen culture-specific livelihoods, traditional knowledge, local artisanship, and indigenous methods of stewarding lands and resources can help stop cultural erosion and contribute to local prosperity, health and wellness, and an improved quality of life. For example, when youth feel proud of their culture and traditions, they may be more likely to remain in the community as leaders, rather than moving to distant urban centers.

ADDRESSING FACILITATORS' PERSONAL BIASES

Facilitators who have been raised in cities and/or who are members of organized religions may be personally challenged by some communities' spiritual beliefs or cultural practices, such as appealing to ancestors or local spirits/deities for their approval or input. **Facilitators must not let their personal viewpoints and religious beliefs interfere with community members' cultural practices and beliefs.** These beliefs are central to a community's relationship to the landscape, and will continue to be, whether discussed openly or not. Facilitators must remain open to – and not judgmental about – cultural practices and beliefs that impact a community's relationship to its lands and natural resources. Facilitators must be aware of their own personal beliefs and biases and make sure that they are allowing the community land protection process to truly reflect the community's cultural traditions.

HOW TO INTEGRATE CULTURE INTO THE COMMUNITY LAND PROTECTION PROCESS?

Local culture can be woven into every aspect of community land protection work. As appropriate, facilitators should directly include culture – and discussion of the link between culture and land – during the following community land protection activities:

When defining the “community.” Questions of culture and identity politics will arise when discussing how to define the community “unit.” A sense of who “belongs” or “does not belong” is often tied to peoples' sense of cultural, ethnic or tribal affiliations, and all of the associated lifestyles and practices that come along with culture. Relatedly, much conflict often comes from rigid assertions of “this is us, this is ‘not us.’” People may try to define the community as including only “their” culture or ethnic group, to the exclusion of minority groups who also live within the area of land they seek to protect. In such instances, facilitators should stress the positive aspects of inclusion and openness: it is important to have strong cultural practices, but there is also strength in the diversity of cultures living together in a community.

During the community definition process, facilitators should support a community to carefully reflect upon such questions as:

- What are the values that define us as a group of people living in the same area? What are our shared interests, goals, practices, beliefs and ethics?
- Is our community made more vibrant because various cultures or ethnic groups live together in one place? How does the variety of cultures living here give us strength as a community unit?
- How can we live together on our land with people that practice other cultures, while continuing to maintain our own cultural identity?

In Liberia, more and more private homes and large-scale investments are being built next to sacred forests, where youths' rites of passage ceremonies have traditionally taken place. Mining operations are also encroaching into sacred areas where cultural practices occur. In reaction, elders and spiritual leaders have had to make efforts to “remove” the sacred character of the forests and find new venues far from the edges of expanding towns to hold indigenous ceremonies and sacred rites. Such efforts have not been easy; in some regions finding a new, remote area to re-establish cultural activities has not been possible.

During Visioning. When communities are discussing the past, they often speak joyfully of the rich cultural practices, ceremonies, dances, celebrations and festivals that used to take place in their common areas. Yet when talking about the present, they often describe how these practices have fallen away (due to conflict/war, colonization, loss of lands, etc.), and express sadness that people no longer organize community-wide cultural events. Facilitators can ask questions about why such practices have fallen away, how the community has changed as a result, and what has been lost or gained as a result of the community failing to maintain cultural traditions. Then, when the community envisions its “desired future,” facilitators might ask if and how the community would like to revive or continue cultural practices related to art, dance, traditional medicines, celebration, rites of passage for youth, etc.

During Valuation. The value of a community’s common areas is not purely economic: an accurate calculation of common lands is not complete without including values related to the land’s cultural, spiritual and recreational uses. During the valuation exercise, facilitators can ask community members questions such as:

- What cultural activities take place within common areas? Ceremonies? Dances? Gatherings for youth? Collection of medicinal plants for healing?
- What value do community members place on these activities? If the land is lost, where would these activities take place? What would be the compensation value to request, if an investor sought the lands upon which cultural or recreational activities occur?

It is very difficult to calculate the “market value” of cultural activities – facilitators should aim to help community members understand exactly what would be lost if community members leased their land to an investor – as well as the challenges associated with finding new places for these activities to occur.

While mapping and zoning community lands. No mapping or zoning exercise is complete without the marking of burial grounds/cremation areas, sacred sites, cultural and historical sites, and the location of recreational areas. Communities mapping their lands should clearly indicate such areas on their maps (unless their locations are secret, in which case the general area should be noted) and clarify any relevant conservation, access rights or protectionary rules that go along with the way the land is used. When zoning community lands for future use, such areas – and the rules that accompany them – should be clearly included in the zoning plan. Communities

may also want to make zoning rules to protect sites where important cultural resources, such as clay for making pots, certain rare reeds or grasses for weaving baskets, or traditional medicines. Communities may also want to zone areas for cultural sites they would like to build in the future, such as a community theatre and dance performance space, or a place for youth to go for rites of passage ceremonies.

When harmonizing boundaries and resolving land conflicts with neighbors. Culture and tradition can play a large role in helping resolve conflicts related to boundary harmonization. For example:

- Longstanding cultural traditions – and landscape-based evidence of those cultural practices – can help provide evidence of a community’s right to claim or use land.
- Communities may have cultural ways to resolve land disputes, such as consulting the spirits of the land and listening to their answers. For example, in some areas of Myanmar, if there is a boundary conflict, leaders cut evenly into a tree at the location of the conflict, then watch how the tree falls as an indication of which community the spirits want to govern the land.
- In some cultures, people must consult with their ancestors before finalizing a boundary agreement with neighbors. There have been cases where, while the living members of a community have agreed on a boundary, the ancestors have not given their approval, and the community has had to re-negotiate the boundary.

One inter-community land conflict in Mozambique was solved through reference to past historical cultural practices. In this conflict, a final point of contention concerned a large stone in the middle of the Indian Ocean. The leaders of the first community argued that the stone was considered to be part of their community. Yet the leaders of the second community maintained that this stone was as a cultural site for their community, where their ancestors had performed traditional ceremonies. When facilitators asked the leaders of the first community if they were aware of the cultural significance of the rock to the second community, they conceded that it was true; the second community’s ancestors had performed cultural rituals on that rock, and had legitimate claims to it, and the beachfront associated with it. With this concession, the boundary conflicts were resolved.

When drafting by-laws. Experience has shown that community members are extremely motivated to discuss rules related to culture. In fact, without facilitators intervening to ensure discussion of rules about land governance and natural resource management, community members often focus the majority of their attention on social and cultural rules. Facilitators should use this motivation to build interest and excitement in the by-laws process. Do not discount cultural rules as “less important” than the other categories of rules, as culture and landscape are intimately linked, and many other rules will be informed by culture and tradition, such as rules about the rights of women or minority groups.

During the by-laws process, communities may “remember” long-forgotten or ignored cultural rules that promote intra-community equity, good relationships, and accountability of leaders. If, on the other hand, existing cultural and customary practices are discriminatory or promote non-inclusive, unaccountable leadership, then the by-laws process can encourage a community-led analysis of such rules and discussion of how they might be changed.

When creating rules and plans that promote sustainable natural resources use and ecosystem regeneration.

Communities often have hundreds – if not thousands – of years of expertise managing local natural resources sustainably. Some of these practices are so embedded in local identity that they are linked to spiritual or religious beliefs. Facilitators should keep an eye out for spiritual practices that impact the environment; for example, research has shown that sacred areas and the areas around shrines and burial grounds are some of the most bio-diverse places on the planet, as strict rules forbid communities members from entering these areas, or from hunting, gathering and fishing within their bounds. Communities should be encouraged to promote local spiritual and cultural rules that allow biodiversity to flourish.

In addition, cultural practices related to traditional medicine rely on plant biodiversity. Facilitators might suggest that knowledgeable elders meet and create a list of plant species important to traditional medicine, and then ensure that the community’s by-laws ensure that the community maintains an abundance of these plants for local use.

When diversifying livelihoods and creating a community action plan to make a community’s “future vision” into reality. A community may seek to promote its cultural heritage or local traditional knowledge as part of its future vision and livelihood strategies. When working with communities to create “Action Plans,” facilitators may encourage goals such as building training centers for youth or performance spaces for local dance and theatre, as well as other projects that can help revitalize local culture.

During the visioning process, community elders often bemoan the youths’ failure to participate in rites of passage or learn craft and handiwork skills that are slowly disappearing for lack of youth interest. During the community action plan-drafting process, facilitators can support the community to make practical plans to revive cultural practices. For example:

- In Ethiopia, one organization helped elders to create an after-school program to teach local youth craft-making skills that are in danger of extinction.¹
- In Namibia, one organization has supported elders to create a “traditional knowledge training” program, in which elders teach adolescents to be experts in reading the local landscape, natural resources management, and other practices that the youth can then use to seek formal employment in national parks, conservation areas, and tourism outfits.²

Such programs have the impact of both passing on culture and providing youth with skills that they can use to earn their livelihoods. Moreover, tourism has created a rising demand for locally produced arts and artifacts: communities with rich cultural traditions of pottery-making, basket weaving, jewelry making, etc., can seek training and support in how to best bring locally produced arts and crafts to regional and international markets.

1. For more information, see <http://melcaethiopia.org/>.

2. For more information, see <http://www.irdnc.org.na/>.

COMMUNITY EXIT



Because the community land protection process is not a simple “project” but rather an ambitious, long-term engagement aimed at improving community members’ day-to-day use, management and governance of their local lands and natural resources, it may be difficult for facilitators to know when to consider the work “complete.” Various factors may complicate facilitators’ decisions of when to “exit” a community, including:

1. Government delays in issuing titles or registration certificates that leave the process “unfinished” but out of the control of the facilitating organization;
2. Requests for community land by investors and government agencies, during which communities call for advocates’ counsel or presence before and during negotiations;
3. The open-ended nature of Stage 5: *“Preparing the Community to Prosper,”* which includes long-term goals, such as livelihood diversification and ecosystem regeneration;
4. Failed or slow implementation of community by-laws, requiring advocates’ long-term support to ensure that adopted by-laws are implemented and enforced (particularly for by-laws related to women’s rights, to participatory decision-making by all community members, and to transparent management of community finances); or
5. Flare-ups of old, boundary disputes along harmonized boundaries, among other reasons.

Experience has shown that communities need periodic, ongoing support after the community land protection process is over. However, **it is necessary to choose a discrete moment to mark the work as “complete,” at which point facilitators can clearly “exit” a community and make plans for follow-up “check in” visits.**

There are also sometimes instances when facilitators must leave a community before the community land protection process is complete, such as when a community repeatedly breaks the agreed “Terms of Engagement,” becomes stuck in conflict or inaction, threatens the facilitators with violence, and other situations. It is therefore necessary to have a clear plan for when to leave a community that will not successfully complete the community land protection process and is simply draining facilitators’ time and energy.

In all situations, **when exiting a community, facilitators should meet with local and regional government officials and customary leaders to report on the outcomes of the community’s land protection efforts.** This will help to ensure that leaders and officials understand the community’s successes and challenges. It may also motivate them to provide ongoing support to the community after the facilitating organization has left.

HOW BEST TO EXIT A COMMUNITY WHEN THE COMMUNITY LAND PROTECTION IS COMPLETE?

1. In consultation with the community, decide on a fixed set of “outcomes” that, when accomplished, will mark the work as “complete.” This is best done at the initial “Terms of Engagement” meeting, and should be put into writing in the Terms of Engagement. During this discussion, facilitators should describe the entire arc of the community land protection process, including all aspects of the “Preparing Communities to Prosper” stage of the work, then support the community to decide what they want to complete before facilitators exit.¹

It may be best to make two lists: an “absolutely necessary activity” list and a “wish list” of additional activities that the community will undertake if the “necessary activities” are completed in good time. These additional supports may be used as an incentive for the community to make progress through the land protection process.

The community should also set a clear date by when they expect to complete the “necessary” activities. A comfortable end date might be one year from the signing of the Terms of Engagement.

2. Routinely remind the community of the desired timeline and “necessary activities” list. Periodically reminding the community of how much work they have completed so far, what work they have left to do, and how much time they have left until their expected completion date can help motivate progress. Frequent public, participatory “temperature checks” of how well the community is progressing toward its goals – linked with reminders that the facilitators will at some point leave the community to go help other communities – may be necessary to motivate a “stuck” community.

3. When the “necessary activities” have been achieved, meet with the community and agree on a clear exit date, and well as what “wish list” activities can be completed before community exit. If the community has completed the activities before the expected end date, support for additional activities on the “wish list” can be offered. If the community has not met its original expected end date, facilitators must ultimately decide how much more time and energy they can afford to give to the community.²

4. Train the Land Governance Council and all relevant community leaders in good governance and by-laws implementation skills before exiting the community. In order to ensure proper implementation and enforcement of by-laws, facilitators should hold a specific “good governance” training for Land Governance Council members and all relevant community leaders, including elders who mediate conflicts. Such trainings should include instruction in technical skills, as well as review of the by-laws and how they will be implemented and enforced. Experience has shown that **such a training must be done before facilitators formally exit** a community.

EXAMPLE ACTIVITY LISTS TO INFORM COMMUNITY EXIT

Necessary Activities:

- Harmonize boundaries with neighbors and sign MOUs documenting boundary agreements.
- Adopt community by-laws.
- Make a digital GPS map of community lands and natural resources.
- Elect and train a Land Governance Council.
- Create a financial management plan.
- Set up an Early Warning System.
- Receive government documentation of the community’s land claims.

“Wish List” Activities:

- Community trained in how to best prepare for potential interactions with investors.
- Community trained in ecosystem regeneration practices.
- Community supported to undertake a basic community development planning process.
- Community linked to organizations providing micro-credit and livelihood skills training.

1. During these conversations, facilitators should make clear that the facilitating organization is not able to promise that the government will issue a title document or registration certificate, and that while facilitators will work hard to help the community secure documentation, they may “exit” a community before the community gets its title/certificate.

2. Government failure to issue formal documentation of community land rights may impede a community from achieving its “necessary activities” list within the expected time. In this instance, facilitators have two options: 1) Support the community to undertake certain “wish list” activities while waiting for formal government recognition of community land claims; 2) End community-based fieldwork, but remain engaged in tracking and pushing forward the community’s government documentation process, returning to the community once the document has been issued.

5. Celebrate the community's successful completion! Once the community has completed the activities on its “necessary list” and all other agreed additional “wish list” activities, facilitators should encourage the community to celebrate its successes. At the celebration, the community may choose to prepare food and showcase local singing, dances, or theater.

It may be useful to have a neutral person, such as a respected higher-level customary or state leader, chair the “Community Exit Celebration.” This can help to ensure that local officials are aware of the community’s progress and the facilitators’ exit, and may motivate their ongoing support for the community’s land rights once the facilitating organization has left.

6. Ensure the community has all the information it needs to go forward. At the community celebration, or at another time before exiting, facilitators should:

- **Make sure that the community has a copy of all important community land protection-related documents.** If possible, facilitators should put all of these documents into a durable, protective binder and ceremonially hand this binder over to the Land Governance Council and relevant community leaders. Work with the community to determine a safe place for leaders to keep these important documents. (See a description of how to keep documents safe in the chapter on *Completing Formal Government Registration*.)
- **Set a plan and schedule for facilitators to “check in” with the community to offer support as needed.** Such “check-ins” work best when they occur on a scheduled, periodic basis, such as every three to six months. Alternatively, the community may prefer that facilitators return to the community only when asked to.
- **Provide a phone number that the community may call at any time with questions, concerns or requests for support.** Providing community members with a way to contact facilitators after they have exited the community can help the community to address challenges related to corrupt leadership, violations of the land rights of women and minority groups, land conflicts, and investor requests for land. The community should also designate a specific contact person that the facilitators can call periodically to check in with.

- It may also be helpful for facilitators to **create a small, community-specific “self-help toolkit”** and give it to the community when they exit. This toolkit might include important government phone numbers to call for help, informational brochures, copies of relevant laws, etc.

7. Visit the community periodically to check in and provided additional support. Experience has shown that communities may need help “living” their by-laws. Facilitators should check in with the community according to the agreed schedule, during which time they should meet with the Land Governance Council, community leaders, and the entire community. Facilitators should use these “check-ins” to:

- **Assess how well the community is implementing its by-laws,** managing its finances transparently, protecting the land rights of women and minority groups, giving actual voice and power to the women and youth on the Land Governance Council, and using its by-laws in land conflict resolution processes. Any governance or leadership gaps should be addressed with refresher trainings or suggestions for improvements to the by-laws.
- **Ensure that the agreed boundaries are holding strong** and offer conflict resolution support if they are not.
- **Ensure that the community is discussing and amending their by-laws annually** (to ensure continual improvement).
- **Ensure that the community is not unjustly restricting their neighbors’ historical use rights,** and, if neighbors report that they are being unfairly excluded, support the community to create better systems to allow users with historical rights continued access.
- **Ensure that local, district and provincial government leaders are respecting the community’s land rights.** If community rights have not been respected, facilitators may need to support the community to advocate that their rights are protected.

If possible, facilitators should take time to talk privately both with leaders and with regular community members, who may have a different experience of how well the community lands are being governed.

8. Seek funding for long-term “impact assessments.”

Facilitating organizations may want to seek funding to assess the long-term impacts of their efforts (ideally one to three years after leaving a community). Impact assessments can help facilitating organizations understand what aspects of the community land protection process have impacted the community positively, and which aspects have not brought about the desired results. The impact assessment can be used to improve programming and may help with fundraising.

HOW BEST TO EXIT A COMMUNITY THAT HAS NOT COMPLETED THE COMMUNITY LAND PROTECTION PROCESS?

It is not uncommon for communities to begin the community land protection process and then be unable to complete it. While the “Community Application” process and “Terms of Engagement” signing components of this work are designed to help avoid community “failure,” it is not always possible to foresee challenges that have the potential to fully block community progress. In such instances, facilitators must find a way to exit a community gracefully. The following suggestions may help to bring clarity and ease to such situations.

1. Create clear guidelines in the Terms of Engagement.

Facilitators and community members should work together to create a clear, specific list of circumstances that will lead facilitators to end the process.³

2. Give the community plenty of advance warning. As it becomes clear that the community is not upholding its responsibilities or is facing major obstacles that prevent the community from moving forward, facilitators should discuss the situation with community leaders and make clear what the community must do to address the problem.

3. Seek intervention by respected higher-level government and customary leaders. Before ending activities in a community, facilitators may want to seek outside help from neutral, respected regional leaders. At best, their intervention can help resolve challenges; at the least, their involvement may help to protect the facilitating organizations’ reputation in the region and decrease any community anger or disappointment directed toward facilitators.

4. Document the reasons for community exit. For internal record-keeping, facilitators should record:

- Which stage of the community land protection process the community stalled on;
- Reasons why the community failed to move through the process;
- Events that led to the stall of the community land protection work (descriptions of any conflicts, etc.);
- Facilitators’ efforts to address the challenges;
- Community members’ efforts to address the challenges;
- Advice and recommendations about how the community might address the problems; and
- Any plans or agreements made with the community about checking-in or restarting the process in the future.

POSSIBLE REASONS FACILITATORS MAY CHOOSE TO EXIT A COMMUNITY IN MID-PROCESS PROCESS

- 1.** Leaders fail to alert facilitators that a meeting has been cancelled more than four times, resulting in lost time and resources.
- 2.** Meetings are not well attended; four meetings have fewer than 15 people present.
- 3.** Community leaders are engaged in a power struggle that halts community efforts for more than three months.
- 4.** Despite reasonable efforts by neighbors, the community refuses to compromise on a disputed boundary for more than three months.
- 5.** Community members have threatened or attempted to physically harm facilitators or Community Land Mobilizers.

3. A similar list may be made detailing when the facilitating organization has failed to fulfill its responsibilities so that communities can also hold facilitators accountable.

- 5. Hold an “Exit Meeting” and make clear why the community will no longer receive support.** If, despite facilitators’ best efforts, a community has failed to fulfill its responsibilities or is unable to complete the community land protection process, facilitators should call a community meeting to formally end project activities. At this meeting, facilitators should:
- **Explain, with clear examples, the reasons why the facilitating organization is ending the work.** Give community members an opportunity to respond.
 - **Provide the community with written documentation of the reasoning behind the early exit.** If appropriate, it may be useful to give copies of this document to relevant higher-level state and customary authorities.
 - **Make sure that the community has a copy of all important community land protection-related documents.** Facilitators should put all relevant documents into a durable, protective binder and hand this binder over to relevant community leaders.
- **Create a list of conditions that must be met before facilitators will consider returning to the community.** Facilitators should make clear that time and resource constraints may prevent them from returning upon request. Any return should be made only after the facilitators assess their available time and resources *and* only if the community can demonstrate that the underlying reasons for early exit have been successfully addressed.

It may be useful to have a neutral person, such as a respected regional customary or state leader, chair the “Community Exit Meeting.” This can help to ensure that local leaders are aware of both the community’s failure to document their land rights as well as the facilitators’ exit. It can also help to diffuse anger and disappointment aimed at the facilitating organization.

WHEN COMMUNITY ELITES INTENTIONALLY SABOTAGE THE COMMUNITY LAND PROTECTION PROCESS

Experience has shown that when facilitators leave a community as a result of local elites’ efforts to intentionally undermine community land protection work, their exit can make the situation worse, leaving the community more vulnerable to a bad-faith land grab. For example, the Land and Equity Movement of Uganda (LEMU) has struggled with influential local elites who use their power to stall community land protection activities for months at a time or to fully sabotage community efforts. These elites are often trying to grab community land for themselves – against the expressed interests of the broader community. Although LEMU has no choice but to leave when asked (violence is often threatened), rejection by elite power holders has put LEMU in the position of ending work in the communities that are *most in need of its legal support*. Facilitators’ departure often emboldens elites and means that the community will ultimately lose its common lands to bad-faith elite appropriation. In such situations, the community land protection process – and facilitators – become pawns in intra-community conflicts.

In such instances, facilitators should try to address the underlying dynamics and local politics impeding community progress in the most appropriate way. For example, they may directly call the elites into a conflict resolution process that allows the community an opportunity to speak directly to the dynamic at play. Facilitators might also call in a respected higher-level government officials or religious leaders to address the conflict/dynamic and help the community find a resolution. However, given resource constraints and the large number of communities seeking community land protection support, it is not always appropriate for facilitators to become caught in complex power struggles within a community.

NOTES



LAYING THE GROUNDWORK

This step creates systems to ensure inclusive community participation throughout the land protection process. It is also designed to raise awareness of the importance of protecting community lands and motivate community members' participation in all efforts.

- Introducing the Community Land Protection Process to Communities 49
- Community Definition 55
- Community Visioning 61
- Valuation of Community Lands and Natural Resources 65
- Establishing Terms of Engagement 71
- Selecting and Training Community Land Mobilizers and Interim Coordinating Committees 77

INTRODUCING THE COMMUNITY LAND PROTECTION PROCESS TO COMMUNITIES



Once communities have self-defined and the facilitating organization has selected communities to work with, facilitators should convene large first meetings with each community to introduce the land protection process and describe all the activities that the community will undertake. This first meeting sets the tone for the rest of the community land protection process, so it is important to approach it carefully and skillfully.

It is important that a very high proportion of community residents attend the first meeting. Facilitators should be explicit and clear with community leaders that they will only visit to begin the work when the leaders are confident that they can convene a meeting with at least 50% of community households represented. If facilitators arrive at the first meeting and find only a handful of community members, do not have the meeting. Explain the community land protection process to the people who have convened, as well as why it is important for the first meeting to have a very high attendance, and ask the leaders to reconvene the meeting on another day when more people can attend.

SOLUTIONS FOR LOW PARTICIPATION

Early in the process, some people may not attend meetings because they have been frustrated or disillusioned by failed attempts to deal with land disputes. Others may feel that their work or other activities are more important. Some may not see the importance of attending or investing energy into community land protection. Namati and partners have found that it can help to:

- **Ask community leaders and members to create a mobilization strategy** for their community. Encourage creative strategies for mobilization from multiple angles. Announcements heard in multiple places — in church, on the radio, on signposts, at events and gatherings, in clan meetings, and door-to-door — are more likely to be heard and considered as legitimate.
- **Encourage people to “bring a friend next time.”** Task regular attendees to bring someone new to the next meeting, such as a family member, friend, or neighbor.
- **Support attendees to spread the message.** Ask participants to discuss how they can spread the information from meetings to those who did not attend. A discussion of how to talk about the meeting can help community members feel prepared to tell others about the meeting and what they learned in their own words. This can help prevent the spread of misconceptions among those who did not attend.

Facilitators should be extremely careful about which leaders introduce the field team and the community land protection process. Facilitators will have met with leaders during community definition and selection and should ask all community leaders to attend the first meeting in their community so that leaders can introduce the organization and the community land protection process. **Being introduced by a trusted leader is crucial to the work's success.** Facilitators should also do research to understand which community leaders are trusted and take steps to align themselves with these leaders (see the chapter on *Working with Leaders*).

Ask community leaders to arrive at the meeting an hour before community members. During this hour, reconfirm that community leaders are committed to the goals of the community land protection effort, that they understand the basic steps of the process, and that they are aware of the potential challenges involved. Confirm the meeting agenda with them and ask that they jointly introduce the facilitators to the community.

HOW TO FACILITATE THE FIRST COMMUNITY-WIDE MEETING?

Step 1: Ask community leaders to open the meeting and introduce the facilitators and facilitating organization, including an explanation of why the leaders invited the facilitators to the community to support the community's land protection efforts.

Step 2: Outline communities' legal rights to their lands, under both national and international laws.

Step 3: Describe broader national and international trends that threaten community land tenure (increasing competition for water and natural resources, land speculation by corrupt national elites, international investment deals/concessions, climate change, etc.).

Step 4: Briefly explain the community land protection process from start to finish (see the "*Summary of the Community Land Protection Process*" box at the end of this chapter), including a description of the aspects related to governance, gender, conflict resolution and natural resource conservation.

It may be necessary to emphasize that the facilitating organization does not have any interest in acquiring or using the community's land and natural resources and that the facilitators are only there because the community's leaders have requested help to protect the community's lands and natural resources.

Step 5: Ask community members to brainstorm and discuss the potential benefits of community land protection efforts (ask community members to "shout out" the benefits that may result from the work).

Step 6: Emphasize that the community will drive the pace of the process, but that the goal is to complete the work in 12 months or less.

DEMONSTRATING HOW COMMUNITIES MUST SET THE PACE:

"WE WILL WALK OR RUN BESIDE YOU AT THE SPEED THAT YOU CHOOSE, BUT WE CANNOT CARRY YOU!"

Facilitators have devised a simple but effective physical metaphor to help communities understand that the pace and progress of their community land protection process is truly in their hands:

- Ask for a volunteer from the audience. Select a male who is of medium size and build.
- Explain to the community that the facilitators can only go as fast or as slowly as the community can go. To demonstrate, ask the volunteer to walk very slowly across the meeting space. Walk next to the volunteer at that same slow pace.
- Next, ask the volunteer to walk moderately fast across the meeting space. Walk next to the volunteer at this rapid pace.
- Next, ask the volunteer to run across the meeting space and run alongside to show that the work can be done quickly.
- Finally, explain that facilitators cannot drag the community through the process or force them to do the work. To make this point, try to pick up the volunteer and carry him around the meeting space. (He should be heavy and large enough that this looks ridiculous — the demonstration should cause the community to laugh.) This final "carrying" demonstration is a good lead-in to the discussion of how the community will do most the work, not the facilitating organization.

Step 7: Clearly explain that the community will be responsible for completing much of the work on its own.

Describe how the facilitators will educate the community about what to do and how to do it, but then the community must complete the work as “homework” between meetings, supported by the community’s Community Land Mobilizers and an Interim Coordinating Committee.

If there is a chance that community members will expect a “sitting fee” or some kind of monetary compensation for attending meetings, it may be necessary to make sure that the community understands that the facilitating organization will not be paying any fees, as the effort is something the community is undertaking for its own benefit. It may be helpful

to indicate the value of the free legal services that the facilitators are providing.

Step 8: Emphasize that *all* community members must participate actively in every step of the community land protection process, including and especially women and members of minority groups, in order to avoid elite capture, to promote equality and justice, and to ensure that all community members have a voice in the governance and management of their community’s lands.

Step 9: Ask the community to set “ground rules” that will ensure that all community land protection meetings are participatory, respectful, and well-run.

EXAMPLE GROUND RULES FROM UGANDA, LIBERIA, AND MOZAMBIQUE

1. **Do everything out in the open.** Nothing should be done in secret or by a few people acting alone. All decisions should be made publicly, and every household should have an equal chance to contribute in the deciding process.
2. **Keep your eyes on the goal.** Going through the land documentation process with so many people can bring up conflict and disagreements. But don’t get distracted! Focus on finding positive ways forward to help the community complete the process and achieve the goals the community sets for itself.
3. **Every type of person who uses the community land should be part of this process.** For example, widows, child-headed families, people who are sick or have a disability, divorced or unmarried women, and children born at home should all be invited to meetings to have their voices heard. If certain people are left out, they may challenge what is done, causing confusion later.
4. **All villages, clans, and groups in your community must be represented and actively take part in the process.** This includes people from distant villages who come to graze their cattle in the dry season, smaller clans, women who break stones, shopkeepers, men who burn trees for charcoal, and people who live in the community but are not originally from that place.
5. **Listen to, consider and respect everyone’s ideas and opinions.** It is important that people feel free to speak and that their ideas are listened to. Listen to people who do not always speak the loudest or are not the most powerful in the community like women, strangers, and minorities, because they may have useful ideas about how to best manage the community resources.
6. **Make sure that your elected and customary leaders work together with your community, but do not make all the decisions by themselves.** Leaders are there to support the community to complete this process together as a group, not to control the process on their own.
7. **This process will take a lot of time and work, but don’t do this process in a hurry.** Take time on each step to make sure everyone understands what is being done and agrees with it. It is better to go slowly and do each step well than to move fast and have confusion at the end. Make time for people to fully discuss everything and make changes when necessary.
8. **Make decisions that are in the whole community’s best interest.** Do not let people living outside of the community in the city or elsewhere stop the community from making the best decisions for the community.
9. **Resolve disagreements peacefully.** If there are any disagreements when doing these activities, stop and discuss the disagreement and reach an agreement before moving forward. If there is no agreement, put it on the agenda for the next meeting to give people time to think about it.
10. **Do not rely on others to do the work for you, but ask for help when you need it.** If the community gets stuck in the process, ask the Community Land Mobilizers or the NGO for help.

Step 10: Discuss the potential for challenges and obstacles, especially the risk of sabotage by internal or external actors.

Include advice about how community members can ensure that rumors do not spread or that saboteurs are not successful in stalling or undermining the community's land protection efforts.

Step 11: Confirm all information gathered about the community to date, including:

- The names and titles of all community leaders;
- The community's population, including all languages spoken, religions observed, livelihoods practiced, etc.;
- The approximate size of the community in hectares;
- The names of all sub-units (towns, villages, zones, wards) within the community;
- Any major investments, concessions and companies operating in the region;
- Any large private land claims within the community;
- Any existing land conflicts in the community, or between the community and its neighbors (do not let the community get into details at this point);
- Any shared access or use rights held by neighboring communities or others who use the area (e.g. seasonal users, renters, pastoralists, nomadic groups etc.) who should be informed of the process and invited to take part as appropriate; and
- Any existing community-based organizations, groups, societies or cooperatives – and how facilitators and Community Land Mobilizers can work with those organizations to mobilize community members.

Step 12: Slowly explain each of the next steps in the “Laying the Groundwork” phase and the purposes behind each activity. Discuss and confirm the schedule for when these activities will occur.

Step 13: Ask the community to come to consensus about the location and time of future meetings. Include discussion of which location is most central and easiest for meetings (if the community's area is very large, consider suggesting a rotating schedule of locations to fairly share travel time). Discuss which day(s) of the week and time(s) of day are best to ensure that women and people with various livelihoods can attend meetings. During this discussion, make sure that community leaders do not select a day and time that is inconvenient for women or that discriminates against a particular group or population.

After covering all this information, allow time for community members to ask any questions they may have. **Make sure to manage community expectations about what outcomes are possible and the risk of obstacles along the way.** Use this time to ensure that community members feel comfortable with the process and excited to begin.

SUMMARY OF THE COMMUNITY LAND PROTECTION PROCESS

1. Laying the groundwork includes:

- A “visioning” exercise to help community members plan for the future and understand the benefits of seeking formal documentation of their land rights;
- A basic valuation exercise to help communities understand the high value of their natural resources, as well as their replacement cost;
- Legal education on all relevant laws and policies, such as national constitutions, laws related to land, relevant inheritance laws, and environmental laws;
- Creation of an “Interim Coordinating Committee” responsible for ensuring widespread participation in all community land protection activities as well as spreading information throughout the community; and
- Election and training of Community Land Mobilizers to lead their community through the land protection process.

2. Ensuring good governance of community lands and natural resources includes:

- Discussion and adoption of by-laws for community land governance and natural resources management, resulting from a three- to nine-month, intensive process that involves full community participation in the preparation of three successive drafts of by-laws and adoption by community vote;
- Creating zoning plans that identify areas of land that can be used for specific agreed purposes;
- Creating systems for transparent financial management, to create systems for equitable and transparent management of revenue generated from community lands and resources;
- Election and training of a representative “Land Governance Council” composed of existing leaders as well as women, youth, members of marginalized groups, and all other stakeholder groups in the community; and
- Ensuring implementation and enforcement of the community’s new by-laws.

3. Documenting communities’ land claims includes:

- Participatory map-making;
- Boundary harmonization and land conflict resolution;
- Memorandum of Understanding (MOU)-signing and boundary marking, in which neighboring communities come together to plant boundary trees or other locally-valid markers of their lands’ limits, as well as hold large “MOU signing ceremonies” to create a paper record of all agreed boundaries, witnessed and signed by leaders from each community, relevant government officials, and hundreds of community members;
- Recording of agreed boundaries and other spatial information using GPS, survey, or other techniques.

4. Completion of formal government registration procedures includes:

- Communities and facilitators submit all necessary paperwork to government agencies and apply to receive a title, deed or certificate of registration for their community land claims.

5. Preparing for communities’ prosperity includes trainings on:

- Livelihood diversification, to support communities to earn a sustainable income off their land;
- Community planning, to support communities to plan for their own future development;
- Negotiation, to prepare communities to negotiate with investors or other outsiders seeking land; and
- Ecosystem regeneration, to ensure a thriving natural environment and promote sustainable land and natural resource use.

NOTES

COMMUNITY DEFINITION



During the first step of the community land protection process, the facilitating organization should consult regional leaders, relevant government officials, and community members about how best to define the “community” that will undertake land protection activities. A community’s decision about how to define itself will depend upon the cultural, political and geo-spatial realities on the ground and the preferences of local leadership and community members. **When possible, it is best to support communities to define themselves based on existing customary or cultural groupings or governance structures that are associated with a specific area of land.** These existing structures have often evolved over many generations to fit with a local social and environmental context. At times, existing definitions of community are exclusionary or discriminatory; however, rather than disregarding or replacing them, facilitators should encourage discussion of how they could be made more inclusive. If existing structures and “communities” are overlooked, the process risks operating on potentially artificial definitions of “community” that are not locally legitimate or sustainable.

Defining “community” is a very complex endeavor with political, financial, and logistical impacts. The community definition process must be sensitive to dynamics of geography, identity, history and culture. As such, community definition should not be left to bureaucrats or external “experts” who might impose an inappropriate definition and deprive communities of an opportunity for collective action and cohesion-building. Instead, skilled facilitators should help communities navigate a self-identification process to define their territories and membership. To ensure inclusivity, the definition process must involve leaders and members of neighboring populations; otherwise, one group of people may exclude other user groups who share claims over an area of land.

Community self-definition is challenging because of overlapping definitions of authority, territory and identity. The process is often complicated by:

- The nested quality of rural social organization, in which small spatial or social units¹ of organization are contained within larger units, which themselves may make up components of even larger units (see diagram);
- The structure of decentralized government, which may not always align with traditional or locally recognized social structures;
- Differences between locally recognized or customary boundaries and the boundaries recognized by the state or government administration;
- Historical fracturing and division of social units, often based upon intra- and inter-family conflict or scarcity of resources;
- The existence of common areas shared between populations that identify as separate communities;
- Historical migration patterns, ecological changes, and infrastructure development; and
- Competition over valuable or scarce natural resources.

1. Smaller spatial or social “units” or sub-sections within a larger community may be called village, town, zone, ward, etc.

“Community” can be defined at various points along a spectrum, ranging from the smallest or most local level of accepted “community,” to the largest or most encompassing level of accepted “community.” Each level has advantages and disadvantages for community land protection efforts that facilitators should explain to communities and their leaders:

If it exists, an intermediate level of “community” is often a good compromise, as it may strike a balance between these advantages and disadvantages.

	ADVANTAGES	DISADVANTAGES
Highest/largest level	<ul style="list-style-type: none"> • Protects the most amount of land • Protects common forests, grazing lands, and water bodies contained within the geographic area. • Fewer boundaries to harmonize, which may result in less land conflict. • Fewer “communities” will have to undertake the community land protection process to protect a given area of land, which may reduce costs. 	<ul style="list-style-type: none"> • Population may not think of itself as one “community” — allegiances and identities may be allied with smaller units. • The larger the area, the bigger the population: participation may not reflect the entire population and decisions may not be representative. • Necessary to have many meetings at the “sub-unit” level to ensure participation. • Information dissemination and mobilization will be more challenging. • National governments may be averse to documenting such large areas of land. • May require higher costs and more time and resources per community.
Lowest/ smallest level	<ul style="list-style-type: none"> • Clear sense of common identity. • Smaller population means that it will be easier to ensure full community participation in all activities. • Mobilization and information dissemination will be easier. • Process may go faster, as a small community may be more coherent, unified and collaborative. • Potentially requires fewer resources and less time per community. 	<ul style="list-style-type: none"> • Protects the least amount of land. • Common areas may have to be divided, with the land registered as “shared” or documented with reciprocal shared use agreements between communities with claims to it. • Greater number of boundaries to harmonize, which may result in more land conflicts. • Many more “communities” will have to undertake the community land protection process to protect a given area of land, which may increase costs.

Experience has led to two additional lessons concerning community self-identification:

1. **Existing units provide a useful starting point:** It may be useful to begin discussions of self-identification by examining existing state, customary, or indigenous units of “community”; however, ultimately the members of a potential community must agree on a level of land-holding that makes sense to them based on their current context, history, socio-political dynamics, and the practicalities of governance.
2. **Community cohesion is critical:** Community cohesion – the sense of togetherness and shared values between members of a population – is essential for inclusive, peaceful, and effective participatory decision-making around issues of land and natural resource management. Without cohesion, reaching agreement about community self-identification will be very challenging and the process may be vulnerable to disagreement and manipulation by elites and other interest groups. Most importantly, when the community feels itself to be a coherent group all aspects of the community land protection process are likely to progress more efficiently and successfully.

HOW TO DETERMINE WHICH LEVEL OF “COMMUNITY” TO WORK WITH?

Because this decision must be made before work begins in any “community,” it is often a decision made by the facilitating organization and local leaders. Before meeting with leaders, facilitating organizations should first do their own cost-benefit analysis to arrive at a general understanding of what would be most effective, participatory and efficient.

Once the facilitating organization has undertaken its own analysis, facilitators should meet with both state and customary local leaders to discuss options, debate the benefits and drawbacks of each option, and arrive at consensus. Facilitators may want to ask local leaders prepare for this meeting by convening groups of community members to discuss the issue. Higher-level leaders may also want to convene meetings of local-level leaders to discuss the decision together before the meeting with facilitators.

At the meeting, facilitators should support leaders to explore and consider local dynamics such as:

- **Community members’ sense of identity.** What “level” of administrative or social organization do people most readily identify as belonging to? How difficult would it be for them to begin to identify themselves as part of a different

community “unit?” What is the ethnic make-up (homogeneous or highly diverse) of the community? If the “community” is highly diverse, would the various groups be willing to identify as one unit, and work together to protect – and then manage – their lands?

- **Ease of participation.** What “level” of community will ensure the highest rates of participation by all community members? How easily will people be able to attend community meetings? How comfortable will people feel speaking publicly in community meetings?
- **Overlapping use claims shared by various separately identified groups.** Do multiple groups share use rights over an area of land? If so, would these groups be interested in joining together as a “community” to protect their lands? If the groups that share the resource are unwilling to register their lands as one “community,” how will the land be divided or shared – and what kinds of agreements will be necessary to ensure that all overlapping use rights are preserved and protected?
- **Power dynamics within and between the highest and lowest statutory and customary administrative unit.** What governance structures and institutions exist and function well at each possible level of “community”? What governance structures are functioning poorly? If smaller units combine into one larger “community,” would leaders be able to cooperate, or would there be a high degree of conflict between leaders?
- **Degree of tenure security and potential threats to community land claims.** What level of “community” would be the most effective in terms of guarding against land grabbing by outsiders? At what level would local people be best able to negotiate with outsiders, then approve or reject potential investments?
- **Community cohesion.** What is the largest level of “community” at which there is significant cohesion between members, and ability to work together effectively to plan for and actualize shared goals? What is the rate of rural to urban migration? Is there a highly transient population living temporarily within the community?
- **Feasibility of working with the population/logistical factors.** What logistical or resource-related challenges may arise when working at each possible level of “community”? What factors might make working at each possible level of “community” easier and more efficient?

After extensive discussion concerning these questions and other considerations appropriate to the local context, the facilitating organization should support leaders to arrive at consensus concerning the definition of “community” that should be used in the community land protection process.

Following the leaders’ meeting, facilitators should verify the leaders’ decisions in large meetings with participation from all populations and sub-units included within the “communities” as identified by the leaders. If the local people do not agree with their leaders, the facilitating organization should convene further meetings with leaders and local populations until there is agreement on the political/geospatial unit that should be used for community land documentation. Next, facilitators can begin the process of selecting which communities to work with, as described in the chapter on *Community Selection*.

COMMUNITY SELF-IDENTIFICATION STRATEGIES IN LIBERIA

In Liberia, rural areas are governed by three main levels of administrative unit: “chiefdoms” are made up of two to three “clans,” while each clan may include anywhere from five to thirty “towns.” (Large towns may also divide into even smaller “sections” or “quarters.”) To support community self-definition, the Sustainable Development Institute (SDI) undertakes four core activities:

1. Scoping Research. Before entering a community, SDI completes initial background research on the community to ensure that staff have a basic understanding of the area and region. Staff investigate the history of the area and the settlement location(s), population demographics, statutory and customary governance structures, and land use patterns. Staff consult national and international sources, including local informants and experts familiar with the location or region. The goal is a preliminary understanding of the administrative and governance structures as well as a general grasp of dynamics relating to community cohesion, population, culture, land use and management, and livelihoods. These factors are important for identifying community leaders and influential community members such as:

- Statutory leaders/local-level government officials;
- Customary leaders;
- Elders (older individuals who hold no other official title but are well respected);
- Spiritual leaders;
- Community leaders (leaders of community-based organizations such as women’s groups, farmers’ groups or youth groups); and
- Individuals with large private land holdings.

2. Community Leadership Consultations. Understanding community dynamics takes time and requires patience. Facilitators visit the location to build relationships with community leaders (including women, youth, and elders). Staff meet with statutory and customary leaders in order to introduce the project and begin to sketch out potential socio-political and geographic boundaries of each community. These meetings should include one-on-one discussions and larger focus group discussions. Questions explored during these meetings include:

- What is the level of community cohesion?
- What local governance structures and institutions exist?
- Who are the local leaders?
- Does the community see itself as a land-owning unit?
- Is the local population urbanizing? Is the population transient (moving in and out)?
- How cohesive and effective is the community in identifying and addressing common community problems around land and natural resource claims, use and management?
- What natural resources exist in the area and how are they used?
- What natural resources are shared between populations? How are they shared?
- How are decisions about land and natural resources made?

- What local institutions exist and how do they operate?
- Are there any companies or investors active in the area?
- Are there many private land ownership claims in the area?
- What are the major land-related disputes in the area?
- What are the land rights and status of women in the region?
- Are there any current major threats to community common lands?

These meetings usually result in leaders' coming to an agreement on how they will define local communities, according to what is most feasible, practical, and effective for their needs and interests. The leaders' joint decision provides direction for all resulting community land protection work. If leaders cannot come to agreement at this time, the meetings are still helpful for facilitators to gain a preliminary sense of how communities in the region are likely to self-identify in the future.

3. Community-wide Consultations. Facilitators verify the information received from leaders by convening focus groups and wider consultative meetings open to everyone living within the target area. Participants at these meetings are encouraged to consider the same questions as those discussed by their leaders. After completing several rounds of community-wide consultations, facilitators have a clear understanding of how people in the region identify "communities."

4. Final Decision-Making Process. After the community-wide meetings, facilitators bring together local leaders and the broader community to reconcile differences and collectively confirm whether and how each community should self-identify. If an agreement is reached, the meeting should conclude with a celebration where each sub-population and their leadership publicly consent to the agreed level of community identification and commit to undertaking the process of community land protection at this level. SDI has found that such a celebration can help to build trust and consensus across the entire self-identified community, and is helpful to generating momentum and excitement for the upcoming community land protection process.



Illustration of the multiple, nested levels of social organization in rural Liberia

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NOTES

COMMUNITY VISIONING



Community land protection efforts did not originally include a community visioning process; this important step was added in order to:

- Support communities to recognize and reflect on how their community's relationship to its lands and natural resources has changed over time;
- Raise awareness of increasing natural resource scarcity and the long-term consequences of unsustainable natural resource use;
- Motivate communities to undertake and complete the community land protection process;
- Empower communities to strengthen their land governance as well as manage and use their lands and natural resources equitably and sustainably; and
- Create a united sense of purpose and mission to work collaboratively toward shared goals.

Beginning community land protection work with a visioning process significantly increases community motivation. It also helps to place community goals and plans at the center of the community land protection process, and supports communities to ask: once our lands are secure, how do we want to shape the course of our own development and future prosperity?

HOW TO FACILITATE A COMMUNITY VISIONING EXERCISE?

It is best to undertake this activity during facilitators' first or second community land protection meeting. The process generally takes 2-3 hours.

Do not facilitate a vision exercise with only a few leaders: the exercise is most effective when at least 100-200 community members – or a very high percentage of the community's households – actively take part. It is important that the community visioning meeting is well attended because it helps to set the tone for the rest of the work. Ensure that leaders, elders, women, youth, minority groups and all other community stakeholders are present and participate actively in the discussion.

While it is better to undertake this activity in one large group, in some contexts women will not speak freely in front of men. In such situations it may be more effective to divide the community into two groups of men and women (keeping youth with elders). If so, schedule time to reconvene, report back and combine the men's and women's visions into one community-wide vision.

ORIGIN STORIES

Many communities have complex and ancient stories about how the community was created. Discussing a community's history helps people to understand the importance of protecting lands and natural resources. If time allows, invite the community to tell the story of how it came to be – elders frequently have the most knowledge on this subject. This exercise roots the community in its history and its unity, and serves as a good starting point for the visioning process.

Step 1: Remembering the past. Ask community members to describe what their lands, natural resources and community relations were like in the past, 50 years ago, when today's elders were children. Ask community members to share their memories with the group. Write down what people say. Make sure to give everyone a turn to speak – elders tend to become very animated during these discussions, while young people may be prompted to share what their grandparents have told them about the past. Some questions to motivate discussion might include:

- How were community lands used and managed 50 years ago?
- What resources and materials did women, men, girls, and boys gather from the common land?
- How abundant were these natural resources?
- How did people live and work together within the community?
- Were there any cultural activities or festivals that took place on your common areas?
- How long did it take to gather resources like firewood and water?
- How did the community make decisions? How were they enforced?
- How did youth come to learn about customary ways?
- What did community members care about most? What were their priorities?

Step 2: Reflecting on the present. Ask community members to consider what their lands, natural resources and community relations are like today. Some questions to motivate discussion might include:

- How are your community's lands being used now?
- Has there been a change in the availability or abundance of resources that men, women, boys, and girls gather from the common lands?
- How do people live and work together within the community? How do men and women treat each other? How do neighbors treat one another?
- How does your community make decisions about lands and natural resources today? How are decisions and rules enforced? Are leaders managing the communal land well? Does this management have good results?
- How do youth learn about your culture and customary ways?

- What do community members care about most? What are their priorities?
- Are you happy with the current situation? What is working well? What is not working well?

DEALING WITH ACCUSATIONS

Reflections on the present or likely future may prompt people to blame specific community members for problems. People may stand and point fingers or make accusations. Facilitators should intervene and explain that it is not a specific individual or family that has caused the problems, but a lack of good governance and well-known rules. Facilitators can remind community members that in a few weeks they will begin to work on rules for land and natural resources management, which will help to address current challenges.

Step 3: Envisioning the likely future. Next, ask community members what their lands and natural resources/community relations will be like 50 years from now, for their grandchildren, if things continue as they are today. Invite the participants to close their eyes to really “see” the vision in their minds. Give people some time to think about this – do not rush this step.

Ask people to share what they saw as the likely future. Write down what people say. Some questions to motivate discussion might include:

- What will be the availability of your lands and natural resources?
- Where will people get their food, building materials, water, and fuel?
- How will people interact and live together?
- How will people be making their livelihood?
- Who will be practicing customary cultures and traditions?
- How do you feel about your grandchildren living in this kind of situation?

When participants transition from remembering the past to envisioning the likely future, the general mood may shift from happy nostalgia to sorrow and fear. If people become upset, emphasize that while the current situation may seem bad, there is still a way to change things to ensure a prosperous, thriving future for their children and grandchildren. Facilitators should aim to transform the gravity of the current situation into determination to protect community lands, resources, traditions and culture.

Allow moments of silence to be turning points. Sometimes, a community will fall into a serious silence in this moment. Let them sit in silence with this feeling for a few moments to let it sink in. This is a powerful moment in some communities and should be handled carefully and with compassion.

Step 4: Envisioning the desired future. Ask community members to close their eyes a second time, and to dream about the world they would wish for their grandchildren to have in 20 or 50 years from now. Again, allow a few minutes to think about this silence, then ask people to share their visions. Write down everything people say on large pieces of paper. Some questions to motivate discussion might include:

- What does the community look like? What does the landscape look like? What is the quality of the water, soil and air? What resources are available?
- Who manages and uses the community's natural resources?
- What kinds of infrastructure or public services exist in the community?
- How do neighbors treat one another?
- How do schools look? How do children learn about your culture and customs?
- What kinds of markets, cultural festivals, and events take place in your community?
- How are sick people cared for?
- What kinds of livelihoods will people have? How will the community prosper?

Step 5. Link the visioning exercise with the community land protection work. End the exercise with clear next steps, beginning with protecting community lands. Remind everyone of the steps in the community land protection process and describe how each step will strengthen the community's ability to achieve its vision. For example, creating clear rules for the use and management of natural resources like thatch, wood, and water will help to make sure that they are available for future generations. Support community members to brainstorm other actions that they could begin — alongside community land protection efforts — to start moving toward their vision, such as revitalizing community dance performances or planting trees. Some questions to motivate discussion might include:

- What needs to happen in order to reach your community's future vision?
- What kinds of local projects can community members take to start achieving your goals? What projects must be part of a longer-term plan?
- How will you involve everyone in making the community a better place?

When the meeting is over, take photographs of all of the notes for record keeping and leave the original notes with the community for its records. Suggest that the community post the description of the final vision somewhere that all community members can view it, so that the vision can serve as an ongoing reminder of the goals of protecting their community lands.

"VISION BEARERS"

Sometimes leaders begin to feel a natural ownership of the community land protection process when they realize its potential to offer lasting solutions to community challenges. To encourage their leadership during the community land protection process, facilitators might suggest that as leaders, they are the "vision-bearers" of their communities, responsible for helping the community to move toward their shared vision.

NOTES

VALUATION OF COMMUNITY LANDS AND NATURAL RESOURCES



Communities that want to undertake a community land protection process understand that their land is important to them and want to protect it. However, communities do not always have an understanding of the value of their land and natural resources in a monetary sense. As a result, when investors approach communities and offer money for pieces of land, communities may agree to land deals without fully understanding whether it is a fair or beneficial transaction based on the impacts and cost of losing the use of their land. Communities may:

- Believe that the only way to “develop” or prosper is for an investor to come and build a business in the community and create jobs;
- Believe that the land requested is “of little value” because no one is living or farming on it;
- Not understand that current uses of common lands (such as grazing or gathering food or medicines) would most likely be impossible after leasing or selling the land to a business;
- Not fully understand how much land belongs to the community, or believe that there is “endless” land for community use;
- Not have a good understanding of 1) how much their land is worth on the open market; 2) how much the land is worth to the investor; or 3) how much the investor will profit from using the community’s land; and
- Not have a good understanding of how much the current uses and benefits from their land are worth, in monetary terms, to the community itself.

As a result, communities may agree to sell or rent their lands for much less than the value they already receive from the land. If a community does not properly value its land and natural resources and makes a bad contract with an investor, the community may become poorer over time, rather than richer. Communities that know the value of their land also have more bargaining power with investors and are prepared to negotiate more effectively for a fair deal.

The valuation activity aims to help demonstrate how much value that community lands bring to the community already.

When communities appreciate the value that they are already receiving from their land in monetary terms, they tend to be much more motivated to protect it. Community land protection efforts require a great deal of people’s time and energy. If people do not understand why they must take action to protect their lands, they may not approach the work with enough dedication. Knowing the economic value of their land and resources may help motivate community members to act with more determination. Similarly, once community members understand how valuable their lands are to their families, they may be more enthusiastic about making community rules about how those lands and resources should be managed, conserved and protected.

HOW TO CALCULATE THE VALUE OF COMMUNITY LANDS AND NATURAL RESOURCES?

Communities can estimate the monetary value of their land in a number of ways. These include:

- The value of the land and natural resources on the local market, based on the value of other land or resources that have been rented, leased or sold in the region;
- The value of the land and natural resources to the prospective buyer or tenant, including what they would use it for, and how much they would profit from it; and
- The market costs of replacing the resources currently hunted or gathered from the land – how much it would cost for the community to replace the resources lost by buying them in the local market.

The community itself can do a rough estimate of the amount of money it would take to replace the natural resources that community members hunt or gather from their common lands.¹ This is done by:

1. Listing all the resources that the community uses on or gathers from its common land;
2. Estimating how much of each resource is used or gathered;
3. Figuring out what the community would have to spend in the local market to replace the resources that it would no longer have if the land was leased or sold to an investor.

HOW TO FACILITATE A SIMPLE VALUATION EXERCISE?

This exercise is designed to give people a sense of how valuable their **common areas** are to the whole community.² It is not meant to be precise or perfectly accurate. The values calculated are approximate, and should not be represented to communities as a fact.

The valuation exercise is **best done during the second or third meeting** with a community, directly after the visioning exercise. Materials that are useful during this exercise are a calculator, large paper and markers (or a big chalkboard/whiteboard), printed copies of a form like the “Basic Valuation Worksheet” below.

1. If an investor requests a specific piece of land, facilitators may want to research how much the land requested is worth on the local market (and/or how much the land is worth to the investor) and share this with the community for reference.
 2. The premise of this exercise is that investors will ask to be granted “unused” common areas, rather than individual families’ homes and agricultural areas. It may be that an investor will want so much land that it will include not only common areas like forests and grazing lands, but also families’ lands and homes. However, for simplicity’s sake, this exercise does not include the value of various uses of family land.

Step 1: Generate a list of resources that community members get from the common land. Make a big chart that has 7 columns (see the “Basic Valuation Worksheet” below). Get community members to “shout out” or brainstorm all the main activities or uses of the common land, as well as all natural resources that can be found on the land. Write down everything that people say in the column on the left side of the board or big paper. Keep asking people to shout out uses of the common areas until no one can think of any more uses of the land or resources found there. Examples of activities that community members may suggest are:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Hunters hunt for animals in the forest! • Women gather wild mushrooms! • People gather thatch for the roofs of their houses! | <ul style="list-style-type: none"> • People gather traditional medicines for healing sicknesses! • Women gather water from streams, rivers and springs! • People gather honey from wild bees! |
|--|--|

Select the 7 to 10 most-used resources that every household gathers on a daily or weekly basis. Focusing on a shorter list tends to work best within a two-hour time period, but if community members have interest and energy feel free to continue for all the resources. For each resource, do the following:

Step 2: Determine the unit of measurement for each resource.

To agree on a common unit of measurement, ask people how the resource is usually sold or bought in the market. For example: By kilo? By bundle of three? Write the agreed-upon answer in the column titled “Basic Unit.”

Step 3: Determine how many units of each resource are used each week.

Ask people to estimate how much a “typical” family gathers or uses **every week**. Ask them to “shout out” the answers. For example:

- How often does a family hunt for meat? How much meat do they hunt and eat every week/month, on average (using the agreed unit)?
- How many units of wild fruit or vegetables do women generally gather each week?

- How many units of firewood does a family generally gather from the community common lands each week?
- How often do people gather wild honey? What quantity of honey can someone get each time he or she goes to gather it? How much honey does the typical family consume or sell every week?

People will generally argue amongst themselves until they come up with an “average” amount that a “typical family” uses.

The idea of a “typical” family may be hard for people to conceptualize. To address this, the facilitator might want to ask people how many children couples in the community usually have and how many grandparents live with the couple. Then, depending on their answers, the facilitator might offer that the “typical family” includes, for example, two parents, four children, and one elderly grandparent. Each community may define a “typical family” differently.

Step 4: Determine the cost of the unit on the market. Ask the community how much one unit of the resource would cost in the market if people had to buy it in town. For example, how much would a kilo of meat cost to buy if families could not hunt for their meat? How much would a bundle of thatch cost? How much would a bundle of firewood cost?

Step 5: Find out the cost per week. Multiply the cost of one unit by the number of units used per week. For example, if a “typical family” uses one bundle of firewood every day, and a bundle of firewood costs \$1 in the market, then a “typical family” would have to spend \$7 a week on firewood if they could no longer access their common forest. Write down the weekly costs in the chart.

Community members are often shocked by the large value of their community land. **To make sure that they understand how total value is calculated, it is important to do all calculations in front of the community, or to have community members do the math on their mobile phones along with the facilitator.**

NON-WEEKLY USE

Sometimes a “typical family” will only gather and use a resource once a month, or once a year. In such circumstances, just do the math according to the frequency the resource is used. For example, if people gather honey an average of four times a year, and use that honey for many months, skip the weekly and monthly columns and instead only calculate the “cost per year” column. Find out the “unit” of honey, how much that unit costs to buy in the market, and then multiply that cost by the number of times it is gathered (in this example, 4 times a year) and put that calculation in the final yearly column.

Step 6: Find out the cost per month and per year. Multiply the cost per week by 4 to get the cost per month. Enter it into the table. Then multiply the monthly cost by 12 to find out the yearly cost to a family (in the final column).

Step 7: Calculate the total cost per year for one family. Add up everything in the final column to find the total cost per year for all the resources discussed.

Step 8: Estimate the total cost per year for the whole community. Ask the community how many families/households live in the community and use the common areas. Write down the total number of families/households in the community. Multiply the total cost per year for one “typical family” by the number of families/households. This number is an estimate of the total cost for the entire community to replace the resources it currently gets from its common land. It should be a surprisingly large number – and it is likely still a low estimate because there are other resources and uses that are not included.

Facilitators might talk to the community about how common lands are like a “Community Supermarket” where members can access resources for their families’ survival but do not need to pay any money. This is a good time to talk about the importance of using and managing natural resources sustainably, so they and their children and grandchildren can continue to access these resources.

Remind the community that the total value calculated is for every year based on current uses – *not* the value of the land if it were sold.

Step 9: Find out the cost in US Dollars. Often, investors offering to lease or buy land will come offering a rental fee or sale price in US Dollars. For this reason, it is important to not only estimate the monetary value of common resources in the national currency, but to also convert that into US Dollars.

Confirm the current exchange rate before the meeting.

Multiply the total cost to the community in the local currency by the current exchange rate.











Step 10: Reflect: After completing these calculations, it is sometimes useful to take a moment to ask community members to envision what their lives would be like if they no longer had access to their community land. Facilitators might ask:

- If you did not have your community land, where would you get firewood/bricks/wild fruit and other resources?
- If you did not have your community land, how would you earn money to buy each item at the market?
- Since you now know the value of what you get from your community land, would you consider selling or renting the land? (If yes, what would be a fair price, given the value that your community is already receiving from these lands?) It may be useful to remind community members that it is unwise to sell or rent their land for the exact value it has to them currently – if they did so they would not gain any profit to help the community prosper.

The valuation exercise often helps to motivate communities to complete the community land protection process. It is useful to end the meeting by reviewing all the steps of the community land protection process and introducing the activities and exercises that will take place during the next meeting.

BASIC VALUATION WORKSHEET

(Participants decide which resources to list in the left column, but facilitators should be prepared to suggest these examples or other commonly used resources if they are not suggested by participants.)

Collected from common land & water areas by one "typical family"	Basic Unit (bundle, kilo, etc.)	Units used per week	Cost per unit	Cost per week	Cost per month (x4)	Cost per year (x12)
 Firewood						
 Water						
 Meat from hunting						
 Fish						
 Vegetable #1						
 Vegetable #2*						
 Herbal Medicine						
 Wild Fruit #1*						
 Wild Fruit #2						
 Thatch for homes						

Total cost of foods and resources for one "typical" family:

* Add extra lines for more vegetables and wild fruits, honey, building materials, etc.
 – but make sure that the community is only calculating items gathered for household consumption.

Total cost of foods and resources for one "typical" family
 (figure taken from above)

Total # of families in the community

Total cost of resources for entire community per year
 (local currency)

X

=

NOTES

ESTABLISHING TERMS OF ENGAGEMENT



Before facilitators begin land protection efforts in a community, experience has shown that it is best to establish “Terms of Engagement” to guide how the community and facilitating organization will interact with one another. Clear Terms of Engagement can help to:

- **Clarify Roles.**

- Empower the community to see itself as the central driver of the community land protection process and take ultimate responsibility for its success and completion.
- Define and clarify the specific roles and responsibilities of the facilitating organization, the Community Land Mobilizers, the Interim Coordinating Committee (ICC), and community members.

- **Establish Expectations.**

- Establish clear expectations that will reduce confusion, inefficiencies, delays and misunderstandings. For example, setting clear rules about meeting timing, attendance and cancellation policies can help avoid “failed meetings” that waste time and resources.
- Clarify that the community land protection process will likely change how land and natural resources are governed in the community, and ensure that existing local leaders are prepared to support the creation of a diverse, participatory Land Governance Council, as well as the implementation and enforcement of new by-laws. (See the chapter on *Creating Land Governance Councils*.)

- **Agree on Target Outcomes.**

- Ensure agreement on the expected and desired outcomes of the community land protection process – as well as what outcomes should not be expected.
- Ensure that everyone is working toward the same end goals. For example, if the facilitating organization places a clear value on stewardship of the environment, it may ask communities to commit to not make decisions that will lead to the destruction of their forests or pollution of their waters. Similarly, facilitators may require that communities commit to making increased protections for women’s land rights an explicit outcome of the work.

- **Govern interactions between the community and facilitators.**

- Clarify how the community and the facilitating organization will interact throughout the community land protection process.
- Set criteria that communities can use to hold facilitators accountable, in the event that the organization is not fulfilling its responsibilities.
- Set criteria that the facilitating organization can use to hold communities accountable, in the event that community members are not taking sufficient responsibility for the work.

- **Set clear grounds for termination.**

- Establish specific criteria for when the community land protection process has successfully reached its goals, and set out a process for community exit.

- Establish specific criteria to govern unexpected termination of the work before the community land protection process is complete and expected outcomes have been reached. (See the chapter on *Community Exit*.)
- Create a process through which the facilitating organization can withdraw its services if a community does not abide by the Terms of Engagement.

HOW TO FACILITATE THE DRAFTING PROCESS FOR TERMS OF ENGAGEMENT?

Drafting and signing Terms of Engagement should be completed during the 3rd or 4th community meeting. To ensure that community members and leaders truly understand the commitments in the Terms of Engagement, this activity should come after the introduction of the project, the community visioning activity, and the valuation exercise. The meeting about Terms of Engagement should also include the introduction of the process for choosing the Interim Coordinating Committee and Community Land Mobilizers, because the Terms of Engagement will help to define the desired characteristics, roles, and responsibilities for these positions (see the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees*).

Inclusive, participatory, accountable local governance is the heart of the community land protection process. Facilitators should be clear that by the end of the process, there will be new, community-agreed rules for the use and management of land and natural resources, and a new “Land Governance Council” that will include existing leaders as well as elected men, women, youth, and members of minority groups.

Some organizations are wary of discussing these governance-related goals out of fear that making them explicit will turn existing local leaders against the effort. However, experience has shown that obscuring intended local governance outcomes may lead to conflict with leaders who may potentially stall, obstruct or undermine the entire process once they understand the full extent of the governance changes. While being upfront and clear about the intended governance outcomes may put off some leaders, it will also allow facilitating organizations work with only communities and leaders who agree with these goals and are fully committed to positive land and natural resource governance changes. (For more information, see the chapter on *Creating Land Governance Councils*.)

The meeting to draft and agree to Terms of Engagement should include the active participation of the entire community, including all community leaders, women, youth, members of minority groups and representatives of all stakeholder groups.

Step 1: Explain the purpose of the meeting. Explain the reasons why it is important to agree on Terms of Engagement between the community and facilitating organization, and how these agreements will help to ensure that the community’s efforts succeed.

Step 2: Review the purpose of the work and invite reflection and feedback. Once again, explain the purpose of the project, the role of facilitators, the role of community members and community leaders, and the community-driven nature of the process. Make sure everyone understands the goals of the work and answer any questions that community members may have. Create a space for an open conversation about what the community hopes to achieve through the community land protection program (see the chapter on *Community Exit*). Facilitators might ask questions such as:

- What do you understand the community land protection process to be?
- What do you expect to achieve if the community land protection work is successful?
- What do you understand the community’s role to be?
- What do you understand the facilitators’ role to be?
- How much time do you think you will need to invest in the work?
- What are the risks involved in community land protection work?
- What fears or concerns do you have about the community land protection process?
- What questions do you have about the community land protection process?

Step 3: Clarify roles. Explain the different roles of the Community Land Mobilizers, the Interim Coordinating Committee, and the facilitating organization (see the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees*).

Step 4: Brainstorm an initial Terms of Engagement. Have community members “shout out” a list of:

- Desired outcomes of the community land protection process (see the chapter on *Community Exit*);
- Roles and responsibilities of community members: what they can commit to/be responsible for, how community members should treat one another during meetings and activities, how the community should address any conflicts that arise as a result of the community land protection process, etc.;
- Roles and responsibilities of Community Land Mobilizers;
- Roles and responsibilities of Interim Coordinating Committee members;
- Roles and responsibilities of the facilitating organization;
- Criteria for “community exit” – clear criteria for “completion” or reasons for ending the relationship early (See the chapter on *Community Exit*); and
- Any other agreements or commitments that community members think are important to ensure success during the community land protection process.

Do not make the Terms of Engagement overly formal or legalistic. They should be written in the local language and should be simple, clear, and easy for all to understand. The aim is to make the Terms of Engagement so clear and logical that there is little to argue about.

Step 5: Add facilitators’ desired Terms of Engagement. After the community has “shouted out” all the agreements and commitments that members think are necessary, facilitators should look at the list and add any missing agreements they think will help to ensure success (for example: do all “homework” between meetings, keep facilitators informed of all developments, avoid violence if land conflicts arise, etc.).

Step 6: Discuss the Terms of Engagement. Make sure that everyone who has something to say about a proposed agreement has the opportunity to speak. Only add agreements or commitments that everyone has agreed with. Facilitators should also speak up and say which proposals they do not agree with, because facilitators will also need to abide by the Terms of Engagement.

Step 7: Read the final list aloud. The facilitator should ask a community member to read the draft Terms of Engagement aloud. Both the community and the organization should think about the suggested agreements and commitments and question any terms that do not make sense to them, and revise the list accordingly.

Step 8: Review and sign the Terms of Engagement. Write down all the agreements and commitments that are agreed upon by everyone, read them aloud a final time, and then have all facilitators, community leaders, and community members at the meeting sign the Terms of Engagement or make a commitment by voting. If the community thinks it best, the document can also be signed by other community members not present at the meeting.

Step 9: Prepare for selecting Community Land Mobilizers and the Interim Coordinating Committee. Now that the community has agreed upon clear roles and responsibilities for its Community Land Mobilizers and Interim Coordinating Committee, community members should prepare to hold elections the next time they meet (see the chapter on *Selection and Training of Community Land Mobilizers and Interim Coordinating Committees*). To allow the election process to be completed in one meeting only, facilitators may want to add two more short exercises to this meeting:

- Brainstorming and agreeing upon the qualities that Community Land Mobilizers and Interim Coordinating Committee members should have; and
- Deciding what types of people will fill each role.

Ask community members to discuss the agreed-upon Terms of Engagement and the community land protection process with their neighbors, friends, families and networks. Ask them to think about and discuss which trusted community members might be best for the roles of Mobilizers and Committee members. Request that individuals interested in taking on these responsibilities attend the next meeting or send word of their interest with others who can attend.

Step 10: Make and circulate copies. After the meeting, photocopy the final Terms of Engagement and signatures and bring back copies for the community to keep and refer to throughout the process. It is helpful to post the list somewhere visible during the all meetings. Facilitators and the community can then review the list periodically to hold one another accountable.

SAMPLE TERMS OF ENGAGEMENT

Desired outcomes of the community land protection process

- Formal documentation of community land rights, creating greater tenure security for all community residents.
- Community by-laws that hold leaders accountable to good governance, integrity, honesty, and meaningful community participation in local decision-making.
- Rules that support the community to sustainably manage and care for its forests, grazing lands, waters, and all other natural resources.
- Strong protections for women's land rights and the land rights of minority groups; ending discrimination and injustice between community members.
- The peaceful resolution of land conflicts both within the community and between the community and its neighbors.
- Clear protocols for how the community will interact with investors that come seeking community lands and natural resources.

Roles and responsibilities of community members

- Attend all meetings on time, at the decided hour.
- Treat one another with respect during meetings; listen to everyone's opinions and ideas.
- If a meeting must be cancelled, the community must give the facilitators at least 12 hours notice.
- Participate actively in all meetings and community land protection activities.
- Make sure that all stakeholder groups are represented in all community decisions.
- Raise questions, complaints and challenges about the community land protection process during meetings. Do not undermine or delay the process by spreading rumors.
- Hold leaders accountable to supporting the community land protection process.
- Complete all community land protection activities and exercises, including: map-making, agreeing on boundaries, drafting and adopting by-laws, and electing a Land Governance Council.
- Undertake all activities peacefully and work to solve all conflicts nonviolently.

Roles and responsibilities of the Interim Coordinating Committee

- Be motivated, honest and trustworthy.
- Ensure that all community members are involved in the community land protection process.
- Ensure that all community members are informed in advance about all community land protection meetings (when and where), about the agenda for the meeting, and that their participation is necessary.
- Inform all members of their stakeholder group/sub-unit about the actions or decisions made at all community land protection meetings.

Roles and responsibilities of the Community Land Mobilizers

- Be motivated, honest and trustworthy.
- Act as the link between the community and the facilitators; communicate all challenges, questions, difficulties, etc.
- Learn the community land protection process in detail and support the community to complete each activity successfully.
- Support the resolution of all community land protection process-related conflicts and alert facilitators when more help is necessary.
- Stay informed about all land-related dealings within the community and make sure that all community members and facilitators are also aware of any transactions, discussions or conflicts related to community land.

Roles and responsibilities of the facilitating organization

- Arrive on time as planned for all meetings. If a meeting must be cancelled, give the community at least 12 hours' notice.
- Promptly respond to all questions and concerns from community members. Return any phone calls within one day.
- Teach the community to undertake all community land protection activities, provide information, and support the community to complete activities on its own, at its own pace, according to its own goals.
- Whenever the community asks for help or information, respond as soon as possible.
- If the community desires, act as the link between the community and government officials.

Criteria for community exit

- The facilitating organization will stop working with the community when the community has adopted its by-laws, elected its Land Governance Council, and mapped and documented its land claims.
- The facilitating organization will stop working with the community if more than 50% of the community members ask the facilitating organization to leave in a community-wide meeting.
- The facilitating organization will stop working with the community if the community is not fulfilling its responsibilities (i.e., if more than three community meetings are canceled without informing the organization).

NOTES

SELECTING AND TRAINING COMMUNITY LAND MOBILIZERS AND INTERIM COORDINATING COMMITTEES



The community land protection process is most successful when it is powered by the energy, motivation, and efforts of community members themselves – not by outside facilitators. The role of the facilitating organization is to guide, direct, steer, advise and empower. **Giving community members the direct responsibility to complete the land protection work helps to further communities’ sense of ownership over outcomes and motivate communities to take the community land protection activities seriously.**

Years of trial and error have demonstrated that it is most effective to have two main groups of community members leading their community through community land protection efforts:

1. Community Land Mobilizers, who work closely with the facilitating organization and help lead each land protection activity; and

2. An Interim Coordinating Committee, composed of representatives from key stakeholder groups in the community who:

- Spread news and updates about the community land protection work throughout their networks;
- Seek out the ideas, comments and reflections of people in their network who cannot attend meetings, then share their contributions at meetings (to ensure that all voices are heard); and
- Report what happened at each meeting back to their networks.

The Interim Coordinating Committee is a *temporary body*: it will be replaced by an elected Land Governance Council after the community drafts and adopts its by-laws. The Interim Coordinating Committee is officially disbanded when the Land Governance Council is elected, although members of the Interim Coordinating Committee that perform their duties well may be elected to the Council.

THE POWER OF COMMUNITY LAND MOBILIZERS

A two-year study of community land protection efforts in 60 communities across Uganda, Liberia and Mozambique¹ found that communities led by Community Land Mobilizers/paralegals were frequently more successful at completing the community land protection process than communities led by outside lawyers or technical experts. This finding led to various conclusions:

- When communities are responsible for completing most land protection activities on their own, instead of relying on outside “experts,” they take the work more seriously, are more motivated to address intra-community obstacles proactively, and feel greater “ownership” over the process.
- When trusted community members lead the community land protection work, community participation in activities increases and more people attend community meetings.
- Community Land Mobilizers are better able to help communities navigate intra-community tensions or obstacles that outside professionals may fail to perceive, accidentally make worse, or address inappropriately.
- Well-trained Community Land Mobilizers can also help and advise neighboring communities to successfully protect their lands.
- Community Land Mobilizers make community land protection efforts less costly and easier to scale, because they allow a small number of professionals to work with many communities at the same time.



1. <http://namati.org/resources/protecting-community-lands-and-resources-evidence-from-liberia-mozambique-and-uganda/>

HOW TO EXPLAIN THE ROLES, RESPONSIBILITIES AND PAYMENT OF COMMUNITY LAND MOBILIZERS AND INTERIM COORDINATING COMMITTEE MEMBERS?

COMMUNITY LAND MOBILIZERS

Typically 2-3 individuals selected based on their ability to guide and support the community through the process.

Roles and responsibilities:

- 1. Lead meetings.** Facilitate community land protection meetings and take minutes; hold and facilitate community meetings between facilitator-led meetings (or at the village/town level).
- 2. Liaise.** Be the facilitating organization’s eyes/ears on the ground to mediate concerns between the community and the organization, within the community, between the community and leaders/elites.
- 3. Hold the vision.** Support community leaders and members to remember the community’s vision and to begin to plan for the community’s future.
- 4. Educate.** Teach community members about their land rights and the community land protection process.
- 5. Clarify.** Clear up misunderstandings, rumors or confusion within the community about the land protection process.
- 6. Mediate.** Support boundary harmonization efforts; help mediate land conflicts; and address intra-community disputes that facilitators may not be able to recognize or address.
- 7. Gather input.** Collect/write down ideas and by-laws from each village/town within the larger community.
- 8. Promote women’s participation.** Ensure that women are involved in all community land protection efforts and aware of their legal rights. (Female Community Land Mobilizers especially should ensure to support women’s participation.)
- 9. Collect data.** Support facilitators to collect M&E data such as short- and mid-term impacts.
- 10.Alert:** Call facilitators when legal and technical help is immediately necessary, such as when investors approach the community seeking land.

Payment:

Because of the significant time and effort that Community Land Mobilizers spend carrying out these responsibilities, most facilitating organizations choose to pay them a salary or a small stipend and to create a contractual agreement to hold them accountable to fulfilling their role.

INTERIM COORDINATING COMMITTEE

A temporary, larger group of community members who represent all the types of people and stakeholders within the community during the process.

Roles and responsibilities:

- 1. Mobilize participation.** Inform community members about meetings, and make sure that a high percentage of community members participate in every meeting.
- 2. Represent.** Seek out the opinions and ideas of community members who cannot attend a meeting, and present their ideas on their behalf, so that all voices can be present.
- 3. Report back.** Communicate meeting minutes/actions/decisions back to community members unable to attend meetings.
- 4. Participate.** Take part in all community land protection activities before the Land Governance Council is elected.
- 5. Support.** Help and advise the facilitating organization and the Community Land Mobilizers in their work.

Payment:

These individuals are unpaid volunteers.

HOW TO SUPPORT COMMUNITIES TO SELECT THEIR COMMUNITY LAND MOBILIZERS AND INTERIM COORDINATING COMMITTEE MEMBERS?

The election or selection of Community Land Mobilizers and Interim Coordinating Committee members should take place directly after the meeting on Terms of Engagement. To be able to complete the election or selection process in one meeting, facilitators may want to complete steps 1 – 4 during the Terms of Engagement meeting. Otherwise, the election process may take two meetings.

Before the election or selection meeting, work with leaders to ensure that notice about the upcoming (s)election is spread widely throughout the community and that the meeting is very well attended. At the meeting, support the community to follow the following steps:

Step 1. Review the Terms of Engagement. These terms set the roles and responsibilities of the Community Land Mobilizers and Interim Coordinating Committee members.

Step 2: Brainstorm and agree upon the qualities that Community Land Mobilizers and Interim Coordinating Committee members should have. Generate two lists, one set of criteria for Community Land Mobilizers and one set of criteria for Interim Coordinating Committee members. Because the Community Land Mobilizers will be working closely with the facilitating organization, facilitators should feel free to add criteria to the list.

Step 3: Decide what types of people will fill each role. These decisions are not simple and there are important differences between the two roles.

- **Interim Coordinating Committee:** Facilitators should ask the community to brainstorm and agree upon a list of what types of people should be on the Interim Coordinating Committee. Committee members can represent:
 - The various smaller spatial or social units within the larger community;
 - Different stakeholder groups, such as women, youth, people who practice specific livelihoods, minority ethnic groups, etc.; and
 - The various ethnic/religious/tribal groups living together in the community.

This is a critical decision, and should be made carefully. Make sure that all major stakeholder groups in the community are represented – any group that is left out or not adequately included might sabotage or undermine the process.

It is also important for the community to decide how many members will be on the Interim Coordinating Committee. Experience has shown that anywhere from 10 to 15 members works most efficiently. If possible and culturally appropriate, facilitators should ask the community to ensure that at least one third of the committee is female.

COMMUNITIES MIGHT ASK THAT MOBILIZERS MEET CRITERIA SUCH AS:

- Respected and trusted by community members.
- Effective leadership abilities.
- Strong communication skills.
- A basic level of literacy (at least one of the Mobilizers should be able to read and write well enough to take meeting minutes/notes).
- Ability to speak the same language as the facilitators.
- Hardworking, determined and reliable.
- Passionate about community land rights.
- High integrity, honest, transparent.
- Calm in the face of conflict; good mediator.
- Respectful of community leadership; able to liaise with government officials.

- **Community Land Mobilizers:** Most facilitating organizations can only afford to pay a salary or stipend to two – or at most three – Community Land Mobilizers. The individuals who take on the role of Community Land Mobilizer are central to the success of the community land protection process. Choosing the wrong “kind” of person for the job will make the process more challenging. Communities should consider the following factors:
 - **Literacy.** In communities where the best candidates for the role are a respected male leader and a respected woman, yet both are illiterate, the community will have to devise a solution to ensure that meeting minutes are kept, by-laws are drafted, land laws are read and explained, etc.

- **Youth.** Requiring that Community Land Mobilizers be literate may result in only youth being eligible for the job. In some cultures, youth may not speak in front of their elders or lead meetings, a restriction that makes it difficult for them to fulfill their roles. Even in cultures where youth do have a stronger voice, they may not be the appropriate people to organize or lead meetings about land and natural resources, or leaders may overshadow them during meetings.
- **Leaders.** If there are existing leaders or managers who are responsible for managing common lands and resources, the role of Mobilizers may be a natural extension of their current responsibilities. If these leaders are honest and respected by their community, it is a simple matter for the community to choose them for the role. However, if these individuals have a reputation of corruption, drunkenness or dishonesty, matters become complicated. Facilitators should support communities to delicately find a solution to such challenges.

If community leaders are not chosen to be Community Land Mobilizers, then the community must figure out how to involve them in the land protection process: Will they be ex-officio (non-voting) members of the Interim Coordinating Committee? Will they work with or advise the Community Land Mobilizers? All existing leaders should be included in the community land protection process and given clear roles (see the chapter on *Working with Leaders*).

- **Women.** It is best if the Community Land Mobilizers are not both male. Because many of the community land protection activities involve splitting into groups of men and women (to allow women to speak freely), it is helpful if one of the Community Land Mobilizers is a woman so that she can facilitate these group discussions. This may cause challenges in some contexts, for example in cultures where women are not allowed to meet with men they are not married to or travel unaccompanied to other villages. Facilitators should consult with the community about how to manage cultural challenges to having a female Community Land Mobilizer.

Step 4: Decide on the process for choosing Community Land Mobilizers and Interim Coordinating Committee members.

How a community chooses to select or elect its Interim Coordinating Committee members will depend on how it has defined the criteria for who will serve on the Committee. Once a representative structure (by town/village, by clan/tribe, by characteristics like age/gender/religion, etc.) is agreed upon, each defined “group” may need to gather as a small group to decide who would best represent them. Facilitators should help the community determine an election or selection process that feels most appropriate. Be careful to listen to the concerns of minority groups and make sure that the election or selection process does not disenfranchise or silence members of minority groups.

The process for electing or selecting the Community Land Mobilizers may be done in various ways. Facilitators should support communities to discuss and choose one of the following methods:

- **Community elects Mobilizers from the entire community:** Community members who wish to become a community Mobilizer voice their interest in the position and speak about why they believe they will make a strong candidate. Community members then vote for the candidates.
- **Community elects Mobilizers from selected nominees:** An existing group of leaders nominate individuals who they believe will be strong Mobilizers. The community then votes on the nominees, selecting the two it most prefers. (This strategy – and the one below – have a high risk of nepotism or elite control, facilitators must be careful that powerful elites or leaders do not co-opt the process or appoint only family members, etc.)
- **Leaders select Mobilizers:** Existing community leaders appoint Community Land Mobilizers who they feel best meet the designated criteria. Facilitators should ensure that the community supports this process and feels comfortable with the decisions.
- **Community selects existing leaders.** Some communities may choose to select existing community leaders. This method of selecting Mobilizers can help avoid creating parallel or conflicting leadership structures and may help prevent power struggles between Community Land Mobilizers and existing leaders.

- **Facilitators select most qualified candidates.** Some facilitating organizations may want to have a stronger say in the selection of Community Land Mobilizers – especially when paying them a salary or stipend. In this scenario, the community or community leaders suggest several trusted, respected individuals who are well-qualified for the position. The facilitating organization interviews, tests, or otherwise evaluates these individuals and chooses from among them. This strategy tends to ensure the highest quality Community Land Mobilizers, but it may create a situation in which the Mobilizers are seen as employees of the organization, which may or may not be appropriate for the context.
- **The community land protection process,** including:
 - A detailed explanation of each step of the process, including what the community will be responsible for, what the Community Land Mobilizers will be responsible for, and what the Interim Coordinating Committee will be responsible for during each step;
 - Discussion of challenges that might arise and how to address them, including: weak leadership, power struggles between leaders, intra-community conflict, extra-community sabotage by regional elites, intractable boundary conflicts with neighbors, fracturing of community unity, etc.;
 - Suggestion of mobilization strategies, particularly for ensuring the inclusion of women, youth, minorities and vulnerable groups; and
 - Any other topics that facilitators deem appropriate or that Community Land Mobilizers and Interim Coordinating Committee members request.

Step 5: Complete election or selection. Facilitators then support the community through the chosen election or selection process. The roles, responsibilities and criteria for each role should be read aloud again, any remaining questions answered, and then the process can unfold, overseen by the facilitators and community leaders. During the process, facilitators should help ensure that voting is done in a fair, transparent manner. If the process appears to have been co-opted by community elites, facilitators should support community members to request a new election.

HOW TO TRAIN COMMUNITY LAND MOBILIZERS AND INTERIM COORDINATING COMMITTEES?

Once selected, facilitators should train the Community Land Mobilizers and the Interim Coordinating Committee about all aspects of the community land protection process. The first few training sessions should be provided to both Community Land Mobilizers and Interim Coordinating Committee members together. These trainings should include:

- **Basic legal education** concerning:
 - Sections of the national constitution that pertain to lands, natural resources, customary or Indigenous People's rights, due process, equality between people/equal protection;
 - National laws and regulations that allow for documentation or registration of community lands and resources;
 - Relevant sections of other national laws, including inheritance law, natural resource and conservation law, family law, environmental law, Indigenous People's laws, and all others; and
 - The position of customary/indigenous law within the statutory legal framework.

This is all the education that the Interim Coordinating Committee members require. Community Land Mobilizers will continue to receive legal and technical training and support throughout the community land protection process, as explained below.

HOW TO WORK WITH COMMUNITY LAND MOBILIZERS?

To effectively manage and supervise Mobilizers, facilitating organizations should:

- **Support Mobilizers to develop work plans and timelines.** These should clearly lay out when they will facilitate meetings, mediate land conflicts, organize MOU or by-laws adoption ceremonies, and complete other necessary work. Facilitating organizations and Mobilizers should review and revise these work plans regularly.
- **Open clear lines of communication.** Community Land Mobilizers should feel empowered to reach out to facilitators when they have questions or need additional support. If necessary, provide all Mobilizers with a phone or airtime credit so they can call facilitators on an as-needed basis.

- **Hold monthly supervision meetings.** Facilitators should plan to meet monthly with the Community Land Mobilizers to supervise their work, answer any questions they may have, and continue training them. If possible, organize the monthly meetings so as to bring together Mobilizers from different communities. This allows Mobilizers to share their experiences with each other, brainstorm solutions to common challenges, and support one another to improve their skills. The monthly trainings are also a good time to review Mobilizers’ work plans, hold them accountable to completing the planned work, and support them to handle difficulties as they arise.

If it is too costly to bring all the Community Land Mobilizers together for a large meeting each month, it is also possible to:

- Meet monthly in small clusters of Community Land Mobilizers who live in neighboring communities; or
 - Meet privately with a community’s Mobilizers directly after large community meetings.
- **Provide ongoing legal and technical training** that covers the following topics:
 - Meeting facilitation skills, with emphasis on ensuring that women’s and youth’s voices are heard;
 - The practical skills required to mediate and resolve land conflicts and harmonize boundaries;
 - The importance of the by-laws drafting process and practical skills to ensure that the drafting process is participatory and inclusive;
 - Strategies to help communities align their customary/indigenous rules with national laws and human rights principles;
 - Strategies to help communities prepare to interact with potential investors, including awareness-raising about FPIC (Free Prior Informed Consent) and other strategies to ensure that community rights are protected and that any resulting contracts are fair, equitable and will result in increased community prosperity and well-being;
 - Information concerning the role of all relevant government agencies and how to contact them;
 - Instructions for accessing and completing government forms and successfully lodging a community land registration application; and
 - Any other subject facilitators deem appropriate to teach or that Community Land Mobilizers request.

- **Establish a clear payment plan and schedule.** Serving as a Community Land Mobilizer is no small job — Mobilizers may spend dozens of hours each week undertaking community land protection work. As such, they should be compensated for their time. They also tend to provide better support to their communities when they are provided with a small stipend/salary and required to fulfill certain responsibilities and complete certain tasks in order to receive that stipend/salary. Possible ways to structure Community Land Mobilizers stipends/salaries include:

- Monthly payment, regardless of work completed;
- Linking payment of salary/stipend with the completion of a particular “stage” or “step” of the process (e.g., they receive payment after their community has harmonized all its boundaries, after the MOU signing ceremony has been celebrated, after the completion of the second draft of the by-laws, after the by-laws have been adopted formally, etc.); or
- No financial payments, only provision of necessary resources, such as mobile phones and/or airtime phone credit, a means of transportation like a bicycle, stationary supplies, etc.

Facilitators may need to take into consideration community leaders’ salaries, and ensure that the Community Land Mobilizers are not paid more than the community leaders. The facilitating organization should also think critically about how to address organizational funding constraints while also motivating Community Land Mobilizers to do the work efficiently and effectively.

With adequate legal education and capacity-building, communities can successfully complete many of the community land protection activities on their own.

- **Create a strategy to ensure accountability.** Community Land Mobilizers are accountable both to their community and to the facilitating organization. Community members should feel empowered to take action if they feel that their Mobilizers are not doing a good job, have conflicts of interest, or are acting corruptly. Similarly, if facilitators believe that a Community Land Mobilizer is not fulfilling his/her role, they should have a plan for how to discuss this with the community directly. It is best to address this potential problem directly in the Terms of Engagement so that there is a clear protocol for how the community and facilitators will handle the situation. For example, the community may decide that it will give Mobilizers two “official warnings” that they must do a better job before dismissing them. Alternatively, the community may decide that dismissing a Mobilizer requires a community-wide simple majority vote (more than 50% voting to select a new Mobilizer).
- **Create a strategy to keep Community Land Mobilizers safe.** Mobilizers may face threats or violence from individuals seeking to undermine community land protection efforts. It is not unusual for Community Land Mobilizers to become the focal point of these individuals’ targeted attacks: in the most serious situations, Mobilizers have had to leave their communities and hide in regional urban centers until it was safe to return home. Facilitators should work with Mobilizers to create plans of action for how to handle violence or threats of violence.

HOW TO WORK WITH INTERIM COORDINATING COMMITTEES?

In addition to providing the basic training described above, facilitators should establish a good working relationship with all Interim Coordinating Committee members and meet with them periodically (such as before or after a larger community meeting). This enables facilitators to:

- Ensure that Committee members understand their roles and responsibilities;
- Ensure that Committee members are successfully increasing community members’ participation in all community land protection activities;
- Ensure that Committee members understand the community land protection process; and
- Address any questions or concerns that Committee members might have.

THE IMPORTANCE OF FACILITATORS’ LEGAL AND TECHNICAL SUPPORT

Motivated communities led by trained Community Land Mobilizers can successfully complete most of the community land protection process. However, communities benefit from the targeted legal and technical help from facilitators throughout the community land protection process, including:

- Periodic legal education and capacity-building training concerning the community’s legal rights to its land, the legal process to formally document these rights, and how to successfully complete the necessary community land protection procedures;
- Mediation and conflict-resolution support during any particularly contentious land conflicts or boundary disputes that communities are unable to resolve on their own;
- Legal support and technical assistance throughout the drafting of a community’s second and third draft by-laws;
- Support for the creation and implementation of a women’s empowerment/participation strategy;
- Support and training around any future interactions with potential investors; and
- Assistance during all administrative components of the land documentation process, including: liaising with government agencies, contracting professional land surveyors, compiling all necessary evidentiary proof of community land claims, and completing all relevant application forms.

Facilitators have found that they must closely supervise Community Land Mobilizers’ efforts, not only to ensure that their work product is of high quality, but also to step in when necessary to demonstrate to stakeholders (government officials, investors, local elites, etc.) that a community’s efforts are supported by a team of lawyers who have the capacity to take legal action.



STRENGTHENING COMMUNITY GOVERNANCE OF LAND AND NATURAL RESOURCES

The activities in this step support communities to catalogue their existing rules for land and resource management, then improve these rules to ensure justice and prosperity. When well-facilitated, these activities can support communities to: create protections for the rights of women and minority groups; hold their leaders accountable; increase community members’ democratic participation in land and natural resource-related decisions; improve natural resource conservation and promote biodiversity; and align customary rules with national laws.

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DRAFTING BY-LAWS FOR GOOD GOVERNANCE OF COMMUNITY LANDS AND NATURAL RESOURCES



The process of drafting, debating, and adopting rules – or “by-laws” – for land and natural resource use and management is the heart of the community land protection process. If community land documentation efforts are undertaken without empowering communities to establish good governance over their lands and natural resources, land documentation may create more harm than good: leaders with a map and no downward accountability can easily sell or transact community land. Community land documentation initiatives that do not support communities to establish systems for transparent, just, and equitable land governance may invite or worsen mismanagement, corruption, and capture by local elites. They may also weaken women’s land rights by entrenching discriminatory practices that exclude women from land governance and community decision-making.

Positively, a well-facilitated, participatory, careful process of drafting and adopting community rules for local land and natural resource management often results in:

- **Good governance and increased downward accountability of leaders.**

- Systems to improve local leadership and hold community leaders downwardly accountable, such as: the establishment of term limits, periodic elections for leaders, criteria for impeachment, and rules about what decisions leaders may make versus what decisions must be made by the community as a whole (such as whether to lease land to outside investors).
- Greater democratic participation by community members in land and natural resources management decisions that previously were made by leaders without community consultation.

- Increased transparency and equality in local rule enforcement, due to the creation of consistent norms and clear, publicly known penalties for infractions.
- **Stronger rights for women, youth, and members of minority groups.**
 - Women, youth, and other vulnerable groups have the opportunity to question discriminatory customary practices and successfully advocate for rules that strengthen their rights.
 - Women, youth and minority groups are elected to governing bodies and participate in land and natural resource management decision-making processes.
- **Improved conservation, use and management of natural resources.**
 - Community members remember, revive, create and implement rules to ensure conservation and sustainable natural resources use.
 - Communities institute fees to ensure sustainable use of scarce natural resources and collect fines for misuse of these resources.
- **Alignment of community rules with national law.** Communities modify local rules to align with national and human rights law.
- **Stronger foundations that support future community prosperity.**
 - Increased community capacity to vision, plan for and actualize community-defined local development.

- Strengthened community capacity to negotiate for and actualize equal, prosperous partnerships with outside investors.
- The maintenance or revival of community cultural practices and traditional knowledge.

AN OVERVIEW OF THE BY-LAWS DRAFTING PROCESS

This chapter describes in detail the steps for facilitating the stages of drafting by-laws. For reference, a summary overview of the major steps in the by-laws drafting process are:

1. The community collectively brainstorms or “shouts out” all existing local rules and all rules followed in the past. This is the 1st Draft of the by-laws.
2. Facilitators provide legal education on national law and international human rights law.
3. The community reviews the 1st Draft of the by-laws, adds new rules, deletes old rules that are no longer useful, and changes existing rules that should be updated. The community should also discuss how rules will be enforced and what penalties or fees may apply. Discussions continue until community agrees that they have a complete 2nd Draft. During this process, facilitators convene meetings to ensure that the community addresses issues related to women’s rights, zoning, and transparent financial management, as well as any other necessary topics.
4. Facilitators, lawyers and/or judges review the 2nd Draft to ensure that all rules and the penalties or fees for enforcing the rules do not contradict the national constitution and other relevant laws.
5. The 2nd Draft is returned to the community, which then decides how best to modify any rules or penalties that contradict national law. Once they are aligned with national law, the 3rd Draft of the by-laws is complete.
6. The community holds a large “by-laws adoption ceremony,” inviting district and regional leaders, judges, neighbors, and others. At this meeting, the community reviews its final draft by-laws (usually the 3rd Draft unless the community made additional revisions), then votes to adopt the by-laws by consensus (100% agreement) or supermajority vote (66% agreement).

BASIC GUIDELINES FOR THE BY-LAWS DRAFTING PROCESS

Facilitators should bear in mind the following guidelines when supporting communities through the by-laws drafting process:

- **Let the community set the pace.** The by-laws drafting process should not be rushed; facilitators should allow communities to take as long as they need to authentically discuss and decide about the rules they want to govern their lands and natural resources. A healthy, inclusive process should take between 2 and 4 months, depending on the size of the community, its level of motivation, and how frequently meetings are held.
- **Let the community set the content.** Facilitators should allow communities to freely determine the content of their by-laws as they see best, to structure their by-laws in a way that makes the most sense to them, and to phrase each by-law in a way that will be clear to community members. Facilitators should never re-write community by-laws into more “legal” language, add by-laws they think would be useful, delete by-laws they think should be removed, or steer communities to make decisions they are not comfortable with. This is a community-driven process; facilitators should only advise. (For more information, see the chapter on *The Content of Community By-laws*.)
- **Make sure the process is fully participatory.** The by-laws must be discussed and agreed by the entire community, not just a small group of elders and elites. If the by-laws reflect only the ideas of a few elites, the community likely will not respect and follow them. All community members, including women, men, youth, elders, traditional leaders, seasonal users and members of minority groups should be invited to all meetings and encouraged to participate and speak their minds. Interim Coordinating Committees can help to ensure that members of all stakeholder groups are involved in the process and aware of the discussions that take place and the decisions made.
- **Work proactively with existing leaders and governing bodies.** To ensure that they understand, support, and participate in the by-laws drafting process. Facilitators should also work to make sure that community leaders are committed to supporting the future implementation and enforcement of the by-laws once they are adopted. (See the chapters on *Working with Community Leaders*, *Creating Land Governance Councils*, and *Ensuring Implementation and Enforcement of the By-laws*.)

To ensure that the by-laws drafting process is fully participatory, facilitators should work with Community Land Mobilizers, Interim Coordinating Committee, and community leaders to:

- Undertake intensive and continuous community mobilization to ensure that members of all stakeholder groups actively participate in all debates and discussions;
 - Plan community land protection meetings to take place at convenient times (such as after women and men have completed their house and farm work) and in convenient, central locations;
 - Convene special women-only meetings to identify issues that affect women's rights and participation and empower women to support one another to voice these issues during community meetings;
 - Present the community land protection work in schools and to groups of youth informally in places they convene (such as near sporting events, in markets, etc.) and invite them to attend meetings;
 - Call for the participation of specific stakeholder groups over local radio; and
 - Visit neighboring communities with historical use and access rights and invite them to attend meetings and weigh in on rules that will affect their rights.
- **Allow for – and encourage – healthy debate.** Disagreement and productive, lively discussions are part of a healthy by-laws drafting process. The process is designed to give communities the space and time to question the purposes of the existing rules and to decide whether to keep a rule as it is or change it to reflect community needs. Community members who have gone through the by-laws drafting process often describe the experience as the first time in living memory that their community sat together as a group and discussed their rules. This is particularly important during the transition from the 1st to the 2nd Drafts: during these meetings, women, youth, elders, and members of minority groups have the opportunity to both argue against rules they feel to be discriminatory and advocate for the inclusion of rules that promote their interests. While the diversity of community opinion may lead to lengthy debate, this is a natural part of the process; facilitators should prepare communities to discuss issues with respect, avoid personal attacks and name-calling, and commit to finding ways to compromise.

- **Support Community Land Mobilizers to run by-laws drafting meetings.** Because communities will need to hold many meetings to arrive at a final set of by-laws, Community Land Mobilizers will play an active role in this process. Facilitators should spend time training Community Land Mobilizers in meeting facilitation skills, the importance of women's, youth's and minority groups' contributions and ideas, and conflict mediation (to address moments where different stakeholder groups cannot agree on a rule). During the by-laws drafting process, facilitators should visit the community at least twice a month to check in on their progress, answer questions, provide necessary support, train community members on topics relevant to their by-laws (for example, transparent financial management practices), and to support the Community Land Mobilizers.

HOW TO SUPPORT COMMUNITIES TO DRAFT BY-LAWS?

With the basic guidelines and overall process in mind, facilitators should support communities to complete the following eleven steps during the by-laws drafting process. *These steps will require facilitators to be personally present for at least 9 separate meetings*, not including the meetings run by Community Land Mobilizers in the sub-units.

Step 1: Describe the entire by-laws drafting process from start to finish. Make sure that community members, leaders, the Interim Coordinating Committee and the Community Land Mobilizers understand how the by-laws drafting process will proceed. Answer any questions community members may have. Ask community members to share the process with family members and neighbors and to bring them to future meetings, as all community members' input is necessary and valued. It is good practice to ask every community member present to "bring two more people with you" to the next meeting.

Step 2: Remind the community of any ground rules for community meeting etiquette and make any new ground rules that might be necessary. The by-laws drafting process has the potential to be lively and may provoke disagreement and debate. Facilitators should begin the process by asking the community to shout out "ground rules" for how they will treat one another during debates about community rules. Facilitators might begin the discussion by suggesting rules such as "one person talks at a time," "no finger pointing," or "respect other people's ideas."

The community should also carefully decide what procedures it will follow during the by-laws drafting process, such as how to:

- Make sure that all community members know about the by-laws process and have an opportunity to participate, even if they cannot attend meetings (for example, school children could write their ideas as homework assignments, women could host small local meetings of women neighbors and contribute a group list of ideas, etc.);
- Keep record of all meeting minutes, including who attended the meeting;
- Resolve disagreements (Who will mediate disputes? How will disputes be resolved?);
- Ensure that all “sub-units” (villages, towns, zones, wards) are informed about and actively involved in the process; and
- Agree on finalized rules, such as by consensus, by supermajority vote (66%), or by majority vote (51%).

Step 3: Support the community to create the 1st Draft of its by-laws. After the community has agreed on clear procedures for its by-laws drafting process, facilitators should then lead the community to brainstorm:

- All existing customary/traditional rules currently followed by community members; and
- All useful customary/traditional rules that were previously followed but have fallen out of use in recent years.

Begin the exercise by asking community members to “shout out” all the rules currently being followed by community members. To help the brainstorming process go most smoothly, facilitators should lead community members to address each of the following three categories of rules, one by one:

- 1. Rules about leadership, authority and the governance of land and natural resources**, including rules about who can be a leader, leaders’ responsibilities, how decisions about land and natural resources should be made, how to resolve conflicts, etc.;
- 2. Rules about the use and management of land and natural resources**, including rules about water, forests, livestock, hunting and fishing, thatch and building materials, seasonal users’ rights, etc.; and
- 3. Cultural and social rules to support community peace and prosperity**, including rules about women’s rights, children’s rights, rules for relationships with neighbors, etc.

Facilitators can keep the brainstormed list organized by displaying three large pieces of paper at the front of the meeting and separating the rules for each category onto their own piece of paper. As rules are shouted out, a second facilitator or a fast-writing Community Land Mobilizer should write **every single suggested rule** onto one of three large pieces of paper.

After the community has listed all of its current rules, ask community members to brainstorm all previously-followed rules that they feel should be re-instituted. Facilitators may want to ask male and female elders specifically to share memories of “how things were when they were young.” Add these rules from the past onto the lists.

When community members have finished shouting out all the rules they can think of, divide the community meeting into three smaller groups of men, women and youth. This gives women, youth and others who may not feel comfortable speaking in the large group an opportunity to contribute ideas. Give each group as many large pieces of paper as they would like and ask the groups to make a list of all natural resources located within the community. (If the community has already made a map of all natural resources in their community, facilitators can bring copies of this map for the groups to use). These lists might include:

- | | |
|--|--|
| <ul style="list-style-type: none">• Wetlands, streams, and rivers• Rock outcrops, mountains, caves, and hills• Thatch and other home-building materials• Rocks, sand and clay• Herbal medicines, wild mushrooms, honey | <ul style="list-style-type: none">• Saltlicks, cattle dips or kraals• Wild animal and fish species• Sacred or traditional areas• Roads, schools, clinics, churches and cemeteries• Other resources |
|--|--|

Next, the groups should write down all the rules they can think of for each resource. Facilitators and Community Land Mobilizers might prompt ideas by asking questions like:

- How do people use this resource?
- Are there rules about who can use this resource? How much of this resource can be used?
- Are there rules about when this resource can be accessed, or how to harvest/use it?
- Who is in charge of managing this resource, or ensuring that it is not abused?

Give each group 30-40 minutes to remember rules concerning the use and management of community lands and natural resources. Encourage the groups to also add rules concerning governance and community leadership to their lists. Then, call everyone back together into the big group. Support each group to present its list of rules to the community. Add all the rules that the small groups brainstormed to the existing lists.

When the groups finish presenting, the combined list of rules becomes the community's 1st Draft of its by-laws. **Facilitators should take photographs of each of the pages** so that they can type up the rules when they return to their office.¹ To prepare for future meetings, facilitators should organize the rules under headings (see the chapter on *The Content of the By-laws*).

If time and resources allow, the Community Land Mobilizers should then lead the activity of "shouting out" existing and historical rules *again* in each of the community sub-units (towns, villages, wards, zones). Mobilizers should send any additional rules generated during the sub-unit meetings to the facilitators so they can add them to their typed list of rules brainstormed in the large community meeting.

1. To make it clear that the typed list is only a draft, facilitators may want to add a note to the typed draft by-laws that explains that the list is not final and that it will only become final after many meetings of community review and agreement.

Facilitators must handle the process of writing customary rules delicately – especially if it represents a transition from oral to written rules. The process of writing down previously unwritten rules and practices may change them. Facilitators must manage the discussion of existing rules carefully to ensure that recording customary rules does not undermine or prohibit more inclusionary practices. An unwritten traditional practice may be quite flexible or interpreted by community members in widely different terms (according to what most benefits their interests or what is appropriate in particular contexts and circumstances). Facilitators should ensure that a wide array of community members – especially both male and female elders – are present during the by-laws drafting process and are empowered to contradict or add to others' memories of a local "custom."

Similarly, the shift from oral to written risks failing to capture community practices that do not occur to people as being "rules," perhaps because they are seen more as cultural practices, deeply embedded behaviors, or because they are assumed or taken for granted. For this reason, it is helpful to work through the use and management of each type of natural resource or land area. In addition, facilitators should ensure that women, youth and members of minority groups have ample time and space to contribute in order to ensure that unspoken practices and protections for their rights are not erased in the process of transforming oral rules into written rules.

Step 4: Provide legal education. Facilitators should return to the community with many copies of the typed 1st Draft of the by-laws. (This typed list should include all the rules from the large community meeting, as well as any rules added at the sub-unit levels in meetings facilitated by the Community Land Mobilizers.) At this meeting, the entire 1st Draft should be read aloud. Facilitators should then tell community members that they will now have as much time as necessary to discuss, modify, adapt, and change their list of rules however they see best to meet the needs of their community today and in the future.

Facilitators should explain that the community can make any rules they would like, so long as their by-laws do not contradict the national constitution and all relevant national laws. To illustrate this, facilitators can explain that the constitution and national laws are like the ground—the community can build their "house" of rules up from there, but they cannot go under or around national law.

Facilitators should then lead communities through very brief overviews of any national laws that they should consider as they create the 2nd Draft of their by-laws. This legal overview should include:

- All equal protection sections of the national constitution (addressing women’s rights, minority rights, etc.);
- All land-related sections of the national constitution, including any eminent domain/compulsory acquisition sections and sections regarding sub-surface mineral rights;
- The basic components of national laws pertaining to:
 - Land
 - Inheritance/family rights
 - Forests
 - Water/wetlands
 - Environmental protection
 - Indigenous rights
 - Investment/mining/timber production (as appropriate)
 - Local government and administration; and
- Any relevant international human rights conventions, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP).

All this information may be overwhelming to communities. To keep this activity simple and useful, facilitators may want to:

- Begin the discussion of each law by asking communities members to “shout out” what they know or think that the law says;
- Pick three key messages from each law and present those concepts in 1-2 sentences, in a simple way that community members can understand and remember;
- Produce and distribute a 1-2 page, low-literacy handout of the basic concepts of national laws that communities should consider when drafting their by-laws;
- In collaboration with the Community Land Mobilizers (organized before the meeting), present theatrical role-plays that illustrate the contents of the laws; and/or
- In collaboration with the Community Land Mobilizers and community musicians (organized before the meeting), create songs about the laws and perform them for the community.

After explaining a law, to make sure that community members understand the key components of the relevant laws, facilitators might ask the community to shout out examples of rules that would be unconstitutional. Once an “illegal” rule is shouted out, facilitators can ask the community to explain why it would not be allowed under national law.

At the end of the meeting, facilitators should tell the community that at the next meeting they will begin to turn the 1st Draft of their by-laws into their 2nd Draft. Ask the Interim Coordinating Committee and all meeting attendees to take the typed, printed copies of the 1st Draft by-laws home to review with their families and neighbors, and to begin thinking about what rules should be removed, what rules should be added, and what rules should be changed.

Experience has shown that facilitators should insist that communities first agree on all of their by-laws, and then hold a separate meeting to go through the by-laws one by one and assign penalties, fees and fines. This will help the by-laws drafting process proceed much more quickly.

Step 5: Begin the 2nd Draft of the by-laws. The process of discussing, changing, and adding to the 2nd Draft of the by-laws is the most important part of the by-laws drafting process. It will likely take many weeks, and should involve most – if not all – community members. Community Land Mobilizers, the Interim Coordinating Committee, and leaders should devote extra energy during this phase of the work to ensure widespread participation by all community members, including: men, women, youth, elders, members of minority groups, disabled community members, elites, leaders, people who practice specific livelihoods, and members of neighboring communities who hold historical use and access rights to areas of the community.

Facilitators should begin the meeting with an explanation of the 2nd Draft process: facilitators will return periodically to hold large community meetings, and in between these meetings Community Land Mobilizers and leaders will convene meetings at the sub-unit level (wards, villages, towns, zones) to gather the input of those who may not be able to attend the larger community meetings. Each sub-unit should send representatives to the larger meetings to share the input from their small meetings and ensure that their comments are included in the debate.

Namati and its partners have found that this process goes best when facilitators visit communities every one to two weeks throughout the 2nd Draft debates in order to: provide guidance; support resolution of any particularly vigorous disagreements; and provide education on certain key topics, as requested by community members.

Second, the community should review its ground rules for the by-laws drafting meetings, including how community members will resolve disagreements about specific rules.

Third, facilitators should divide the community meeting into smaller groups of women, youth and men to begin discussing the section of rules about **use and management of land and natural resources**. It is best to start with this section of the by-laws because it will likely be the least controversial and the easiest for community members to agree upon.

As the smaller groups review and discuss the 1st Draft by-laws on use and management of land and natural resources, facilitators and/or Community Land Mobilizers should ask them to identify:

- What rules should be kept as they are, because they are good, useful rules?
- What rules are mostly good, but should be changed to ensure that they are fair to everyone and support the community's vision for the future?
- What rules should be thrown out, as they conflict with national laws, are unfair to specific groups of people, violate people's human rights, or do not protect the community's land and natural resources?
- What rules should be added to ensure that community can grow, prosper, and achieve its future vision?

The by-laws process is no small commitment: when asked what was the "hardest" part of the project, one women's focus group took the opportunity to complain about the frequency of community meetings, describing how: "The process was hard for us. Every day meeting, every day meeting! But it is a good thing to own our land – we all agreed to that."

Fourth, after the groups have had adequate time to discuss these matters, facilitators should call the groups back together to discuss the groups' ideas as a community. Because there will be many rules to talk about, facilitators should support the community to work through the by-laws in an orderly manner, issue by issue. One way to structure these discussions is to go through the topics set out in the chapter on *The Content of the By-laws* – for example, support the community to first discuss its rules about "food resources," then "water," then "community forests and grazing lands," etc. For each topic heading, a representative from each group should present their group's conclusions; after all the groups have presented, the topic can be opened up for discussion.

This process will likely take a long time; facilitators should allow the community to discuss each rule fully until they reach consensus. To speed up the process, facilitators can suggest that communities put aside rules they cannot immediately agree upon into a list of "rules to be debated later."

Facilitators should end the meeting as appropriate to timing constraints and community members' energy level. Whatever rules have not been discussed and decided can be addressed at later meetings. At the end of the meeting, facilitators should take photographs of all the agreed rules for their records and leave the lists with the community.

Over the next weeks and months, facilitators, community leaders and Community Land Mobilizers will convene many more meetings – in more or less this format – until the full content of the community's 2nd Draft by-laws has been debated and agreed.

To support an efficient by-laws drafting process, facilitators should suggest that the community wait to resolve rules with significant disagreement until after all the easily-agreed rules are determined. This highlights areas of agreement, builds momentum, and helps to get through at least some rules quickly. Communities can then move to discussing any rules that require debate and compromise. Facilitators should support community leaders and Mobilizers to hold large community meetings where the contested rules can be debated. If a community debates a rule for a long time and cannot come to agreement about it, facilitators may want to suggest that the rule be left off the list: only rules that have consensus or supermajority (66%) agreement should be included.

Step 6: Ensure that the by-laws are debated and discussed at sub-unit levels. Some community members – particularly elders, people with disabilities, and women with significant household duties – may not be able to attend large community meetings. This is particularly true in large communities that span thousands of hectares. To address this, it is critical that by-laws discussion meetings also take place at the sub-unit level (villages, wards, zones, settlements, etc.). The Interim Coordinating Committee should mobilize the sub-unit meetings and bring all decisions made by the sub-units back to the larger community meetings. Community Land Mobilizers should facilitate the meetings at the sub-unit level. Ideally, at least one adult from every household will be present at these sub-unit by-laws discussion meetings. Interim Coordinating Committee members and Mobilizers should use these meetings to:

1. Report on what is happening in the larger community-wide meetings;
2. Get each sub-unit's opinions about the rules proposed in the community-wide meetings.
3. Ask people what new rules they would like to add to the by-laws, what rules they would like to change, and what rules they would like to remove.

At the beginning of every larger community meeting, Interim Coordinating Committee members should present feedback from the sub-units, or support residents of each sub-unit to present the ideas and input that came out of their sub-unit meetings. This feedback should be integrated into the community's ongoing discussions.

Step 7: Hold content-specific meetings as the 2nd Draft is discussed. In addition to supporting community debate, helping to resolve conflicts, and providing requested information, facilitators should hold at least four content-specific meetings to inform the community's efforts to arrive at a complete 2nd Draft of their by-laws. These include:

1. A meeting to address and discuss by-laws that protect **women's rights** (see the box on *Protecting Women's Land Rights*, below);
2. A meeting to address and discuss by-laws necessary to ensure **transparent management of community finances** (See the chapter on *Financial Management for Communities*);
3. A meeting to help the community make a **zoning plan** (See the chapter on *Making a Zoning Plan*); and



4. A meeting to discuss how the community will handle any **interactions with investors** and/or requests from potential investors for use of community lands. (See the chapter on *Preparing Communities for Negotiations with Investors Seeking Lands and Natural Resources*.)

These content-specific meetings will support communities to complete some of the more challenging aspects of the by-laws (see the chapter on *The Content of the By-laws*).

Step 8: Coordinate a legal review of the community's 2nd Draft of their by-laws. After many meetings, the community will eventually decide that its by-laws are complete. Facilitators should then review the by-laws in a large, community-wide meeting and make sure that:

1. The by-laws address most (or all) of the topics set out in the outline set out in the chapter on *The Content of the By-laws*; and
2. All major conflicts and disagreements have been resolved and the by-laws reflect community consensus or at least supermajority (66%) endorsement.

After the community review, facilitators should bring the by-laws to a trusted lawyer or judge for review. **The lawyer or judge should not rewrite, re-organize, or re-frame any of the community's by-laws.** Rather, he or she should simply mark which rules are unconstitutional or go against national law. Ideally, there will be very few rules that need changing, because facilitators will have been watching for unconstitutional, unjust, exclusionary, or overly harsh rules and steering community discussion toward more appropriate rules.

Facilitating organizations should cultivate relationships with trusted local or national lawyers and judges interested in promoting community land protection. Facilitators should educate these legal professionals about the community land protection process and ensure that they fully understand the by-laws drafting process and purpose. While lawyers and judges often charge fees for their time, facilitators should consider asking them to review the by-laws free of charge or for a very low fee.

Step 9: Support communities to arrive at a 3rd Draft of their by-laws. After the legal review, facilitators then bring the by-laws back to the community to discuss what rules must be changed, as indicated by the lawyer or judge. Facilitators may need to devise creative ways of showing communities why certain rules are unconstitutional; for example, Community Land Mobilizers could act out the rules in a role play and ask community members to identify why the rule goes against national law. Facilitators should allow the community as much time as they need to discuss the necessary changes and arrive at new rules. If this is completed in one community-wide meeting, the Interim Coordinating Committee and Community Land Mobilizers should convene meetings at the sub-unit level to inform the sub-units of the changes made in the community-wide meeting and seek their approval. If the changes cannot be made in one meeting, the Community Land Mobilizers should convene meetings at the sub-units to seek their suggestions. By the end of this process, the community should have a completed 3rd (and final) Draft of their by-laws.

Step 10: Share the 3rd Draft by-laws with local leaders. Whenever possible, facilitators should ask district and regional government officials, customary leaders, and trusted cultural authorities to sign onto a community's by-laws and officially pledge to support their implementation and enforcement. To this end, facilitators might ask these government officials and leaders to review the by-laws as part of the "legal check" component of the by-laws drafting process. Alternatively, communities can share the 3rd Draft of their by-laws with trusted local and regional officials and explicitly request their support in validating and enforcing them (see the chapter on *Ensuring Implementation and Enforcement of By-laws*).



Step 11: Adopt the by-laws in a large ceremony. Finally, the Community Land Mobilizers and Interim Coordinating Committee should coordinate a community-wide by-laws adoption ceremony, **attended by at least the male and female heads of every household in the community, all community leaders, trusted government officials, and relevant cultural and customary leaders.** To encourage attendance, communities might contribute funds to purchase food and drinks and/or prepare food to feed guests. To make sure that the entire community knows that their participation is critically necessary at the upcoming vote, community leaders, Community Land Mobilizers and the Interim Coordinating Committee should consider going door-to-door to invite people, publicizing the adoption ceremony on the radio, and making announcements about the adoption ceremony in places of worship, at schools, in markets, and in every sub-unit.

At the by-laws adoption ceremony, the complete list of by-laws should be read aloud. Attendees should then have an opportunity to make any final objections. If a community member raises an objection, the issue should be addressed and a solution found. If people cannot agree on a rule, it may be easiest to simply remove the rule from the by-laws rather than endanger the entire by-laws adoption process. After all final objections have been resolved,

the community should prepare to vote to adopt their by-laws. Careful notes should be taken of this process to keep a good record of the meeting and to remember any rules that were eliminated at the last moment (and may thus need to be reformulated during the first annual review of the by-laws.)

It is strongly recommended that communities adopt their rules by consensus (100% agreement) or at least by supermajority vote (66% agreement). If there are a large number of community members who disagree with the rules, they may cause conflict and confusion in the future. Facilitators and Community Land Mobilizers should create a good record of the vote by taking photographs and videos, writing down the names of every community member who was present and voted, and dating the adopted by-laws with the date and location of the meeting.

After the by-laws have been adopted, it is good to ask all voting community members to sign the by-laws. This will help make the document more legitimate in the eyes of community members, both immediately and over time. Feel free to add as many signature pages as necessary – if there are 500 people present for the vote, try to get all 500 to sign the by-laws. After everyone has signed, celebrate with food, music, dancing, and speeches!



THE CONTENT OF THE BY-LAWS



The process of transforming oral customary norms and practices into written rules may be challenging for communities. Experience has shown that when asked to simply “shout out” existing rules and norms, community members can easily brainstorm an elaborate list. Yet when asked to follow a pre-determined structure or outline for what must be included in a community’s constitution or by-laws (as provided for in some nations’ land laws), communities may feel overwhelmed or intimidated — and remain silent.

To ensure that communities feel empowered and comfortable throughout the by-laws drafting process, facilitators should keep the process very flexible at the beginning, allowing as much space and freedom as possible for communities to capture their unwritten rules and practices in whatever form suits their needs. Facilitators should create an environment in which communities feel free to write their rules in whatever phrasing they feel is best and to organize them in a way that makes the most sense to them.

Most critically, **facilitators must not rewrite a community’s rules into more “formal” or “legal” language**: although it is best if the rules are written in full sentences to ensure clarity, by-laws’ phrasing should remain exactly as the community has chosen. Experience has shown that even when the by-laws drafting process is very participatory, if facilitators rephrase community laws into formal legal language, communities may distance themselves from the final by-laws, feeling that they are “the NGO’s rules,” rather than their own.

However, facilitators may need to take a strong stance on some aspects of the by-laws’ content. The by-laws drafting process tends to go most smoothly when facilitators support communities to organize their rules into categories. Then, once the community has compiled all of their rules for each category, facilitators can help community members critically assess how to improve their rules to suit the current context and help the community ensure its prosperous, equitable future. Namati and partners have learned that it is most efficient to guide communities to organize their rules into three main categories:

- 1. Rules about governance of land and natural resources**
- 2. Rules about use and management of land and natural resources**
- 3. Cultural and social rules (to support community peace and prosperity)**

Second, facilitators should work with the community throughout the second draft to ensure that the community’s by-laws:

- Do not contradict the national constitution and national laws;
- Do not exclude people from being part of their community (facilitators should guide communities to define community members as “all residents living within the community’s boundaries as their primary place of residence”);
- Establish equal rights for all community members, including women, youth and members of minority groups;
- Support sustainable natural resource management;

- Protect existing, historically-based use and access rights of all neighbours and seasonal users;
- Include provisions specifying that particularly important and weighty decisions must be made by the community, rather than by local leaders acting alone; and
- Include provisions for annual review and amendment, to ensure that the rules can change over time as the community develops and grows.

Facilitators must not dictate that these conditions be met; rather, they should skilfully raise questions and foster community dialogue around these issues. It may be helpful to remind the community of the Terms of Engagement, which may have stipulated that the community must commit to principles of equality and sustainable natural resources management. If

the community insists on excluding groups with rights to the land, making rules that contradict the constitution, or giving men stronger rights than women, etc., then these issues should be flagged during the “legal check” of the by-laws between the second and third draft. The community can then address them and make necessary changes before adoption.

Below is a sample by-laws structure, presented as a list of questions that community members should discuss to help make sure that their rules are comprehensive. Facilitators should not provide answers to any of these questions, but rather support the community to arrive at its own answers after discussion and debate. Facilitating organizations should feel free to revise this outline, adding to it and changing it as necessary to suit the local context.



SUGGESTED BY-LAWS OUTLINE

1. RULES ABOUT GOVERNANCE OF LAND AND NATURAL RESOURCES

A. Community definition:

- What are the physical limits of your “community”? (Describe, or attach a map)¹
- Who is included as a member your community?
- Who is not considered to be a member of your community?
- How can a new person become a community member?
- Can a community member lose or give up his/her membership in the community?
- What are the rights and responsibilities of community members?

B. Land ownership/land holding:

- Who can own/hold land in your community?
- How do people get land in your community? (Allocation by leaders? Inheritance? Purchase? Renting?)
- If not acquired by inheritance, what procedures can people follow to own/hold/use land in your community? What procedures should community members follow? What procedures should outsiders follow?
- What can community members do and not do with their land? Do community members have the right to sell land? Lease land? Transfer land to family members or descendants? Use the land as collateral for a loan?
- What can tenants do and not do on the land they are leasing/using?
- What are the land rights of people born elsewhere but who live in the community as their primary place of residence?

C. The Land Governance Council: (See the chapter on *Creating Land Governance Councils*.)

- What will be the role and responsibilities of your community’s Land Governance Council?
- What groups will have representatives on the Land Governance Council? *[It is strongly advised that the community rules require that women, youth, and members of minority groups be included as members of the Council].*
- What are the qualities/criteria required for election to the Land Governance Council? What kinds of behaviors should prevent someone from being elected to be on the Council?
- How will the Land Governance Council be elected? What will the process be?
- How long/how many terms can an individual serve on the Land Governance Council?
- What are the criteria and process for removing a Council member for bad behavior?
- Are there particular roles within the Land Governance Council, like chairperson or treasurer, or will all members play an equal part?
- How often will the Land Governance Council meet? Where will it meet?

1. This section may need to be amended after a community’s boundaries have been fully harmonized and MOUs have been signed with neighbors.

- How can the Council enforce the community's by-laws? What mechanisms can it use for enforcement, such as warnings, fines, etc.?
- How will the Land Governance Council relate to/interact with community leaders or community committees that are already in existence?
- How will the Land Governance Council relate to district and county officials? Will these officials be asked to help enforce the by-laws and harmonized boundaries?
- Is the Land Governance Council required to report back to the whole community every so often about the decisions it has made, the fees and fines collected, and how lands and natural resources are being managed in the community? How often must it call the community together to make these reports?
- Should there be a separate "watchdog" group whose role it is to monitor the Land Governance Council and make sure that it is following and enforcing the by-laws fairly? Who should be on the "watchdog" group? What procedures should the group follow if it finds that the Land Governance Council is acting badly?
- How can community members bring a complaint against leaders or the Land Governance Council if they are not happy with how a leader or the Land Governance Council is acting or with the Council's decisions? Who should they make complaints to? How will a complaint be investigated and decided upon?

D. Community decision-making processes:

- What land and natural resource decisions are so important that the Council must convene a large community meeting to decide together by consensus or vote? (Major decisions)
- What land and natural resource decisions can leaders/the Land Governance Council make by themselves on behalf of the community? (Minor decisions)
- How will the Land Governance Council make decisions? What decisions can be made by a vote? What decisions must be made by consensus? (100% agreement)
- What decisions can be left to specific groups (women's groups, youth groups, hunters) to make?

E. Interactions with Investors

- How will the community as a whole make decisions about allowing companies or investors to use community lands? What percentage of community residents must agree? *[It is strongly suggested to include rules like: "At least ___% of community members must participate in decisions to lease or sell community land (over ___ hectares)."]*
- What must the Land Governance Council do if approached by investors or elites seeking to rent or buy community land? *[It is strongly suggested to include rules like: "Any contracts or MOUs signed only by elders/leaders without the full participation and agreement of at least 70% of the community shall be invalid."]*
- Who will represent the community when meeting with companies and investors?
- Is the community willing to lease or sell part of its land?
 - If yes, what land can be shared, and what land should not be shared?
 - If leasing the land, how long of a lease would be allowed? (5 years? 10 years? 25 years?)
 - What types of companies are welcome, and what types are not welcome?
 - What kinds of benefits and rental payment would the community ask for?

- What process can the community follow if the Land Governance Council or certain elders/leaders agree to lease or sell a large amount of land without community participation and approval?
- If individual families own land privately within the community, can they sell or lease land to investors without consulting the community?

F. Women's and minority groups' rights:

- What rights do community women (daughters, single women, women who marry into the community, widows) have to land and natural resources? What additional rights should they have?
- What rights do members of minority groups in the community have to land and natural resources? What additional rights should they have?
- What are the procedures for protecting the rights of women and members of minority groups?

G. Land conflict resolution:

- How will your community handle boundary conflicts with neighbors? Who will help resolve these conflicts? Are there any specific processes that must be followed?
- How should your community handle land conflicts between households/families? Who should help resolve these conflicts?
- Who has the responsibility to ensure that the boundaries agreed with neighbors are being respected?

H. Keeping important documents safe:

- Where and how will the community keep important documents safe, such as a community map or a title or land registration certificate?
- Who can access these documents? What process will they need to follow to access the documents? What are they allowed to do with the documents?

I. Financial management of funds raised from lands and natural resource use and governance:

- How will community money (generated from fees, fines, rent or gifts) be collected and stored? How will it be managed? Who will manage it?
- How should the Land Governance Council report to the community on the money raised from fees, fines or rent?
- What should community money be used for (Community development projects, building schools, roads, pumps, distributed equally among households, etc.)?
- Who will decide what community money is used for? How will the community participate in decisions about how to spend community money?

2. RULES ABOUT USE AND MANAGEMENT OF LAND AND NATURAL RESOURCES

A. Food resources:

- How does your community ensure that there is enough food grown that people do not go hungry? How will you make sure there is enough food in the future?
- How does your community manage food crops like corn, cassava, rice, and other foods?
- How does your community manage food resources gathered from community lands, like wild fruits or honey?
- How will your community regulate hunting to make sure there are always animals to hunt?
- How will your community regulate fishing to make sure there are always fish to eat?
- How will your community manage these resources so that they stay abundant and available for future generations?
- If neighbors have traditionally harvested food resources from within the community's lands, how will the community honor your neighbors' existing harvest rights?
- How will these rules be enforced? By whom?

B. Water:

- How does your community manage water – including springs, ponds, and rivers?
- What can community members do and not do near water sources?
- How does your community keep its waters clean and abundant?
- How does your community manage water in times of scarcity or drought?
- If neighbors have traditionally used the community's water source(s), how will the community honor your neighbors' existing use rights?
- How will these rules be enforced? By whom?

C. Community forests and grazing lands:

- How does your community manage forests and trees? Who can use these resources, and for what purposes?
- How does your community manage the production of charcoal?
- How does your community make sure that the forest stays healthy and is conserved for future generations?
- How does your community manage communal grazing lands?
- How does your community make sure that grazing lands stay healthy and are available for future generations?
- Are there other common areas that the community manages? What are the rules for those areas?
- If neighbors have traditionally used your community's forests, grazing lands, or access routes through the community, how will your community honor your neighbors' existing use and access rights?
- How will these rules be enforced? By whom?

D. Harvesting and gathering other resources:

- How does your community manage resources for building materials like thatch, poles, mud/bricks and sand?
- How does your community manage resources gathered for fuel?
- How does your community manage medicinal plants or remedies?
- What other resources are gathered or harvested from community lands or forests? What rules apply to these resources?
- How does your community ensure that these resources stay abundant and available for future generations?
- If neighbors have traditionally used any of these other resources from within the community's lands, how will the community honor your neighbors' existing use rights?
- How will these rules be enforced? By whom?

E. Sacred Areas, Cultural Areas, Protected Areas, and Restricted Areas:

- How does your community protect or preserve ceremonial or sacred sites? What rules protect these areas?
- How does your community manage areas important for community culture or history? What rules protect these areas?
- How does your community manage graveyards or burial sites? What rules protect these areas?
- How does your community protect areas that are important for wildlife or the environment?
- How are these rules enforced? By whom?

F. Commercial use of community resources:

- How does your community manage mining, both large-scale (by investors) and small-scale (by community members or locals)?
- How does your community manage logging timber for sale, both large-scale (by investors) and small-scale (by community members or locals)?
- How does your community manage cash crops like rubber, palm, cocoa, and cotton?
- What procedures must outsiders (locals or investors) follow if they want to use community lands and natural resources? Who should they meet with? What will be your community's process for deciding whether or not to grant their requests?
- Does your community charge outsiders fees for their use of community resources?
- If your community agrees to share land with an investor, what will the community ask for in return? (Monthly rent? A share of the profits? What else?) (See the chapter on *Preparing Communities for Negotiations with Investors*.)

G. Zoning (attach a clear map of the community zoning plan):

- Are there certain areas in the community where community members live? If the community's population grows, are there areas where families should or should not build their homes?
- Are there certain areas in the community where community members cultivate their farms? If the community's population grows, are there areas where families should or should not make new farms?
- Are there certain areas in the community where community members graze their animals? If the community's population grows, are there areas where families should or should not graze their animals?

- Are there areas in the community that should be set aside only for forests? Or only for grazing? Or only for hunting and gathering?
- Are there specific places where the community would want to build a new road, school, or clinic?
- If community members want to engage in livelihood activities like small-scale mining, small-scale timber production, etc., are there places they should or should not do these activities?
- If an investor arrives asking for land and offers to pay rent and you agree, where will your community tell them to locate their business?

3. SOCIAL & CULTURAL RULES

- How is knowledge preserved and shared across generations in your community?
- How should men and women treat each other in your community?
- How are people with disabilities or illness respected in your community?
- How are people of minority groups, or people not born in the community, respected in your community?
- How do youth treat elders in your community? How do elders treat youth?
- How does your community manage relationships between community members to ensure that there is respect, peace, harmony, love and unity?
- How does your community govern its relationships with people from neighboring communities?
- How does your community keep your community areas clean and well organized?
- How does your community address stealing or violence?
- How does your community address rape/adultery/husbands beating wives/parents beating children?
- If there are social/cultural complaints or conflicts, what is the process to resolve them?
- How will your community pass down to future generations cultural practices like dancing, singing, making art, and playing music?
- How will your community pass down to future generations special traditional knowledge, like which plants to use for healing?

STRENGTHENING THE LAND RIGHTS OF WOMEN AND MEMBERS OF MINORITY GROUPS



Throughout the community land protection process, extra efforts to protect the land rights of women and members of minority groups are necessary, for three main reasons:

- **Decisions about land governance are often made only by powerful male community members.** Across a wide variety of cultures, land is frequently described as “men’s business.” As a result, women – and members of minority groups – are rarely invited to take part in community land governance. They may be excluded from positions on land and natural resource governing bodies, and may not be given a chance to speak during community-wide discussions. If they do speak, their opinions on how best to manage community lands may be disregarded.
- **As land becomes scarcer, communities are redefining ideas about “belonging” and inclusion in ways that undermine the land rights of women and members of minority groups.** Population growth, climate change, and agro-industrial development are increasing competition for land. Under these pressures, and as the value of land increases, some customary land systems are shifting from more flexible, negotiated systems to ones that are more rigid and exclusive. As a result, individuals and groups perceived as “weaker” may be pushed off their lands. For example, widows are increasingly being evicted from their marital home after the death of their husbands, while unmarried or divorced daughters may not be granted land by their siblings and parents. Meanwhile, families who in the past granted long-term “loans” of land to “outsider” families (families from somewhere else, but who have lived permanently in the community since relocating there) are increasingly

reclaiming these lands and evicting the outsider families – some of whom have been living on the land for generations.

It is particularly important to ensure that when defining who is and who is not a “community member,” communities do not exclude women who married into the community, members of minority groups, and “outsiders” who were not born into the community but moved there as adults. These groups often have the weakest land rights in the community and may be the first to be evicted or removed if land become scarce.

- **Customary rules for land use, management and inheritance maybe discriminatory against women and members of minority groups.** Extensive review of communities’ first drafts of their by-laws has shown that many communities currently abide by rules that undermine the land rights of women and members of minority groups and directly contravene national law.

HOW CAN THE BY-LAWS DRAFTING PROCESS STRENGTHEN THE LAND RIGHTS OF WOMEN AND MEMBERS OF MINORITY GROUPS?

When well facilitated, the by-laws drafting process can:

- **Provide an opportunity for women and members of minority groups to challenge discriminatory practices and argue for stronger protections for their land rights.** Community members generally report that until the by-laws process, community rules and practices had never been publicly debated. The by-laws drafting process opens up an authentic space for women and members of minority groups to question customary norms and practices that

disadvantage them and to advocate for rules that strengthen their land rights and tenure security.

- **Result in the adoption of by-laws laws that strengthen and protect the land rights of women and members of minority groups.** These provisions appear to help:
 - Create new rules to protect women’s and minority groups’ rights;
 - Strengthen the existing rights of women and members of minority groups;
 - Rejuvenate customary practices that existed in the past to protect women’s and others’ rights but have been eroded or abused; and
 - Align local rules with national and international laws that protect women’s and minority groups’ land rights.
- **Ensure that all livelihoods are protected.** Active involvement by women and minority groups throughout the by-laws drafting process increases the by-laws’ quality and comprehensiveness. If women are not present to describe the natural resources they gather daily (to build their homes, feed their families, care for their children’s health, etc.), the community may not remember to create rules to ensure the

sustainable use of these resources. Likewise, because most work in rural communities is highly gendered or differentiated by livelihood (agriculturalists, pastoralists, fisherfolk etc.), excluding women and minority groups from the by-laws drafting processes may mean that certain land uses, areas, or management strategies are left unprotected.

- **Increase participation by women in local land governance.** Women’s active participation in the by-laws drafting process appears to shift community perceptions that land is “men’s business.” In many cultures, it is considered inappropriate for women to take part in discussions about land. Indeed, at the start of community land protection efforts, facilitators generally report that meetings are attended mostly by men, or that women attend but remain silent. Yet over time (and with significant effort by facilitators), women begin speaking more, and men begin to listen to women’s opinions and contributions. In almost every community, by the end of the land protection process women are included as members of land management bodies and play a more significant role in decision-making. Communities’ by-laws also include provisions mandating that women, youth and minority groups must have representatives elected to local land and natural resources governing bodies.

EXAMPLES OF BY-LAWS THAT PROTECT WOMEN’S RIGHTS

In Uganda, community by-laws affirm women’s rights in three main ways:

1. The communities’ rules affirm that all female community members — including unmarried daughters, wives, and widows — are considered equal members of the community, with the same rights to land and natural resources as male members. The by-laws do this by specifying that only “natives” may be automatically considered Communal Land Association members, but then go on to define “natives” as any person (male or female) born into the community (including ethnic minorities and unmarried daughters), as well as any wife or widow of a man born in the community or any woman who eloped with a man born into the community. In doing so, these provisions widen the definition “native” from only those “born there” to include those who have married into the community.
2. The by-laws list the exact procedure for inheritance of a family’s membership rights in the Communal Land Association, and specify that a man’s wife is the first inheritor. One example of such provisions is as follows: “Deceased Member: a) his wife inherits his membership rights; b) if he has no wife, his children become his heir; and c) if he has no children, the grandchild born to his son or to his daughter who has returned home inherits his membership rights.”
3. The by-laws carefully list all natural resources that women gather from the community’s shared grazing lands, and establish that all community members have the right to continue to collect these resources freely and as needed, thus ensuring that women have permanent and open access to the grazing lands and the natural resources they depend upon for their livelihood.

CHANGING IDEAS ABOUT “STRANGERS” RIGHTS THROUGH THE BY-LAWS DRAFTING PROCESS

In Liberia, most communities have very strong rules about belonging and exclusion. In local terms, a “stranger” is a person not born into the community where he or she is currently living. Traditionally, strangers cannot plant resource-bearing trees such as rubber, orange, and mango (which establish the planter’s ownership claim to the land, under custom) and cannot be considered landowners. Communities justify restricting strangers’ land use rights on the grounds that strangers are either “not here to stay” and therefore have no long-term responsibility to the community, or because strangers “are not known well enough to be trusted.” Yet communities’ conceptions of who is a “stranger” are usually vague, and may be defined on a case-by-case basis, with each community deciding for itself who is a stranger, whether or not he or she could own land, and on what terms.

“Strangers” used the by-laws drafting process to push on this vagueness and argue for stronger rights. For example, in one community when people argued that strangers could not own land, other community members questioned, “What if they are living here for ten years? Fifteen years? Twenty years?” The question then became “Who is a stranger?” In another community, a woman asked, “We who are strangers but who built our houses here, are married here, got children here – are we to be part of the process of making these rules?” The community thought about it and said, “Yes, why not?”

As a result of such discussions, communities made robust changes to their community rules. For example, one community included a rule in their by-laws that, “A stranger who lives in a town for twenty (20) years is considered a citizen. During death his children and wife/family will be consider[ed] citizens, therefore they can own land and property.”

HOW TO FACILITATE THE BY-LAWS DRAFTING PROCESS TO PROMOTE WOMEN’S RIGHTS WITHIN COMMUNITIES?

To help ensure that the by-laws contain protections for women’s land rights, facilitators might pursue some or all of the following strategies:

1. Show – rather than tell – the importance of women’s useful input into land governance and honor the knowledge of both men and women. During all community land protection meetings (both leading up to and during the by-laws drafting process), facilitators should make sure to call on women half the time, and to make sure that the community appreciates when women have made useful contributions. For example, when communities are drawing sketch maps of their natural resources, the women’s groups tend to map more comprehensively than the men’s groups; men usually include only those resources that they have domain over as part of their livelihoods, while women tend to map resources vital to both men’s and women’s livelihoods and all household roles. In reaction, when women present their maps to the larger community group, men often exclaim: “Oh, we forgot about that!” Facilitators can use such moments to highlight how women have extensive knowledge about local natural resources that, because of their separate, gendered work, men may not have.

During the by-laws drafting process itself, facilitators should ensure that time is given for women to speak about land and natural resource matters they are knowledgeable about. Women’s active involvement in the by-laws drafting process can help to show the importance of listening to women. Once women begin speaking up, it often becomes clear that women’s participation helps to increase the by-laws’ comprehensiveness. Because the women’s comments most often relate to those natural resources considered “the domain of women” (including resources like mushrooms, honey, and water), their comments may not threaten traditional gender roles, allowing men to listen more openly to their contributions and accept women’s recommendations without feeling as though men’s interests or powers are threatened.

2. Hold women-only meetings or regional “women’s conferences” to discuss advocacy points before the community begins discussing the 2nd draft by-laws. Women may not feel comfortable speaking on land issues in front of the entire community. To ensure women’s active participation, it may be necessary for facilitators to convene special all-women meetings in preparation for community-wide by-laws meetings. Such all-women meetings can help support women to feel confident to voice their opinions, articulate their interests, and make critical contributions to by-laws drafting discussions efforts. Facilitating organizations may either host such meetings in every community, or invite

a few women from each community that they are supporting to a district-wide or regional meeting.

At these meetings, facilitators should teach or re-teach women their rights, as enshrined in the national constitution and all land- and natural resource-related laws. Then, the women should be supported to brainstorm a list of “key advocacy points” that they will work together to argue for as a group. Finally, women participants should be given the “homework” of returning to the areas where they live and teaching all the women they interact with about what they learned during the meeting and the agreed advocacy points. Women can also be encouraged to “bring a friend” with them to the next by-laws meeting; such tactics can greatly increase the number of women who attend the by-laws drafting meetings.

- 3. Hold meetings about women’s rights for the whole community.** It is critical that facilitators do not teach only women about their land rights: it is necessary to create a 360-degree safety net, in which men, leaders, youth and elders all take responsibility for protecting women’s rights.

If facilitators only convene women and teach them about their rights, these women may face significant resistance from men and male leaders when they advocate for stronger protections for their rights.

Men often resist ideas of women’s empowerment because they think that when women gain rights, men must surrender their own power. Interventions designed to strengthen women’s land tenure security must directly address these fears and illustrate to men that the opposite is true: strengthening women’s rights will not reduce men’s power, but rather allow them to continue to exercise it, in such a way as to bring prosperity and stability to their communities.

To ensure that communities fully address questions related to women’s rights in the by-laws, **facilitators should convene a special meeting during discussions of the 2nd Draft of the by-laws specifically on the topic of women’s rights to land and natural resources.** Facilitators should ensure that leaders, men, women, elders and youth attend this meeting. (See the box below for details on *how to facilitate this meeting*.)

CASE STUDY: WOMEN’S CONFERENCES IN UGANDA

In Uganda, despite employing various strategies to increase women’s participation, both women’s attendance at meetings and women’s verbal participation during meetings remained low for the first half of the project. To address this challenge, the Land and Equity Movement of Uganda (LEMU) decided to hold a series of regional “women’s conferences” that brought together a few women from each of the communities LEMU was working with.

At the conferences, LEMU worked to help women understand how women’s participation in the by-laws drafting process was critical and how, if they were not involved in the discussions, they might lose some of their use and access rights to communal grazing areas. LEMU also took the opportunity to again educate women about their land rights under Uganda’s Land Act (1998). The conferences evolved into fruitful discussions, during which the women began to articulate their needs and interests and to craft strategies to ensure that their voices were heard during the by-laws drafting discussions. At the end of the conferences, LEMU assigned the women the task of holding similar meetings for the rest of the women in their community to pass on all of the information they had learned. LEMU also asked the participants to work with other women in their community to document what natural resources they use within the grazing lands and discuss among themselves (before the larger, full community meetings) how they would like these resources to be managed and protected.

The women’s conferences proved to be a turning point in women’s participation in the community land protection activities in Uganda. Once women began to feel that their input in the process was valued and important, they began to attend the wider community meetings in much larger numbers, with women occasionally outnumbering men. LEMU also observed that these efforts increased women’s confidence to speak and argue (successfully) against the inclusion of by-laws that would discriminate against them.

PROTECTING WOMEN’S RIGHTS

Experience has shown that many communities’ 1st Draft by-laws include rules that discriminate against women or do not adequately protect women’s rights. To ensure that communities address these issues, facilitators should convene a special meeting specifically on the topic of women’s rights to land and natural resources. Facilitators should ensure that leaders, men, women, elders and youth attend this meeting; if facilitators only convene women and teach them about their rights, these women may face significant resistance from men and male leaders when they advocate for stronger protections for their rights.

Women’s land rights meetings can be structured as follows:

1. Support the community to identify all rules included in the 1st Draft of the by-laws that address women’s rights to land and natural resources. Ask the community to “shout out” any other community rules, norms and practices concerning women’s rights.
2. Present the sections of the national constitution and all national laws that protect women’s rights.
3. Break the meeting into two groups: one for women and one for men. In the groups, facilitators should lead a discussion addressing the following questions:
 - How did women and men interact in the past?
 - Have gender relations have gotten worse or better over time? Why? What has changed?
 - What knowledge about community natural resources do women have that men may not have, as a result of gendered work divisions?
 - What are the economic and social benefits of women’s land rights? When women have strong land rights, what goes well?
 - When women have weak land rights, what goes badly?
 - Why do people turn away when they see women suffering injustice? What might they do instead?
 - What changes can be made to the rules to protect and defend women’s rights, yet also align with custom/community tradition?
 - What structures and systems should the community create to help ensure women’s rights are protected after the by-laws are adopted?
 - How can the community ensure that women take part in land and natural resources governance over the long term?

During these break-out groups, facilitators should also ensure that the following topics are addressed:

WOMEN’S GROUPS

- How to ensure that women are able to attend by-laws drafting meetings in large numbers?
- What strategies can women use to make sure that their rights and interests are protected in the by-laws?
- What are five main rights protections that women want to make sure end up in the by-laws?

MEN’S GROUPS

- What steps can men and male leaders take to help protect women’s rights?
- Are there some types of land or natural resource use or management that only men should do, and why?
- Discuss any concerns about creating stronger protections for women’s rights regarding land and natural resource.

4. Bring the groups back together and facilitate a discussion about the community’s 1st Draft rules concerning women’s land and natural resource rights. Support the community to discuss (or begin to discuss – it may take several meetings to agree) how each rule could be changed to ensure justice and equality.
5. Once the community has agreed to how each rule should be changed, support the community to create structures and systems that ensure women’s rights are protected. (For example, the community could decide to create a “watchdog group” whose role it is to find out when a widow might be kicked off her lands, and intervene with her in-laws to make sure she is allowed to stay.)

For more information on how to support communities to protect women’s land rights, see the chapter on *Ensuring Participation of Women and Minority Groups*.

4. Engage leaders and customary authorities to champion women's rights. It is particularly important to engage men and leaders in efforts to protect women's land rights because male leaders are most often the mediators of land conflicts and therefore the local protectors of women's land rights. In rural areas where it is difficult to access to the formal justice system, rather than criticizing and replacing custom – and customary leaders – facilitators should emphasize customary leaders' role as protectors of women's (and other vulnerable groups') land rights. During the by-laws discussions, facilitators might raise questions that address customary leaders' responsibility to safeguard women's rights, and might ask the leaders to lead meetings that address questions of women's rights.

When leaders themselves take responsibility for brainstorming and creating new by-laws that protect women's rights, they often feel a greater sense of "ownership" over the changes, and may become champions and advocates for the implementation and enforcement of these new by-laws. Such efforts may lead to authentic improvements in the protection and enforcement of women's land rights at the local level. Positively, experience has shown that customary leaders are very open to learning more about national laws and shifting communities' practices to align with the laws, including those that protect women's land rights.

5. During the "legal check" of the by-laws, ensure that the by-laws create roles for women in community land governance. To ensure that women's rights are protected over the long term, women must sit on their community's Land Governance Council. And women must be empowered to have an authentic voice in decision-making about community lands and natural resources. Often, national laws mandate that a certain number of seats on a local governance body are held by women. During discussions of the Land Governance Council's composition, facilitators should make sure that women (and youth, members of minority groups, etc.) are given positions on the Council. If the community fails to include by-laws that ensure women's participation in community land governance, the "legal check" of the by-laws can point to this as a change that the community may need to make to align with national law.

The lawyer, judge, government official or advocate undertaking the "legal check" of a community's by-laws should also check that all of women's substantive legal rights – as set out in national laws – are not violated by the community's by-laws. If the by-laws fail to fully protect women's legal rights, the legal check can suggest ways that the community can amend its by-laws to align with the national constitution and relevant laws.

HOW TO FACILITATE THE BY-LAWS DRAFTING PROCESS TO PROTECT MEMBERS OF MINORITY GROUPS IN THEIR BY-LAWS?

Community definitions of inclusion and exclusion are often rooted in the idea of "first founders" or the extended families that settled the land generations ago. By excluding members of minority groups or people who were born elsewhere from local land governance, communities are depriving them of their basic rights. Yet including "outsiders" in local decisions about land may seem to go against community norms and entrenched power dynamics. Safety and community longevity are also likely concerns – will outsiders move into the community, take control of decision-making, and eventually cause the "original" community members to lose their lands and livelihoods? This is especially a concern when wealthy "outsiders" move in. Should national investors who make their business on the land be considered community members? How to set standards of who is included and who is excluded?

To address such concerns, facilitators must carefully guide community members to set definitions of inclusion and exclusion that respect the rights of all permanent residents of the community. For example, facilitators should support community discussions of why ethnic minorities who have been living in the community for generations are not considered community "members," despite being born into the community, just as their grandparents were. Facilitators should lead the community to consider anyone born into the community, regardless of tribe, ethnicity, clan, caste or class to be a community member, with all accompanying rights, responsibilities and privileges.

It may also be possible to gently guide communities to define community membership as "someone who has been living the community for more than 10 years, and has made the community his or her primary place of residence." Similarly, facilitators might suggest that members of minority groups who have lived in the community for more than 10 years may be elected to the Land Governance Council and other positions of public office.

Facilitators can point to international human rights standards to guide communities to arrive at such decisions. Facilitators may also want to hold special meetings for outsiders and ethnic/tribal minority members to help them to articulate their positions and rally around advocacy points they wish to include in the by-laws. These individuals could put on skits or do small theatrical skits to help the rest of the community understand what it feels like to be excluded, despite living for a long time in the community.

HOW TO SUPPORT LONG-TERM IMPLEMENTATION OF WOMEN'S AND MINORITY GROUPS' LAND RIGHTS?

Experience has shown that efforts to protect the rights of women and minority groups must not end when the community adopts its by-laws and elects a Land Governance Council. To ensure respect for by-laws that protect their rights, women and members of minority groups must actively flex their rights, fulfill their responsibilities, and continue to attend and participate in meetings concerning management of community lands and natural resources.

To ensure that the by-laws protecting women and minority groups' rights are enforced, facilitators might also consider:

- Providing legal education for local magistrates, police, district and regional land administrators, as well as any other local bodies that might play a role in enforcing and protecting women's land tenure security, and ask them to help the community enforce its by-laws;
- Training and working with customary justice institutions to ensure that community by-laws and national laws that protect the rights of women and minority groups are enforced (for example, when mediating family land disputes); and
- Supporting communities to create "watchdog groups" to be alert for instances of potential land dispossession from women and vulnerable groups and take action to prevent discrimination before it happens.

NOTES

MAKING A ZONING PLAN



“Zoning” is a process through which a community identifies areas of land, or “zones,” that can be used for specific agreed purposes. Zoning helps to connect community by-laws to the physical landscape. For example, a community might decide to mark out one area on its community map as the area reserved for its community forest, another area as its grazing lands, another area for its market and commercial activities, and another where people may farm and build their homes.

Zoning supports sustainable natural resources management and helps to avoid land use conflicts by identifying which land uses should take place side by side – and which should not. It is useful to do zoning during the by-laws drafting process because zoning gets communities to think about future growth and development and include rules to help the community grow and change in an organized, thoughtful way. For example, a community might decide that if an investor wants to lease land, it would offer the investor a specific piece of land zoned for “investment,” but make sure that the rest of the community’s land is zoned for housing, farming, and a community forest. Similarly, to ensure peace with its pastoralist neighbors, a community may choose to carefully zone a right of way/access route that allows the pastoralists to move across the community in such a way that their animals will not destroy crops and cause conflict.

Facilitators should research whether the district, province, or county has an existing zoning plan for the larger region of which the community is a part. Referencing any larger regional plans may help avoid future zoning conflicts. For example, if the regional government is planning to build a road through the community, the community may want to include the future road in its zoning plan (rather than zone that area for housing). Regional government officials may also provide useful technical information about the community’s land, support the formal integration of the community’s zoning plan into the regional plan, and support its implementation.

HOW TO SUPPORT COMMUNITIES TO DRAFT AND AGREE ON A ZONING PLAN?

Communities use their community map to make a zoning plan, which is then attached to their by-laws. The community should make sure that their by-laws include clear rules for what people can and cannot do in each zone.

When a community is midway through its second draft of by-laws, facilitators should convene a special meeting to make a zoning plan. In preparation for this meeting, facilitators should ask communities to take out their most recent sketch map or satellite map and draw a few copies of their map onto large pieces of paper. If the community map has already been digitized, facilitators can print simple black & white versions of the map. Facilitators can then lead the community to follow these steps:

Step 1. Explain the activity, the purpose and benefits of zoning, and how it fits into the by-laws process.

Step 2. Support the community to brainstorm a list of categories of land use areas, based on how the community is currently using its lands and how it might want to use its lands in the future. Communities' lists might include:

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> • Areas where people live • Areas where people farm • Areas where people hunt • Areas where people gather traditional medicines, honey, and wild foods • Areas where people mine • Areas where people log/cut timber • Areas where people carry out livelihoods like brick-making, charcoal making, pit-sawing • Livestock grazing areas and access routes, in both wet and dry seasons | <ul style="list-style-type: none"> • Market areas • Roads, paths, bridges etc. • Buildings (churches, schools, clinics, etc.) • Community meeting/event spaces • Forests • Areas used by wildlife • Wildlife protected area/conservation area • Spiritual/cultural protected areas • Degraded land to be restored/replanted • Areas where erosion and/or flooding is a risk | <ul style="list-style-type: none"> • Water sources, wells, springs • Lakes, rivers, streams • Wetlands • Areas upstream from water sources that have water that feeds into the water sources, or “watersheds,” that need to be protected from pollution • Potential sites for investment or community businesses • Areas to reserve for the community to grow (housing, community buildings) • Areas to potentially offer to outside investors |
|--|---|---|

It is important to emphasize that **it is possible for non-conflicting zones to overlap**. Some areas of land will be zoned exclusively for one type of land use (such as “houses”), but other areas will have overlapping zones where multiple types of non-conflicting land uses are allowed (such as an area where zones for “conservation”, “gathering medicine,” and “spiritual practices” all overlap). Zones can also overlap if the same area has different seasonal uses (such as an area that is used for “wetland” in the rainy season and “grazing” in the dry season). Finally, zones can overlap in situations where an area is zoned for a future use (such as “future school site”), but until that time the area can be used for something else (such as “farming”).

Step 3. Divide the community into groups of women, youth, and elders and supply them with two template maps, paper for a map legend and notes, and colored markers. Ask each group to:

- **Identify current land uses in the community.**¹ Facilitators and Community Land Mobilizers should support each group to discuss and identify how land is currently used in their community. The group should select an artist to draw these areas onto their first copy of the community map and make a legend using colors, symbols, and labels.
- **Identify how they would like their community to be organized in the future.** Facilitators and Community Land Mobilizers should support each group to discuss:
 - What areas should keep the same current land uses?
 - What areas there is conflict or difficulties related to current land uses, and how they might resolve these challenges with better zoning rules?

1. If the community has already mapped out current land uses in detail during the community mapping activity, it may be appropriate to skip the step focused on current land uses.

- Thinking about the future, how should land be zoned to make sure that the community grows in an organized way over time and so that natural resources are preserved for future generations?

Once there is agreement, the artist can then sketch these proposed zones onto the second copy of the map. Any new uses should be added to the legend.

- **Describe each zone type:** Facilitators and Community Land Mobilizers can then help each group describe what activities should be allowed and not allowed in each proposed zone. A group member (or a Community Land Mobilizer) should take notes during this discussion.

Step 4. Reconvene the groups to present their maps of current land uses and proposed zoning. Each group should choose a presenter who will present both maps to the larger group meeting.

Zoning decisions can cause conflict because they must balance the interests of the community against the interests of individuals. Encourage communities to see that zoning has many positive impacts such as reserving areas for future growth, protecting livelihoods, and reducing land conflicts.

Step 5. Discuss the proposed zoning maps as a group and address conflicts. After each group has presented their maps, the Community Land Mobilizers and facilitators can lead the community to discuss the various proposed zoning plans until there is agreement about how the community should be zoned. During this discussion, facilitators can help communities to think about:

- **Suitability:** Is the land well-suited for the proposed use(s)? Are there reasons why the land is sensitive or why certain activities should be restricted? For example, is the land sacred, a wetland, or important wildlife habitat?²

- **Potential conflicts between proposed zones:** Can the use(s) in each zone co-exist in the same area, or next to each other, without conflict? It may be necessary to think about separating certain uses. For example: can an area zoned for investment be next to the community's lake, stream or spring? Should a very noisy activity be allowed to take place next to housing areas? Will polluting activities be allowed upstream from the community's water source?

- **Fairness:** Would the proposed zones unfairly harm or benefit certain groups? Would certain families or individuals be negatively affected by the zoning plan and related by-laws? The community may need to agree on appropriate exceptions or compensations to remedy any harms caused by the zoning plan.

- **Community priorities:** Do the proposed zones support the community's future vision? What uses of the land will best help the community to prosper, thrive, grow, and ensure that community natural resources are abundantly available for future generations?

If the community cannot come to agreement about what zoning restrictions should apply to a particular area, it may be helpful for the Interim Coordinating Committee and key leaders to **visit the area** – seeing and walking around the land may help them to understand conflicting perspectives and may inspire new solutions.

2. It may be necessary to have some technical information when making a zoning plan. For information like soil fertility, facilitators should remind community members that they are the experts about what areas of their community are most fertile or least fertile. Local knowledge may often be deeper than that of outside experts. But for other issues that involve new technology or new kinds of investments unfamiliar to community members, facilitators may need to connect the community to technical experts or government extension officers who can provide necessary information the community may not be able to access on its own.

Step 6. Support communities to agree on a final zoning plan, then add by-laws for what can and cannot happen in each zoned area. Ask community members to make rules in their by-laws to explain the zoning plan and ensure that it is enforced. The community by-laws can set out:

- Rules that the community must post posters or signs near to or inside the zones that explain the community’s land use zones and the rules for the zones;
- Rules to discourage violations and/or provide incentives for respecting the zoning rules;
- Clear systems for monitoring compliance with the zoning plan, reporting violations, and determining fines or remedies for violations;
- A process for evaluating and deciding on requests to use the land and resources in a different way from what is set out in the zoning plan;
- A process for making changes to the zoning plan over time; and

- Other rules the community thinks are necessary to support the zoning plan.

Once complete, the community may choose to share its zoning plan with district and regional state officials or higher-level traditional authorities so they can refer to it when helping to resolve community land use disputes and other matters related to land and natural resources.

“GO” / “NO-GO” ZONING

A slightly different, more basic approach to zoning is to use only two categories (such as “go” and “no-go” or “develop” and “conserve”) instead of many categories of land use. In this approach, communities choose which areas they generally want to protect and which areas they would consider using for potential developments (such as new construction, community projects, investments, etc.). This simple approach is less effective for connecting the by-laws to the landscape, but it is an option to consider if a community is opposed to detailed zoning.



CREATING LAND GOVERNANCE COUNCILS



As a community is close to finishing its by-laws, the community and facilitators should plan to replace the Interim Coordinating Committee with a permanent Land Governance Council.¹ The Land Governance Council is a community-based governing body made up of community members who will be responsible for the management and administration of a community's lands and natural resources.² A community's Land Governance Council should include elders, youth, women, leaders and/or representatives of all smaller spatial or social units (towns, zones, villages, or wards) within the larger community ("sub-units"), as well as members of marginalized groups (such as ethnic minorities and landless people). The process of supporting communities to elect or select their Land Governance Council is central to the long-term success of community land protection efforts.

Facilitators should ensure that the process of forming Land Governance Council is done very carefully. Experience has shown that if communities do not thoughtfully establish, train and monitor their Land Governance Council – and integrate existing leaders into the Land Governance Council structure (as appropriate) – then by-laws may not be well-enforced, local elites may use the Council to further their own interests, and the long-term impacts of land protection efforts may be limited.

WHAT DO LAND GOVERNANCE COUNCILS DO?

Communities should pass by-laws that describe how their Land Governance Council will, in collaboration with existing community leaders and local government, work to:

- **Make land and natural resource management decisions that are in the best interest of the community.** The community should give its Council the power to make minor decisions and actions that ensure that the community's lands and natural resources are healthy and thriving. For major decisions, such as land transactions, the Council should be responsible for calling a large meeting for community-wide group discussion and decision.
- **Enforce the community's adopted by-laws.** The Council should have the power to make sure that community members follow the rules set out in the community by-laws. Land Governance Councils should publicize the rules and penalize people who fail to follow them. The Land Governance Council should also be tasked with protecting the land rights of women and other vulnerable people who may face land dispossession by more powerful family members or neighbors.
- **Help resolve disputes** related to community lands and natural resources.
- **Manage finances** (collected from fees and fines from use of lands and natural resources) in a way that is accountable, transparent, and supportive of the community's future vision.

1. The Interim Coordinating Committee is only a temporary body meant to support community-wide participation in the community land protection process.

2. Communities may call this governing body by any name they think best – the phrase "Land Governance Council" is simply a generic name for the purposes of this publication. Alternatively, facilitators may create a name for this body to use in all the communities they work with. Or, national land laws may dictate a specific name, such as "Land Management Committee" or "Community Land Development and Management Association."

- **Represent the community at meetings with outsiders**, including neighbors, investors, companies, and government officials. The community by-laws should give the Council the authority to attend government meetings, or go to court in legal actions on behalf of the community.
- **Listen to community members' ideas** and suggestions about how to better manage community lands and natural resources. The Council should organize and lead regular community meetings about the use and management of community lands and natural resources.
- **Any other responsibilities agreed by the community** and listed in the community's by-laws.
- Trustworthy, with a proven ability to manage money transparently and responsibly;
- Dedicated to conserving and protecting community lands and natural resources;
- Diverse, from a range of backgrounds (including men, women, elders, youth, minority groups, people who practice different livelihoods, and representatives of all the "sub-units" within the greater community); and
- Any other specifications the community feels is necessary.³

The Land Governance Council does not own the community's land. The Council will manage the land on behalf of the community, according to the agreed by-laws, the community's future vision, and community needs and interests. The Land Governance Council is working for the community members to manage their shared assets. If a Land Governance Council does not act in the community's best interests, does not enforce the by-laws fairly, or manages community money in a non-transparent way, the community should call a community-wide meeting to address the problem and hold the Land Governance Council accountable. A community may need to form a "Watchdog Group" to ensure that their Land Governance Council is acting in the community's best interests.

WHO SHOULD BE A MEMBER OF THE LAND GOVERNANCE COUNCIL?

Communities should design the composition of their Land Governance Council during the by-laws drafting process. The community should decide what types of people to select or elect to the Council, and what qualities Council members should have. Experience has shown that Land Governance Councils function best when they include trusted and respected leaders, elders, youth, women, and members of minority groups.

For example, a community's by-laws might require that Land Governance Council members are:

- Permanent community residents, with their primary residence located within the community;
- Honest, sensible and reliable;

BY-LAWS CONCERNING THE LAND GOVERNANCE COUNCIL

When supporting communities to draft by-laws about local governance, facilitators should ask questions that support community discussion and decisions related to:

- **Powers:** What will be the Land Governance Council's roles and responsibilities? What types of decisions may the Land Governance Council make on its own, and what decisions must it bring to the whole community for discussion and decision?
- **Composition of the Land Governance Council:** How many members will it have? Should there be any particular composition of members to ensure diverse representation?
- **Election procedures:** How will the community choose who serves on the Land Governance Council? What will be the steps and procedures for the election or selection of Council members?
- **Accountability:** How will the Land Governance Council be downwardly accountable to community members?
- **Relationships with existing leadership structures:** What will be the role of existing community leaders within the Land Governance Council? How will the Land Governance Council interact and share authority with leaders and other community governance bodies, like forest management committees?

As well as many other related issues. See the chapter on *The Content of the By-laws* for more information on making by-laws to govern Land Governance Councils.

3. One note: facilitators should make sure that communities do not set qualifications that may unfairly discriminate against or create barriers for particular individuals or minority groups within the community. For example, high literacy requirements may exclude women from take part, or land owning requirements may exclude the poor.

National laws may also have particular requirements about how a local land governance body should be composed – for example, in some countries at least one third of Council positions must be held by women. Facilitators should determine any legal requirements for Land Governance Councils and inform community members of these requirements before any Council members are selected or elected.

HOW TO INTEGRATE THE LAND GOVERNANCE COUNCIL INTO EXISTING COMMUNITY GOVERNANCE STRUCTURES?

Most communities already have existing leaders and governing bodies: facilitators must make sure that the community land protection process does not create contradictory or overlapping governance structures. **Facilitators should support communities to find creative and locally-appropriate ways of integrating existing customary and state-recognized leaders into the Land Governance Council.**

The community's decision on whether to integrate existing leadership structures into the Land Governance Council (or integrate the Council into existing structures) will depend on how trusted leaders are, how well they work together, and other factors (see the chapter on *Working with Community Leaders*). Regardless of structure, **community by-laws should clearly and specifically describe how the Land Governance Council will share power and make decisions with other leaders in the community.** Communities should take care that existing leaders do not feel that their power or authority is being eroded or undermined. Drawing a “power map” or diagram of the community's existing leadership structures during the by-laws process can help to inform how the community will integrate its Land Governance Council into its current leadership systems.

Facilitators can offer communities various ways to address challenges related to existing governance structures, such as:

- If they are well-functioning and trusted, existing governance structures can simply become the Land Governance Council – with the additional inclusion of women, youth, and/or members of minority groups, as described in the community's by-laws;
- Existing leaders may become automatic members of the Council;
- Existing leaders may be allowed to stand for election; or
- Existing leaders may be made *ex-officio* (non-voting) members of the Council.

INCREASING LEADERS' COMMITMENT TO THE CREATION OF A LAND GOVERNANCE COUNCIL

The process of electing and creating a Land Governance Council is often complicated by existing leaders' opposition to changes in their power and authority. In many ways, the election and functioning of the Land Governance Council is the most important part of the community land protection process: if a community makes good rules for land use and management and harmonizes and documents its boundaries, but then still suffers from corrupt leadership, then the whole effort may fail to create lasting positive change. Facilitators should proactively and directly address leaders' reluctance to share power or make changes to their authority. They should also make sure that community leaders understand and fully support the creation of the Land Governance Council and all related changes to their powers.

To address the issue, facilitators might try the following strategies:

- 1. Secure community leaders' commitment to the creation of a well-functioning Land Governance Council as a precondition to beginning community land protection work.** (See the chapters on *Community Selection and Establishing Expectations and Terms of Engagement*.)
- 2. Discuss the issue privately with leaders, in a small group.** Community leaders may be more open to discussing changes to their power and authority among themselves, rather than in front of the whole community. Leaders may have great ideas about how the Land Governance Council can be made part of existing community decision-making processes, and may be more willing to support changes to community leadership structures that they suggest.
- 3. Discuss changes to leaders' power during the by-laws drafting process.** Even if community leaders have previously indicated their support for including women, youth, and members of minority groups as members of a community land governance body, this change in governance should be discussed at length during the by-laws adoption process. Facilitators should raise the issue directly, and work with both leaders and community members to create a land governance structure that will actually function – and be supported (rather than undermined) by existing leaders. This might look different in every community.

HOW TO SUPPORT COMMUNITIES TO ELECT OR SELECT A LAND GOVERNANCE COUNCIL?

1. Establish an election or selection process in the by-laws.

The community should debate and decide how it will elect or select its Land Governance Council and include rules for selection or election in its by-laws. The question of how to elect or select a Council is not simple: facilitators should support each community to determine a process that best fits its own particular context and culture. Examples of different approaches to choosing a Land Governance Council include:

- Call a community-wide meeting with representatives from across the whole community, where people are nominated for Council positions and chosen by a community-wide vote;
- Ask each “sub-unit” to nominate a few people, then convene all sub-units into a larger community-wide meeting and hold an election from among the nominated people;
- Ask each “sub-unit” to elect one or more representatives, who then meet at the community level as the Land Governance Council; or
- Other procedures based on accepted local cultural and political practices.

2. Hold a large, well-attended community meeting to elect or select the Land Governance Council.

Whatever process a community chooses, the election/selection should take place during a large community meeting attended by representatives of all households in the community. **The Land Governance Council election process works best when it takes place during the same meeting as the by-laws adoption process:** in this way, the community votes to adopt its by-laws, then immediately votes to elect the Land Governance Council.

Facilitators should attend and monitor the Land Governance Council selection/election proceedings to make sure that the election process is transparent, fair, inclusive, open, and includes the participation of everyone in the community – including women, youth, and members of minority groups. The community may also want to invite district or regional government officials and customary leaders to attend the election and formally recognize the Land Governance Council as a legitimate part of local government and customary authority structures.

If elections are done badly, or if a Land Governance Council’s membership is captured by elites, facilitators should support communities to void the first election and hold a new

election. Although this may be challenging, the extra effort necessary to dissolve the elected body and hold new elections will help ensure against future conflict and confusion.

In Liberia, facilitators observed that even though communities designed democratic election procedures, in some communities local elites nevertheless succeeded in using underhanded strategies to gain control of the Council. Facilitators addressed this by supporting community members to speak out publicly against the unjust election processes, referring to their newly-adopted by-laws. In response, leaders deemed the elections to be void, and the communities conducted new, fair elections.

3. Formally dissolve the Interim Coordinating Committee.

Once the community has selected/elected its Land Governance Council, it should (at the same meeting) formally dissolve its Interim Coordinating Committee and thank their Committee members for their efforts. This step will help to avoid confusion about the role of the Interim Coordinating Committee versus the role of the Land Governance Council.

4. Train the Land Governance Council intensively.

Experience has shown that Land Governance Councils often need a great deal of training and support to help ensure that they are able to fulfill their responsibilities well. Facilitators should plan to hold at least one day-long training for Land Governance Council members. This training should include:

- Review of the community’s by-laws;
- Review (or creation) of a plan for implementation of the by-laws;
- Review of community boundaries and all MOUs signed with neighbors;
- Review of all relevant national laws;
- Review of the importance of full, participatory community consultation before making land deals with investors or the government;
- Review (or creation) of a plan for storing and updating important community documents and maps; and
- Suggestions for how the Land Governance Council can seek future help and support from facilitators, as well as regional government officials and customary leaders.

Facilitators may also want to schedule quarterly meetings with each Land Governance Council to provide further training, answer questions, and offer additional support that the Land Governance Council members might need.

- 5. Support the community to create systems to monitor the Land Governance Council's performance.** Facilitators might suggest that communities set up a “Citizens’ Committee” or “Watchdog Group” to ensure that the Council is making decisions that benefit the community’s interests; managing money fairly, responsibly and transparently; protecting women’s rights; and enforcing the by-laws equitably. If a community decides to set up a Watchdog Group, it should include rules in the by-laws that establish its powers, what the watchdog group can and cannot do, and how it will report to the community.

HOW TO MAKE SURE THAT WOMEN, YOUTH AND MINORITY REPRESENTATIVES ACTUALLY HAVE VOICE AND POWER ON THE COUNCIL?

In many circumstances, male or elder Council members may dominate discussions and decision-making processes even when communities elect women, youth, and members of minority groups to their Land Governance Council. Men or elders may even reject the notion that women and youth have anything useful to add to discussions and decision-making processes.

To support the authentic participation of all members of the Land Governance Council, facilitators can:

- Support communities to elect strong, respected and outspoken women, youth, and minority group representatives to the Council;
- Support communities to include rules in their by-laws that dictate that all Council members must speak before a decision is taken, or other creative, locally-appropriate rules to ensure that women, youth and minority representatives’ ideas are heard and their opinions considered during decision-making processes;
- Facilitate the community land protection process in such a way that men, elders and leaders are shown – by example – that women, youth and other groups have useful, informative and important contributions to make to decisions concerning land and natural resource management, and thus should be given space to speak and listened to carefully; and

- Offer specific training or strategy advice to Council members who may face discrimination or dismissal by more powerful Council members.

Ensuring authentic participation by women and members of marginalized groups in community land governance is not a simple task. Facilitators should talk directly to leaders and Land Governance Council members about barriers to women’s and minority groups’ equal participation in land governance, and ask them to share their thoughts, opinions, and ideas. Together in dialogue with facilitators, the Land Governance Council members may be able to speak about the issue openly and find creative, local solutions that will allow the voices of women and members of minority groups to be heard. Facilitators should allow the community to find its way to solutions that are culturally appropriate and can integrate well into existing culture and practices.

NOTES

ENSURING IMPLEMENTATION AND ENFORCEMENT OF COMMUNITY BY-LAWS



Drafting and adopting by-laws is only the first step toward good governance of community lands and natural resources. Facilitators should support communities to ensure that their by-laws are:

- **Respected:** People follow the agreed-upon community rules;
- **Implemented:** Community leaders and members put all the rules into practice; and
- **Enforced fairly:** When community members break the rules, penalties are decided fairly, regardless of the offenders' status in the community.

Facilitators should support each community to create a clear plan designed to ensure that its by-laws are followed by community members, neighbors, investors, and government actors alike. If a community does not create strategies to ensure that its by-laws function in practice, the by-laws may be ignored and forgotten. This is a problem because a lack of effective community rules may result in: disrespect of the rights of women and minority groups; unsustainable management of natural resources; and a failure of the hard-won mechanisms to ensure leaders' accountability, which may lead to a lack of transparency and corruption.

POTENTIAL REASONS WHY BY-LAWS MAY NOT BE ENFORCED

- Low participation of community members and/or key leaders during the drafting process has led some community members to refuse to acknowledge the rules as legitimate.
- The Land Governance Council lacks the power and legitimacy to enforce rules or require compliance.
- Regional or district authorities do not consider the rules valid, and undermine community enforcement.
- Customary tribunals are not involved in the by-laws drafting process and do not enforce them when they resolve conflicts.
- The by-laws fail to include clear enforcement mechanisms for when a rule is broken.
- The by-laws process has created duplicate or parallel structures for local rules and enforcement, causing confusion about which authority is responsible for implementing and enforcing local rules.
- The facilitation team rewrote the rules into more "legal" or "formal" language, making it seem like the rules have been imposed from the "outside" (and were not created by the community itself).
- Social norms dictate that what happens in a family home is too private for community members to intervene – which makes protecting women's rights more challenging.

Facilitators should actively support communities to take steps throughout the by-laws drafting process and beyond to ensure that their by-laws are implemented and enforced. The following strategies can help in these efforts:

- **Ensure the by-laws are widely known.** At the conclusion of the by-laws adoption ceremony, community members from each “sub-unit” should commit to taking copies of the adopted by-laws home to their “neighborhoods” and discussing the rules with their family members and neighbors. Copies of the by-laws should be kept in many public places around the community, where community members can easily access and consult them. In regions with high illiteracy rates, Community Land Mobilizers and leaders might use local radio to publicize the by-laws.

A community’s by-laws should be kept “alive” in people’s minds. One strategy is to encourage communities to create songs, posters, and other locally appropriate ways to remind people about community rules. Communities might ask local teachers to guide their students to make up songs about the rules, which they can then carry back into their homes and neighborhoods and teach to their families.

- **Involve local government officials throughout the by-laws drafting process.** It is best to get district and regional government officials to sign onto a community’s adopted by-laws and to officially pledge to support their implementation and enforcement at the district or regional level. To this end, facilitators might ask these government officials to check over the laws as part of the “legal check” component of the by-laws drafting process. Communities might also share their by-laws drafts with trusted local and regional officials and explicitly request their support in validating and enforcing them. The support of district and regional government officials is useful for a variety of reasons, including:
 - 1. Ensuring outsiders’ compliance with the by-laws:** Communities need to be able to rely on regional government officials to help them enforce the by-laws, especially in situations where rule-breakers are prominent regional elites or prosperous outside investors.
 - 2. Creating increased local validity:** If high-level government officials sign onto the by-laws and pledge to uphold them, community members will likely consider them to be more valid and take them more seriously.

3. Containing corrupt local leaders: District and regional leaders can help community members enforce their by-laws against corrupt local leaders and/or potentially remove them from power.

4. Avoiding resistance and sabotage: If regional leaders are averse to greater community control over local lands and natural resources, the by-laws drafting process may upset them. By bringing them into the process and making them feel valued and included, they may become less resistant and more supportive – especially as they come to understand that they have an important role to play in the enforcement and compliance aspects of local land and natural resource governance.

- **Involve the individuals who arbitrate land conflicts.** Experience has shown that it is necessary to involve the individuals (often male elders) who resolve land conflicts within the community. When the formal justice system is inaccessible, customary courts hear and decide the vast majority of land conflicts. Failing to involve these individuals may mean that community by-laws (particularly those concerning women’s and minority groups’ rights) are not taken into consideration during mediation and resolution of local land conflicts. Involving customary court officials throughout the by-laws drafting process and valuing their input will increase their support for the rules and help ensure that they use the new rules when making decisions during local land conflicts. Their active involvement may also make the by-laws stronger, as they may have important insights into the kinds of conflicts that are common in the community, and may suggest rules to proactively address these challenges.
- **Give copies to local courts and magistrates and invite them to be part of the process.** Communities should proactively share their adopted by-laws with local courts and magistrates, to prepare them in advance for when local land conflicts are brought to the district or regional court system. If local courts take communities’ by-laws into consideration when deciding the outcomes of cases, the by-laws will become more valid and legitimate in the eyes of community members and outsiders alike. Conversely, if the by-laws are only upheld within the community, outsiders may feel that they can ignore the rules and simply challenge any fees or fines in court. To avoid this, facilitators and community leaders should actively involve local justices and magistrates in their by-laws drafting process, seek their review of community rules (to ensure compliance with the national constitution), and ask them to endorse the final adopted draft. Communities might even invite local judges and officials to officiate their by-laws adopting ceremony.

- **Create a list of practical next steps to make the by-laws “real.”** After the by-laws adoption ceremony, facilitators can support communities to draft a list of “next steps” necessary to ensure that the by-laws are implemented immediately. Volunteers may then be recruited to take responsibility for carrying out the agreed implementation activities. For example, community members might make and post signs advising what is allowed within their forests and grazing lands, including fines that will be charged if the rules are broken. Similarly, if a community is struggling with outsiders illegally collecting community natural resources (such as small-scale mining, pit sawing, charcoal production, etc.) community members could use local materials to build fences around common areas that only allow one point of entry (which can be easily monitored by community members).
- **Make a plan for managing collected fees and fines.** Experience has shown that communities most actively enforce the by-laws that bring in funds. This is a positive outcome, but there is a risk that the funds may be abused: in some communities, community members have reported not knowing what their leaders have done with the fees and fines they have collected. To ensure that funds are used well, facilitators should support Community Land Mobilizers to call a large community meeting, at which community members collectively brainstorm and decide upon a priority list of community projects that will be funded by the money collected from by-laws enforcement. For example, fees and fines collected could go toward building a community meeting house or repairing a road. Community members can use this clear list of projects to hold their leaders accountable for proper use of the fees and fines collected. If possible/accessible, facilitators

can help the community open a bank account where the money raised from fees and fines can be kept until the full amount necessary for the first agreed project has been amassed (see the chapter on *Financial Management*).

- **Create “watchdog” groups to ensure enforcement.** Facilitators may support communities to set up groups or committees of community members that are responsible for monitoring whether community leaders and the Land Governance Council are following the by-laws, enforcing them fairly, making decisions in the community’s best interests, and using any collected fees and fines in a transparent manner.
- **Hold annual by-laws amendment meetings.** Without regular review and amendment, writing down customary rules may “freeze” them; rules should change and adapt as the community grows and prospers. Facilitators should support Community Land Mobilizers and leaders to arrange an annual meeting, at which the community can review its by-laws and make any necessary changes or modifications. During these meetings, the community might consider: Does it need to change, remove or add rules to best serve the community’s interests? What rules are followed and enforced well? What rules are not well followed and enforced? What needs to change to ensure that all rules are observed and enforced? Facilitators can offer to return annually to support the review and amendment process, making themselves available for questions and guidance. In between annual by-laws review meetings, facilitators can also make themselves available to answer questions from leaders and Community Land Mobilizers.



NOTES

SUPPORTING TRANSPARENT MANAGEMENT OF COMMUNITY FINANCES



When communities charge fees for the use of community land and natural resources, levy fines against people who violate by-laws, or create other income-generating efforts, they must create clear systems that regulate how this money is managed and spent. If well-managed and well-used, revenue generated from community lands and natural resources can be used to realize a community's vision, build necessary community infrastructure like roads and schools, and support community-driven local development. However, if a community does not manage its finances well, revenue generated from fees and fines may lead to corruption and conflict.¹

HOW TO PREPARE COMMUNITIES TO MAKE BY-LAWS FOR TRANSPARENT MANAGEMENT OF COMMUNITY FUNDS?

To support communities to make by-laws that ensure that their Land Governance Council/leaders will manage community finances in a responsible, secure, and transparent manner, facilitators may want to spend time *during the by-laws drafting process* training community members about the basic principles of good financial management and record keeping. What they learn can then influence the rules they make. Facilitators should ensure that the community's by-laws include clear rules that address the following questions:

- How will community money (generated from fees, fines, rent or gifts) be collected?

- How will community money (generated from fees, fines, rent or gifts) be managed? Who will manage it?
- How should the Land Governance Council report to the community on the money raised from fees, fines or rent?
- What should community money be used for? (Community development projects, building schools, roads, pumps, distributed equally among households, etc.)
- Who will decide what happens to community money? How will the community participate in decisions about how to spend community money?
- If the community opens a bank account, what procedures must community members follow for depositing money into or withdrawing money out of the account?

When facilitators introduce these concepts to communities, they should keep the information simple, clear and straightforward. The goal is only to provide communities with the information they need to draft good by-laws and make sure that their leaders/Land Governance Councils are managing their finances responsibly and transparently.

Who will manage community funds? If the Land Governance Council election process is inclusive and participatory, it is likely that the community will allocate financial management responsibilities to its newly-elected Land Governance Council. Alternatively, if existing community leaders are trusted and respected, the community may allocate this responsibility to them.

1. The information in this chapter is geared toward communities that collect and manage small amounts of money from fines, fees, taxes, etc. Communities that generate large amounts of money from revenue sharing agreements with large-scale investors will need more comprehensive financial management systems.

BASIC PRINCIPLES OF GOOD FINANCIAL MANAGEMENT AND RECORD KEEPING

Regardless of who manages its finances, a community must put in place systems and structures to make sure that its leaders or Land Governance Council members are handling the funds in an accountable and transparent manner. While each community will create its own “best-fit” financial management system, all communities should ensure that the following principles are reflected in their by-laws and shape their financial management and record keeping systems:

- 1. Integrity.** Members of Land Governance Councils/leaders must operate with honesty and integrity, and declare personal interests that might conflict with their duties.
- 2. Accountability to all community members.** Community members have the right to know how much revenue is generated from community lands and natural resources and how this money is being used. Land Governance Councils/leaders must explain their decisions and actions and consult the community on all major financial decisions.
- 3. Transparency.** Land Governance Councils/leaders must openly share their financial accounting systems (including budgets, ledgers, etc.) with the entire community. Councils/leaders must prepare accurate, complete and timely financial reports of all money spent and received.
- 4. Stewardship.** Land Governance Councils/leaders must take good care of their community’s financial resources, making sure that the money is used in a way that allows the community to grow and prosper; funds should not be mismanaged or wasted.
- 5. Compliance with accounting standards.** Systems for keeping financial records and documentation must observe accepted accounting standards and principles. Any accountant should be able to understand a community’s financial records.
- 6. Balanced books.** Communities must not spend more money than they receive. Any spending should be based on actual funds raised.
- 7. Consistency:** Communities should follow the same financial procedures every single time that they receive or spend money.

HOW TO SUPPORT COMMUNITIES TO RESPONSIBLY MANAGE THEIR FUNDS OVER THE LONG TERM?

Once a community has harmonized its boundaries, completed its by-laws, elected its Land Governance Council, and successfully documented its lands, facilitators should revisit the topic of financial management and support the community to establish good financial management practices.

If feasible, facilitators should consider convening a meeting devoted entirely to training the Land Governance Council, any watchdog groups, and all interested community members in more detailed financial management practices. (This training may support community livelihood development, as community members interested in starting small businesses will also benefit from learning this information.)

If the facilitating organization has a financial administrator with good public speaking skills and the ability to present financial accounting practices clearly and simply, it may be useful to invite this colleague to the field to provide this training.

The following five practices are critical to good financial management:

- 1. Establish a bank account, or create a cashbox with multiple locks.** If the community has access to a local bank, all revenue generated by the community should be kept in a bank account.² Keeping large amounts of cash on hand often leads to corruption, misuse of funds, and conflict. Any bank account opened should be registered in the name of the community, with permissions to access the account given only to groups of community members, not one

2. Rules for establishing bank accounts vary, but in most countries communities must be registered as a “legal entity” before they can open an account. Facilitators should research legal requirements for opening bank accounts so that they can properly advise communities on the procedures they may need to follow.

specific individual. Community by-laws should clearly state rules for who may deposit or withdraw money from the community's bank account. All community bank accounts must have at least three key holders or signatories; a single community member should never be able to withdraw money from the bank account without other community members present. Revenue generated from community lands and natural resources should never be kept in an individual community member's bank account.

If a community is unable to open a bank account, all cash should be stored in a cashbox that has at least five different locks so that no single community member is able to access the cash without at least four other people being present. Multiple lock cashboxes can be purchased in many countries or built by local artisans.

2. Handle cash properly. Cash can be easily misplaced or misused, so it must be handled carefully. The following are basic rules for handling cash transparently and responsibly:³

- **Be clear about who is responsible for handling community money.** Everyone in the community should be completely clear about who is responsible for handling cash, and their specific responsibilities. If a cashbox is used, the keys to the cashbox should only be given to trusted, responsible, authorized individuals. Regardless of where funds are kept, the community should ensure that there are clear, written rules about how the money can be accessed and used.
- **Keep money related to lands and natural resources management in its own place, separate from other community funds.** Never put cash received into a drawer or box with other community money. This will cause errors and confusion when the community tries to account for its money. All money coming into the community should be put directly into a "land and natural resources" cashbox designated specifically for money generated from natural resources-related fees and fines, then (if the community has a bank account) brought to the bank as soon as possible.
- **Always give receipts for money received.** Proper issuance of receipts helps to protect misuse of cash. Communities should purchase a pre-numbered duplicate receipt book and write all receipts for money received in blue or black pen (so they cannot be changed or forged). Receipts should include the date that they are issued. The community should keep copies all receipts issued. Blank receipts should be kept in the cashbox so they are not abused.

- **Always get receipts for money spent.** Communities should make sure to get a receipt for every purchase and payment made using community funds; for example, whoever has been chosen to buy building materials for a community infrastructure project should be required to get a receipt for the money spent. If there is no receipt, there is no proof that the purchase or payment was made. Because sellers/workers do not always have their own receipt books, community leaders/members making purchases on the community's behalf should carry blank receipts with them and ask the sellers/vendors to fill them out to prove that the purchase/payment was made.

Similarly, if the community is paying someone to provide a service, the person who provided the service must be required to sign an invoice stating that he/she performed the service and received the payment. When paying for services, invoices should be marked as "paid," then dated and signed by the person who paid the money. Such record keeping is necessary to prevent the fraudulent re-use of invoices.

- **Restrict access to cash and have clear procedures for accessing this cash.** To ensure against corruption – or allegations of corruption – there should always be at least four trusted, responsible people (ideally, members of the Land Governance Council) present when opening cash boxes, envelopes and other sources of money.
- **Manage and monitor cash advances.** Any cash given to community members to work on community projects should be accounted for. If the community needs to pay people in advance for work to be done (so that they can buy materials), it is best to split the payment in half, paying half upfront and half when they have successfully completed the work. If a person is volunteering his or her time and requires money upfront (in order to buy materials), communities should consider asking for some kind of "deposit" that the community will keep until the person returns with the agreed supplies (something of comparable value, such as a tool or a chicken, that the community can use to recoup any money lost if the person spent the money frivolously or on unapproved purchases).

3. "Top Tips for Controlling Cash." *Mango: TT12 Controlling Cash*. Management Accounting for NGOs, Web. 22 Jan. 2015. <<http://www.mango.org.uk/toptips/tt12cash>>.

3. Keep Clear Financial Records. Maintaining up-to-date financial records is critical to proving good financial management – and discovering bad financial management or corruption if it occurs. To this end, communities should establish simple systems to keep track of their finances. Financial record keeping (called accounting) can be kept manually in a book of accounts or in a computerized format using accounting software. For a community with few financial transactions, a simple bookkeeping system is all that is needed. As revenue generated by a community increases, its financial management system will need to become more sophisticated. Financial accounting has two parts: 1) account books and 2) supporting documents.

- **Account books** are ledgers or notebooks where financial transactions are written down and recorded. If the community has more than one bank account/cashbox, each account should have its own book of account. A community’s “book of account” should have columns that explain: all payments made, all money received, to whom the payment was made, what the payment was for, the date the money was transacted, the receipt number, and other key information. A well-organized book of account will clearly show all money that came in, all money that went out, and how the money was used. Community leaders/the Land Governance Council should keep clear account books and make them available for all interested community members to review.

A sample account book is as follows:

Date	Receipt Number	Payee/Transaction Description	Transaction Category	Withdrawal payment (-)	Deposit credit (+)	Balance
01/01/15		Balance as of 01/01/15				\$1,000
01/03/15	1	<i>Water Pumps, Inc:</i> Water pump for irrigating community farm	Equipment	\$400		\$600
01/12/15	2	<i>Pipe Company:</i> Pipes for water pump	Equipment	\$100.00		\$500
01/15/15	3	<i>Palm Oil Corporation:</i> Monthly land rental payment	Land Rental Payment		\$1500.00	\$2,000
01/27/15	4	<i>Fencing Company:</i> Wire mesh to build fence around community farm	Construction material	\$300.00		\$1,700
01/31/15		Balance as of 01/31/15				\$1,700

- **Supporting Documents** are the receipts and invoices that provide proof of all the financial transactions that are written in the books of account. All receipts and vouchers should be cross-referenced with the account books and entered in chronological order according to date – in other words, every receipt should have a number, and that number should be entered into the account book. Then, the supporting documents should be kept in a file in the exact same order as they were recorded in the account books, to make it easy for anyone reading the account book to immediately find the receipt that corresponds to the record.

- 4. Carefully check bank statements.** If a community has a bank account, the account books should be checked against bank statements at least once a month to make sure that the community's own records match the bank's records so as to catch any errors or omissions made by the bank or the community and identify cases of fraud or misuse of funds. (This is called a "bank reconciliation.") Any major differences between a community's account books and the bank statements should be investigated and explained.
- 5. Prosecute misuse of funds.** Communities should regularly review their account books and receipts to look for fraudulent receipts, missing checks, or checks or money that have been issued for no clear purpose. (A community may even want to hire an independent auditor to help in this process.) If community funds have been misused or stolen, the community should immediately investigate the matter and hold a meeting to review the theft, impeach any guilty leaders or Land Governance Council members, and/or report the corruption to regional leaders and the police.

ADDITIONAL RESOURCES FOR FINANCIAL MANAGEMENT

If communities want to develop a more comprehensive financial management system, the following resources offer detailed instruction on how to do so:

- 1. *Financial Management Essentials: Handbook for NGOs***, by Management Accounting for NGOs (MANGO). This guide provides training on how to design a financial management system, make financial plans and budgets, generate financial reports, manage audits, and more: <http://www.mango.org.uk/guide/coursehandbook>
- 2.** MANGO has also created an ***Accounting Pack for NGOs***, which includes a simple, Excel-based accounting system designed specifically for small-scale organizations and a comprehensive user guide. <http://www.mango.org.uk/guide/mangoaccountingpack>
- 3. *Financial Management Training for Community-Based Natural Resource Management Organizations***, by the Namibian Association of CBNRM Support Organizations (NACSO), was created specifically for community-based natural resource management: http://www.nacso.org.na/dwnlds/training_manuals/1.08%20Financial%20Management.pdf

NOTES



HARMONIZING BOUNDARIES AND DOCUMENTING COMMUNITY LANDS

The actions in this step support communities to make participatory sketch maps of their lands, resolve boundary disputes and land conflicts related to their community lands, then document the agreed boundaries with various forms of physical evidence, including signed agreements with neighbors, boundary trees or other markers, and location coordinates.

- Mapping Community Lands and Natural Resources 135
- Harmonizing Boundaries with Neighbors 151
- Resolving Land Conflicts 159
- Documenting Agreed Boundaries 167

MAPPING COMMUNITY LANDS AND NATURAL RESOURCES



Making maps is a central part of the community land protection process. Maps provide powerful documentary evidence of a community's claims to lands and natural resources. Maps are also useful for community management of land and resources: when communities can see and conceptualize their whole territory, they can make better decisions about how to manage their lands and natural resources equitably and sustainably.

Maps should not be thought of as only an output; they are also an important tool for communities to use throughout the process and in their discussions about land and resources. Maps can help to:

- Inform discussions about land and resources;
- Show connections between a community's lands and larger systems (e.g., river system, ecosystems);
- Clarify boundaries between communities and their neighbors;
- Identify and catalogue natural resources located within a common area;
- Clarify the location of historical and cultural sites (traditional authorities/spiritual leaders may choose to map sacred sites to protect them); and
- Reduce land and natural resource conflict by increasing transparency, supporting clear use agreements, and promoting collaborative natural resources management, both within and between communities.

THE POWER OF MAPS

In Uganda, community members found map-making helpful, explaining how the mapping activities “made those who did not know of the communal land boundaries become aware” and helped them to feel a new sense of tenure security. A focus group of elders reflected that “a map helps to protect our land from outsiders.” In Liberia, community members explained how “Drawing the map was very helpful because we knew where the companies are, where our resources are, and also where borders are. Now we have peace among ourselves.” Community elders were especially pleased with the mapping efforts. They expressed satisfaction that the traditional sites were included on the maps. One elder said: “We now know where all our [cultural] places are; no one can say ‘I don’t know,’ because we all can see it here on this paper. This will help strengthen our [practices] again.” Another elder expressed a personal satisfaction that for the first time, “I have been able to see our whole community on a paper. All the places I used to visit; even if I can’t go there anymore, they look near and real to me now. I am very happy.”

HOW TO SUPPORT COMMUNITIES TO MAKE MAPS?

There are three main ways to work with communities to create maps of their lands and natural resources:

- 1. Sketch mapping** involves community members drawing pictures of their lands and natural resources on a large piece of paper. The exercise can help to create a general understanding of the community's spatial layout and promote discussion of land and natural resources management. However, sketch maps are difficult to use to identify specific locations or distances.
- 2. Satellite imagery mapping** involves using printed, high-resolution photographs of the community's lands taken from satellites. This imagery shows community lands and natural resources in detail and can be used to create maps that are more accurate and useful for calculating distance and area. In this strategy, community members draw maps on top of printed satellite imagery.
- 3. Digital mapping** involves using mapping software to create digital maps of a community's spatial information. In some approaches, the software can be used to project satellite imagery from a computer onto a large screen, where community members can interact with it and identify features and areas that they use. As community members agree on the locations of features they want to map, facilitators create digital marks on the imagery using the software on their computer. Digital maps have the same benefits of satellite imagery mapping, but without the need to print imagery. This strategy requires mapping software, satellite imagery, a projector, a computer, and a screen to project the image onto.

This chapter explains how to prepare for, facilitate, and manage data from all three of these mapping methodologies.

The choice of mapping method will depend on each community's context, the resources available to facilitators, and the expected output or use of the map. For example, for nomadic or pastoralist communities that move over very large distances, it may be most useful to draw sketch maps and then use digital mapping or GPS to record uses and routes, as the land may be too large to print onto one map. For areas that have dense forest cover, satellite imagery may not be able to show enough detail to be useful – sketch mapping may be the only appropriate methodology. In some contexts, it may be useful to begin with sketch maps and then use satellite imagery or digital mapping later (in the same meeting or in a second

meeting). Finally, it is important to consider any mapping requirements for official registration – governments often have technical requirements for maps that are used as evidence for registration or documentation of rights.

Some mapping methods require significant preparation time, so facilitating organizations should decide on which mapping method(s) will be used **at least one month before community mapping** begins.

WHAT ARE GENERAL STRATEGIES FOR SUCCESSFUL COMMUNITY MAPPING?

Regardless of mapping method, the following strategies will be helpful when undertaking community mapping activities:

- 1. Carefully decide when to start mapping.** Facilitators should assess the degree of intra-community conflict and decide whether to start mapping immediately after finishing the “Laying the Groundwork” phase or to wait until the community has adopted its by-laws and elected a Land Governance Council that can peacefully resolve internal community land conflicts that may arise while mapping.
- 2. Establish trust before beginning any mapping activities.** Communities may not feel comfortable mapping their lands and natural resources because maps might share sensitive information with outsiders. Mapping should only be undertaken after a community fully trusts both the process and the facilitation team. Before beginning mapping activities, spend time with the community talking about why maps are important and beneficial. If mapping is a highly sensitive topic, discuss mapping options with trusted community leaders and ask them to hold a community meeting to discuss mapping without the facilitators present. Do not require the community to draw maps if it does not want to or if it does not yet feel ready to map.
- 3. Involve everyone.** All mapping activities should involve the whole community, including leaders, elders, women, youth and all relevant stakeholders. To prevent conflict, the entire community should be involved with all mapping activities until all boundaries are harmonized and land conflicts resolved. All maps should be publicly discussed to ensure that everything has been mapped fairly and accurately.

THE IMPORTANCE OF BUILDING TRUST BEFORE MAPPING

In Uganda, initial efforts to map communities' grazing lands raised suspicions because some community members feared that the facilitating organization was scheming to grab their lands. These first maps were made during scoping visits, in meetings attended by only facilitators and community leaders. Afterwards, facilitators heard community members make statements such as: "The map has been taken, expect the worst!"

Later, facilitators carried out mapping exercises again, this time with the whole community, but before trust had been established. This map-making process also aroused immediate suspicions. Community members were hesitant to admit that any common grazing land remained, as they feared that by identifying their grazing land's existence they would expose it to land grabs by regional elites.

Many months later, after developing more trust with the facilitators and completing the harmonizing of boundaries of the grazing lands, communities met again to re-draw their map. This time, the post-boundary harmonization mapping efforts drew wide approval from community members.

4. **Avoid situations where a leader or a group of leaders draw(s) a map without the community present.** Facilitators may not be aware of how trusted the leaders are. Corrupt leaders may draw a map that community members do not agree with, or one that does not accurately reflect accepted land use and management practices.
5. **Put the community in control.** Community members, not outside facilitators, should always draw the maps. If possible, do mapping activities outside to allow people to practice drawing in the earth (before putting pen to paper) and gesture to locations. Allow community members to draw whatever they choose on their maps and to leave out whatever they do not want to include. For example, communities may not want to map the location of valuable natural resources out of concern that doing so would expose these resources to appropriation by outsiders. Similarly, communities may want to keep the location of sacred sites hidden. In such instances, facilitators can ask communities to indicate "general areas" that require specific protection, leaving the description of the area vague.
6. **Secure community agreement to stay focused on mapping and resolve conflicts later.** Mapping is not a neutral activity and can sometimes inflame conflict, especially in situations where community members have taken community lands without permission or in bad faith. Mapping activities may also motivate encroachers to work to sabotage their community's land documentation efforts. To proactively address such challenges:
 - Before beginning mapping activities, revisit the community's Terms of Engagement and review how the community will deal with any intra-community sabotage/internal conflicts that arise. If the community does not have a plan, support it to make a plan before the mapping starts.
 - Come prepared with conflict mediation strategies.
 - When introducing mapping, ask community members to mark disputed areas on the map as "hot spots" and refrain from discussing the conflict further until a proper conflict resolution process at a later date.
 - Explain that mapping alone does not decide the boundaries – negotiations and community approval are still needed before boundaries are agreed.
7. **Highlight women's contributions.** To ensure that all voices are heard, facilitators may need to divide women and men into separate groups to draw maps. Women tend to know the location of certain natural resources that men may not be aware of. As a result, their maps tend to be more thorough than men's maps. As women share their maps, facilitators can highlight women's contributions to emphasize the importance of women's active involvement in all community land protection activities.
8. **Involve traditional leaders.** Make sure that traditional authorities and other "knowledge-holders" who carry information about sacred sites and particular natural resources are involved and given space to speak. The involvement of respected traditional leaders can strengthen the map's legitimacy.
9. **Ensure that the maps are kept safe by trusted community members.** Always leave the maps – or copies of the maps – with the community.

10. Help community members plan whether to keep their maps private or to share them publicly. Communities may be concerned that drawing a map will expose information about their lands and natural resources to investors or government officials who may grab them in bad faith. Emphasize that the community can choose whether and how to share its maps outside of the community. Make it clear that the communities do not have to show their maps to anyone – they can keep their maps in the community, for community use only. Even facilitating organizations must get clear permission from the community before taking photographs or making copies of the maps.

11. Encourage communities to use their maps throughout the community land protection process. A community should feel that its map is a living record that can be updated to reflect changes in the community and landscape. Regardless of the type of mapping method used, communities may want to revisit their map throughout the process. For example:

- The community may want to add detail to its map by holding mapping exercises at the village or sub-unit level and adding this information to the community map.
- Maps can be helpful when brainstorming community by-laws: because the map includes all the natural resources located within the community, it can serve as a picture of all of the resources that should have rules to govern their sustainable use and management (see the chapter on *Community By-Laws and Legal Education*).
- Communities can use their maps to identify zones of land use, such as setting aside an area for a reserve forest or choosing an area in which to locate commercial enterprises (see the chapter on *Making a Zoning Plan*).
- Once a community and its neighbors agree on boundaries, it should record the harmonized boundaries on its map (see the chapter on *Documenting Agreed Boundaries*).

PRIVACY AND DATA SECURITY

Communities may not want maps of their lands to be available to outsiders. The creation of paper or digital maps may raise concerns about information privacy. It is important that communities formally agree to having their map information stored, shared, or digitized. Communities and facilitating organizations should make clear, written agreements concerning who can access the data, when, and through what approval process. To support these decisions:

- Prepare a clear explanation of how the community's data will be stored, how community members can access the data or digital map, and what procedures and permissions are necessary to allow access or data sharing to anyone other than the community's appointed representatives.
- If using a physical hard drive, develop a protocol for who can access the data and how to keep it secure.
- Because physical data storage devices can be vulnerable to theft or damage, consider making a back-up copy of all files and storing this somewhere secure, like a safety deposit box or safe.
- Consider storing data in a cloud-based server (such as Dropbox or Google Drive). Before choosing a server, research the data privacy and data access controls of any cloud storage system or discuss it with partner organizations or GIS/data management professionals.

SKETCH MAPPING

Sketch mapping is the simplest and most accessible form of mapping. Sketch mapping activities take about three hours and the only materials required are large pieces of paper and colored markers. However, sketch maps do not show accurate size, distance and spatial location. They may also be difficult for people outside the community to understand.

Step 1: Prepare by reviewing the general spatial layout of the community. Look at satellite imagery or existing maps before the meeting to become familiar with the landscape.

Step 2: Hold a community-wide meeting with representatives from all sub-units within the community or who use the community land. Work with community leadership and Community Land Mobilizers to ensure that women, youth, elders, leaders, and all relevant stakeholders attend and take part in this meeting. Before the meeting, explain the mapping activity to leaders and Mobilizers and ask them to help explain the activity in a way that will address any potential concerns.

Describe the steps of the mapping activity. It may be helpful to draw a sample map (of an imaginary community) to demonstrate the end goal of the activity. Describe the benefits and potential challenges of mapping. Facilitators might also ask communities to:

- Think about the benefits and dangers of mapping valuable natural resources and sacred sites, and only map what they are comfortable mapping;
- Agree to simply mark conflicted areas on the map, avoid discussing them, and to commit to a proper conflict resolution process at a later date;
- Make a plan for how they will keep their map safe and private; and
- Decide whether the facilitators can take a photograph of the map for their records.

Allow community members to ask any questions they have about the activity. Address all concerns and do not begin mapping until everyone feels comfortable making maps.



Step 3: Agree on what should be on the map. Ask the community to brainstorm a list of things to include on its map. Write down the brainstormed list to reference during the activity. Community maps often include:

PHYSICAL FEATURES, NATURAL RESOURCES	INFRASTRUCTURE	SOCIAL FACTORS
<ul style="list-style-type: none"> • Major landmarks (roads, rivers, mountains etc.) • Boundaries of community • Boundaries of communal land areas • Rivers, lakes, streams, ponds, wells/boreholes • Wetlands, swamps, bogs • Pasture/grazing areas (used in different seasons), livestock rest areas • Planted crops and garden areas • Dry areas and wet areas • Seasonal use areas • Forests • Places to gather food, medicinal herbs, building materials, etc. • Areas where wildlife gather or migrate 	<ul style="list-style-type: none"> • Settlement areas • Shops and markets • Roads/Paths/Trails • Schools • Churches • Clinics or other facilities • Farm/livestock infrastructure • Offices of governments, NGOs or other institutions • Areas given to companies or outsiders for any purpose (such as mining, tourism, logging) 	<ul style="list-style-type: none"> • Neighboring communities • Sacred/religious, cultural, and historical sites • Places that are fenced or private land • Conflicts: Places and resources in dispute (Mark in red) • Access routes (including ones used by pastoralists or other migratory groups) • Movements (can be shown on the same or another map, mark the direction with arrows if destinations are off the map) <ul style="list-style-type: none"> • Places where outsiders enter • Places where villagers go outside the boundaries to access land or natural resources



An example of a Sketch map.
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Step 4: Divide the meeting into small groups (by village, or by women, men, and youth) to draw sketch maps. Provide each group with several sheets of blank paper and colored markers. Ask the members of each group to draw a representation of how they understand the landscape of their community. Facilitators and Community Land Mobilizers should pick a group and stay with it throughout the map-drawing efforts, offering support as necessary. During the sketch-mapping process, facilitators should:

- Invite the groups to begin the process by using a stick to sketch the map into the earth – this may help people feel more comfortable drawing maps with pens and paper. Alternatively, bring lots of paper, so that groups can draw and re-draw their maps until everyone agrees.
- Ask groups to draw a legend – a list of what they will map, with a corresponding symbol or color that they will use when drawing each item to indicate each item on the list.
- Once a group feels ready to draw their final group sketch map, ask the group to choose an artist (or a few artists) to do the drawing, guided by the group’s inputs and instructions. Remind groups that everyone should contribute and that the maps should be as clear, detailed and accurate as possible.
- Make sure the map is labeled with community name, group, and date.
- Encourage community members to include notes about landmarks that define boundaries or particular locations (such as roads, rivers, rocky outcrops, trees) and notes about the distance between points or areas (to help with scale and orientation).
- Ask each group to choose a spokesperson to present the map to the large group.

Some groups may not have a good idea of what their community looks like from above, or may be only able to draw maps of their own small villages and not the entire community area. To address this facilitators can:

- Come prepared to draw a basic outline of physical features of area (roads, rivers, coastlines, hills) then ask participants to add details and boundaries.
- Ask community members to map out their individual villages, and then work with the whole group to combine the village-level maps into a map of the entire community.

WOMEN AND MAPPING

In some cultures, women may be reluctant to draw a map, or may insist that they do not know how to draw. In such situations, facilitators can:

- Start a discussion about how women’s perspectives are important for comprehensive mapping. It is helpful to remind women that because of their work and responsibilities in the community, they may be more aware of certain aspects of the landscape and the natural resources located on it than the men. **Remind women that women tend to map more thoroughly than the men**, and to include resources — such as water sources — necessary to their livelihoods and household roles. Explain that when the women share their maps with the wider group, men are often surprised by how much more the women have included.
- Ask women to first draw in the earth with a stick; in regions with high illiteracy rates, the pen and paper may be the challenge, not the women’s spatial awareness. In such cases, the entire mapping exercise may be completed in the earth, and then the facilitators can work with the women to transcribe it to paper.
- It may be that women are shy – ask several times for a woman who can draw. As the mapping exercise starts getting interesting, women may move past their shyness and be ready to take pen in hand. Pay attention to group dynamics and solicit the participation of women who look eager or particularly engaged.

Step 5: Group presentation of the maps. When the groups have finished drawing their maps, bring everyone back together and invite each group to present its map. Encourage spokespeople to explain their group's discussions (including any disagreements and challenges that arose) and legend. After each group has made its presentation, the community should discuss all the maps.

Community members may have difficulty agreeing on the location of a certain boundary, or may disagree about which map is most correct about a certain feature of the landscape. Support peaceful discussion: ask people to explain their reasoning or provide evidence for their opinions. If the disagreement cannot be resolved, support the community to mark both ideas on the map, and give people time to revisit the disagreement in future meetings. Community members may choose to visit the site and examine the landscape for proof of the current reality on the ground.

Step 6: Combine the maps into one sketch map. After each group has presented its map, support the community to draw a single combined map (on a fresh piece of paper) that includes details from each small group. After the maps have been combined into one final map, the community may want to reflect upon it and continue to add details until all important features and natural resources are accurately represented. This may take a few drafts – come prepared with extra paper.

Combining the maps and agreeing on them can take time. If the time for the meeting runs out before the community agrees that the map is finished, ask the Community Land Mobilizers to hold community meetings to finalize the map before the facilitators' next visit.

Finally, when the map is complete, ask the community to identify any points, lines, or areas that should be made more accurate using GPS coordinates later, once boundaries are agreed upon.

Step 7: Make a plan for how the map will be safeguarded.

Leave the sketch map with the community. Support the community to create a plan for keeping the map private and safe. Have the community elect or appoint someone to store the map safely for the community's use. Consider leaving extra supplies to support the community to revisit and revise their sketch map as necessary. Leave extra sheets of paper with the community for this purpose.

Step 8: Ask for community members' permission to photograph the maps for record-keeping.

Ask for permission to photograph all the maps (small group maps and combined map) for record-keeping purposes. When working with many communities, it is easy for files and photographs to become disorganized. Ensure that map files are kept in a clear, well-maintained management system that clearly identifies which maps correspond with each community and ensures that the maps are safe from unauthorized access.

Step 9: Later, after completing the boundary harmonization exercise, update the maps and consider making a more permanent version.

Once a community and its neighbors have agreed on boundaries, the harmonized boundaries should be recorded on the map (see the chapter on *Documenting Agreed Boundaries*). To ensure that the map will not degrade over time, print and laminate a copy of the final map or support communities to paint it onto a board or fabric to display in a central community meeting place.



An example of a Sketch map.

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SATELLITE IMAGERY MAPPING

Satellite imagery can help to improve the accuracy of communities' maps. Maps made with satellite imagery are also easier to digitize/convert into the kind of technical maps necessary for formal community land registration and titling. Organizations can also use satellite imagery of an area during initial community selection and scoping and logistics planning. However, this technique requires more preparation than sketch mapping and recent, high-quality satellite imagery is not always available for all locations.

The process of satellite mapping is very similar to sketch mapping. It is not necessary to do sketch mapping first, but facilitators may want to use sketch mapping as a first step. Supporting communities to work with satellite maps may take several hours longer than sketch mapping, as community members may be unfamiliar with looking at images of their community from above. However, in some communities the activity may take less time than sketch mapping if the imagery helps people to see and understand the spatial layout of their community and landmarks.

Step 1: Choose mapping software and learn how to use it. For free, easy mapping software, try Google Earth Pro (download it at www.google.com/earth/download/gep/agree.html and use the license key: GEPFREE). There are many online tutorials in various languages for learning how to use Google Earth Pro software.

Step 2: Search for imagery. There are many different potential sources for satellite imagery. The best scenario is to find a source that allows the download of a georeferenced imagery file (often a .tif file). Facilitating organizations should collaborate with partner organizations, governments, or satellite imagery providers in order to search for available imagery files.¹

The quality of imagery depends on how recent it is, how clear and detailed it is (resolution), whether it is distorted, or whether there are too many clouds obscuring the landscape. Using Google Earth (or other free online tools like Bing maps), zoom into the general area of the community until individual buildings, roads/tracks, and fields or cleared areas are visible. If the imagery is low quality, it will be hard to see individual buildings and details in the landscape, which will make the images unsuitable for mapping. Also look at the "Imagery Date" – if it is more than 5 years old it may be too old for the community's needs.

In addition to satellite imagery, there may be other types of printed maps that are useful to use or refer to, such as: national survey base maps, topographical maps, and cadastral maps.

EXAMPLES



Low resolution imagery
(difficult to use)



Medium resolution imagery
(acceptable)



High resolution imagery
(excellent)

1. Contact Namati for support to access other sources of free or donated imagery. Before requesting, purchasing or printing imagery, it is best to take GPS coordinates of the community's approximate center and (if possible) any agreed boundaries. This confirms locations more precisely and helps ensure that the imagery used is for the correct location.

EXAMPLE



Company that owns imagery

Date imagery was photographed

Coordinates of the location where the mouse cursor is

Step 3: Prepare the imagery for use in community meetings.

Decide whether to create the posters or ask for design assistance from a partner organization or geospatial professionals.

If designing the posters internally, choose a graphic design program or more advanced mapping software (such as QGIS or ArcGIS). If using downloaded imagery files, use mapping software or design software to format it into large posters. If using imagery from Google Earth Pro, export .jpg of imagery at the zoom level needed and reassemble them in design software.²

Format the imagery into a series of large posters or banners that are big enough to allow community members to gather around them and see the imagery comfortably. For small communities, it may be possible to represent the whole community on one poster; for larger communities, it may be necessary to print the images on several large posters or banners and lay them side by side. (If a community needs many posters, create a zoomed-out “Index Map” to show how all the pieces fit together).

To ensure that facilitators print the correct imagery, it is useful to take a few GPS coordinates at key sites within the community, and then use the coordinates to identify which satellite imagery is needed. (For more on using GPS, see the chapter on *Documenting Agreed Boundaries.*)

Posters should have a title (the community’s name), a bar at the bottom showing the scale, a north arrow or compass, geographic coordinates along the edges showing the longitude and latitude, a thin line that outlines the map, and a faint grid or tick marks (like ‘+’) across the map (these are used to line up the posters if there is more than one during digitization).

EXAMPLE



Scale bars.

Outline of map.

Geographic coordinates.

Tick mark that shows where X-Y coordinates (latitude and longitude) cross.

2. In Google Earth Pro, it is only possible to save JPG image files up to 4,800 pixels wide. If printing imagery from Google Earth Pro, add a note to the map that gives attribution to Google Earth and the imagery company (e.g. © Google Earth 2015 and © Digital Globe 2015). Do not charge fees for printed copies of Google Earth imagery. For more on saving images from Google Earth: <https://support.google.com/earth/answer/148146?hl=en>

Step 4: Print and laminate the satellite imagery posters. Print the imagery posters in high resolution and in color and laminate them to protect them from water and dirt. Ideally, print at least two copies of each poster to allow two small groups to work with them at the same time. (An alternative to printing posters is to design and print the imagery as large plastic or cloth banners if a banner printing business is available.)

MATERIALS NECESSARY FOR SATELLITE MAPPING:

- Satellite imagery posters or banners
- Clear plastic (often called “acetate” or “Mylar”) cut into map size pieces
- Tape
- Colored permanent markers
- Rubbing alcohol and cloth (for fixing mistakes)
- Large paper or cardboard
- Magnifying glasses (optional – to help people see details)
- Tubes or boxes to carefully transport the imagery and plastic sheets.

Step 5: Become familiar with the images. Spend time looking closely at the posters; facilitators should be comfortable helping community members identify landmarks and navigate the imagery.

Step 6: Organize a community-wide meeting with representation from all **sub-units** within the community or that use the community land. Before the meeting, explain the activity and satellite imagery to the local leaders who will be opening the meeting. Ask them to explain the satellite imagery to participants in a way that will address potential concerns.

Step 7: Divide the meeting into small groups and orient each group to the imagery (see Step 3 of the sketch mapping process, described above). Give each group a copy of the printed imagery. Without using the pens and markers yet, ask community members to identify major landmarks, meeting places, basic infrastructure, and their homes and fields, neighboring communities, etc. Ask community members to point to approximate locations of boundaries and any communal lands, forests, or water bodies.

Make sure that youth and elders have time to look at the map and ask questions. Elders may find it difficult to see small things on the map; it may be necessary to have magnifying glasses for their use, or to find a place where there is no glare or reflection of sunlight on the maps.

Step 8: Agree on what should be on the map. Ask the group to decide on a list of things to draw on its map (see Step 2 of the sketch mapping process, described above). On a separate piece of paper, have the group members make a legend (a list of what they will map) with a corresponding symbol or color that they will use when drawing each item to indicate each item on the list.

Step 9: Prepare the group to draw over the map. Overlay a piece of clear plastic over each printed poster and tape it in place. Ask a volunteer to mark the corners of the map outline and tick marks (this is in case the plastic needs to be lined up again – it is also important for digitizing the map later). Label the plastic pieces with the community name, group, and date. Ask the group to choose an artist (or a few) to do the drawing.

Step 10: Support each group to draw a map of the community. The group should work through the list of what to map, first agreeing on what to draw and where, then giving careful instructions to guide the artist(s). Infrastructure like schools and clinics can be drawn as single points or icons (such as a dot or 'x'), lines (for things like roads and footpaths), or outlined shapes (for areas like grazing lands). Prompt the group to make sure that it maps major landmarks, boundaries, common areas, roads, and key infrastructure. If possible, take notes about any discussions that provide details about landmarks that define boundaries, areas used for specific purposes, or other details that seem significant to the group.

Some groups may be nervous about drawing on the plastic. If so, encourage them to start with the labels and easy, non-debatable landmarks. Remind them that if they make a mistake they can erase a line (using the rubbing alcohol and a cloth), cross out a line and redo it, or get a new piece of plastic and start over again.

Step 11: Group presentation of the maps. When the groups have finished, reconvene the groups and invite them to present their maps and explain any points of disagreement or areas that were challenging to map. Encourage spokespeople to explain the process their group followed and what was discussed. If the drawn maps are difficult to see, it is possible to carefully separate the plastic from the imagery poster and hold it up against the white back of the poster – however, the drawn shapes may appear very abstract without the imagery behind them for reference.

Step 12: Combine the maps into one. Have the group choose an artist to draw a combined community map (either on a new piece of plastic overlaid on the imagery or on one of the small group maps). The community should discuss the final map to ensure that it is accurate and includes all important natural resources. Ask the community to identify any points, lines, or areas that should be made more accurate using GPS coordinates later, when boundaries are agreed upon. If it is appropriate and will not inflame conflict, facilitators may want to ask the community about potential past and present land disputes and boundary disagreements in order to note them on the community map for future resolution.

Step 13: Ask for community permission to photograph the maps for record-keeping. Once the community has come to consensus and agreed on the combined map, ask for permission to photograph the map for record-keeping. Carefully separate the plastic from the imagery poster and hold it up against the white back of the poster. Take a clear, high quality photograph (especially if digitizing the map later). Leave the original map and satellite imagery posters with the community.³ Ensure that map files are kept in a clear, well-maintained management system that clearly identifies which maps correspond with each community and ensures that the maps are safe from unauthorized access.

Step 14: Make a plan for how the map will be safeguarded. Leave the digital images and map with the community. Support the community to create a plan for keeping the map private and safe. Have the community elect or appoint someone to store the map and imagery posters safely for the community's use.

Step 15: Digitize the map (optional). Maps that communities draw on plastic overlays are vulnerable to damage. A good way to preserve the mapping information, and allow for modifications and updates to the map, is to redraw the plastic map as a digital map, as explained in the "Map Digitization" box below.

Step 16: Once boundaries are agreed, update the map. This should be done both on the printed satellite images and on any digital versions of the map (see the chapter on *Documenting Agreed Boundaries*).

3. In some cases, the community may prefer the facilitator to hold onto the map for the time being. Or, if the map is incomplete or there are significant conflicts or concerns that came up during the meeting, it may be advisable to ask the community to keep the map and imagery until another meeting can address concerns and finish the map.

DIGITAL MAPPING

In some contexts, it may be impractical and expensive to print satellite images of a community's territory, such as in the case of a pastoralist community that ranges over thousands of hectares. However, it is possible to use satellite imagery without printing if it can be projected onto a screen or white sheet at a large community meeting (ideally held inside, in the evening or in a dark place so it is easier to see what is projected). The community then creates its map directly in the digital software, helped by trained facilitators. This technique, called "Direct to Digital," allows the community to look at the whole territory, zooming in and out as needed, to see it as a whole or in detail.

Step 1: Choose mapping software and learn how to use it (as described in the sketch mapping process, above). This includes learning how to navigate in the software and how to create points, lines, and polygons in the software (see the "Map Digitization" box below).

Step 2: Prepare a secure, organized system for managing communities' spatial data and protecting data privacy (see the box on "Map Digitization" below).

Step 3: Before the community meeting, save the imagery to a laptop so it is available offline when in the field. While Google Earth software can be used without an internet connection, it cannot load new imagery when offline. It is necessary to choose either of the following options:

- "Cache" the imagery: Unfortunately, there is no way to actually download the imagery that displays in Google Earth for offline use. Instead, the software "remembers" a certain amount of imagery that it has viewed recently – but only for the same location, and the same zoom level, that it did before. However, there is a limit to how much imagery the software can remember. Therefore it is best to "cache" imagery for only one community at a time. To do this, navigate to view all the imagery needed for a community, at the zoom level needed, and make sure to let it load completely. Test by turning off the internet connection and checking if the software remembers all the imagery needed.

- Relying on "cached" imagery alone can be stressful in case something goes wrong with the software or if different imagery is needed. For this reason, it is preferable to acquire the actual imagery files by finding free or donated imagery files, or purchasing files. Consider contacting Namati or other partners for support on acquiring the imagery files and uploading them into Google Earth or other software.

Step 4: Ask the community to prepare for the meeting.

Request that the community choose an indoor location for the meeting (such as a church, or larger house). If the meeting must be outdoors, it may be best to call an evening meeting. If possible, demonstrate the process to leaders and Community Land Mobilizers in advance of the meeting so they understand the process and can help facilitate. Explain the activity, the satellite imagery, and the mapping software, and what happens to the information created in the activity. Ask them to help explain these to participants in a way that will address any potential concerns.

MATERIALS NECESSARY FOR DIGITAL MAPPING:

Two facilitators are needed: one to use the computer, and the other to run the meeting.

- Satellite imagery files (if available)
- A laptop computer
- A good quality projector
- A power source and/or back-up battery for the laptop and projector
- A projector screen or white sheet
- Optional: a video camera/audio recorder (to record what is said as evidence of how the map was produced, and as a back-up in case the computer crashes)
- Optional: laser pointer (to help point to areas on the screen)

Step 5: Organize a community-wide meeting with representation from all villages or settlements within the community or that use the community land. Make sure to arrive with enough time to set up the laptop, projector, power source, screen and any other equipment. Project Google Earth from the laptop to the projector screen or a white sheet. One facilitator should stand near the screen to facilitate discussion, while the other works with the laptop computer.

Step 6: Take the community on a tour of the imagery, zooming in, moving around, and changing the angle as needed to help communities orient themselves and identify areas. Demonstrate the process of adding to the map using points, lines, areas and polygons.

Step 7: Discuss what to map and create an agreed list of resources and infrastructure to record. (See Step 2 of the sketch mapping process, described above.)

Step 8: Create digital map features. Ask the community to proceed through the list of things to map, describing each resource and pointing out where it is on the projected imagery. While the meeting facilitator manages the discussion, the facilitator on the computer enters the information directly into the digital imagery on the computer screen, in real time, using the digital mapping tools in the software.

Make sure that every individual who wants to speak has had a turn to add or edit information. Remind the community that no marks are permanent: any point, line, or polygon drawn onto the satellite imagery can be revisited and changed over the course of the meeting and in the future if necessary.

Step 9: Review the digital map and ask the community to approve it. As with the other mapping techniques described above, discuss any conflicting information. Ask the community to identify any points, lines, or areas that should be made more accurate using GPS coordinates later, once boundaries are agreed upon. If it is appropriate and will not inflame conflict, facilitators may want to ask the community about potential past and present land disputes and boundary disagreements in order to note them on the community map for future resolution.

Step 10: Print small copies of the initial map for the community to refer to during the rest of community land protection process. Emphasize that this is not a finalized map – the boundaries still must be negotiated with neighbors and marked. Explain that the community can request to project and review the map again if desired.

Step 11: Keep records organized and safe. When working with many communities, it is easy for files (especially digital map data) to become disorganized. Maintain a clear file management system that is safe from damage and from unauthorized access (e.g. a password-protected cloud-based file storage account based in a country with strong data privacy laws).

Step 12: Update and print the final map. Once a community has completed boundary negotiation and boundary marking (see the chapter on *Documenting Agreed Boundaries*), update the community's digital map, ask the community to verify it and then print and laminate a large poster of the map for the community's records.

MAP DIGITIZATION

“Digitization” means converting information into a digital format, like creating a digital version of a paper map or photograph. Creating digital versions of community maps using mapping software is a way to preserve the information, because paper maps or maps drawn onto printed satellite imagery are vulnerable to physical damage or loss. Digital maps are easier to update, make copies of, and store in organized records. Digital versions of maps are also easier to use for measuring area and distance. If communities have their maps available as digital information, they can choose to share that data with governments, other mapping initiatives, or other organizations.

If the facilitating organization and a community decide to digitize the community’s map(s), the following factors should be considered:

- Sketch maps: These are not well suited to digitization. If using only sketch maps, encourage communities to include as much information as possible about landmarks and distance estimates.
- Satellite maps: Make sure that the printed satellite imagery posters used to draw maps include a coordinate grid and tick marks – these will make digitization much easier.
- All maps: Ensure that communities draw their maps with lines that are easy to see. If the lines are very thin or in a pale color, it will be difficult to see them when digitizing.
- All maps: With community permission, take at least one very clear, bright, high-quality photograph of each map that shows all the drawn information. If it is a map drawn on satellite imagery, place the overlay on a white background before taking the picture.

If the facilitating organization does not already have preferred mapping software, it is necessary to consider a range of software and choose one that best suits the facilitating organization’s needs and resources. Seek input from partners and collaborators, or look for online tutorials.

No matter which software is chosen there are several basic steps for simple map digitization:

- 1. Navigate to the community’s location within the software.** Use the captured GPS data for the community to find the region quickly.
- 2. Import the picture taken of the community’s sketch or satellite map.** Open/add/import the photograph of the drawn map as an image overlay.
- 3. Align the photograph to the place on the map showing the community’s land.** Move the photograph layer around until it matches with the satellite imagery at the location of the community. For satellite maps, use the coordinates and grid tick marks to line up the photograph. For sketch maps, this is more difficult – use land marks to approximate the overlay. It may be necessary to stretch, compress, or twist the photograph to help it to align with the satellite imagery.
- 4. Add the GPS data.** If the community collected GPS coordinates for its landmarks and boundaries, import this data or manually create points at the coordinates. Adding GPS data to the map keeps all the information in one place and can help to align the map photograph. (If GPS data is collected later, it can be added to the digital map when available.)
- 5. Use software tools to create points, lines, and polygons.** Mapping software typically uses the terms “points,” “lines” and “polygons” to describe the types of data added to a map.
 - Points are for one specific location, such as a well, school or clinic. Lines are a series of connected points, used for things like paths, roads or access routes. Polygons are shapes made of an outline of points that encloses an area, used for things like forest areas, fields, buildings, or the area of a community’s land. Paths can measure distance and polygons can measure circumference and area.
 - Most software allows users to modify the appearance of points, lines, and polygons with different colors, line styles, icons, and transparency/opacity.

- Remember that points, lines, and polygons can overlap. Use different colors and transparency settings to display overlapping features.

Using the overlaid photograph as a guide, convert the information that the community drew into points, lines, and polygons. Make these carefully – zoom in and out to make it easier to work. If a mistake is made, the user can usually select individual points to edit.

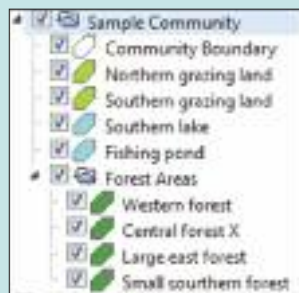
6. Organize data into folders. In most software, each new point, line, or polygon is created as a new “layer” of data. When creating many layers within the same map it is easy to get disorganized. It is helpful to organize the layers into a hierarchy – for example, in Google Earth create a sub-folder called “Forest Areas” and move all forest area polygons or points into that sub-folder.

7. Link photographs, notes, videos, and documents (like the community by-laws) to the maps. Most software allows adding of other data to maps, including photographs, videos, and notes. In Google Earth, this is possible in the “Properties” editing box for points, lines, or polygons. It is also possible to add map data from other sources, such as layers of map data from government agencies.

8. Save the map! Even if the software has an automatic save function, it is best to save the maps regularly – mapping software uses a lot of memory and can be prone to crashing. Save regularly to avoid losing work.

9. Follow good data management practices. If creating maps for many communities, it is important to keep digital maps carefully organized. Make sure that map files, photographs, and data points are labelled with the name of the community and the date made. Make sure to develop a folder organization system that facilitators follow consistently to know where to find communities’ data in the future.

SAMPLE DIGITAL MAP MADE BY DRAWING LINES AND POLYGONS TO TRACE DRAWN MAP



HARMONIZING BOUNDARIES WITH NEIGHBORS



Boundary harmonization is the process through which neighboring communities agree on where their community's lands stop and their neighbors' lands begin. **For many communities, boundary harmonization may be the most challenging part of the community land protection process: it can bring up unresolved land conflicts and may create new boundary disputes as people try to claim as much land as possible before boundaries are officially documented.**

When intra-community land conflicts arise, community cohesion and cooperation may weaken, rumors spread, and accusations emerge. People involved in a land conflict who know that they are in the wrong may try to undermine support for documentation efforts, seeking to keep land that they had acquired in bad faith. Inter-community land disputes often revive memories of past conflict, inflame divisions between families and clans, and arouse intense anger. Facilitators should be prepared to provide conflict resolution training and mediation support throughout boundary harmonization.

When successful, boundary harmonization efforts have the power to peacefully resolve long-standing conflicts and promote people's sense of tenure security. Communities' desire to protect and document their lands can motivate people to resolve even generations-old disputes. In Uganda, one community member observed, "People who could not look one another in the face for years are now laughing together!"

WHEN IS A COMMUNITY READY FOR BOUNDARY HARMONIZATION?

Because of the potential for conflict, facilitators should judge carefully: 1) whether a community is ready to harmonize its boundaries; and 2) whether the community can commit to seeing the boundary harmonization process all the way through to its successful completion. Thoughtful analysis is critical: **if a community withdraws from boundary harmonization efforts partway through, it may face more land conflict and greater tenure insecurity than before it began community land protection work.**

The following factors often lead to successful boundary harmonization:

- **A community's willingness to compromise.** A community motivated by a strong desire to maintain good relationships with neighboring communities while working to protect its land may move through the process faster than others. If community members are not willing to compromise, the boundary harmonization process will stall. Likewise, if powerful elites in the community claim land in their individual name or have reason to object to a certain boundary, they may significantly delay the process. .

- **Strength of the community leaders.** Boundary harmonization efforts may create conflicts of power, authority and jurisdiction between leaders. Communities must be careful to involve all respected, trusted leaders and ensure that all leaders feel included and valued. Customary leaders in particular should be invited to play a role. Facilitators should proactively address intra-community power struggles and work to establish inclusive, cooperative processes.
- **Drafting by-laws first.** Because boundary harmonization takes a long time, many facilitators choose to begin the process immediately after finishing the “Laying the Groundwork” phase. However, in a region or community plagued by multiple land conflicts, or where there are a high number of intra-community boundary disputes, it is more efficient to complete the by-laws process first, elect a Land Governance Council, and only then approach boundary conflicts. This alternative order will allow the community to strengthen its land governance and improve intra-community unity and cooperation. A more united, coherent community may then more easily resolve its land conflicts.

HOW TO FACILITATE BOUNDARY HARMONIZATION?

The boundary harmonization process can take a long time. For some communities, harmonizing boundaries may take only two months, while for others it may take almost a year. Communities may need to have many long, intense discussions with their neighbors before they are able to agree on the locations of boundaries. Some communities have held up to a dozen separate meetings with their neighbors before reaching workable compromises.

Facilitators should support communities patiently through this process. **It is important to allow communities as much time as they need to arrive at genuine boundary agreements.** If communities do not genuinely resolve the issues underlying the boundary conflict, the agreed boundaries may not be respected in the future. Give each community the time it needs to effectively resolve land disputes with its neighbors so that the boundaries are not contested later on. Many communities will be able to successfully address boundary conflicts on their own. In fact, some communities prefer that facilitators are not present for negotiations. However, if negotiations fail to harmonize a boundary, it may be necessary to use alternative dispute resolution strategies (see the chapter on *Land Conflict Resolution*). Facilitators should be ready to step in to help resolve particularly difficult or long-standing land disputes, or

to invite respected, neutral third parties, like regional cultural leaders or local government officials, to help mediate the conflict. It is useful to advise community leaders to talk to respected leaders in advance to inform them about the boundary negotiation process and let them know they may be called upon for help mediating a boundary dispute.

Inter-community dispute:

A conflict between different communities.

Intra-community dispute:

A conflict within a community.

To support communities to harmonize their boundaries, facilitators should lead communities through the following steps:

Step 1: Provide an overview of the boundary harmonization process. Call a very large community meeting and explain all the steps of the process. Remind the community that boundary harmonization is also conflict resolution, so community members should proceed carefully and peacefully and be ready to make compromises.

Step 2: Provide conflict resolution and mediation training. Make sure communities are ready to enter into boundary harmonization negotiations with a range of skills, perspectives and successful strategies. Train and support communities to use various compromise strategies and mediation and dispute resolution tactics. Make sure communities are aware of the many ways they can compromise about a boundary. (See the “Potential Solutions to Boundary Conflicts and Other Land Conflicts” box below and the chapter on *Land Conflict Resolution*.)

Step 3: If available, revisit the community’s map and identify all boundaries and “hot spots.” Ask the community to look at its map and discuss what they think are the exact boundaries of their lands. Then, have community members mark any “hot spots” (sites of boundary disputes or possible tensions with neighbors) on the map. To help identify community boundaries and potential disputes, facilitators might ask the following questions:

- Who are your neighbors? How many communities do you share a boundary with?
- Do you and your neighbors agree on where your land stops and their lands begin?

- Why is that particular location the boundary of your land? Is there a story to explain that boundary?
- What are your relationships with each of your neighboring communities like?
- What history do you have with each of your neighbors?
- Do you share any resources or land areas with your neighbors?
- Is the boundary a customary boundary or one made by the state?
- Do you have a marker at each boundary? If you had a marker that is now gone, what happened?
- Did you have any conflicts at these borders that have now been resolved?
- Do you have any existing conflicts at these borders? What are these conflicts about?
- Has your community ever tried to resolve these conflicts? What happened?

Step 4: Support the community to make a plan for how it will try to address any boundary conflicts. Remind the community of the bigger picture: it is better to compromise to gain peace and protect their community lands than to fight over small pieces of land and remain in conflict, without legal protection for community lands. Discuss a range of compromise solutions.



POTENTIAL SOLUTIONS TO BOUNDARY CONFLICTS AND OTHER LAND CONFLICTS

1. Inter-community boundary conflicts:

- **Agree to accept one community's definition** of the boundary.
- **Agree to share the disputed land** as a common area, recorded on formal documents as owned by or belonging to *both* communities with equal rights of use and access.
- **Agree to divide the disputed land equally in half**, each party giving up half of the contested area.
- **Allow towns or households located within the contested area to choose which community they would like to belong to.** For example, members in one community described how: "We failed to come to one understanding, so we fought among ourselves. Some people kept talking about history, and we could not go nowhere. So we started talking to the community people in the town [on the border of the two fighting communities] to decide what they wanted to do. We allowed the town at the border to decide what they want to do and then we supported them."
- **Locate and compromise on either the administrative boundary or the original traditional boundary.** In cases where conflict stemmed from differences between administrative and customary boundaries, some communities agreed to abide by one of these pre-defined limits. For example, one boundary conflict between two communities was easily resolved because these communities thought of themselves as "brother" communities. Their boundary conflict was over a small area of land, and each community felt that it would be less of a loss to compromise and lose some land than to fight with its "brother." They resolved their conflict by agreeing to use a relevant pre-existing administrative boundary as their formal dividing line.

2. Intra-community disputes over common areas:

- **Allow encroachers to stay where they are**, conceding that the land they have taken is no longer being part of the common lands.
- **Allow encroachers to keep part of the land they have taken** but return part of the land to the community.
- **Evict encroachers and give them a reasonable time period to move off the land.** For vulnerable or impoverished encroachers who have moved onto common lands because they have nowhere else to live (such as widows, elderly men with no children, etc.), communities may respond by finding alternative land to give them to live and farm on. For richer families who have grabbed land in bad faith, communities might take a harder line, giving them a specified time period to return the land to the community or their neighbors.

3. Conflicts between a community and an outside actor:

- **Allow small-scale users** from other communities using community resources for livelihood purposes to continue to use resources, but **pay a fee for a monthly license**, with limits placed on the amount of extraction permitted.
- **Allow medium-scale regional investors to pay for licenses, leases or permits** to use the land and natural resources on a monthly basis, with limits placed on the amount of extraction permitted or the degree of environmental degradation.
- **Renegotiate terms of a pre-existing agreement** with international investors that addresses concerns of the community and investors, as raised in the mediation.

Step 5: Support the community to select a boundary harmonization team. This team will meet with the community’s neighbors to discuss boundaries. Community members should choose people who will represent their community’s interests well. **The skills and personalities of members of the boundary team can significantly improve a community’s ability to harmonize its boundaries.** The boundary team should be composed of well-respected, cool-headed, thoughtful and capable community members. It should also be diverse, representative of all community members. It is important that the community trusts the boundary team and has confidence in its ability to represent the community and negotiate calmly with neighbors.

In Liberia, boundary teams that included both elders and youth proved to be the most effective in negotiating boundaries, as they had complementary negotiation tactics and viewpoints: the youth tended to see land as a tradable and negotiable commodity (“something a house is built on”) while elders tended to define land as “what our forefathers left us” or “where our forefathers are buried,” attaching strong emotional, historical and territorial sentiment. Although elders’ opinions were more respected, elders tended to be rigid in negotiations while the youth tended to be more flexible.

Boundary teams should include traditional leaders, youth, women, elders, and Community Land Mobilizers. In some communities, elders and youth may be the most effective in negotiating boundaries. In others, women and traditional leaders may be most effective. Make it clear to communities that they can change the composition of their boundary team as needed – community histories and relationships may mean that some people might be very effective when dealing with one neighboring community, but less effective when negotiating with another neighboring community. For example, a community may want to choose individuals who know the area in dispute well and have a good reputation with the neighboring community. Successful negotiators often have preexisting relationships with neighboring communities. Encourage communities to remain flexible and to add or replace members on the team as necessary.

Step 6: Facilitators, community leaders and Community Land Mobilizers should meet with the boundary harmonization team to discuss dispute resolution and mediation techniques. As part of this discussion, the boundary harmonization team should:

Draft a statement describing the purpose of the boundary team, who they represent, and their general attitude toward working with neighboring communities.

- Discuss each of the “hot spots” along their borders and think carefully about the origins of each boundary conflict.
- Remind each other about any past efforts to resolve the conflict(s), and all results of those efforts – what happened, and what were the outcomes of previous resolution attempts?
- Create a dispute resolution strategy for how the team will attempt to resolve disputes with neighboring communities. This strategy should include:
 - What decisions the team can make on its own and what decisions should be brought back to the community for their input.
 - How the team will document and share conversations and agreements with neighboring communities.
 - What circumstances will require the team to contact their Mobilizers or the facilitating organization for support.
- Brainstorm a range of compromises to propose to the neighbors, paying careful attention to only include solutions that the community as a whole has approved to suggest to neighbors.
- Strategize possible responses to counter-offers that the neighbors might suggest – including various responses if the neighbors refuse to compromise.
- Remember what their community has to gain if the boundary disputes are successfully resolved, as well as what may be lost if the boundary remains contested.

Support the community to make clear rules about what compromises the boundary team can agree to on its own and what compromises it must bring back to the whole community to discuss and agree upon together. Communities that are prepared to make compromises to resolve their boundary disputes tend to progress more quickly through boundary harmonization.

Step 7: The boundary harmonization team meets with the neighboring community to discuss, negotiate, and agree on boundaries. If the neighboring community is not currently engaged in its own community land protection process, community leaders can meet with the boundary team, or create their own boundary team. It is best to have the meetings at the actual site of the boundary when possible, so that people can look at the landscape for clues as to where the boundary is located. If there is no conflict or only minor disagreements, negotiations may take only one meeting. If there is a serious conflict, it may take many months.

If the boundary team and a neighboring community cannot agree during the first meeting, they should leave the discussion for the day and give everyone time to think. Remind the community that it should not force a decision with neighboring communities if they are not ready to compromise. The boundary team should be prepared to keep having meetings until a compromise is found or until mediation or another conflict resolution strategy is necessary.

Protecting rights of way: Many communities give outsiders or members of neighboring communities rights of access through their land, either to travel through the area or to access resources that they have rights to use, such as a water source. The boundary team and neighboring communities should agree on the location of these routes.



NEGOTIATION

In negotiation, the people on either side of a conflict come together *without an external mediator* to work toward resolution on their own. Facilitators can support the parties to prepare for negotiation and provide advice on how to negotiate most effectively.

Preparing for Negotiation:

- Select a neutral location for the negotiation, which will ensure a balance of power between the parties. In many boundary disputes, it is best to hold the negotiation at the site of the conflict. There, it is possible to discuss the conflict in practical terms, instead of theoretically, and look for evidence that can contribute to the discussion (based on the physical terrain and natural resources at the site). If the parties cannot go to the site, use a detailed map of the area with resources clearly marked.
- Only the boundary harmonization teams and direct stakeholders should take part. Establish how many people will be present and participating from each party, and who will be the primary representative from each side. If there is a large number of stakeholders, a few elected or chosen representatives from each side should negotiate.
- Set ground rules for the meeting, such as: one person speaks at a time; no demeaning or hurtful language, etc.
- Support the parties to decide whether or not they will call witnesses, and if so, who will speak.
- Support the parties to think about their ideal outcome, what they are willing to compromise about, and what they are not willing to compromise about.
- Help each side to understand the other's perspective and desired outcomes.

Effective Negotiation Strategies:

- Opening statements. A negotiation begins with an uninterrupted opening statement by each side that expresses its views, understandings, and desired outcomes. After each side has made its opening statement, the other side can ask questions to clarify anything that remains unclear (not to argue back).
- Testimony by witnesses. Next, witnesses may come forward to add useful or important details or information to the conflict at hand. If the roots of the conflict are in the distant past, witnesses might include elders who were alive at the time.
- Offers and counter-offers. Together, the parties discuss possible outcomes, including what an ideal future might look like. Each party then offers to give something up to keep what is most important to it and reach a compromise. The other side can agree to that offer or make a counter offer of what would be a better compromise for its needs. The parties go back and forth until a compromise is reached.
- Recording the agreement in writing. Once agreement is reached it should be written and signed by all parties and witnesses, then publicly announced. Written agreements work best when they include detailed instructions for how the agreement will be made "real" – for example, who will plant or erect boundary markers, what will happen if someone disrespects the agreed boundary, etc.

Step 8: The boundary harmonization team returns to the community to discuss and confirm the boundaries agreed upon with neighbors. After an agreement has been reached, the negotiators from both communities must return to their communities to seek final approval for the agreements. If the community does not agree with the negotiated boundary, then the boundary harmonization team must return and resume negotiations, bearing in mind the communities' objections. It is important that everyone in both communities is aware of the agreed boundaries and accepts them.

To prevent last-minute community disagreement after lengthy negotiations, it may be useful for the boundary team to provide regular updates to its community between meetings with neighbors. This will help to ensure that the viewpoints of all necessary stakeholders are included.

In Mozambique, one community had fully harmonized its boundaries with neighbors, but when traditional leaders consulted the community's ancestors, the ancestors refused to accept the newly agreed upon boundaries, and the team had to return to its neighbors and continue to negotiate.

Step 9: Mark the agreed-upon boundaries. After the boundaries have been agreed and accepted by communities, the agreements are formalized using Memoranda of Understanding (MOUs) and boundary trees, signs, and culturally appropriate markers (see the chapter on *Documenting Agreed Boundaries*).

Communities will likely need state support for enforcement of agreed boundaries over time. As land scarcity continues to rise, encroachments may become more prevalent. There is a role for government actors to help communities deal justly with encroachers and maintain the community lands as agreed and documented. (See the chapter on *Ensuring Implementation and Enforcement of By-laws*.)



RESOLVING LAND CONFLICTS



Facilitators should be prepared for conflict resolution to be a central activity in the community land protection process. **The process of determining community boundaries tends to unearth every latent, unresolved land conflict — even ones that have been long dormant or festering for years — and to create new land disputes in response to the prospect of formal documentation.** Meanwhile, inter-community land conflicts may revive memories of past conflict, reinvigorate divisions between communities, and arouse intense anger. As a result, land conflicts may stall community land protection activities, pit community members against each other, and in some cases lead to threats against Community Land Mobilizers or the staff of the facilitating organization.

Conflict resolution is therefore a critical component of the community land protection process. Facilitators should be prepared to spend significant time and energy resolving conflicts. To do this well, facilitators should make sure that they fully understand intra- and inter-community dynamics before trying to help resolve land conflicts. They should provide trainings for communities designed to support open, non-violent communication, compromise, and mediation/dispute resolution tactics. Facilitating organizations should also stand ready to support resolution of particularly intractable land conflicts and involve respected, trusted local leaders throughout conflict resolution efforts.

WHAT ARE THE CAUSES OF LAND CONFLICTS?

In the community land protection process, three kinds of land conflicts tend to arise:

- 1. Intra-community conflicts** between members of household, families in a community, or whole sub-groups within a community. These conflicts often concern boundary encroachments, power struggles, or local land grabbing by one community member of other community member's lands. Key drivers of intra-community conflicts may include:
 - Individuals encroaching upon the land of another community, group or family and claiming the land as their own;
 - Inheritance disputes within families, including dispossession of “weaker” family members by “stronger” family members;
 - Historical ownership based on a “founding/elite family’s” claim to community land, which the family feels entitles it to more extensive or stronger land rights than other community residents;
 - Elite or landless families claiming communal areas for their own homes and farms; and
 - Migration patterns, population shifts, or post-conflict settlement of internally displaced people, which tend to create overlapping or multiple, contested claims to a single piece of land.

2. Inter-community conflicts between one community and a neighboring community. These conflicts often center on boundary disputes and flare up during boundary harmonization efforts. Key drivers of inter-community conflicts may include:

- Differences between indigenous/customary and state-drawn/administrative boundaries, which create an opportunity for each community to side with the boundary that gives it claim to more land;
- The suspected or known presence of valuable natural and/or mineral resources on a given piece of contested land;
- The historical division of families (related to internal power struggles or intra-community disagreements) where one side of the conflict split off and formed a new community; and
- A community elite or leader acting in bad faith to ensure that boundaries are never harmonized, so that the community's land cannot be formally documented, thus allowing more time for him to grab community lands for himself and his family.

3. Conflicts between a community and an outside actor, such as a local elite, an investor, or a government official. Drivers of community-outside conflicts may include:

- Government grant of a large-scale concession to an investor without community consultation;
- A national or regional elite or government official grabbing land from a community for private use;
- An investor's failure to comply with the terms of a lease agreement, pollution of community resources, blocking of essential rights of way necessary for community members' access to their livelihoods; and
- Government seizure of local land for infrastructure without following proper expropriation procedures.

HOW CAN FACILITATORS ANTICIPATE AND PREPARE FOR LAND CONFLICTS?

Create conflict management plans. Rather than simply waiting to respond to land conflicts as they arise, facilitators should support communities to proactively identify potential conflicts and create conflict management plans in advance, to make sure that they have a clear set of steps to follow if a conflict escalates. To help communities prepare for potential conflict, facilitators can begin the boundary harmonization process by leading communities through the following two brief activities:

1. Identification of conflict “warning signs” and “tipping points.”

Facilitators can lead a discussion with a community's Land Mobilizers and Interim Coordinating Committee (or with the whole community) to brainstorm a list of indicators or “warning signs” that would be evidence of increasing tensions within or between communities. By monitoring for warning signs, facilitators and mobilizers will be better able to identify and address a dispute before it escalates or becomes violent. Communities can rate warning signs as “yellow,” “red” or “black” to signify how severe the conflict may become. Communities might also identify what kinds of incidents might be “tipping points” that would quickly create serious conflict and therefore warrant immediately calling in support from a trusted mediated, government official, or law enforcement.

2. “Asset mapping” to identify people, institutions, and strategies to use in conflict situations.

If tensions or a land dispute escalate, facilitators and Community Land Mobilizers may need to respond very quickly to help calm the situation. This exercise is designed to support communities to “map out” individuals, organization, and institutions that they can call upon to help them resolve conflicts. The exercise should result in a list of specific individuals (and their contact information) that can be called for immediate help, should a conflict become volatile. The “Asset Mapping” exercise might also identify who to call for a first round of mediation, then, if that does not work, for a second round of mediation, etc. Communities may also want to identify who to call for different kinds of conflicts – a religious leader may be best situated to resolve a conflict about shared access rights, while a government official may be best placed to help resolve a conflict related to formal district boundaries, for example.

WHAT ARE STRATEGIES FOR RESOLVING LAND CONFLICTS?

Facilitators should carefully tailor the method of conflict resolution to the dynamics of the conflict. In many instances, litigation (filing a case in court or a local government tribunal) will only prolong the conflict, consume valuable time and resources, and entrench hostilities. As well, courts – and court procedures – may be biased toward elites or power-holders.

In contrast, alternative dispute resolution strategies like mediation can be less costly, less time-consuming and more likely to bring about reconciliation between the parties. Mediation processes are more informal and have fewer procedural rules, which helps people feel more comfortable speaking freely when presenting their case. Moreover, mediation may resonate more with customary/indigenous practices of compromise and community cohesion (rather than punishment or an adversarial process of winners and losers.) When community members have to live closely together,

mediation's focus on win-win solutions can help restore local harmony. Alternative dispute resolution strategies include:

1. Holding community meetings to facilitate dialogue;
2. Working with trusted community leaders and government officials; and
3. Mediation.

Each of these strategies is described below. Facilitators should consult with local leaders to determine which strategy is most appropriate to the conflict and local context.

Communities that are prepared to make compromises to resolve their boundary conflicts swiftly are generally able to move more rapidly and productively through the land documentation process. These communities' capacity to compromise stems from their appreciation of the bigger picture: they are willing to sacrifice a few hectares in order to be able to protect the remaining *hundreds* of hectares.

HOW TO RESOLVE LAND CONFLICTS THAT OCCUR DURING BOUNDARY HARMONIZATION

(EXCERPT FROM THE SUSTAINABLE DEVELOPMENT INSTITUTE'S COMMUNITY GUIDE)

Go to the physical site of the conflict; do not discuss it theoretically. Some communities get good results when they take the discussion right to the disputed boundary location; if you go and see the boundary, it may be easier to reach an agreement about where the boundary should be.

Go back to the history of the boundary. One good system of arriving at a compromise is for both sides of the conflict to tell their history of why they think the boundary is where it is. After each side tells its story, everyone looks for those places where the stories have some points in common. Everyone then agrees to those points being "the truth" and then looks at the parts of each story that are different. They decide which story is more accurate after looking at the reality on the ground today. This strategy could also benefit from a third party (reputable person) acting as a mediator.

Use modern and traditional means together. It may be best to use both modern and traditional means of resolving disputes together. For example, you could convene traditional leaders, but consult any copies of modern laws that describe the other sub-divisions to help inform your decisions.

Mediation. To ensure that the outcome will create a lasting peace and resolution, mediation may be a good conflict resolution strategy. Mediation is a process where both sides talk through their conflict with the help of a third person who does not favor either side. This person is a mediator.

Remember the ties that you have with your neighbors. For example: inter-marriages, shared land use agreements, joined histories, and similar beliefs. Think carefully about how important it is to live in peace with your neighbors. Remember that sometimes it is good to compromise a little to gain peace. It is better to lose a small bit of land and be able to document the whole community than to claim all the land for yourselves and remain in conflict and without papers.

Focus only on the area that is in dispute. Be clear from the beginning about which part of your neighbors' land areas you recognize as theirs and do not dispute in any way. All future negotiations and compromises should focus only on the area that is in dispute.

1. Facilitating open dialogue. Facilitating dialogue involves bringing together all parties to a disagreement and related stakeholders and creating an open, public discussion about the land conflict. The object of the dialogue is to get all of the stories and perspectives on the table and identify the roots of the problem, the harm done, and all relevant laws that apply – both customary/indigenous and formal/statutory. Facilitators moderate the discussion to ensure that everybody has an opportunity to speak and that all important details are addressed. Facilitators also explain all relevant laws to meeting participants, such as “Once the law has been spoken clearly in front of all parties, the excuse of ignorance is no longer available.”¹

Open dialogues may work well in a range of situations including: addressing customary practices that perpetuate injustice and disempower vulnerable groups, tackling intra-community disputes about shared use of natural resources and land, or resolving border disputes between neighbors. Simply talking about the problem together and jointly brainstorming solutions may help each side to see others’ perspectives and resolve some of the conflicts. At the conclusion of the dialogue, facilitators should ensure that participants have reached consensus or conciliation and agreed upon “next steps” to actualize the agreed resolution in practice. Such dialogues may be supported either by facilitators or respected local leaders.

On some islands in Micronesia, village chiefs and traditional leaders resolve land conflicts according to cultural principles that value restoring order, relationships, and social harmony. They gather the community together to discuss the events leading to the conflict and develop a common understanding of what went wrong. Once apologies and forgiveness are exchanged, chiefs and elders lead discussions concerning compensation, the restoration of pre-conflict satisfaction, and re-establishment of peaceful, harmonious relations.

Loode, Serge, Anna Nolan, Anne Brown and Kevin Clements. “Conflict Management Processes for Land-related Conflict. The Pacific Islands Forum Secretariat LCMCM. <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.458.956&rep=rep1&type=pdf>

2. Working with trusted community leaders and government officials. In situations where internal mediation and negotiation may not work, it may be useful to take the conflict to respected community leaders and government officials. Like elder statesmen, respected leaders may be able to use their authority to guide parties toward resolution of a contentious land conflict. For example, if a local government official is exploiting his power and authority to intimidate community members and grab their lands, it may be most effective to call a trusted, respected government official from a higher level of government to bring the local official into line. If a conflict is on the verge of becoming violent, the intervention of very high-level government actors may be urgently solicited.

When inviting respected customary/indigenous leaders or government officials to address a land conflict, facilitators can help by:

- Reminding leaders and officials of relevant laws that should inform the conflict’s resolution;
- Applying pressure to motivate government officials to protect communities’ land claims against appropriation by more powerful, elite actors;
- Helping respected customary leaders and government officials to propose solutions and offer support in the enforcement of agreed resolutions; and
- Reminding leaders and officials to remain neutral and not take sides while mediating a dispute.

If more conciliatory methods are unsuccessful, facilitators may need to organize public meetings or media strategies that involve “naming and shaming” abusive or corrupt elites/officials, as well as other non-violent methods of demanding that the state comply with its obligation to enforce laws protecting community land rights. Such tactics can help to publicly hold local officials and elites accountable for their actions and give communities an informal platform to demand justice and insist that their rights are respected.

1. Maru, Vivek. 2006. “Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide.” *Yale Journal of International Law*, 31: 426-476.

3. Mediation. Mediation is generally appropriate if negotiations have reached an impasse and the parties feel they need assistance from someone who is not part of the dispute. Mediation may be necessary when: emotions are running high, making compromise difficult; communication between the parties is not going well; intense negativity impedes good relations; there is serious disagreement over relevant facts and information; there is a significant power imbalance between the parties. For mediation to work, both sides must be willing to enter into mediation with the aim of arriving at a solution.

Mediation is a specifically structured process moderated by a neutral third-party mediator. Mediators can be lawyers, Mobilizers, or trained, respected community members whose involvement in the dispute is accepted by both parties. The mediator's job is to remind the parties of the relevant laws, help the parties communicate, find common ground and assist in identifying desired solutions. The mediator's goal should be to help both sides of a conflict to reach a resolution that benefits both sides, not just one. The mediator has no decision-making power, but only facilitates the discussion.

Preparing for Mediation:

- Choose a respected mediator whom both parties trust, agree is impartial, and welcome into their process of conflict resolution. It is often best to choose respected local customary or religious leaders, government officials, or thoughtful elders.
- If the dispute has been brought to court, review all court records to get a sense of the conflict's history.
- Ensure that the mediator talks separately with both parties before the mediation to get a deep understanding of the history of the land conflict as well as both sides' points of view, grievances, demands, and desired outcomes. During these conversations, the mediator should listen for inconsistencies or conflicts within each party's story and ask questions to help them arrive at a more accurate and clear narrative. The mediator can use these conversations to gain the parties' trust and confidence.
 - One strategy to try during these discussions is to ask each party how things "should have happened" – describing the conflict and its outcome as they could have happened in an ideal world. By retelling the conflict story positively, the party may be able to acknowledge

A GOOD MEDIATOR SHOULD:

- Remain impartial and fair;
- Be able to earn and maintain trust and acceptability;
- Be self-confident, friendly and focused;
- Keep the details about the dispute confidential and the process transparent;
- Be able to listen, analyze problems, and identify the issues involved for resolution;
- Use clear and neutral language;
- Be sensitive to possible factors that might create power imbalances or otherwise affect the discussion, such as local gender dynamics, relations between two ethnicities or cultures, etc.;
- Positively address and balance power imbalances;
- Positively address the underlying emotional aspects of the conflict;
- Help the parties articulate their specific interests;
- Screen out issues that cannot be mediated and help the parties set them aside;
- Help the parties invent creative solutions and options;
- Help the parties understand the pros and cons of different outcomes;
- Help the parties make informed choices;
- Help the parties find their way to a practical agreement that can be realized and satisfies both parties' needs and interests.

that the differences should have been handled differently, express regret at the negative feelings that have resulted, or arrive at new ideas for how to reconcile differences and find a way to compromise.

- The mediator might also ask each party to envision a "positive future" where the conflict is resolved. What would happen as a result of the conflict's peaceful resolution? What will relations between the parties look like in the future? Identifying and thinking about a peaceful, productive future may make the parties more willing to compromise to attain that future vision.

- The mediator may work with each party to draw a “tree” or a map of the conflict, in which the roots of the tree represent the roots of the conflict and the history of the land in question, the trunk represents the conflict itself, describing who is involved, the timeline, what the disagreement is about, etc., and the branches represent possible resolutions and the positive outcomes of peaceful reconciliation. Creating these visual maps may help each party articulate its point of view and realize where interests/desires overlap or differ.
- The mediator might also ask each party to talk about positive steps the other party has made toward resolution, as a way of helping each side remember all the good actions of its opponent.
- Support each party to decide if it will call witnesses, and if so, who will give testimony about each relevant issue. Key witnesses may include local leaders, neighbors, and other stakeholders who have knowledge about the conflict.
- Support each party to think about its ideal outcome and what it is willing to compromise on to reach resolution.
- Ensure that the parties are actually interested in coming to a resolution and ending their conflict. In some cases, one party to the conflict may not truly be interested in resolving the land dispute. For example, if a community leader has refused to compromise on a boundary with the secret intention of stalling community land documentation to allow his family to claim more land in bad faith, then even the best mediation may not be effective. In such cases, other means of resolution should be pursued (such as appeal to higher levels of government, as described below).
- Hold a preparation meeting with both parties to the conflict to:
 - Determine a neutral time and place for the mediation to take place. It is helpful to situate the mediation at the site of the conflict to allow the parties to visit or look at the resources or landscape-based evidence at issue.
 - Discuss the format and structure of the mediation.
 - Agree to each party’s negotiation team. Negotiation teams composed of youth, women and elders are at times better able to resolve conflicts than teams composed only of male elders.
- Agree to who may be in the audience, watching the mediation. The parties may or may not want the mediation to be in a central, public location, open to all who are interested. The pros and cons of mediating privately or publicly should be discussed and a decision reached.
- Set ground rules for conduct during mediation, such as: one person speaks at a time; do not use demeaning or hurtful language; do not make threats; do not make promises that cannot be kept; focus on resolution, not past grievances; be respectful and patient; do not interrupt; etc.
- Clarify the major points of disagreement and create an agenda that describes which issues will be discussed in what order.
- Ensure that all the necessary information is available to both parties ahead of time – parties should agree to a “no surprises” principle.
- Ensure that the parties reaffirm their willingness to mediate and arrive at an authentic resolution.

During Mediation:

Mediation generally has the following seven steps²:

- 1. Introduction and ground rules.** The mediation might be introduced by the local leaders present, or by the mediator. This step should begin with both parties affirming that they are ready to enter into mediation and ready to arrive at a resolution of the land conflict. During this stage of the mediation, the mediator sets the tone of the proceedings by:
 - Proclaiming his or her neutrality and clarifying his or her role;
 - Reviewing the mediation process;
 - Reviewing the agreed ground rules, making sure that there are not any rules missing from the list, and seeking the parties’ agreement to follow these rules; and
 - Summarizing the parties’ *positive* past interactions and feelings (before the conflict began).

2. Adapted from *Timap for Justice*, 2012. Paralegal Guide.

2. **Opening Statements.** During this step, each side tells its side of the story without interruption. Even if these stories are long, the mediator’s job is to allow each side to tell its full story without interruption, argument and disrespect. The “opening statements” should explain the history of the conflict, the basic issues at stake, the party’s needs and interests, and the desired solution(s). At the end of the statement, the mediator and any neutral local leaders assisting with the mediation may ask clarifying questions.
3. **Statements and presentations by witnesses, elders, or local experts** (identified during the preparatory meetings). These statements should add useful information that can help clarify the facts of the conflict. The witnesses should aim to be impartial, only stating what they know to be true, not taking one side or the other. The witnesses’ main role is to validate and clarify facts. (If the parties have decided that the mediation should be open to the public, this is the time when members of the audience may be given the opportunity to speak up and add relevant information. If this occurs, the mediator must make sure that audience members follow the ground rules and do not inflame the conflict).
4. **Mediator summarizes and provides legal facts.** Next, the mediator summarizes what each party has said, identifies key issues that must be addressed, and reminds the parties about any relevant laws that must impact the agreed outcome.
5. **Discussing solutions.** Each party then describes its desired solutions and outcomes. During this phase, the mediator facilitates the discussion with an aim toward arriving at a mutually agreeable settlement and, as appropriate, offers creative solutions that may bridge the parties’ interests. The mediator may engage in open-ended questioning during this phase to make sure that all of the parties’ main points come across clearly.
 - **If there are power asymmetries** between the parties (such as an elite ex-Military commander or politician on one side and a poor community on the other side), the mediator may want to take a more active role in moderating this discussion. The mediator can do this by asking questions to allow the weaker side to state its position more clearly or clarify or repeat a point in more detail. If, in the course of the mediation, the power asymmetries become so unequal as to obstruct the weaker side from asserting its ideas and desires, the mediation should not proceed.
 - **If emotions run high**, the mediator must have strategies to defuse anger and tension that might cause a breakdown in goodwill. Such strategies can include: refusing to allow the use of hurtful or destructive language; asking a speaker to repeat an angry sentiment in a more constructive manner (which allows the speaker to clarify and explain what he or she is thinking and feeling); pause the mediation to give people time to take deep breaths, sit for a few moments in silence to think, or go off and cool down for a bit; or breaking to privately check in with each party.

As the parties work through the details of the case toward an outcome they are both happy with, the mediator’s role is to act as a guide through difficult moments, offering compromise solutions, reminding the parties of what the laws say, and invoking the importance of peaceful, healthy relations. If the parties reach an impasse, the mediator can ask them to describe times in the past when they lived in peace and cooperation, or to envision a positive future in which the conflict is solved and the parties are relating harmoniously again. The mediator should encourage creative solutions and problem-solving, but allow the parties to arrive at the final resolution themselves.
6. **Once the parties reach agreement.** Once the parties reach an agreement, the mediator’s job is to restate the exact terms agreed upon and make sure that there is true agreement. At this point, the mediator may suggest various hypothetical situations that might challenge the agreement, and ask the parties how those situations might impact the agreed solution. For example, the mediator might ask, “What if a community member disrespects the agreed boundary?” Or “what if valuable minerals are found under this boundary?” These questions should be designed to ensure that the parties fully think through every aspect of the agreed resolution before they commit to it. Such a line of questioning will also help clarify specific terms of the agreement.
7. **Drawing up and witnessing a written agreement.** Once the terms of the agreement have been clarified, the mediator writes down the agreement, reads it out loud for confirmation, and has both parties and all witnesses sign it. The moment of signing should ideally be captured in a photograph or video. Signing witnesses can act as social enforcers over time. Both parties and the mediator should keep a copy for their records. If possible, the facilitating organization should photocopy the witnessed

agreement and laminate it so that it does not get damaged. The written agreement should include:

- All the terms of the agreed solution;
- A plan for carrying out the solution, including who will carry it out, how they will do so, and where and when the plan will be put into practice.
- A clear arrangement for how the agreement will be enforced over time; and
- A description of what will happen if one side breaks the agreement.

Ideally, the written agreement should be drafted so that it is simple enough for everyone to understand, but also detailed enough for it to be enforceable in court. For example, the agreement might say that “The parties may take legal action if the agreement is broken in bad faith.”

HOW TO ENSURE THAT AGREED RESOLUTIONS ARE IMPLEMENTED AND FOLLOWED?

Once reaching a resolution, it is necessary to formally document it in a written contract or Memorandum of Understanding (MOU). Such a document will help ensure adherence to the agreement and create evidence that will refute third-party interference or challenges. Such MOUs might include:

- A written and pictorial description of the agreed boundaries of the land at issue;
- The terms of the negotiated agreement;
- The plan for carrying out the negotiated agreement;
- Any penalties or actions that will occur if the parties violate the agreement;
- Signature lines for as many witnesses as would like to sign; and
- Any other provisions the parties feel are necessary.

The document should be signed and witnessed at the moment of agreement, but it can also be commemorated in a more public way through a celebratory “witnessing” or “signing” ceremony. In such a ceremony, the people who were in conflict come together in a large public celebration, complete with food, singing, dancing, cultural activities, and other festivities. At these ceremonies, relevant leaders and community members may pledge to help hold the parties accountable to upholding their agreement and creating a network of support

and enforcement. Such ceremonies and celebrations can also help to validate the legality of the agreement; solidify respect, harmony and goodwill between the parties; and stimulate community-wide accountability to the terms of the agreement. Once the agreement is signed, facilitators and community leaders should distribute copies of the agreement in local record books, local court registries, and government offices.

Facilitators may want to check in every six to twelve months to make sure that the parties are honoring the agreement. If one party disrespects the agreement, the facilitators and trusted local leaders should approach the offending party and listen to its reason for violating the agreement, then take appropriate action, such as calling a new meeting between the parties to discuss the incident.

WHAT TO DO WHEN MEDIATION DOES NOT WORK?

Land disputes can devolve into violent conflicts if they are not addressed properly. If community meetings, negotiation, mediation, and working with trusted community leaders and government officials do not resolve a conflict, it may be necessary to refer the case to the formal court system. In instances of grave injustice, stalled conflict resolution, or when the opposing party does not take the intervention seriously, litigation can be a necessary and powerful instrument. However, bringing a conflict to court is expensive and time-consuming; it can take years for a case to move through the courts to a final judgment and remedy. Delays at the court level often cause frustration that can escalate rather than resolve a conflict, potentially turning the conflict into a violent confrontation as people take extra-legal measures. If a conflict goes to court, facilitators should carefully track the case to make sure that it is moving through the justice system appropriately, rather than languishing forever in a file drawer.

A community’s decision to go to court may also depend on whether the local courts have the necessary capacity, authority, political power, and credibility to hand down a decision that will impact government and private practice – and be successfully enforced. Communities may choose to file a case in court only when the injustice is severe, violence is imminent, or as a last resort when there is no other way to resolve a dispute.

DOCUMENTING AGREED BOUNDARIES



After a community has harmonized the boundaries of its lands with neighbors, it is necessary to create as many different forms of proof of the land claims as possible. There are three basic ways to create this proof:

- 1. Informal paper proof, in the form of Memoranda of Understanding (MOUs) between communities.** MOUs are useful as proof between communities of what they agreed upon during the boundary harmonization process. If any community member disrespects an agreed boundary, an MOU can be used as proof of the boundary agreements. MOUs can also help provide proof of a community's land claims to courts and other outsiders.
- 2. Informal physical proof, such as planting boundary trees or other physical markers on the land.** Physical proof on the land is necessary to show all community members and neighbors where the agreed limits of a community's lands fall (so that they can respect the boundaries). Physical markers are also useful to illustrate community limits to outsiders or as a type of landscape-based evidence to show to courts and other government agencies.
- 3. Formal technical measurements of boundaries using coordinates collected with a Global Positioning System (GPS) device, from high resolution satellite imagery, or through a land survey made by a licensed surveyor.** GPS coordinates and surveys provide specific, technical, digital proof that many government cadasters require in order to formally register community land claims. They are the strongest form of community land documentation, as they include exact coordinates of boundaries and are most useful for demonstrating to external actors where a community's lands begin and end.

It is best to work to secure at least the first two forms of proof. In some contexts, communities may not want to survey or GPS their boundaries; however, if the community wants to apply for formal registration it is likely that the government will require some form of technical measurement of boundaries. There are three different ways for facilitators to support communities to secure this proof, as described below.

HOW TO FACILITATE THE SIGNING OF BOUNDARY MOUS?

An MOU (Memorandum of Understanding) is a formal paper "contract" between two parties. While most contracts concern the exchange of goods and services, MOUs are used when there is no exchange – they simply document an agreement. It may be easier to call them "Signed Boundary Agreements." Use whatever term is most appropriate and understandable in the local context.

MOUs can include whatever information the community feels is best, but all MOUs should be sure to include:

- A list of the parties to the MOU (usually the communities' names).
- The purpose, terms and conditions of the MOU. For example, a community may choose to write: "This MOU is to make clear for all future generations where the boundary is between X Community and Y Community, and to provide proof that we agreed with one another about this decision, so that there will be no future challenges to this boundary."

- A list of the boundaries that are agreed to in the MOU. For example, a community may choose to write: “This boundary is the northern boundary of Community X, and the southern boundary of Community Y.”
- Descriptions of the agreed boundaries. Boundaries should be described with reference to nearby towns or other markers. For example, a community may choose to write: “The boundary is marked by X River” or “the boundary is marked by ten soap trees planted today as proof.”
- Drawings, maps, and/or photographs of the agreed boundaries.
- Written agreements about any land and natural resource use and access rights, including rights of way and seasonal users’ rights.
- Names and signatures of the people who will sign on behalf of each community.
- Names and signatures of those who will sign as witnesses on behalf of each community.
- Signatures of local government officials or other authorities who will attest to the MOU.
- Agenda/How the ceremony will progress: Who will officiate the ceremony? Who will be invited to speak? In what order will they speak? Will all people present be invited to sign the MOU? Or only certain people? Will there be a ceremony beforehand, or traditional dance or music performances?
- Addressing last-minute objections to the agreed boundaries: How will the community deal with any objections to the agreed boundaries that might arise during the ceremony? Which trusted leaders will help mediate the challenges? Will there be a structured process for answering all objections? Will the ceremony be paused until a new agreement is quickly worked out?
- The role of local government; how regional government actors will be integrated into the ceremony: Which government officials will be invited to witness the ceremony? Which leaders will be invited to speak? How will the officials be honored? What role will each of them play in the ceremony? What will the community do if a government official challenges the agreed boundary?
- The time and date of the ceremony, and people’s roles: What are the responsibilities of all of the people present? By what dates and times should they complete their responsibilities/tasks?

The MOU-Signing Process consists of the following seven steps:

Step 1: Explain the MOU-signing process and make a plan with the community’s leaders, Community Land Mobilizers and Interim Coordinating Committee. At this meeting, facilitators should confirm that all of the community’s boundaries have been harmonized, review the agreements, and explain the purpose of signing MOUs with neighbors and the usefulness of having a paper “contract” documenting the agreements.

After describing the full process of drafting and signing MOUs and answering any questions community members may have, facilitators can support leaders, Mobilizers and the Committee members to develop a MOU-signing plan. The plan should include six elements:

- The MOU drafting process itself: Who will be responsible for drawing up the MOU language? How will the community work with the facilitating organization to complete a final draft and make copies for signing?
- Invitations and hospitality related to the ceremony: What communities will be invited to the MOU signing ceremony? How will invitations go out? Word of mouth, radio, direct invitations, in meetings, etc.? Where will the ceremony be held? Who will be responsible for decorating the area? How will guests be honored? How will the community feed (and house) its visitors? How will the costs of the ceremony and the responsibilities for hosting it be shared among community members?

Step 2: Support the community to invite neighbors to the MOU-signing ceremony. Even though each boundary agreement with a neighboring community should have a separate, individual MOU document, the MOU-signing ceremony can bring together multiple communities. For example, if the community shares four boundaries with four separate communities, there should be four separate MOUs but the community may choose to hold one single MOU-signing ceremony where all five communities gather to celebrate and sign the final documents. The MOU-signing ceremony should be open to any community member and neighbor who wants to attend. When sending out invitations for the MOU-signing ceremony, instruct communities to make sure the time, date and location of the ceremony are very clear.

If a community has harmonized all but one of its boundaries, it can still hold a MOU-signing ceremony.

While not ideal, the community can hold the MOU-signing ceremony with all the agreeing neighboring communities, then hold a second, subsequent MOU-signing ceremony with the remaining neighboring community once the boundary dispute has been successfully resolved.

Step 3: Support the community to draft the MOU and share it with the whole community.

The Community Land Mobilizers, ICC and leaders should sit and draft the MOU. They may want to refer to the example MOU (see below) and the list of what should be included in a boundary agreement MOU (see above). Communities can add any new sections or sentences to make the agreement clear. They might want to include language describing the purpose of the MOU and their hopes for the future now that their boundaries are harmonized. Communities can either make separate MOUs for each boundary, or one large MOU for all of their boundaries.

Once the MOU is drafted, the Community Land Mobilizers, ICC and leaders should present the draft MOU to the full community and make sure that everyone agrees to it. When the draft is presented, it should be read and explained carefully and clearly. At this meeting, community members should discuss any points of disagreement until everyone agrees with the MOU. Facilitators should make sure that the community documents and records the details of the meeting.

Step 4: Support the community to share the draft MOU with all neighbors.

To be sure that all communities agree with the draft MOU, the community should share it with all of its neighbors before the signing ceremony. This will help to ensure that all disagreements are worked out well in advance of the ceremony itself.

Step 5: Make sure the community begins preparations for the MOU-signing ceremony a few days in advance. Facilitators should advise the community to collect contributions and resources needed for feeding and hosting guests at least a few days in advance.

This is a good time for the host community to send representatives to the households who have lands along the boundary to make sure they know about and attend the ceremony.

Step 6: Advise the community on how best to hold the MOU-signing ceremony:

- On the morning of the MOU-signing ceremony, representatives of both communities should sit together and fill out the final MOU documents – without the signatures.
- At least one person should be assigned to record minutes.
- Time should be allocated for leaders to begin the event by making speeches.
- Community leaders should read the MOU out loud. Leaders or people on the boundary teams might explain publicly why and how the boundaries were agreed to.

- Be ready to address last-minute challenges. Ask trusted leaders to act as mediators if a conflict arises.
- Once the MOU has been read out loud and if no one disagrees, ask people to sign the MOU. Start with local leaders and all government officials invited to witness the MOU. It is important to have all leaders, government officials, selected community representatives and witnesses sign the document at the same time, in public view. Witnesses may include local or customary leaders, representatives of elders, women, and youth of the communities along the boundaries, the Community Land Mobilizers, and/or the coordinating committee members.
- Whoever wants to sign the MOUs as a witness should be permitted and encouraged to do so. Facilitators should explain to the community that there is no limit to how many people can sign and that an MOU appears stronger if it has many signatures of community members. Simply attach extra pages to allow space for everyone's signatures.
- People who cannot sign can leave a thumbprint.
- The list of signatures should be attached to the MOU as proof of the ceremony and the community's agreement.
- End the MOU-signing ceremony with a celebration of the communities' harmonized boundaries! The community should try to offer food or drink to everyone who attended and have traditional dancing or other performances that celebrate the agreement.

Step 7: Ensure that the host community makes copies of the final, signed MOU to keep for itself and to distribute to each neighboring community.

The original copy should be kept in a safe, dry location with a responsible, appointed member of the community. Facilitators may also want to ask permission to take photographs or make photocopies of the MOUs for safekeeping.

Recording the ceremony and planting of boundary markers on a camera or smartphone is another form of documenting the agreements and creating evidence that can be useful if boundaries are ever disputed. These recordings can be stored with other digital records, such as maps or boundary marker coordinates.

SAMPLE MEMORANDUM OF UNDERSTANDING

between

The community of _____

and

The community of _____

Signed on _____

WHEREAS we, residents of (name of county/district/region) and the Republic of _____
seek to secure our existing land rights by documenting our customary land claims; and

WHEREAS we believe that land- and natural resources-related conflict or insecurity will hinder our community development,
interfere with our livelihoods and family survival, and impede the full prospering of our local communities; and

WHEREAS we seek to avoid future land- and natural resources-related conflicts and to clarify all community boundaries so as to
be able to independently seek documentation of our respective community lands, and

WHEREAS our local leaders, including _____, have endorsed these efforts and expressed support for our actions;

NOW, THEREFORE we together agree to clearly and finally establish the boundaries between our communities, and to desist
from any further boundary conflicts concerning this area. To this end, we hereby declare:

1. This MOU is documenting the boundary between _____ community, and
_____ community.

2. The boundary is described by the following evidence and markers: _____

3. A map of the boundaries (sketch map below or attach a copy of the community map):

4. These boundaries will be permanent and undisputed. Should a boundary disagreement arise, this signed and witnessed agreement will be referenced to resolve the dispute. The communities signing this agreement pledge to peacefully and quickly settle all boundary disputes related to this agreement, using mediation and other non-violent methods of dispute resolution.
5. This MOU makes clear for all future generations where the boundary is between community and community. It provides proof that we have agreed with one another about this decision, so that there will be no future challenges to this boundary.
6. Should an individual family or member of one of the communities plant crops or build buildings across the agreed boundary, the community that such individual or family belongs to will be responsible for condemning this action and taking proactive measures to re-establish the boundaries as agreed today.
7. The communities that are signatories to this agreement will use these boundaries when applying for legal documentation of their land rights. Furthermore, if and when either community applies for its lands to be surveyed, these boundaries will be the ones recorded and measured.
8. The parties have agreed that copies of this MOU shall be deposited with all relevant government agencies and officials, including:
9. This boundary agreement was witnessed and signed by the following leaders, government officials, and community members on this day of :

NAME	TITLE AND COMMUNITY AFFILIATION	SIGNATURE
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

Feel free to add as many signatures of witnesses as your community feels is necessary.

HOW TO FACILITATE THE PLANTING OF BOUNDARY TREES OR PHYSICAL MARKERS

In addition to creating a paper record of the agreed boundaries, communities should also create landscape-based evidence of agreed boundaries. They can do this by planting “boundary trees” or placing designated markers chosen by the community along the limits of their land. It may not be necessary for facilitators to be present for this activity. Some communities request support, while others choose to do it on their own.

Each culture and region tends to have certain trees or bushes that people have used traditionally to mark boundaries. For example, in Liberia they use “Cotton” trees because they grow to be exceptionally tall or “Soap” trees because they are fire-resistant. In Uganda, they use “Omara-mara” trees, because one can plant branches in the ground like fence poles and the branches will root and become trees. In other cultures, people carve into tree trunks to indicate boundaries. Alternatively, communities may choose rivers, roads or large boulders as their boundary markers. Others may choose to paint and erect signs clearly advertising that the community’s lands extend to that point. Support communities to choose the marking strategy or strategies that work best for their context and needs.

The process to plant physical boundary markers consists of the following five steps:

Step 1: Prepare a boundary-tree/marker planting team.

Facilitators can work with Community Land Mobilizers to create a team responsible for walking along the boundaries and planting trees and/or other markers as they go. The Interim Coordinating Committee, Mobilizers, and local leaders from the community and all neighboring communities should be present for the walk. Community Land Mobilizers should also make arrangements for residents of neighboring communities whose family lands are close to the boundaries to be present when the boundary tree-planting team arrives (to supervise and ensure agreement).

If people cannot be present, come back to those borders another day when they can take part. It is better to delay boundary demarcation and make sure that the boundaries are agreed to by all, rather than rush the process and create new disputes.

In some communities, the marking process may cause conflict because of the final, physical nature of the activity. The boundary tree/marker planting team should include trusted and respected leaders who are experienced in land conflict resolution and the whole team should be ready to address conflicts calmly and peacefully if they arise. Advise communities to choose level-headed individuals who know how to de-

escalate conflict. Make a plan for how the team should deal with situations where individual households ask for the line to be placed in a slightly different location than originally planned.

The boundary tree/marking activity may re-instigate a boundary conflict. Advise communities to be prepared to engage in conflict resolution activities as they complete this activity.

Step 2: Plan the logistics. Marking boundaries is labor-intensive, as it involves walking long distances, digging holes, carrying tree seedlings and markers, planting, and watering. The boundary tree planting/marking team should be prepared to work hard! Support the community to figure out how many trees/markers it will need, how long it will take to walk the boundaries, and how to transport the trees/markers as the team moves along the boundaries. If the community has decided to plant boundary trees, it may be necessary to start growing seedlings – this should be done well in advance, perhaps as soon as the community is close to finishing the boundary harmonization process.

Step 3: Walk the boundaries and plant trees/markers. The boundary marking may take one day, or it may take many days. The team should walk or drive around the perimeter of the community land together, stopping to plant trees/markers, and address any concerns or conflicts that arise on the way. Be ready for families living along the perimeter to ask to push the line a meter or two in one direction or another. During this activity, the boundary tree planting team should keep the following issues in mind:

- **Protect rights of way:** Many communities give outsiders or members of neighboring communities rights of way through their community land, either to travel through the area or to access resources that they have use rights to. The boundary team and neighboring communities should agree on the location of these routes and mark them clearly. In areas shared by pastoralists and agriculturalists, the boundary tree planting team may want to design fences or other ways to keep an open channel for livestock to pass through but also prevent them from breaking free and trampling or eating families’ crops.

- **Consider how the landscape may change over time.** The team may need to consult with those families living along the boundary about the best location for markers and/or trees. Advise communities to pay attention to such things as the currents of a river (particularly in flood zones), whether a full-grown marker tree would cast shadow on people's farms, and any other factors that should be taken into consideration when choosing where to place markers. Remember that if the marker trees will grow to be very large, they should be spaced appropriately to ensure they each have enough room for their roots to spread.
- Surveying often requires a professional, licensed technician to produce an official survey of the community's land. If surveys are required, facilitators should support the community to identify qualified professional surveyors. Land surveys are expensive and facilitating organizations may need to be prepared to provide financial assistance to work with professional surveyors.
- Taking GPS coordinates is a more accessible technology – GPS devices are becoming more accurate and less expensive every year. Facilitating organizations may want to invest in a basic GPS device and train a staff member to use it competently (see the box on "Supporting Communities to Use GPS Coordinates" below). Communities and facilitating organizations can also use GPS coordinates to mark the locations of sacred sites, water bodies, schools, churches, graveyards, clinics and other things a community wants to record. GPS coordinates can also track the edges of forests, the extent of grazing lands, and other areas that might grow or shrink over time.

Step 4: When the marking is complete, redraw or revise the community's map as necessary. Facilitators may help communities to revise their community map to reflect the final locations of the planted boundary trees/markers. (If working with digitized maps or satellite imagery, taking GPS coordinates can help with this – see the section on "Taking GPS Coordinates and Surveying the Land" below.)

Step 5: Make a plan to ensure that trees/markers remain intact. Community leaders, Mobilizers, and the Coordinating Committee/Land Governance Council should work together to make sure that no one uproots the boundary trees or destroys boundary markers. If a tree is found uprooted or burned down, a team should be dispatched to address the cause of the destruction, resolve the underlying conflict, and re-erect the boundary. It may be useful to assign community members or leaders to make regular tours of the boundaries to check that the markers remain in place and the trees are thriving. In some countries, uprooting boundary markers is considered a criminal offense; if there are repeated instances of boundary marker destruction, it may be useful to research national laws and, if applicable, seek government support.

If the community is bringing in a surveyor or GPS technician to take the measurements of the boundaries, it is advisable to take GPS coordinates and/or survey the land after holding the MOU-signing ceremonies and planting boundary trees/establishing permanent boundary markers: by the time those activities are complete, there is less of a chance that boundary conflicts will disrupt the taking of technical measurements. However, facilitators and community leaders should still be ready for additional boundary conflicts and land disputes to arise. Bring a skilled and respected mediator along with the GPS or survey team and prepare the team to comport themselves peacefully, respectfully, and calmly if a conflict does arise. If the community or facilitators are able to take the GPS measurements themselves, it may be possible to integrate GPS into the work of planting boundary trees/permanent boundary markers.

HOW TO FACILITATE THE TAKING OF GPS COORDINATES AND/OR SURVEYING?

Many governments require that communities record Global Positioning System (GPS) coordinates of their boundaries and/or complete a formal survey in order to register their land or seek a title or deed certificate. The legal and technical requirements for land registration vary between countries. Before working with a community to survey or GPS its lands, facilitators should research national law concerning land registration and associated technical requirements.

GPS (Global Positioning System): A satellite navigation system that measures the exact coordinates (longitude and latitude) of any location on the earth's surface using a handheld device. These coordinates can be used to record boundaries and to add precision and accuracy to a community's map.

Land Survey: A technical process for measuring the distance and angles between points on a piece of land. Surveying is often used to create accurate maps of pieces of land. A licensed surveyor is a trained professional who can conduct official surveys.

HOW TO SUPPORTING COMMUNITIES TO USE GPS COORDINATES?

Step 1: Choose a GPS device. Generally, the newer and more expensive the GPS device, the more accurate the coordinates taken. If purchasing a GPS device, seek advice from partners or local GIS experts on which devices will be appropriate for communities' contexts.

- **Smartphones with a GPS app** can take GPS measurements, but their accuracy may not be precise enough to meet government requirements for community land documentation. The accuracy can sometimes be improved by using attached Bluetooth GPS receivers or antennae. It may be a good idea to speak with government officials to find out if the coordinates taken on a smartphone will be sufficiently accurate before undertaking an extensive GPS process.
- **Handheld GPS devices** (like those made by Garmin or Trimble) are more accurate. Basic handheld GPS devices cost roughly \$200 USD. There are many guides online for selecting a GPS device.
- **GPS data loggers** are small, light-weight, battery-powered versions of GPS devices. They automatically collect data continuously while powered on. They have no screen and just a single on/off button, making them easy to use. After recording a route, resource or location, the data collected may be downloaded to a computer. GPS data loggers range in cost from \$50 to \$300.

Step 2: Practice and test the accuracy of the GPS device. Try recording coordinates for an office or house and then upload those coordinates into Google Earth (or similar software) to confirm that the coordinates are correct (and correspond to the building). Next, test the GPS device in the field to check whether environmental factors – such as tree cover – decrease the device's accuracy. If the accuracy of the device is inadequate, it may be necessary to invest in or borrow a higher quality GPS device. (Note: When using a GPS device for the first time in a new location, the measurements may have poor accuracy because it needs time to locate the satellite signal.)

Step 3: Plan with the community how to record locations on the community's land. Some things to consider when planning to take GPS coordinates:

- To save time, it may be possible to take GPS coordinates as the community plants boundary trees and or establishes permanent boundary markers. Every time the boundary marking team places a boundary tree/marker, the location can be recorded with a GPS coordinate.
- Always record all GPS coordinates in a notebook or field data sheet (in addition to saving GPS coordinates to the device). Make sure to also record what format the coordinates are taken in, which is determined by the settings of the GPS device.
- When taking a coordinate with the GPS device, take a photograph and save it, noting the location and/or GPS coordinates. Then add the photograph to the location in the mapping software. This will help clarify the location, and serve as a more complete record of where the boundary is located.
- If a community's territory is very large, it may be more appropriate to recruit teams of people who often move along the boundary/along a nomadic path and train them to use simple GPS data loggers to track their movements. If choosing this strategy, the community should select these individuals carefully and take responsibility for returning all data loggers to the facilitating organization.
- With the right tools and software, taking GPS coordinates of a community's lands is not very complicated. Depending on the Community Land Mobilizers' and community leaders' capacity, facilitators may want to teach them how to take GPS coordinates themselves. To support their learning, facilitators can accompany community members as they take GPS coordinates, helping with technical issues that arise. It is advisable to create accountability mechanisms to ensure that the devices are returned promptly and in good condition.
- After all the necessary GPS coordinates are collected, facilitators download the data points captured to a computer, then use Geographic Information System (GIS) software to create a digital map – or to add the data points to a community's existing digital map (see the chapter on *Community Mapping*).

HOW TO SUPPORT COMMUNITIES TO SURVEY THEIR LANDS?

If a community is required to, or prefers to, survey its lands, facilitators can guide the community through the steps outlined below. Requirements for official surveys vary from region to region: facilitating organizations should determine what licenses and requirements are needed to complete an official survey in their specific country.

Step 1: Ensure that all boundary disputes are resolved. It is best to call a surveyor after the Boundary MOUs are signed and markers planted, in order to reduce the number of conflicts that might arise during the survey.

Step 2: Help the community to identify a surveyor. The surveyor should have the necessary accreditation required by the government (certificates, education, training) and have a current surveyor's license. Facilitators should help communities to assess and select a surveyor. Surveyors often work exclusively in cities or for private households: when choosing a surveyor, communities should assess the surveyor's track record of working in rural areas, over large areas of land, and for low costs. A surveyor that is open-minded about communal property may be a better fit for the work. Likewise, some surveyors offer discounted rates to low-income families; communities might enquire about rates that could apply to them.

Step 3: Negotiate the terms of service. Facilitators should support the community to make that sure all details of the work that will be carried out are included in the contract:

- **Costs.** The cost of surveying varies by region and depends on the size of the land, the difficulty of accessing the boundaries, how far the surveyor will have to travel, the terrain, and other factors. Before price negotiations begin, facilitators should research the average costs for formal surveying in the area and provide the community with an estimate of fair costs.
- **Payment.** Make sure that the contract stipulates that the community will pay half of the costs of the work before the work begins, and half of the work only after the surveyor has fulfilled the contract.
- **Scope of work.** Will the surveyor only take measurements and provide a completed survey, or will s/he also submit formal documents/a complete application for title to the relevant government agencies or offices? If the surveyor will file the documents on the community's behalf, make sure to get in writing a clear timeline of the turnaround time from the physical survey to the submission of the application for title.
- **Timeline.** Attention must be paid to timing and deadlines: by when will the surveying work be complete? How soon after the technical survey will the map be made? How soon will the community be able to file its paperwork with the government?
- **Records.** Ensure that the surveyor will provide copies of all work products to the community for their records.
- **Remedies.** What can the community do if the surveyor fails to fulfill the terms of service?

Step 4: Support the community to sign the contract with the surveyor. Communities will likely have to enter into a contract with the surveyor. Communities should make sure that they understand and agree with all the terms of the contract before they sign it. Community members should choose a few individuals to sign the contract on their behalf (likely the Land Governance Council/Interim Coordinating Committee, or community leaders). The community should sign at least two copies and keep a copy of the contract for its records. Facilitators may also want to keep a copy for their own files.

Step 5: Inform neighboring communities and all relevant local authorities. Communities should inform all neighboring communities, leaders, and local authorities of the date and location that the survey will take place to ensure they are aware of and present for the survey, as appropriate.

Step 6: The surveyor completes the field measurements. On the day of the survey, the surveyor will likely come to the community with several assistants. They will use surveying equipment to take measurements. The community and its neighbors should be present to make sure that the equipment markers are placed in the agreed location, marking the boundary exactly as agreed.

Step 7: The surveyor produces a survey document. The surveyor will then produce a survey plan made from the field measurements. He/she may then submit the map and an accompanying file to government officials if requested by the community. However, the process of submitting the survey map to the government varies by nation: facilitators should research this process and teach community members about exactly what will happen in government offices once the survey is completed.

Step 8: The community receives a final survey of its land. The community should receive the final map (or set of maps) made by the surveyor. If the surveyor has submitted a more complete technical file and application for title to the government, the community should also receive documents from the government, including a formal plot number. The total time necessary to complete these steps varies by nation, but often takes many months.



COMPLETING GOVERNMENT REGISTRATION PROCEDURES

During this step, communities follow national legal procedures to formally document and register their lands and receive state documentation of their rights.

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PURSUING LEGAL REGISTRATION OF COMMUNITY LAND CLAIMS



The procedures for formal registration of a community's lands vary greatly between countries. Every nation has its own set of policies and procedures for the registration of land rights and the issuance of titles, deeds, or certificates of land use and management. **Facilitating organizations should carefully research national laws and regulations to understand how to best support communities through the land registration, certification, or titling process.**

Facilitating organizations should also **research the advantages and disadvantages of land rights** documentation, so as to be able to advise and inform communities of their options. Some communities may be skeptical of – or directly opposed to – registering their land claims with the government. It is important to be respectful of these communities' concerns and to find ways to protect their land rights that they are comfortable with. While formal government registration is legally the strongest form of rights documentation, it is not essential: a community's by-laws, maps, and boundary markers can also serve as proof of a community's customary or indigenous land claims.

When pursuing formal government registration of a community's lands claims, facilitators should consider the following factors:

1. Not all countries' land laws include a specific process for community land documentation. In such nations, facilitators will need to find creative legal strategies to support community land documentation. Facilitators may try adapting relevant national laws to allow for co-ownership of community lands. The legal frameworks underlying trust law, laws of association, or corporate law allow for a group of people to hold property together, with a board of trustees, a board of

directors, or an association committee that manages assets on behalf of a larger group of shareholders, trustees, or association members (who are co-owners of the shared resource). Facilitators may need to consult with a trusted lawyer or judge about which legal frameworks would best support community land registration and collective ownership.

In some situations, communities may seek management and jurisdiction over forests and parks that have been designated by the government as public lands or conservation areas. In such cases, facilitators may support communities to seek legal co-management arrangements with government forest and park services. Facilitators should be creative and offer communities a range of legal options so that communities can choose to pursue the path that best supports their goals and interests.

2. Avoid putting the names of specific individuals on any deed, title or certification documents. If national laws allow for registration of community lands, but demand that the names of a few leaders or elected representatives must go on the title/certificate, facilitators should discuss with community members how to fill out the paperwork. Naming only a few individuals on the title/certificate can be dangerous: these individuals might be interpreted to have the legal right to sell or lease the land without informing the rest of the community.

In such instances, if the community is comfortable filling in the form "incorrectly," facilitators might advise the community to simply write the name of the community on the title/certificate application, and not only the names of specific individuals. The by-laws can then be attached, detailing that all decisions relating to the administration and management of the community land must be made by a majority or super-majority of the community as a whole.

If government policy requires that a registration application include a list of all the family names in the community (or a list of all community members or association members/shareholders, etc.), facilitators should address this requirement carefully. A list of “all community members” will immediately become out of date the moment that a community member dies or is born, or whenever anyone moves into the community and becomes a resident with rights to use the community land. To reduce the need to amend the title/certificate, advocate that the government accept an amendment to the “community members list” every 10 years – or every time a national census is completed.

3. Support the community to submit its application for title or registration.

Some communities may ask facilitators to submit the application on their behalf, but if the community decides to submit it on its own, then facilitators should:

- Support the community to pay all associated registration fees using community funds. This will ensure that the community feels ownership over the process.
- Teach the community to:
 - Request that government officials stamp its application with the time and date submitted and make copies for the community to keep for its records.
 - If the government refuses to make copies, the community should fill out an additional form for its records, and request that this form is also stamped.
 - Request a receipt for all fee payments.
 - Request written documentation of the date by which the government will approve or reject the community’s application, and how notice will be given to the community of this decision.
- Support the community to keep copies of its stamped application and all receipts. With the community’s permission, facilitators should keep a copy or a clear photograph of the documents for their records as well, should further advocacy on the community’s behalf be necessary.
- Support the community to call or visit the title/deed registry office to check on the status of its application on the date the regulations say the application should be decided (often within 4 weeks of application submission.) If the community does not receive its title/certificate within the time specified,

the community and facilitators should devise a schedule for how they will work together to monitor the progress of the application and ensure that the government issues the title/certificate.

4. Support communities to plan for how they will keep their title/registration certificate safe.

It is very dangerous to keep a title certificate or deed in a community without carefully controlling where it is kept, who can access it, and how it is used: a paper title or certificate may allow an unscrupulous leader to more easily sell or lease community land without community approval.

- If the community has access to a bank with safety deposit boxes, the facilitating organization may support the community to put its title/certificate in the bank where no one can access it without following agreed procedures. If using a bank, the community should establish that the bank may only open the safe deposit box/bank vault and provide the title/certificate to a large, predetermined group of community members, but never to a single individual.
- Alternatively, the title/certificate might be kept in a strong box locked with multiple locks, the keys to which are distributed among more than five trusted community members.

Regardless of where the title/certificate is kept, the community should ensure that there are clear, written rules about how the title/certificate can be accessed and used, in case community members need to contest or void any land transactions made by leaders or corrupt elites.

RELEVANT NATIONAL LAWS AND REGULATIONS



INCLUSION OF ALL RELEVANT NATIONAL LAWS, REGULATIONS AND FORMS IN THIS SECTION OF THE GUIDE

The Community Land Protection Program Facilitators' Guide has been designed as a binder to allow facilitating organizations to re-arrange the chapter order to best fit the local context and to add resources that facilitators will use frequently in the course of their community land protection efforts.

To best support facilitators' and communities' efforts, facilitating organizations should consider printing copies of all relevant laws, regulations and forms that may apply to the community land protection process and adding them to this section of the Guide. This will ensure that these resources are readily accessible to facilitators to share, consult, copy, or otherwise provide to communities as needed.

NOTES



PREPARING COMMUNITIES TO PROSPER

These activities are designed to foster long-term community growth and prosperity, according to each community's self-defined plans and intentions. They support community members to pursue a range of livelihoods, regenerate local ecosystems, prepare for potential negotiations with investors, and take specific steps to actualize their shared community vision.

- Preparing Communities for Negotiations with Investors 185
- Returning to the Vision with Community Action Plans 199
- Integrating Livelihood Supports 205
- Supporting Communities to Regenerate the Local Ecosystem 209

PREPARING COMMUNITIES FOR NEGOTIATIONS WITH INVESTORS SEEKING LANDS AND NATURAL RESOURCES



Across Africa, Asia and Latin America, investors are increasingly approaching rural communities seeking land for logging, mining, and agribusiness ventures. In the worst cases, investors go through government officials, who grant them concessions without consulting the local people. In the best cases, investors do meet with community members and request the land directly.

Deciding whether or not to share community land with an investor is one of the most important decisions that a community can make. Good investments can lead to authentic community development and prosperity. But bad investments may force a community into poverty, subject community members to human rights abuses, pollute local waters and soils, block access to sacred areas and livelihood access routes, and even result in communities completely losing their lands. Supporting communities to engage with potential investors from a place of empowerment can make significant differences in the ultimate outcomes of land protections efforts and help make sure that any investment that is approved by community members will lead to a thriving, healthy future.

WHY IS IT IMPORTANT TO TEACH COMMUNITIES BASIC NEGOTIATION TACTICS AND STRATEGIES?

Power and information imbalances. Even when investors conduct formal “consultations” and seek community consent to their proposed business ventures, such consultations are generally conducted in a context of significant power and information imbalances. During consultations, communities are often pressured by high-level government officials to consent to deals that they do not fully understand or desire. Communities may also feel that they have no choice but to approve a project that has already been endorsed by the government.¹ Yet the community may not be well-informed about the terms of the investment, any proposed infrastructure that will accompany the investment, or the investment’s potential damage to the environment. Information may be presented in language or format that communities do not understand, or sometimes information is kept secret unless a community demands it. As a result, community members may not have the necessary information to fully evaluate the advantages and disadvantages of a proposed investment.

1. In some countries, communities do not have a strong right to be consulted and give their approval before the government grants land to investors. In such contexts, facilitators can still help communities demand to be consulted and to ask for and receive benefits and rental payments.

Unjust Payments and Benefits to Communities. If a community does decide to share its land with an investor – or if the decision has already been made by government officials – the community may not know what to ask for in terms of rental payments and other benefits. Community members may not be aware of the rental market value of their land, the expected annual profits the investor will gain from the venture, the overall net worth of the investors’ company, and other information necessary to negotiating a contract that is beneficial to the community. Most of all, community members may not know how to quantify the value *they themselves* get from their common lands.² As a result, communities may agree to land contracts that include either no rental payments at all, or rental payments far below fair market value. The terms of the contracts may not include timelines for payment or promised benefits, adjustments for inflation over time, or a clear articulation of how the community can hold the investor accountable to timely and full payment.

No time to seek legal advice. Communities may be pressured to sign a contract without first seeking advice from trusted advisors. They may not even be left with a copy of the contract to review. It is important that communities are empowered to demand that they be given enough time to evaluate an investor’s proposal and fully understand any documents they will be asked to sign. Communities might also demand access to independent Environmental and Social Impact Assessments (ESIAs), as well as other resources that will help them make a fully informed decision.

HOW TO SUPPORT COMMUNITIES APPROACHED BY POTENTIAL INVESTORS

An investor may approach a community seeking land at any time; facilitators should prepare communities in advance (as part of the community land protection process), so that they understand their rights and know how to handle potential future investor requests. The following information is very basic; facilitators may want to look at the additional resources in the box at the end of this chapter for more information on how to best advise communities on how to interact with investors.

1. TEACH COMMUNITIES THEIR RIGHTS UNDER NATIONAL AND INTERNATIONAL LAWS.

Because laws are often complex and written in a way that is difficult for non-lawyers to understand, facilitators may want to create short, one- or two-page summaries of all laws that relate to communities land and natural resource rights and community-investor negotiations.

- **Relevant national laws.** Facilitators should begin by teaching communities about their basic land and natural resource rights, as enshrined in the national constitution and other relevant national laws. Many countries have laws that require investors to consult communities and seek their approval before launching an investment venture on community land. Facilitators can also identify protections for community rights in national contract law, investment law, environmental law, forest law, water law, and others. To ensure that communities understand national laws, facilitators can create very simple, short handouts that summarize what the laws say.
- **International laws.** Facilitators should also inform communities about their right to **“Free, Prior Informed Consent”** (FPIC). Under the *United Nations Declaration of the Rights of Indigenous Peoples*, indigenous communities have a right to FPIC.³ Other international legal instruments are increasingly advocating for community consultation before investments can proceed. For example, the Food and Agriculture Organization of the United Nations’ *Voluntary Guidelines for the Responsible Governance of Tenure* suggest that investors and governments consult with “all legitimate tenure rights holders” before making decisions or transactions that will impact their tenure security.⁴

- **Giving Free Prior Informed Consent real “teeth.”** Facilitators should take care to ensure that communities understand what FPIC really means: it goes beyond the right to be consulted and to approve an investment. “Free consent” includes the right to say “no.” It also means that any consent given should be given without coercion, intimidation or manipulation. “Prior consent” means that

2. The community land valuation exercise in the “Laying the Groundwork” phase of the community land protection process is designed to address this issue, and should be repeated or reviewed if and when an investor offers a low annual rental payment.

3. See Article 10: “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.” See also Articles 11, 28, 29 and 32.

4. The Guidelines define consultation as: “Engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes” (Paragraph 3B.6).

communities have the right to take their time deciding: the community should be given time to meet to discuss the proposed investment for as long as it needs to before making a decision – investors and government must respect local decision-making processes, and should not pressure a community to make a decision the same day that the investment proposal is explained to them. “Informed consent” means that communities have the right to be fully informed about the investor’s plan, including the nature, size, purpose and scope of the proposed venture, and any likely economic, social, cultural and environmental impacts and risks of the project.

- **Environmental, Social, and Human Rights Impact Assessments.** As part of being fully informed – and because it is their legal right in some countries – communities should request that potential investors fund an independent consulting firm or group of experts to undertake an Environmental Impact Assessment (EIA), and a Human

Rights (HRIA) or Social Impact Assessment (SIA). Environmental Impact Assessments evaluate the likely environmental consequences of a proposed project or investment, taking into account all beneficial and negative socio-economic, cultural and health impacts. Social Impact Assessments evaluate the likely social consequences of a proposed project or investment, while Human Rights Impact Assessments evaluate likely human rights consequences. Communities can use the findings of Impact Assessments to inform discussions with investors, and can appeal to the government or the judiciary to protect their rights if the assessments show that negative impacts are likely.

- **Regulations that structure government approval procedures.** Facilitators may also want to empower communities to understand government processes for approving investment projects, including required public hearings and other procedures that shape the conditions that governments place on investment projects.



WHAT STEPS SHOULD INVESTORS TAKE BEFORE ENGAGING WITH COMMUNITIES?

While laws and regulations are different in every country, national laws sometimes require that investors take the following actions when requesting land for investment. If the law does not require it, communities can still request that investors:

- Submit a “Letter of Intent” with project details to the government and community.
- Provide details about the land requested and what it will be used for.
- Provide details about the company’s annual profits and expected revenue to be generated by the investment.
- Hold a public hearing to meet with affected stakeholders to explain the proposed project and seek permission to use community land.
- Request in writing a survey of the land in question and share the results of any land surveys with the community.
- Pay for an independent, neutral and mutually-agreed contractor to undertake an Environmental and Social Impact Assessment (EIA) and a Social Impact Assessment (SIA) or Human Rights Impact Assessment (HRIA).
- Review the results of the impact assessments with the government and all potentially affected stakeholders.
- Revise the investment proposal to address any problems identified by the impact assessments and re-submit to the government and the community.
- Negotiate rental payment and benefits with community members.
- Upon agreement, work with the government, the community, and the community’s advocates to draft an enforceable, equitable lease contract.
- Sign the agreement, ensuring that the community is entering freely into the contract and understands all of the terms of the contractual agreement before signing.

2. PREPARE COMMUNITIES FOR FUTURE INTERACTIONS WITH INVESTORS DURING THE BY-LAWS DRAFTING PROCESS.

Communities should not wait for a company or investor to arrive before creating a plan about how to negotiate with them. As part of the community land protection by-laws drafting process, facilitators should help communities to think about:

- **Willingness to sell or lease community lands:** Is the community willing to lease or sell part of its land? Some communities may decide they will never sell or lease their land. Other communities may be excited to welcome external investment.
- **Private family lands:** If individual families own land privately within the community, can they sell or lease land to investors without consulting the community? Must families consider community-wide environmental, social or human rights impacts before making a deal with investors?
- **What types of companies are welcome?** All investors and businesses are different. A community might decide that while they would reject a logging company, they might welcome a small company producing coconut oil or fruit products. Communities should think about the kinds of investment activities that would help the community prosper, as well as the kinds of activities that would potentially harm a community and should be rejected.
- **How to decide?** How will the community as a whole make decisions about allowing companies or investors to use community lands? What percentage of community residents must agree? Will the decision be made by consensus (100% agreement), by super-majority vote (66%), or majority vote (51%)? Who gets to vote? All residents, including youth? Or only adults? Or only elders? (For more details, see the chapter on *The Content of the By-laws.*)
- **What land to share, or not share?** If the community is open to potentially sharing its lands, what specific pieces of community land might be appropriate to lease or sell to

potential investors? What land is not available for investors' use? Communities can use their maps and zoning plans to identify specific areas that would be appropriate for certain kinds of investment activities.

- **For how long?** If leasing the land, how long of a lease would be allowed? (5 years? 10 years? 25 years?)
- **Community representation:** Who will represent the community when meeting with companies and investors? Will community elders represent the community, or the Land Governance Council, or a group of youth, women and elders? Will the community set up a negotiating team to talk to companies and investors? How will the community make sure everyone's interests are represented by the negotiating team? What can the community negotiating team decide on their own and what must they bring back to the entire community to decide together?

3. PREPARE COMMUNITIES TO KNOW WHAT TO REQUEST IN EXCHANGE FOR USE OF THEIR LANDS.

Communities may not know what are fair benefits to ask for in exchange for their lands. As a result, they may ask for one-time benefits, like the construction of a school, road, cellphone tower, or clinic – yet fail to ask for the teachers, doctors, books, electricity and medicines that it takes to ensure those facilities are sustainable. Meanwhile, the costs of such one-time benefits are usually only a fraction of the value of the land. Facilitators should support communities to think critically about demanding rental payments that get closer to the value of their lands and will actually ensure that the community prospers as a result of the investment. Other factors to consider include:

- **Rental payments.** If the community wants annual or monthly rental payments, how will those funds be managed within the community? Who will decide how the funds will be used? The community should establish mechanisms to ensure transparent, participatory management of rental fees. (See the chapter on *Financial Management for Communities*.)
- **Infrastructure development.** If a community wants the investor to build a school, road or bridge, then the community should think in advance about the specifics of the request: Who will build it? Will there be an end date by when it must be built? Should it be built out of specific materials? Where should the building or infrastructure be located? What will the penalty be if the investor does not complete

the infrastructure project? Will the investor be required to do periodic maintenance on the structure? Facilitators should help the community think through these questions, both in advance of any investment requests and during any actual contract negotiations with a specific investor.

- **Jobs.** Investors often promise to create many jobs for community members, but then only hire a few community residents or hire a large number of residents and do not pay them well. Communities requesting that the investor create employment should be ready to ask for a fixed number of full-time and part-time jobs, a certain number of skilled jobs (such as management positions or office employment), specific salaries for each kind of job, and various benefits that might come with employment, such as job training. Communities should also require that a certain percentage of the workforce is hired from within the community; large numbers of male workers who come into the community from outside may bring alcoholism, gambling, sexual assault and other negative influences with them, and as a result degrade the social fabric of the community.

Facilitators should support communities to make benefit payment decisions as a group, after much participatory discussion and debate. Ideally, the community's by-laws will support a community-wide decision-making process that will lay a strong foundation for negotiations with potential investors.

POSSIBLE BENEFITS TO DEMAND FROM INVESTMENT DEALS

1. Repeating payments such as monthly rental fees or a fixed share of the annual profits paid to the community.
2. Clinics, medicines, doctors and nurses.
3. Schools, books and teachers.
4. Electricity (electrical, wind or solar) to all homes in the community.
5. New/better roads and access to markets.
6. Telecommunications and internet infrastructures.
7. Jobs for a certain specific number of community members, including women, youth, disabled individuals and members of minority groups.
8. Shares in the company stock.
9. Anything else the community thinks best!

4. SET UP AN EARLY WARNING SYSTEM.

In Liberia, Namati's partner the *Sustainable Development Institute* (SDI) has had extraordinary success with its pilot "Early Warning System:" a simple, low cost system that allows communities to access legal and technical support when they are approached by investors – or when they suspect that investors are seeking their land. The system consists of:

- A dedicated Early Warning System phone number or hotline.
- A simple Excel database.
- A basic, low-literacy illustrated guide describing how communities protect their interests during interactions with companies and investors.⁵
- Staff members responsible for answering all calls to the Early Warning System hotline (as a small part of their overall responsibilities).

To launch the system, SDI published the guide, then raised awareness of the Early Warning System at community meetings and through posters, flyers, town hall meetings, and radio programs. The hotline number was published widely. Now, when a community is approached by an

investor, community members can call the hotline and speak directly to a specially-trained staff member. When a call comes in, the staff person does three things:

- Asks the community member a series of questions to better understand the situation (see list of questions below);
- Provides basic information about community rights and how to initially respond to the investment request (sign nothing, seek information, etc.); and
- Either sends copies of the guide to the community, or personally visits the community to distribute the guide and hold meetings to train the community how to respond to the investor's request.

Then, if needed, a staff person will either personally support the community through the negotiation process, or link them to a lawyer or other advocate who can do so.

To date, the Early Warning System has been used by dozens of communities across Liberia, and has successfully helped a number of them reject inequitable contracts. The hotline information is so well known that often SDI receives many calls from different members of the same community after an investor's visit.



5. For example, see: <https://namati.org/resources/community-guide-to-getting-a-fair-deal-from-companies-and-investors-2/>

QUESTIONS TO ASK *EARLY WARNING SYSTEM* HOTLINE CALLERS:

1. Community name and location
2. Name of Investor
3. Is the investor national, international, or both? (National, International, Both, Unknown)
4. Type of Investor (Mining, Agriculture, Timber, Pit sawing, Other)
5. Did the investor make a specific request for land? (Yes/No/Unknown)
6. If so, how much land? (hectares or acres)
7. When did the investor approach the community? (date)
8. Who did the investor approach in the community (names and positions)?
9. Who was representing the investor?
10. Did the investor come with a government official? (Yes/No/unknown)
11. Does the investor or investor's representative have a relationship or connection to the community? (Yes/No/Unknown)
12. If yes, please explain the connection: _____
13. Did the investor offer to pay or provide anything to the community? (Yes/No/Unknown)
14. If yes, what did the investor say s/he would provide or pay to the community?
15. Did the community ask for anything from the investor? (Yes/No/Unknown)
16. If yes, what did the community ask for? Was there agreement among the community members about what to ask for?
17. Has the investor held any community meetings? (Yes/No/Unknown)
18. If yes, how many community meetings?
19. Response given to the caller (advice offered? If yes, explain):
20. Follow-up actions by NGO (date of visit, action taken, advice given, provide detail):
21. Has this community been trained in basic investor negotiation skills? Yes/No
22. Has the community been trained in how to value their community's land? Yes/No
23. Other observations or notes. (How does the community perceive the investor? Has the investor bribed the community or community members? Does the investor have a history with the community? If so, explain.)

5. PREPARE COMMUNITIES TO RESPOND TO INVESTORS IN AN EMPOWERED MANNER.

Investors may arrive accompanied by government officials or other powerful people. The investor himself may be an elected official, local leader, or the relative of a powerful government official. Such individuals may intimidate community members into signing papers, or may demand to meet alone with community leaders, “behind closed doors.” They may say things to the community like “We already have government approval,” or “If you don’t accept our terms, we’ll just go to your neighbors and then your neighbors will get all the benefits of the investment, not you.” Or, the investor may be a community member or “son of the soil” who lives in the capital city or another country, and seeks a large piece of land to “bring development to his home community.” The investor may promise to bring jobs and benefits that the community urgently needs. In all instances, **the community should go very slowly, refuse to be intimidated, and seek the support of trusted advisers and legal counsel before signing any papers or agreeing to anything.**

There are a few things that facilitators should advise communities to do when an investor first arrives. These include:

- **Do not sign anything!** No matter who the investor is, facilitators should support communities to take time, carry out research on the investor and the proposed investment, and hold many meetings before agreeing to share land with an investor.
- **Do not let community leaders approve deals without consulting the community.** Investors and the government officials that support them often prefer to meet alone with the community leader, or a group of leaders or male elders. It is much easier to persuade, intimidate or bribe a few people than to get authentic approval from a whole community. Communities should take every effort possible to ensure that their leaders do not have private, secret meetings with investors. Facilitators should help communities demand that their leaders follow by-laws that require full community participation in investment decisions and call a large meeting of the entire community whenever an investor arrives to discuss the proposed investment. Everything should be done openly, in large community meetings.

- **Enforce by-laws that require full community participation in investment decisions.** If the by-laws are drafted before an investor arrives, the community should include in its by-laws a rule that land may only be approved for lease to investors when at least a “super-majority” (more than 66% of the community) agrees. When investors arrive, the community can point to its by-laws, and require that local leaders, the investor, and regional government officials abide by the approved by-laws.
- **Hold leaders accountable.** If leaders do make decisions about investors without consulting the community, the community should seek facilitators’ support to take action against these leaders. In some cases, communities have successfully convinced their leaders (by referring to the by-laws, and through public shaming tactics, etc.) to meet with the investors and cancel or void the deal.
- **Ask for copies of any papers that the investor has** – such as a pre-written lease agreement, the investors’ business plan, papers from the government, etc. If the investor has already signed some kind of contract with the government, communities should demand to see a copy of that document. If the investor will not leave a copy of this paperwork, the community should look for someone in the community who has a smartphone with a camera and take a photo of each page of the papers, then text the images to the facilitators’ phones.
- **Ask the investor specific questions about his/her plans and activities.** The community should ask questions that provide the following information:
 - What is the name of the company seeking land?
 - Is the company legally operating in the nation? Please show us papers that prove this.
 - What kind of investment is it? What are the planned activities that will take place on the land?
 - What land does the investor want to use for the investment?
 - How long a lease is the investor seeking? Or is the investor seeking to buy land?
 - What are the expected profits the investor is expecting to earn?
 - Why is the investor seeking this community’s specific land?

- What are the expected environmental and social impacts of the investment?
- What benefits will the investment bring to the community? How will the investment contribute to the community's prosperity and wellness?
- How does the investor intend to interact and communicate with the community? Will the investor be clear about all details of the investment? Will the investor listen to the community's interests and make an effort to promote the community's desired outcomes?)
- Getting a copy of the investors' annual report from the previous year (to see profits, losses, etc.)
- **Review the community's existing by-laws, zoning plan, and vision for the future.** Communities should have by-laws about the process for reviewing and deciding on investment deals, and may have identified areas of land that could be suitable for some investment activities. Facilitators may also ask the community questions such as: "Think back to your community vision – how else might the community use the land for local businesses and community-driven development?"

Then, after the investor leaves, the community should:

- **Call the Early Warning System hotline or a trusted organization or lawyer for support and advice.** Community members should report all information gathered, and send photos of all documents the investor shared.
 - **Review its legal rights.**
 - **Discuss the investor's request as a group.** The entire community should meet, including all community leaders, elders, women, youth, members of minority groups, and the Land Governance Council should meet to discuss the company/investor's plans, and hear community members' thoughts and feelings about the proposed investment.
 - **Research the investor as much as possible.** The community and facilitators should do a bit of research on the investor as soon as possible. The research can include:
 - Asking relevant government officials if the company is legally operating in the country;
 - Finding out who the investor is; what the company already does in other places; where the money is coming from to finance the proposed investment, etc.;
 - Investigating the experiences of other communities where the investor is already working. How did things change in those communities once the company arrived and started doing business? What were the environmental or social impacts of the investor's business? How did the community benefit? Was the investor respectful?
 - Getting a copy of the investors' proposed business plan. Investors are often required to submit a business plan to the government; facilitators may be able to secure a copy of the business plan by asking the investor directly, or by asking relevant government officials to see a copy.
- ## 6. ENSURE THAT COMMUNITY MEMBERS UNDERSTAND THE VALUE OF THE REQUESTED LAND AND NATURAL RESOURCES.
- The value of the land the investor is requesting can be calculated in a number of ways:
- **The value of the land to the community.** It may be useful to review or re-do the Community Land Valuation exercise when an investor arrives seeking land, to ensure that the community remembers the exercise and the results. (See the chapter on *Valuation of Community Land and Natural Resources*.)
 - **The value of the land on the local market.** If possible, facilitators can conduct research on local land prices, or reach out to real estate agents, or government officials with expertise in the national land market to find information about land values.
 - **The value of the land to the investor and projected annual profits** from the land. This information may be challenging to find – facilitators and community members can find this out by looking at the investor's business plan and any other information gathered about the company, and by asking trusted government officials or other businessmen or companies in similar industries for their advice.

7. PREPARE THE COMMUNITIES FOR NEGOTIATION.

If a community decides that it is interested in sharing some of its lands with an investor, the community should prepare for negotiations about the terms of the investment contract. Such preparation should include:

- **Demanding that an Environmental Impact Assessment is completed by impartial, neutral scientists, and that the results are communicated clearly to the community before negotiations begin.** Often, investors pay non-neutral, biased scientists to carry out Environmental, Social and Human Rights Impact Assessments, and as a result the scientists' reports tend to find that the project will have minimal negative impact. Communities should be ready to demand that assessments are completed by scientists or consulting firms chosen jointly by the community and the investor, and who have a proven track record of neutrality and high quality work. Facilitating organizations may need to research which scientists/consulting firms are truly neutral and highly professional.⁶ Communities can then use the findings of Impact Assessments to inform and strengthen their negotiations with investors.

Because Environmental Impact Assessments are usually very technical and full of scientific data, it may be hard for communities to understand what the reports are saying. Communities should request that the scientists or consulting firms preparing the Assessment create low-literacy, plain language summaries of various sections of the reports – particularly the sections on impact and “mitigation” (the actions the investor will be required to take to ensure that the business venture does not negatively impact the community).

- **Agreeing on a negotiation plan with the company.** To help slow down negotiations, a “negotiation plan” – detailing how many meetings must be held, and a timeline for these meetings – can be prepared, agreed on, and signed by all parties before negotiations start. The community may ask that there be more than one negotiation meeting, so that the community has time to consider the investor's offer and decide on its response/counter-offers. This will make it possible for the community to hold meetings to discuss on its own what the company has proposed, before agreeing to anything with the investor.

- **Establishing a committee to negotiate on the community's behalf, but invite all community members to witness the negotiations.** This committee may be the Land Governance Council, or it may be certain community members with good negotiating skills or certain special expertise. The committee should be diverse, and include men, women, youth and elders. The community should clearly set out how the negotiating committee will act – what it can and can't do or agree to. Even though the team may be doing the negotiating, the negotiations should be held in a large public meeting, which all community members may attend. The community should also invite individuals or groups with use and access rights to the land that may be affected by the investment.
- **Reviewing national and international laws that protect community land and environmental rights,** and have copies of the laws ready at the negotiations to show to the investor.
- **Reviewing the community's by-laws relevant to investment requests** and follow all agreed procedures.
- **Reviewing what the community is willing to provide to the investor, and on what terms.** (How many hectares, what areas of land within the community, for how many years, for what kinds of activities, etc.)
- **Reviewing the community's prepared list of requested rental payments, benefits, terms and conditions.**

8. PROVIDE SUPPORT DURING NEGOTIATION MEETINGS. THE COMMUNITY SHOULD NEVER UNDERTAKE NEGOTIATIONS WITHOUT LEGAL OR TECHNICAL SUPPORT.

Investors often arrive unannounced to conduct negotiations, knowing that if there is a scheduled negotiation session, the community will likely have an advocate there to help them protect their interests. When a negotiation is scheduled, investors may fail to appear at the agreed time and date, and then arrive the next day, when they know the community will not have support. In such instances, **the community must stand its ground and refuse to meet with the investor for a negotiation session without its advocates or lawyers present.** In addition to providing legal or technical information or advice, advocates can also help to ensure that the community:

6. The American Association for the Advancement of Science has a program, *On-call Scientists*, that matches scientists, engineers and health professionals with human rights organizations requiring technical, scientific expertise. Go to <http://www.aaas.org/page/ocs-about> to request help.

- **Documents all negotiation meetings.** The community should assign people to take very good notes of the negotiation meetings. Facilitators may also want to record or videotape the negotiations. The more forms of documentation of the meetings, the better. This can help create evidence of the discussion, should there be a future conflict that ends up in court.
- **Leaves nothing unclear, unexplained, or vague.** Facilitators should make sure that the investor has addressed all of the community's concerns and answered all questions during the negotiation process. Remind communities to ask any questions or clarifications that they want to – investors may use words or terms that the community does not understand.
- **Resists pressure to make quick decisions.** The negotiations can take as many meetings as the community feels are necessary. Facilitators may need to ensure the investor understands that the community should not be hurried into signing or concluding negotiations quickly. The investor should not incite community members to agitate for quick negotiations, or use government connections to pressure the community to move quickly. Facilitators will likely need to help communities assert their right to read and revise a proposed agreement a reasonable amount of times before it is finalized and signed.
- **Make sure that communities do not sign any contract – or anything in writing – until a lawyer working on the community's behalf has reviewed it** to make sure that it does not include any legal “tricks” that may weaken community rights. Do not trust the investors' lawyer to be looking out for the community's interests; the community needs its own lawyer to review the contract before they sign it. For free legal help for contract review, see the *Lawyers for Resource Justice* box, below. Facilitators might also seek the help of local lawyers who are members of Namati's Global Legal Empowerment Network.⁷

9. GET A GOOD, WRITTEN CONTRACT THAT IS ENFORCEABLE IN A COURT OF LAW.

Most importantly, facilitators should make sure that communities demand that the agreed outcomes of all community-investor negotiations are documented accurately and written up into a formal, enforceable contract. Communities are often denied the benefit of a formal, written legal contract, with clear terms and conditions, as would document an agreement between two companies or investors. As a result, investors' promises may have very little legal weight, and may not always be enforceable in a court or tribunal.

At the end of negotiations, facilitators should make sure that all the agreements are read aloud and confirmed by both parties. Then, facilitators should work with a lawyer to ensure that the agreed terms – nothing more, nothing less – are written up into a formal contract.

When drafting contracts with investors, communities should aim for:

- **Contracts of short duration (2-5 years) with the option to renew.** Shorter contracts create more opportunities to re-negotiate terms to align with evolving realities, such as currency inflation. Often, investors ask for 50+ year fixed contracts, which can trap communities in agreements that do not benefit them over the long term. If the investor will only accept longer contracts, communities should ask for scheduled time to review the terms of the contract to make sure that everyone is still satisfied with the terms and conditions.
- **Rental payments that adjust for inflation and currency devaluation.** Communities can take account for changes in currency value by describing rental payments in terms of a staple food item, like rice or corn. The price of this item will go up and down with the actual value of the currency, which will help communities ensure that they don't receive less and less value for their land over time.
- **Clear, direct statements about how the investor must leave the environment** – including making sure that the community waters are not polluted, that the soil remains fertile, and that community members can still hunt, fish, graze and gather traditional plant medicines as before the investor arrived.

7. <https://namati.org/network/members/>

- **Protections for rights of way and important access routes** to forests, waters, grazing lands and other areas where people earn their livelihoods (so that access to key natural resources is not blocked by the investment activities).
- **Use of infrastructure.** If the investor is building a road or bringing in electricity and other telecommunications benefits, the community should be granted access to and use of the infrastructure.
- **Contract provisions that allow the community to enforce the contract if the investor breaks agreements.** In contracts between companies, there are multiple provisions that provide a remedy if one side breaks the agreement.

Communities should ask for similar language in their contract so that if the investor fails to pay rental fees or does not provide the promised benefits, the community will have a way to enforce the terms of the contract or evict the investor.

- **Land will be returned to the community.** After the lease is over, the contract should state that the land will be returned to the community for its use. Even if the investor has made improvements to the land (built buildings, etc.), the community should be able to have use, management and decision-making power over the land when the term of the lease is over.



SUGGESTED CONTENTS OF A COMMUNITY-INVESTOR CONTRACT

- The exact amount of land that the investor will lease from the community, and its precise location;
- The exact activities that the investor will undertake on the land, including a specific list of what the investor can and cannot do;
- The duration of the lease (how long the contract is valid for);
- The length of time of the lease (5 years? 10? 20?), and how many times it can be renewed. If the lease can be renewed, how many times may it be renewed?
- Whether the contract will be reviewed and revised every few years (to ensure that the community and investor are happy with the terms of the contract) and how often the review and revision will happen;
- The rental payment to be received by the community;
- The specific benefits to be provided to the community, including the specific terms of the benefits (how big a school, made of what materials, how many books, etc.) the date by when the benefits must be provided;
- How the community will receive the payment (in cash, in a transfer to a community bank account, etc.);
- Available remedies if the investor breaks the agreement/breaches the contract;
- The process of conflict resolution if the community or the investor is unhappy with how things are going, or if one side breaks the contract: mediation or litigation? Termination of the contract?
- The process for claiming compensation for any “damages” suffered by the community as a result of the investment;
- Whether the land will revert to the community at the end of the contract lease.

LAWYERS FOR RESOURCE JUSTICE

Lawyers for Resource Justice connects national, regional and grassroots advocates and activists with high-level international lawyers who provide free legal support, advice and training around community-investor conflicts, negotiations and contracts. Local organizations work collaboratively with these international lawyers to help communities prevent or remedy damages from large-scale resource development projects. Many of the volunteer lawyers are experienced in transactional and corporate law, making them particularly useful for situations involving negotiations or engagement with corporate entities or international organizations (such as funding agencies).

Facilitators can ask Lawyers for Resource Justice for various kinds of help, including:

- Strategies for proactive engagement with governments or companies;
- Representation in community-investor negotiations;
- Investigation of investors’ compliance to national and international laws and standards;
- Guidance and identification of strategic actions;
- Training on unfamiliar areas of law or jurisdictions;
- Bringing cases to international tribunals; and others.

Facilitators may seek support from Lawyers for Resource Justice at: www.resourcejustice.org and support@resourcejustice.org

ADDITIONAL RESOURCES FOR PRACTITIONERS

Using a Biocultural Community Protocol (Chapter from *Biocultural Community Protocols: A Toolkit for Community Facilitators*) – Natural Justice

www.community-protocols.org/wp-content/uploads/2015/11/BCP-Toolkit-Part-III.pdf

The third part of this Natural Justice guidebook focuses on how communities can engage with external actors. It suggests a number of ways to raise awareness with communities and the broader public, engage in key decision-making processes, negotiate with external actors, and prevent and resolve conflict.

“A Community Guide to the International Finance Corporation’s Performance Standard 7 on Indigenous Peoples (PS7)” – Forest Peoples Programme

www.forestpeoples.org/topics/international-finance-corporation-ifc/publication/2010/community-guide-international-finance-

This guide — offered in English, French, and Spanish — tells community members what to do if a company is planning to develop projects on or near their customary lands, using a loan from the International Finance Corporation (IFC), the private sector part of the World Bank Group. The guide provides an outline of IFC’s rules and how to conduct good faith negotiation. The guide also explains people’s rights to be consulted fairly and honestly, to receive information about projects, to participate in them, and to refuse the project. The guide suggests how to tell the company and the IFC about people’s needs and concerns, and how to object to a proposed project.

Guide to Free Prior and Informed Consent – Oxfam

<http://resources.oxfam.org.au/filestore/originals/OAUs-GuideToFreePriorInformedConsent-0610.pdf>

This is a step-by-step guide about how to use the right to Free Prior and Informed Consent to help people to have a say about development projects, such as dams, mines and, logging and other large infrastructure projects, which affect them in some way. It is designed to assist organizations supporting communities affected by large-scale development projects. It includes a section as a resource to help communities understand their rights, with useful tips and information along with practical steps outlining the negotiation process. The guide also contains some “red flags” about what can go wrong and difficulties that communities may encounter.

IBA Community Toolkit: Negotiation and Implementation of Impact Benefit Agreements – The Walter and Duncan Gordon Foundation

www.ibacommunitytoolkit.ca/pdf/IBA_toolkit_March_2010_low_resolution.pdf

This very detailed toolkit provides general information on negotiation of impact and benefit agreements – agreements negotiated between companies and communities. It was written for Indigenous communities in Canada who are negotiating with mining companies, but the resources and strategies that it contains can be applied to many other contexts. The guide includes information on the types of agreements available to communities and companies, and what they mean, as well as understanding consent, understanding the project and its environmental implications, preparing for and conducting negotiations, and implementing agreements.

RETURNING TO THE VISION WITH COMMUNITY ACTION PLANS



After a community has successfully harmonized its boundaries, adopted its by-laws, elected its Land Governance Council, and received formal documentation of its land rights, facilitators should facilitate a final (or near-final) community meeting designed to help the community identify practical next steps for turning its community vision into reality.¹ During this meeting, facilitators support the community to complete a short exercise in participatory, community-driven planning that culminates in the development of a basic community action plan.

WHAT IS A COMMUNITY ACTION PLAN AND HOW IS IT USEFUL FOR COMMUNITIES?

A community action plan:

1. Articulates clear, specific goals that the community wants to achieve within a particular timeframe, and
2. Identifies how the community will take action on its priority goals.

An action plan can help a community to:

- **Decide how to work toward its future vision:** A well-crafted community action plan provides clear, practical and achievable steps toward the realization of a community's vision. It also helps a community to decide how to best allocate scarce resources (such as land, materials, time, money, and skills) so as to achieve its goals.

- **Come to agreement on future priorities:** Communities are diverse; different stakeholders may have very different ideas about what is best for the community's future. A community planning process can help communities work through differences and arrive at productive compromises that ensure all groups' interests are represented in community development actions.
- **Support good management of community lands and natural resources and protect the interests of future generations:** Community action plans, like zoning plans, can help communities make wise decisions about how to use their lands and natural resources fairly and sustainably.
- **Negotiate more powerfully with potential investors:** A community action plan, linked with maps and by-laws, can make clear to investors and government officials that the community has its own priorities and vision for its future and that any external investments must conform with – or support – the community's goals and plan.

1. If a community desires to undertake a more extensive community planning process, facilitating organizations can support the community to connect with another organization that specializes in community development planning. Alternatively, if a community wants or needs to spend more time on its plan, facilitators can train the Community Land Mobilizers and Land Governance Council on the steps to make a plan and use the first community planning meeting to introduce the steps, get the process started, and agree on a schedule for the community to complete the plan, supported by its Mobilizers and Council members.

HOW TO FACILITATE A SIMPLE COMMUNITY PLANNING PROCESS?

While community planning processes are usually lengthy and intensive efforts, facilitators may be able to leverage all the work that a community has already done on its vision, by-laws, and zoning plan to create a simple community action plan in a single meeting. In preparation for the meeting, facilitators should:

- Check for any **existing regional development plans made by the government** that apply to the community’s larger region. Knowledge of an existing regional plan can inform the community’s planning process by helping to:
 - Avoid contradictions between the community’s action plan and larger regional or national plans and
 - Support communities to strategically integrate their action plans into the larger regional plan. (For example, if a community wants to build a road in a certain location, but inspection of a regional plan indicates that the district government has already planned to build a road in that place, the community can choose to focus its efforts on other priorities.)
- Ask the Community Land Mobilizers and Land Governance Council to mobilize women, men, elders, youth, leaders, and members of minority groups to attend the meeting and take part actively in all discussions.

Then, at the meeting, facilitators should support communities through the following process:

Step 1: Revisit the community’s vision. In a community-wide meeting, ask the community to revisit its original vision, made in the first months of the community land protection process (the community should have kept the notes of its vision and facilitators should have taken a photograph or made copies of the notes). The community should read its original vision aloud and remember its original motivations.

Step 2: Explain how to make a community action plan. Facilitators and Community Land Mobilizers should introduce the concept of a community action plan, explain why it is important to have one, and describe the steps necessary to agree on a plan.

Step 3: Support the community to decide on a timeframe for its action plan. Action plan timeframes can be fairly short (2-5 years) or very long (20 years or more), depending on the community’s goals. Alternatively, a community may decide to create a plan with two parts, one for short-term goals and one for long-term goals.

Step 4: Brainstorm an all-inclusive list of clear, specific goals.

Ask community members to reflect on their community vision and “shout out” specific things that would help them to move toward their vision within the agreed-upon timeframe. Below are two examples of how to translate the vision into concrete goal statements:

VISION	GOAL STATEMENT
“A flourishing, healthy forest!”	→ “Our forest area will be larger and contain more wild fruit-bearing trees.”
“Enough water for everyone!”	→ “The water levels in our wells will be higher.”

Remind participants that all ideas are valid and that no one’s ideas should be silenced. While it is not possible to pursue every goal, a vibrant brainstorming session will help a community to arrive at the best plan. During the discussion, facilitators should guide community members to remain realistic about what the community can achieve within the plans’ agreed timeframe. Without being discouraging, facilitators can ask questions like:

- Is this something that the community can achieve on its own, or is it beyond the community’s control?
- Would this require a great deal of outside resources that may be hard to access?
- How can this goal be made more achievable, using the community’s existing resources?
- Is there a smaller version of the idea, or an intermediate step that would be more achievable during the timeframe of the plan?

If an idea conflicts with a part of the vision, such as a proposal for a business that could cause pollution, facilitators should support the community to assess the potential benefits and negative impacts of the idea and modify it accordingly.

Step 5: Group similar goals. Ask community members to group similar goals together in order to shorten the list to a manageable size. If several ideas are easily compatible, try to group them together. For example:

“Plant 50 trees” → “Plant 50 trees, 15 of which are
 “Have more wild fruit trees” fruit-bearing.”

“Build a better school” → “Make improvements to the
 “Make a garden for the school” school, including a garden and a new building.”

Step 6: Create a short list of priority goals. A planning process can be invigorating, as community members get excited about taking steps to make their future vision a reality. However, a very long list of goals and ideas will not be helpful unless priorities are established and decisions made about what actions be undertaken first. Facilitators should support the community to choose a short list of priority goals that it will work to achieve, before moving on to the others.

To do this:

- **Explain the need to prioritize.** Ask the community to reflect on its long list of goals. Explain that all the goals discussed will be recorded and worked toward, but that for practical purposes it is necessary to decide which goals should receive attention, effort and resources first. Start a new list, entitled “Priority Goals.”
- **Identify goals that are urgent and/or serious.** Ask the community if there are any goals that should be prioritized because they are time sensitive or because they are responding to current problems that will have serious negative impacts if they are not addressed quickly. Add these goals to the Priority Goals list and cross them off the original list. For example:
 - A serious goal could be stopping cattle from polluting the community’s drinking water because it is making people sick
 - An urgent goal could be getting a new roof on the local school before the rainy season begins.

- **Identify several “quick wins.”** Next, identify at least one goal that the community can achieve very easily (a “low-hanging fruit”). Easily-accomplished goals will create tangible local improvements quickly, boosting confidence and increasing community momentum for working on the remaining Priority Goals. “Quick wins” often have a short timeframe, rely on few external resources, and are simple to implement. Add these to the Priority Goals list and cross them off the original list.

Choosing priorities may be controversial, especially if people have competing interests. Prepare for disagreement by reminding community members about their ground rules and encourage people to explain and discuss differences in opinion. If some ideas are contentious, it may be best to record these with some type of symbol like “?” or list them on a separate sheet of paper until there is more agreement.

Step 7: Vote to choose among the remaining goals. Ask the community how many more goals should be included on the Priority Goals list for this plan. To ensure the list is achievable, facilitators should suggest that communities choose no more than 15 priority goals to focus on per plan.

- If the community decides that it has the capacity to achieve the Priority Goals already on the list plus five additional goals, explain that each community member can have five “votes” to cast among the remaining list of goals. Ask people to plan carefully how they want to “spend” their votes, and to watch to make sure that everyone else “spends” no more than the maximum number of votes.
- Give people a few minutes to look at the list of remaining goals, or have the remaining goals on the list read aloud. Remind everyone to choose goals that will benefit the entire community and lead to community-wide prosperity and wellness.
- Read the list aloud. For each goal, ask people to vote for whether it should be a priority goal. Count the number of votes and write down the number next to the goal.
- Add the goals that received the most votes to the remaining spaces on the Priority Goals list.

Voting is a simple way for a group to identify the most popular priorities. However, facilitators should remember two weaknesses of ranking by public vote:

1. Minority voices may be swamped by the majority.
2. Some participants, such as wives and youth, may choose their votes based on the choices of the head of their family or other powerful relations.

To address these concerns, facilitators may want to suggest the following strategies:

- Separate the meeting into groups of women, men and youth to do the voting, then add the votes together after the groups reconvene.
- Record details about the voting, such as the number of men/women/youth/elders (or other groups) who vote for an item, in order to identify if the sub-groups have different priorities.
- Use anonymous or near-anonymous voting procedures, such as closed eye, secret ballots, or having people come up to the lists and place a fixed number of dots or stickers next to the items that they want to vote for.
- Allow individuals to use multiple votes on a single item if it is very important to them, for example people could hold up 3 fingers to indicate that they want to use 3 of their 5 votes on the item in question.

- **Reflect on the results.** Ask the group whether there are concerns or suggestions for slight revisions to the list of Priority Goals. For any remaining goals that were not chosen as Priority Goals for this plan, copy them to a new piece of paper titled “Other Goals” so that they are recorded for future community planning discussions.

Step 8: Brainstorm and agree on actions that the community will take to achieve each Priority Goal. Moving from goals to action requires: the articulation of clear, practical, specific steps; identification of who will be responsible for completing each step; and determination of a final date by which they must complete each step and achieve the goal. Take the community through the list of Priority Goals one more time. For each goal, ask the community to discuss, decide and write down for its records answers to the following questions:

- **What actions can the community take to reach this goal?**
Encourage the community to brainstorm specific “next steps” and actions to reach each goal. Remind community members that not all actions need to be physical changes (such as building new infrastructure or planting trees); actions can also include administrative changes (such as adding a rule to the by-laws), governance changes (such as creating a new volunteer group to monitor a particular resource), or social actions or events (like holding more community celebrations or organizing dance competitions).
- **What obstacles may prevent or slow progress on this goal?**
Encourage the community to think about what challenges may threaten the successful realization of the goal, then proactively plan for how to address each challenge and avoid potential obstacles.
- **What resources and skills are needed?** Communities are diverse — every community includes people with various skill sets and expertise. Rather than immediately looking outside for help, support the community to brainstorm a list of skills that community members already have that could support the goal (such as carpenters, masons, artists, etc.). Only after listing all internal resources should communities think about external resources that they may need to access to achieve their goals.

- Who is responsible for overseeing the achievement of each goal?** A community goal may be complex and multi-faceted. To ensure that efforts progress in an orderly, thoughtful manner, the community should choose a “goal manager” or group of “goal managers” to be responsible and accountable for making progress toward achieving the goal. The goal manager(s) should coordinate the efforts of all other community members who are contributing to the goal. For example, if a community has a priority goal of building a new school, the goal manager may need to coordinate, direct and supervise the masons building the foundation and the carpenters building the roof and furniture. To support such efforts, the goal manager(s) should make a more detailed action plan that includes a work plan, timeline, list of people who will need to be involved, and a budget. The community may want to require that the community, Land Governance Council or other community leader(s) approve these specific action plans.
- How will the community know when it has achieved each goal?** Communities should identify ways to track and report on their progress toward each goal. Successes can be acknowledged and celebrated in community meetings, as radio announcements, or in ceremonies commemorating a group’s efforts.

Step 9: Agree on a schedule for reviewing progress and revising the community action plan. Action plans only have impact if they are made “real” through practical effort. The community should agree to regularly discuss progress made (for example, at a special “action plan progress meeting” held every quarter or bi-annually). These progress review meetings can help to hold people accountable for completing their agreed-upon tasks and may be a time to celebrate victories, resolve conflicts and obstacles, and adjust plans as necessary to meet evolving circumstances. Regular reviews of a plan also help motivate people and maintain momentum.

Step 10: Adopt the community action plan. The community should decide how to finalize and formally adopt its action plan. The community members could decide to:

- Adopt their action plan in the same meeting they drafted it in (if there is a large, representative group);
- Organize another community meeting to review and adopt it;
- Have the Community Land Mobilizers circulate copies throughout the community and collect feedback;
- Have the Land Governance Council adopt it;
- Or any other strategy that will ensure community-wide endorsement.

When facilitators periodically visit communities to check on their long-term governance and management of local lands and natural resources, they might also support each community to assess its progress toward the realization of its action plan, celebrate achievements, and support the community to overcome challenges.

NOTES

INTEGRATING LIVELIHOOD SUPPORTS



Community members repeatedly voice concerns about livelihoods and local economic development throughout the community land protection process. These concerns tend to follow three main trends:

1. Community members who practice certain specific livelihoods related to natural resources extraction (alluvial mining, charcoal making, logging, etc.) become concerned that the community's new rules will significantly obstruct their ability to continue their livelihoods, and argue against by-laws meant to ensure sustainable natural resources use.
2. Community members who doubt the degree to which they will be able to leverage resources, capital, and opportunities to join local economies, build small businesses, and create their own local jobs and enterprises remain focused on attracting an investor who will bring jobs and opportunities into the community from outside.
3. Community members keen to start their own business enterprises, grow their businesses, or increase their access to capital, transport systems, and distribution networks may pressure facilitators to help them to realize these goals, asking "So now our lands are protected – so what? We are still poor."

These concerns and questions deserve thoughtful, careful answers. One option is for facilitating organizations to incorporate trainings and other supports designed to strengthen livelihoods and local economies into the community land protection process.

WHY ARE LIVELIHOOD SUPPORTS AN IMPORTANT ASPECT OF COMMUNITY LAND PROTECTION EFFORTS?

Sustainable, thriving livelihoods are central to the long-term protection of community lands. When community members are able to create prosperous local livelihoods, they may:

- **Build local businesses, rather than seek to attract outside investors:** Livelihood supports and access to credit provide alternatives to external investments, giving communities the freedom to reject potential investments on the grounds that "we can profit more from using this land productively ourselves than leasing it to an investor." In contrast, if there are few local prospects for prosperous livelihoods, communities may welcome an investment that provides jobs but ultimately reduces community prosperity and wellness over time. A sense of desperation or lack of employment options can reduce communities' bargaining power with potential investors and fracture communities, pitting community members concerned about the proposed investment's negative environmental impacts against others who believe that the external investment will bring much-needed jobs. Unscrupulous investors are aware of such tensions within communities and may make empty promises to widen divisions within communities, such as: promising far more jobs than they can realistically provide, promising to hire community members when they actually plan to hire outsiders, or describing jobs as having wages that are much higher than what they actually intend to provide.

- **(Re)Invest in their community:** When communities rely on external businesses to provide goods, services, income, or jobs, they allow wealth to drain away from their community in the form of the resources extracted or profits made. In contrast, local enterprises have the potential to generate much more community prosperity, as the profits earned from local businesses stay in the community and can be reinvested.
- **Retain local youth:** When there are few local jobs or opportunities for enterprise, a community may lose its youth, who move to urban centers in search of jobs. This can become a self-fulfilling cycle – as youth leave, there is less youthful energy to build community prosperity, so more youth leave. Eventually a community may be primarily composed of people who cannot leave – the elderly, the disabled, etc. Thriving local livelihoods are key to a community’s sustainability, as well as the maintenance of its language, culture, art, and traditions. The creation of livelihood opportunities and connections to credit, skill-building trainings, and markets can help to keep bright, energetic youth and adults in their community, building small businesses and contributing to community-driven development.

HOW TO INTEGRATE LIVELIHOOD SUPPORT INTO COMMUNITY LAND PROTECTION EFFORTS?

Supporting community livelihood development can be challenging for facilitating organizations that have limited resources or lack expertise in livelihood-based skill building, micro-credit lending, or market access. As it is, the community land protection process is long, intensive, and demanding – adding livelihood support components may be too big a stretch for facilitating organizations. As such, Namati and its partners have developed the following “low-burden” strategies to address these topics:

1. Develop alliances with local organizations and agencies whose mandate is to provide livelihood support, technical skills training, micro-credit lending, and market access:

Facilitators should ask communities to brainstorm what kinds of livelihood supports they need most, then seek out organizations that can provide for communities’ needs. It is best if communities substantially complete the community land protection process before the livelihood training, micro-credit lending, or market access-focused organizations enter the community to begin their work. Yet because these organizations will likely have their own priority areas and schedules, it is necessary to start these discussions very early on, so that there can be time to align annual work plans. It may be necessary for the organizations’ executive directors to make such plans together and sign Memoranda of Understanding (MOUs) formalizing the relationships and setting out clear expectations for how the organizations will work together in the same communities.



2. Support communities to discuss and plan for their future prosperity during community visioning and/or community development planning meetings:

During the visioning process, encourage discussion of future livelihoods or new projects that can generate community revenue. Facilitators might support communities to include plans for a community-driven investment project in their future vision (rather than waiting for an outside investor to arrive). Then, during the community development planning meeting, facilitators can encourage goals and action plans that support local livelihood options. (See the chapters on *Community Visioning* and *Returning to the Vision with Community Action Plans*.)

3. Support communities to create by-laws that encourage local livelihoods:

During the by-laws drafting process, facilitators might encourage communities to consider rules that:

- Promote local business development by community members;
- Allow practitioners of extractive livelihoods like alluvial mining and small-scale logging to continue their businesses, but in a manner that promotes their sustainable continuation – for example, loggers may be required to pay fees that fund afforestation efforts, or to cut only a certain number of trees each year, etc.; and
- Require that funds collected from the community’s common lands and resources (such as fines or fees) be invested into community projects that, among other priorities, support livelihood diversification and local business development. (See the chapter on *Drafting By-laws for Good Governance of Community Lands and Natural Resources*.)

4. Support communities to create zones for local business development:

When making their zoning plans, communities can support livelihoods and local businesses by zoning areas specifically for local business incubation. This may inspire enterprising youth to apply to use such land to start new companies. Communities might create an application process for interested members, with preferences for new local businesses that commit to hiring a certain number of community members as employees. Precautions must be taken to ensure that these lands are not captured by elites and that the promised jobs are provided. (See the chapter on *Making a Zoning Plan*.)

5. Prepare communities to negotiate for lasting livelihood benefits in any deals with investors:

When training communities for negotiations with potential investors, facilitators should prepare communities to ask critical questions about promised jobs and ensure that any resulting contracts include clear, binding agreements on how many jobs will be created for community members. Facilitators might also encourage communities to require investors to support the community’s local economy, for example by creating a fund to support small local businesses or providing high-quality training and skills-development for community members. (See the chapter on *Negotiating with Investors*.)

Such supports can help motivate and encourage communities to make concrete future plans for livelihood development. When communities internalize the belief that they themselves can determine and drive the course of their growth using their own resources, skills, and expertise, they are well-positioned to protect their rights, steward their community lands and resources sustainably, and ensure their community’s thriving, prosperous future.

NOTES

SUPPORTING COMMUNITIES TO REGENERATE THE LOCAL ECOSYSTEM



WHAT IS ECOSYSTEM REGENERATION?

A community's land is its greatest asset. If well managed, it will help communities prosper and realize their goals: a community with rich forests, clean water, abundant wildlife and fertile soil will allow community residents to farm more productively, raise healthier livestock, hunt more animals, and more easily pursue their land-based livelihoods. A community with abundant natural resources may also allow families to sell surplus natural resources for a profit and earn extra income. Yet a community with a depleted ecosystem will have trouble farming in arid soils, will not have enough fodder for livestock, will face fuel shortages and increasing erosion, and will have to buy a number of necessary natural resources on the local market, thus further impoverishing local families. Farmers may have to pay a great deal of money for fertilizer and pesticides, which may then run into the waters and negatively impact community members' health.

Efforts to revitalize a community's local ecosystem are investments in the productivity and value of the land — and the community's future wealth and prosperity. For these reasons, community land protection efforts should not end when lands are documented and local governance is strengthened: **a community should also be guided to plan and carry out strategies to help the local environment thrive and flourish.** This process is sometimes called "ecosystem regeneration." It may also be called "agro-ecology" or "permaculture"; as related to grazing lands, it may be called "holistic rangeland management."

"Sustainable" natural resource management is the practice of people using land in such a way that nature can regenerate itself at its own pace.

Ecosystem regeneration is a process of humans actively *helping* the environment to flourish and thrive. Such actions and efforts enable nature to regenerate at a much quicker pace.

HOW DOES ECOSYSTEM REGENERATION WORK?

Generally, if the local community takes no affirmative action — leaving a piece of degraded land unused, or using it sustainably — nature will take its own slow path to regenerate the environment, which may take decades. However, humans can support nature's process by proactively tending to the land in such a way that will create higher fertility and biodiversity in a few *years*, rather than a few *decades*.

When communities take action to regenerate their ecosystem, humans become a positive force, dedicating their energy to giving back to the environment and supporting nature to thrive — rather than only taking from it and depleting resources. Facilitators can support communities to brainstorm activities they can do to regenerate their lands and natural resources according to local traditional knowledge. Facilitators (or local experts) can also introduce a variety of new ideas and practices to communities. While every region on earth has its own specific ecosystem, there are a few ecosystem regeneration techniques that can be adapted and applied to most ecosystems. These include:



Before and after ecosystem restoration, Loess Plateau, China.
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- **Contour plowing.** Contour plowing is the practice of plowing and/or planting across a slope or incline, rather than parallel to it, which results in level crop lines that curve around the land. Most land has at least a slight incline: in contour farming, farmers use the incline of the land to catch rainwater by creating rows that stop water from running down the slope. These contour lines create a barrier or “water break” that allows more time for the water to settle into the soil, reduces heavy water run-off, prevents flooding, and slows soil erosion. Farmers can increase the process of water catchment by placing stones along the contours.
- **Swales** are ditches and short walls that run along contour lines and make sure that any rainwater that falls runs *into* farmers’ fields, rather than *away* from the fields. Swales can be created by digging a ditch along a field’s contour line, and piling dirt and rocks on the downhill side of the ditch to create a small wall that directs water where the farmers want it to go. Farmers can also plant certain types of indigenous plants that do not take up a lot of water on top of these small walls to ensure that the walls do not erode, and to create shade to stop water evaporation.

1. Reforestation. Reforestation is process of planting trees to replenish forests and woodlands that have been depleted. Reforestation can be used to increase the fertility of the soil by preventing erosion, help regenerate ground water (below the surface), increase soil moisture, help rebuild natural habitats and ecosystems, and reduce the amount of time that community members spend gathering firewood. Communities can easily— at no or low cost —gather local trees’ seeds and begin a tree nursery to grow the seeds into seedlings, then plant and care for them. Communities should make sure to grow and plant a wide variety of indigenous, local species of trees —the trees planted should ideally help return the community to the biodiversity of the past.

2. Water catchment systems. Water catchment is the process of gathering rain water and helping direct it to the places where the land and farmers need it most. Water can be collected from rivers or rainfall, then redirected into fields, or into a well, pond or small reservoir. The water collected can then be used to irrigate gardens and fields, or for livestock. Two simple strategies for water catchment techniques include:

THE GREENBELT MOVEMENT IN KENYA

Kenya’s *Greenbelt Movement* was founded to respond to the needs of rural Kenyan women who reported that their streams were drying up, their food supply was less secure, and they had to walk further and further to get firewood for fuel. The Greenbelt Movement encouraged women to work together to grow seedlings and plant trees to bind the soil, store rainwater, and provide food and firewood. Within a few years, the women had planted more than 1000 seedlings in long rows to form “green belts” of tree. The “belts” of trees provided shade and windbreaks, supported soil conservation, and provided habitats for birds and small animals. The women planted trees during local tree-planting ceremonies/celebrations, and invited their communities to attend and take part. Since the Greenbelt Movement was founded in 1977, more than 51 million trees have been planted, and more than 30,000 women have been trained in forestry, food processing, bee-keeping, and other trades that help them earn income while preserving their lands and resources.

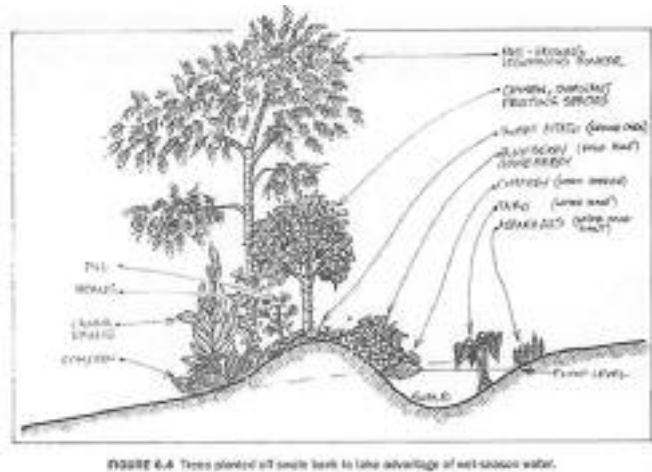


FIGURE 6.4 Trees planted at swale bank to take advantage of wet-season water.



(left: swale, right: contour lines with swales)
courtesy of Introduction to Permaculture by Bill Mollison, 1997.

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3. Restoring the health of the soil. Over time, heavily-used soils lose many of the nutrients and microbes necessary for soil health and become less productive. Without necessary nutrients and microbes, plants more easily fall prey to disease and are more vulnerable to stresses like drought and insect damage. There are a number of different simple, no-cost strategies that farmers and pastoralists can use to increase the fertility of their soils. These include:

- **Planting cover crops.** A cover crop is a plant that is not grown for sale or food, but is used to slow erosion, improve soil health, and help control pests and diseases. Cover crops physically slow down how fast the rain hits the soil surface, preventing soil erosion. They also help anchor the soil in place and increase soil fertility by returning nitrogen and other nutrients to the soil. Farmers often plant a cover crop for a specific period of time, then plow the cover crop under the soil before the plants reach full maturity (which adds to the nutrients in the soil). After the cover crop has been plowed into the soil and allowed to decompose for a time, farmers can again plant food or crops for market.
- **Composting, mulching, and spreading manure.** Composting involves mixing farm and household organic waste (such as plants, leftover food and vegetables, weeds, etc.) in a pile or bin and providing conditions that encourage decomposition. The decomposition process turns the compost pile into rich organic fertilizer. Farmers can keep all of their food or plant

waste in one place, and, over time, turn it into compost or mulch. They can then apply the compost or mulch to the soil. Animal manure can also be used to add nutrients and organic matter to the soil and increase soil health. It is best to plow the manure into the soil before planting crops. To ensure against the spread of disease, all food grown in manure should be carefully washed before eating.

- **Polyculture and perennial crops.** Traditional agriculture is based on the idea of “monoculture” crops, which involve growing only one or two kinds of plants in a given area and exterminating all other species. Monocultures are not found in nature — they create an unbalanced ecosystem that can lead to plant disease, insect infestation, reduced soil fertility, and destruction of wildlife habitats. “Polyculture” is the practice of growing many different kinds of plants in one area. In most ecosystems, there are certain kinds of plants that like to grow together. It is good to include *perennial plants* in the polyculture. Perennial plants are plants that have living roots in the soil at all times. (They live for long periods of time and do not need to be replanted.) They therefore prevent soil erosion and help to keep soil healthy. Farmers may know of helpful indigenous perennial plants that will not interfere with crop growth to plant among their fields.

TRES HERMANAS

More than 1000 years ago in Latin America, indigenous communities developed a system of farming called “*Tres Hermanas*” or “Three Sisters.” In this system, the seeds of corn, beans, and squash (pumpkin) are planted together in mounds or rows. As they grow, the bean vines climb the corn stalks as a frame, while the squash covers the soil with its large green leaves. The resulting gardens are dense, fertile, and beautiful. Growing the three crops together increases the soil fertility and ensures that all three crops thrive — even more than if they were each planted alone.

It is important to note that to regenerate their local ecosystem, farmers and pastoralists *do not have to stop practicing their livelihoods*, or take on new obligations — they simply have to change how they go about farming and grazing their animals. Simple changes can dramatically improve the fertility and health of community lands.

TRADITIONAL KNOWLEDGE INFORMS ECOSYSTEM REGENERATION

Most of the strategies of ecosystem regeneration are derived from traditional knowledge from around the world. Local communities are often deeply interconnected with their natural surroundings, and over time have developed complex understandings of the properties of local plants and animals, the dynamics of their ecosystems and how to manage them, as well as how to nurture and cultivate wild and domesticated foods and medicines. Many of the techniques described above were originally created by local people who simply paid attention to natural systems and observed what made certain areas thrive. Over thousands of years, experimenting with simple, no-cost strategies, people figured out how to make their lands very fertile.

Ecosystem regeneration efforts create an opportunity for elders to remember their ancestors’ traditional knowledge and teach them to the entire community.

Local youth may then have great ideas about how to innovate such ideas further, then pass these revived and improved techniques onto their own children. When a community revitalizes its traditional knowledge for regenerating the soil and creating a flourishing ecosystem without external inputs and expensive technology, it regains power and control over its economy and sets a course for a prosperous future.

4. Smart herding/holistic rangeland management. Well-managed livestock can be a powerful force of land regeneration and prosperity. When well-managed, large herds of cattle, goats and sheep can bring benefits to soil and plants that cannot be achieved by plants on their own. Holistic rangeland management techniques were developed by watching the behavior of wild herds of animals: wild herds bunch into large groups as they graze, which protects them from predators. While they graze, these herds cycle nutrients (by eating and excreting them), transport seeds (as they eat and digest them), and enrich the soil with manure. Livestock’s hooves break the hard upper crust of the soil, which allows it to absorb water and breathe more easily, enabling more plants to seed and grow. They also compact the soil under their hooves, which helps ensure that seeds get pushed down into the soil and can germinate.

Large herds of wild animals must constantly move to fresh ground in order to get enough to eat (a short grazing period on each area). They cannot return to ground they had previously passed over until it has regrown a sufficient amount of vegetation to sustain the herd again (a long recovery period). To achieve the benefits of holistic rangeland management, communities seeking to regenerate grazing lands for domestic livestock must carefully manage their herds to mimic wild herds’ behavior: keeping many animals bunched together into a tight group and herding them over small areas of land in a planned way for a short period of time (a few days), instead of letting the herd spread over a vast area and remain grazing for many days. After a herd has passed over the small area of land, the land should be left alone for enough time for seeds to root, grow, and create a plant that itself puts out seeds. Depending on the ecosystem, this can take anywhere from one to three months.

HOW TO FACILITATE A COMMUNITY TO EMBRACE ECOSYSTEM REGENERATION TECHNIQUES?

To support community-led ecosystem regeneration, facilitators can convene special meetings to help communities brainstorm and plan for how they will take action to revitalize their local environment. Facilitators can convene ecosystem regeneration meetings at any time throughout the community land protection process, according to community needs and interests.

Because facilitators may not have experience teaching ecosystem regeneration techniques, it is best to **develop alliances with experts that have technical knowledge in the areas of permaculture, integrated soil management, holistic rangeland management, and water catchment**. There are organizations that focus on ecosystem regeneration in most countries; facilitators should do research to find those organizations, then invite their field staff to come teach interested communities. University professors and their students may also have this knowledge. Facilitators can also ask government agricultural extension workers to come teach ecosystem regeneration strategies.¹

Then, during an ecosystem regeneration meeting, facilitators and any invited technical experts can:

1. Link ecosystem regeneration techniques to the community's future vision and all future planning efforts.

Facilitators might open the ecosystem regeneration meeting by asking community members to return to the visioning exercise: to remember what their local environment used to be like in the past, describe what the environment is like now, and then imagine what it will be like in the future if nothing changes. Through this quick visioning exercise, community members may become motivated to not only use their land sustainably, but also to actively work to restore the local environment's fertility and abundance.

2. Show *before* and *after* photos of successful ecosystem regeneration efforts.

A picture speaks a thousand words. Community members living in degraded ecosystems may not be able to imagine that the environment has ever been different – or could ever be different within their lifetime. Facilitators should find examples (like the two sets of before and after photos in this chapter) and print them in color on large pieces of paper that can be passed around.

1. If inviting a government agricultural extension worker, facilitators should screen them carefully to make sure that they have the right knowledge expertise – younger professionals may have learned ecosystem regeneration techniques in school, but older professionals may still promote the use of expensive chemical fertilizers and pesticides, etc.

Alternatively, facilitators could project a slide show of images related to ecosystem regeneration.

Critically, a community may be more willing to sell or lease land that has become infertile or exhausted. Yet when members of a community understand that their land can be infinitely regenerated and abundant, they can envision prospering from their land for many generations. This can help underscore the negative long-term impacts of selling or leasing their land to outsiders and motivate people to protect their land claims.

3. Highlight/showcase local traditional knowledge.

Facilitators can then ask the community to brainstorm strategies that they *already use* to promote local biodiversity. Elders may have traditional knowledge of techniques that are locally appropriate and specific to the area. Facilitators should aim to draw out elders' memories of what the community used to do in the past to ensure that community's ecosystem flourished: elders may have memories from their own childhoods of what community members did to keep fields and grazing lands fertile. Local indigenous knowledge may be particularly helpful in identifying good cover crops and varieties of indigenous plants to use for reforestation or to promote soil fertility.

4. Give a short overview of a variety of ecosystem techniques and let the community choose.

Again, photos or a slide show presentation can help community members visualize what is being described. After explaining a number of no or low-cost techniques that community members can use, facilitators should support the community to have a participatory discussion of what they would like to do, both within common lands as well as on their family farms. Eventually, the community should agree on a few of techniques they would like to try out. They may choose to try a technique in a specific small area before applying it more broadly, or they may choose to make larger changes to local practice immediately.

5. Support the community to make a plan for how to begin implementing ecosystem regeneration techniques.

Once the community has chosen a course of action, it should make a plan for how to realize ecosystem regeneration. For example, the plan could include: 1) selecting a group of volunteers to get trained in a certain technique (who can then train other community members); 2) scheduling a training with experts from an ecosystem regeneration

/permaculture organization or agricultural extension worker; 3) selecting areas designated to be the site of a tree nursery, a man-made pond, or the location of “test sites” for holistic rangeland management, for example; 4) deciding on a work plan/schedule for how and when the work will be carried out; and 5) making a plan for how the group will report back to the community on any progress and results. Other community members could commit to less extensive

ecosystem regeneration actions, like collecting and saving seeds and replanting traditional medicines, etc.

5. Encourage knowledge sharing for household use.

Facilitators should suggest that everyone who attended the meeting return home and share what they have learned with their family, friends and neighbors. Certain individuals may be excited to try techniques on their own family land, then share their results with the wider community.



The first photo is from February 2004, the second photo is the same site taken in July 2009. Foundation for Ecological Security, India, Annual Report, 2013-2014.
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ADDITIONAL RESOURCES

Overview. A brief introduction to the most important techniques in ecosystem regeneration is available at: <http://sheldonfrith.com/2015/12/15/a-brief-introduction-to-most-important-techniques-in-regenerative-agriculture/>. An associated recommended reading list can be found here: <http://sheldonfrith.com/recommended-reading/>

Water catchment. A short video on how local communities in India are using water catchment to restore their ecosystems and agriculture is available at: www.goodnewsnetwork.org/water-ghandi-of-india-honored/.

Water harvesting. Zephaniah Phiri Maseko’s indigenous innovation of water harvesting in Zimbabwe is described here: www.muonde.org/wp-content/uploads/2013/11/The-Water-Harvester-2011-Travel-Africa-magazine-article.pdf. There is also a video here: <https://youtu.be/ieqYZaT0JwA>

Regenerative agriculture in China and Africa. This video, available at: www.youtube.com/watch?v=bLdNhZ6kAzo, shows that large decimated eco-systems can be restored. The video showcases success stories from Ethiopia, Rwanda and China. It is part of a series of videos about regenerative agriculture in many parts of the world called “What If We Change.” There are more than 15 videos in the series, available at www.whatifwechange.org/magazine/, each set in a different location in the world. Most of the videos in the series focus on grassroots, local and indigenous communities taking action to restore their agriculture and local ecosystems.

Holistic Rangeland Management was pioneered by a man named Allan Savory. The Savory Institute has a number of resources, available at: <http://savory.global/institute> and www.ted.com/talks/allan_savory_how_to_green_the_world_s_deserts_and_reverse_climate_change#t-1321801. See also: <http://sheldonfrith.com/2015/11/26/what-are-properly-managed-livestock/>.



MONITORING, EVALUATION AND IMPACT ASSESSMENT

This chapter details how to gather data throughout the community land protection process and analyze that information to improve facilitation efforts and support community progress. It also suggests systems for evaluating the short- and long-term impacts of community land protection within each community.

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- Gathering Baseline and Endline Data 221
- Ongoing Monitoring and Evaluation:
Collecting Data throughout the Community Land Protection Process 229

INTRODUCTION TO MONITORING AND EVALUATION



WHAT IS MONITORING AND EVALUATION?

Monitoring is the continuous assessment of ongoing project activities. The goal of monitoring is to provide the facilitating organization, community members and other stakeholders with detailed information about the progress of an ongoing program. Monitoring relies on regular, consistent collection of data related to facilitators' fieldwork in communities. Consistent data collection helps facilitators understand what is going well, what challenges remain, and how they can work more efficiently. Most importantly, analysis of this data helps facilitators to reflect on how they can improve their strategies, then make necessary changes to the community land protection process.

Evaluation is the process of systematically collecting objective data, then analyzing it to understand the intervention's impacts and outcomes. Rigorous evaluation of program impacts and outcomes is critical to shaping future work – it helps facilitators understand whether their efforts and energy are actually leading to the desired objectives and goals. Evidence of positive impacts can also be used to promote community land protection efforts, get support from government, raise funds for future fieldwork, and support policy advocacy.

Comprehensive monitoring and evaluation (M&E) can help ensure the success and sustainability of community land protection efforts. Collecting and analyzing data can help facilitating organizations to:

- Manage programming effectively and efficiently;
- Learn from successes and challenges and make improvements in program strategy;

- Assess the impacts of their work; and
- Make planning and reporting easier.

HOW TO USE DATA TO IMPROVE PROGRAM STRATEGY?

Collecting and analyzing data to assess program impacts can help facilitators to determine what strategies are working well and what strategies are failing. For example, if at the end of two years of work in a community, impact data show that community land protection efforts resulted in more accountable local governance and increased community members' management of natural resources, but did not make a difference in protecting women's rights, then facilitators can look at the data critically and make changes to their strategy accordingly. Facilitators can also look at monitoring data and adjust their strategies along the way, while the community is still working to complete the community land protection process. To best use data to improve program strategy, facilitators should:

- **Review program goals and gather data that can help facilitators craft strategies to meet all goals.** Before facilitating organizations begin to analyze program data, they should review program goals and determine how they will measure success. For example, if a facilitating organization has a goal of reducing land disputes, they might decide to assess the effectiveness of a strategy of providing additional mediation training to Community Land Mobilizers before the boundary harmonization process. To assess the impact of this strategy, facilitators could gather data about the boundary harmonization process in several communities

whose mobilizers received the extra training, then compare the data to data from communities whose mobilizers did not receive the training.

- **Identify programming challenges, then gather data to help facilitators find solutions.** If the data shows that communities are struggling with specific aspects of the community land protection process, facilitators can use the data to 1) find new ways of working to address the problems; and 2) test whether the new strategies are effective. For example, if community leaders are unwilling to share their power with the new Land Governance Council, facilitators can try out new ways of working with leaders, or new ways of structuring the Land Governance Council, and then gather data to see if there are improvements to leaders' behavior.

HOW TO USE DATA TO ASSESS PROGRAM IMPACTS?

Rigorous M&E efforts help facilitating organizations prove both the positive and negative impacts of their work. While stories of specific outcomes and events are a great way to show impact, it is helpful to gather data on how a situation was before the work began, then compare it to how a situation is after the work ended. Many organizations make the mistake of not gathering data before program activities are carried out – but without a hard look at the pre-existing situation (and data to prove it), it is not possible to prove whether the work done made a difference or not. For example, facilitators may know from personal observation that as a direct result of the land protection process, the community was able to resolve a number of longstanding land conflicts with neighbors. However, if they do not have data to prove this impact (such as the number of pre-existing land conflicts, as compared to the number of land conflicts remaining after the conclusion of the process), the success may be difficult to prove. To best use data to assess program impacts, facilitators should:

- **Determine how to measure success and develop a clear set of “indicators.”** To assess the impacts of community land protection efforts, facilitating organizations must develop specific, clear “indicators” of success. Indicators are used to determine whether a program is achieving its objectives and goals. Facilitators must decide what indicators they will track before beginning community land protection activities (so that they can collect “before” and “after” data, then compare the “before” data against the “after” data to understand the impacts of their work). While Namati has identified key indicators that facilitating organizations can

use to assess program impacts, each facilitating organization may want to create additional indicators specific to their own contexts and goals. (See the box on indicators in the chapter on *Ongoing Monitoring and Evaluation*.)

- **Figure out what questions to ask to gather data on the indicators.** Each indicator or measure of success will require asking its own specific questions. Facilitators should carefully think about what questions to ask to help track whether they are achieving results for each indicator. For example, if facilitators want to find out if the program had a positive impact on bringing diversity to community land governance, they can ask questions about whether youth, members of minority groups, and women were elected to the Land Governance Council. Such questions could include: “Before the program began, how many women held positions on land governance bodies? After the program ended, how many women were serving on the Land Governance Council?” Questions like this are factual and create objective data that can help answer questions about impact.
- **Collect data** through baseline and endline focus group discussions and key informant interviews, and also by answering specific impact assessment questions after completing each community land protection activity. (See the chapters on *Collecting Baseline and Endline Data* and *Ongoing Monitoring and Evaluation* for more details.)
- **Organize, compare and interpret the data:** As they are collecting data, facilitators should make sure the data is organized in a way that will help them to identify trends and changes over time. Facilitators should carefully review each community's baseline data to help them go into the community “with their eyes open,” fully aware of the community's specific situation. Then, as new data is collected along the course of community land protection activities, facilitators should look at the data every month to analyze impacts that are emerging along the way. Finally, once the endline data has been collected, facilitators should compare the baseline data against the endline data to see if there were changes as a result of program activities.
- **Come to conclusions:** After comparing the data, facilitators may be able to come to conclusions and/or assess progress on each indicator. These conclusions can often be very powerful advocacy tools, as they are based on sound analysis of factual data rather than simple observation.

HOW CAN FACILITATING ORGANIZATIONS ENSURE THAT THEY COLLECT AND ANALYZE HIGH QUALITY DATA?

Collecting and analyzing data is not an easy task and requires a major commitment by the facilitating organization's management and staff of facilitating organizations. To best support facilitators to comprehensively monitor and evaluate their work, an organization should:

- **Make data collection and analysis an organizational priority.** Facilitating organizations should create a work culture in which facilitators carefully observe how the work is going, reflect on trends, and work to improve program impacts. Facilitators should be granted time in their schedules to complete all M&E forms and engage in regular reflection about each community's progress and setbacks, as well as any trends they see happening across a number of communities. Such analysis can help facilitators adapt the community land protection approach to best suit the local context and culture.
- **Appoint a specific "M&E point person."** Experience has shown that facilitating organizations collect much better data when they appoint a single person to review, oversee and supervise M&E efforts. Facilitating organizations do not need a special "M&E officer" to do this – any staff member that is interested and committed to M&E can serve this function. The M&E point person should review all data entered, make sure it is correct and accurate, and seek more information from facilitators if key details are missing.
- **Schedule regular "debriefing meetings" after field visits.** One easy way for facilitators to reflect on their work and make time to complete all M&E responsibilities is to schedule short "debriefing conversations" *after every field visit*. During these debriefing meetings, facilitators can discuss what happened during the visit, reflect on challenges and successes, and create strategies to address issues that arise. At the end of the debriefing meeting, facilitators should be given time to record their observations and reflections in the appropriate M&E tool.
- **Schedule monthly data analysis and reflection meetings.** Facilitating organizations should hold a meeting every month to review all data collected in the previous month, analyze it, identify common challenges and successes, and discuss any necessary changes to program strategy. Organizations may also choose to revise their work plans based on the monthly data analysis.

NOTES

GATHERING BASELINE AND ENDLINE DATA



Gathering baseline and endline data is key to assessing the impacts of community land protection efforts.

Gathering baseline data is helpful for two reasons:

- 1. It allows facilitators to learn a great deal about a community before they begin working there**, and helps them understand how to best adapt the community land protection process to the community's pre-existing needs and challenges. For example, a facilitator may find out from a focus group discussion that a community has been involved in a boundary dispute with a neighboring community that has resulted in violence in the past. To proactively address the situation and prevent further violence, the facilitating organization might want to provide extra mediation training to staff and Community Land Mobilizers, or ask trusted local government officials to help mediate the dispute.
- 2. It creates a “before” picture of how the community was before the community land protection work began**, which can then be compared to the endline data (after it is collected) to see what changed as a result of the intervention.

Gathering endline data is useful for two reasons:

- 1. It helps facilitators know how to better support other communities in the future.** It can also indicate if the community needs additional support, which facilitators can provide if time and resources permit. For example, if the endline data show that community leaders are not properly managing money earned from fees and fines collected, facilitators may want to provide additional financial management training to community leaders and the Land Governance Council – and then add this more rigorous training into all future community land protection plans and activities.
- 2. It creates an “after” picture of the community at the end of the community land protection process**, which can then be compared to the baseline data to measure the changes, outcomes and impacts of the work. For example, if community members reported in the baseline that their leaders never consult them on questions of land use, but then report in the endline that now their leaders convene community-wide meetings to make land-related decisions as a group, then the data will show that the program promoted participatory decision-making processes on questions of land.

USING BASELINE AND ENDLINE DATA TO PROVE PROGRAM IMPACT

Before community land protection efforts began in Uganda, most participants in baseline women's focus groups reported that they generally attended community meetings. However, more than half of the women explained that they were afraid to speak up at community meetings for fear of being belittled or mocked both by men and other women, or because shyness kept them from contributing their ideas. These women described how: "The leaders underlook us;" "The leaders say that women do not have important points to mention;" "We are considered inferior, [men think] that we have nothing useful to contribute;" "The men in this community demean us;" and "Sometimes they think that we don't have points because we are women — the community leaders minimize us." Notably, a few women explained that, "We speak freely because the men think we have weak ideas, so we speak out to prove them wrong."

However, after being involved in the community land documentation process, women in endline focus group discussions consistently described feeling free to participate in community meetings, and that their opinions and ideas were taken seriously and included in their community's decisions. In stark contrast to the pre-service focus groups, women explained: "Our opinions were used to make final decisions;" "At the end of the day, the written document represents our opinions, too;" "We feel our opinions were heard and used in the final decision;" "We were all considered the same [as the men] when giving views;" "When a community meeting is held and women also participate meaningfully, our ideas are respected;" and "Yes, we have the opportunity to participate and our opinions are always taken."

OVERVIEW: COLLECTING BASELINE AND ENDLINE DATA

There are three ways to gather baseline and endline data:

- 1. Household "informant" surveys.** Household surveys involve going to *randomly-selected* families' homes and interviewing one member of the family, usually for about one hour. During the interviews, researchers go through a long list of very specific questions (with a limited list of possible answers to choose from) that ask about the individuals' personal experiences related to community governance of land and natural resources, as well as information about the family's health, well-being, livelihood, land use practices, religion, ethnicity and financial situation. This information is useful because it can show the impact of the community land protection work at the household level. People may also be more willing to tell the truth if they are interviewed alone in private. It is usually best to interview at least 20 randomly-selected people per community.
- 2. Key informant interviews.** Key informant interviews are one-on-one discussions with community leaders or other community members who have extensive knowledge and understanding of the community's land and natural resource situation (community population, size of the land, natural resources located on the land, who is currently in charge of land governance, description of all existing land conflicts, relations with neighbors, etc.) Key informant interviews can help facilitators to document factual information about a community, as well as leaders' reflections on community land and natural resource issues.
- 3. Focus groups discussions.** Focus group discussions are facilitated group conversations in which community members discuss among themselves what is happening in their community related to land and natural resource use, management and governance. When leading a focus group discussion, facilitators usually gather around 15 people who share a similar characteristic (youth, women, elders, practitioners of a particular livelihood, etc.), then ask them a series of open-ended questions. Focus group discussions are a very fast and efficient way to hear many community members' views on a given topic (for example, about how people use and manage common areas like shared forests and grazing lands). Focus group discussions create a space for a rich exchange of ideas and opinions: listening to each other's answers may stimulate participants' memories, thoughts and reflections and foster empowerment and education as they learn from one another. They are also useful because it is difficult for people to lie in front of other community members who would challenge them on incorrect information.

When to gather the data? It is best to gather the baseline data once the facilitating organization has been introduced to the community and has started to build trust, but before undertaking community land protection activities (ideally somewhere around the “Introducing the Community Land Protection Process to Communities,” and the “Community Visioning” activity, but before establishing Terms of Engagement, and electing Community Land Mobilizers and an Interim Coordinating Committee). This will help ensure that the baseline data is truly a “before” picture. It is best to gather the endline data after “Community Exit.” Ideally, facilitators should wait at least a month to do the endline after exiting a community.

Choosing the best data collection strategy. If a facilitating organization has time and resources, it is best to do household informant surveys, focus group discussions, and key informant interviews during both the baseline and the endline. However, household informant surveys are often quite costly and can require several weeks of intensive research, so they may not always be within the planned budget.¹ With limited time and funding, however, a facilitating organization can still undertake key informant interviews and focus group discussions: a team of three researchers/facilitators can very easily go to a community for one or two days and hold at least three focus group discussions and three key informant interviews. For example, in one day, three researchers could each hold one key informant interview in the morning, and one focus group discussion in the afternoon.

Who should collect the data? It is best to find a **team of independent researchers** to gather baseline and endline data. Data gathered by people unrelated to the facilitating organization is generally considered to be more rigorous, scientific and impartial: researchers have no personal agenda or stake in what the data end up showing. Indeed, facilitating organizations will likely have a bias toward gathering data that show that the intervention had very positive impacts. Moreover, if facilitators are the ones gathering the data, community members might be more willing to lie to tell the facilitators what they think the facilitators want to hear. To avoid this, it may be possible to find college students or PhD candidates who might want to gather the baseline and endline data. However, because of the very political nature of land issues, facilitators should accompany any independent researchers to the community and introduce them. At the very least, while facilitators can gather the baseline data themselves, they should work hard to find independent researchers to gather endline data.

HOW TO CREATE HIGH QUALITY KEY INFORMANT AND FOCUS GROUP QUESTIONNAIRES?

Facilitators should create baseline and endline questionnaires and “field test” them (with support staff, neighbors, family members, etc.) before starting research in any community. The most efficient way to come up with good questionnaires is to:

1. Go through the list of desired impacts and outcomes of the community land protection process (improved local land governance, land conflict resolution, stronger rights for women and members of minority groups, more sustainable natural resources use, etc.) and think of every piece of information that might help show impact.
2. Next, sort the questions into three (or two) groups: a household survey questionnaire (if possible); a focus group discussion questionnaire; and a questionnaire for key informant interviews.
3. Then, go through the lists of questions and see if anything is missing and should be added or deleted, if the questionnaires are too long.

Remember that the baseline and endline surveys should have *the same exact list of questions*, because that is the only way to see “before” and “after” changes. It is possible to add additional questions to the endline, but make sure to ask all of the same questions from the baseline.

Sometimes it is good to put the same question on all of the questionnaires, to cross-check to see if the information gathered is accurate. For example, facilities might ask the same question to both “key informant” leaders and focus group discussion members. If the leaders report information that is significantly different from information gathered in the focus groups, it may mean that key informants are potentially misrepresenting the truth or are out of touch with the larger community’s interests and perceptions.

If during a “field test” of the questions, a question just doesn’t provoke good or useful answers, facilitating organizations may want to look at that question and figure out how to change it so that it gathers useful information. It is best to only begin research in communities after making very sure that the list of questions to be asked will bring in data that are useful and will show impact.

1. For this reason, this Guide does not go into detail concerning how to conduct household surveys.

SAMPLE BASELINE AND ENDLINE QUESTIONS

Enforcement of rules:

- Do your community leaders enforce rules related to land and natural resources?
(Answers: All the time, Most the time, Sometimes, Rarely, Never)
- Are there penalties for people that break the rules? (Answers: Yes, No, Unknown)
- Are these penalties enforced? (Answers: All the time, Most the time, Sometimes, Rarely, Never)
- Endline only: Do local government officials support your community to enforce your new by-laws?
(Answers: All the time, Most the time, Sometimes, Rarely, Never)

Equal treatment of all community members by leaders.

- Do certain people in your community get treated differently by leaders, as related to land and natural resource use?
(Answers: No: all people are treated the same, Yes: better treatment for elites, Yes: worse treatment for poor people, Yes: better treatment for family members/relatives, Yes: worse treatment for minorities/outsidars, Yes: worse treatment for women, Yes, worse treatment for youth)
- Do your local leaders make decisions or take action to protect the land rights of women, elderly, orphans, members of minority groups, the poor, etc.? (Answers: All the time, Most the time, Sometimes, Rarely, Never)

Transparent financial management.

- Does your community generate revenue or make money from its land and natural resources? (Answers: Yes, No, Unknown)
- If yes, how much money did your community make in the past year? (Answers: Amount: ___/Unknown)
- Do your community leaders regularly update the community on how much money has been generated and how it is used?
(Answers: All the time, Most the time, Sometimes, Rarely, Never)
- On a scale of 1-5, how transparently and fairly do your leaders manage community money? (1 2 3 4 5)
- Do your community leaders consult with community members about how to spend funds raised from the use of community lands and natural resources? (Answers: All the time, Most the time, Sometimes, Rarely, Never)

Sustainable natural resource management

- Does your community have a practice of replanting or replenishing resources that people use? (For example, every time you cut a tree, plant a tree?) (Answers: Yes, No, Unknown)
 - If yes, on a scale of 1 to 5, how often do people live out this rule? (1 2 3 4 5)
- Does your community have a portion of its land that is reserved for the use of all community members, and cannot be used exclusively by certain families/people or investment? (Answers: Yes, No, Unknown)
- Does your community have rules and/or practices for keeping water sources clean and unpolluted?
(Answers: Yes, No, Unknown)
 - If yes, how often are these rules/practices followed by community members?
(Answers: All the time, Most the time, Sometimes, Rarely, Never)
- Does your community have rules and/or practices for making sure that there are enough animals to hunt and fish to fish, now and for future generations ? (Answers: Yes, No, Unknown)
 - If yes, how often are these rules/practices followed by community members?
(Answers: All the time, Most the time, Sometimes, Rarely, Never)
- Endline only: What is a good rule from the past that your community created to support sustainable land and natural resource management? _____ (Record all answers given)
- Endline only: What is a new rule that your community created to support sustainable land and natural resource management? _____ (Record all answers given)

HOW TO PREPARE FOR AND FACILITATE KEY INFORMANT INTERVIEWS?

- 1. Identify potential key informants.** Potential key informants will vary by community and facilitators should not conduct interviews until they have an understanding of the power dynamics within the community. All key informants should have a comprehensive knowledge of land and natural resource issues in the community and ideally hold a leadership position (either as a state or customary leader, as a respected elder, as a manager of key communal resources, or as a member of the community's customary tribunal, etc.).
- 2. Decide how many key informant interviews to conduct.** Key informant interviews can take several hours to complete. It is best to conduct at least three key informant interviews per community to ensure that facilitators gather enough data to compare the information and arrive at accurate answers. For example, if one leader estimates the size of the community's land to be 10,000 hectares, and another leader estimates the community's land to be 50,000 hectares, facilitators will need to find at least one more key informant to help provide clarity. Facilitators should conduct as many key informant interviews as possible, given time and resource constraints.
- 3. Determine how and where to conduct key informant interviews.** Facilitators should get a sense of community dynamics before deciding where to hold key informant interviews. If leaders are untrusted, or if community members are suspicious that outsiders are plotting to grab their lands, or if leaders often make decisions without consulting the community, facilitators may want to consider conducting interviews in a very public place, in front of the community, where anyone who wants to can listen in. If a facilitating organization has already built trust in the community and key informants have publicly supported community land protection efforts, facilitators may be able to carry out the interviews in private.
- 4. Facilitate the interview.** Facilitators should have a separate discussion with each key informant. Facilitators should not rush through the questionnaire – valuable data and perspectives often emerge from side discussions that do not necessarily directly address a specific question. **Facilitators should take notes on everything that is said in key informant interviews**, even if it does not answer a question. Although it is possible to for a single facilitator to conduct key informant interviews, it may be best for one facilitator to ask questions to the key informant and another to take notes and/or complete the questionnaire. When possible,

record direct quotations in the notes – these may be helpful when writing reports on the project's impact.

- 5. Close the interview.** Key informant interviews are an opportunity to build trust and goodwill between the facilitating organization and local leaders. After completing the interview, the facilitator should close by thanking the key informant for his or her time, then take a moment to explain how the leader's participation in/support for all community land protection activities will be essential to the community's success.

HOW TO PREPARE FOR AND FACILITATE SUCCESSFUL FOCUS GROUP DISCUSSIONS?

Facilitating organizations should plan in advance how to convene and moderate focus group discussions and ensure that facilitators are well trained to facilitate the discussions. The following strategies may support successful focus group discussions:

- 1. Inform communities in advance about planned focus group discussions and explain why they are necessary.** Facilitators can explain that focus group discussions are useful to:
 - Help facilitators understand conditions in the community before and after the community land protection process so that they can assess the program's impacts.
 - Help facilitators understand how to best support the community through potential challenges that may arise in the course of the community land protection process.
- 2. Schedule focus group discussions in advance, allowing roughly three hours per group.** Facilitators should plan for each focus group discussion to last for two or three hours. To save time, facilitators should work with community members to select participants in advance so that they can begin the discussions on time. Since people's time is valuable, facilitators should consider providing participants with snacks, soft drinks, or small amounts of key commodities to compensate them for their time.
- 3. Choose diverse participants.** At the very least, facilitators should hold baseline and endline focus group discussions with: 1) men and male leaders, 2) women and female leaders, and 3) youth. Facilitators should take care to actively identify and include people from marginalized groups to ensure that their voices and experiences inform the data. Strategies for participant selection include:

- Random selection of volunteers: If many community members are eager to participate in focus group discussions, facilitators can randomly choose participants who volunteer in a public meeting. Names can also be randomly drawn from a hat.
- Leaders select participants: If community leaders support the land protection process and are well trusted by community members, local leaders can nominate focus group participants themselves. However, this strategy is likely to include a disproportionate number of leaders' friends and family members, and may not reflect the full range of community opinion.
- Nomination in a large community meeting: Community members can nominate people they think would make good participants. Nominees should be people who are knowledgeable about the community's lands and natural resources, known for their ability to respectfully share their opinions, and willing to volunteer several hours of their time.
- Members of an existing group: Sometimes an existing group such as a women's group, youth group, or existing land committee can be an ideal pool from which to invite participants.

4. Ensure that every focus group discussion has two facilitators. Experience has shown that it challenging for a single staff member to actively facilitate focus group discussions *and* take accurate notes at the same time. Facilitating organizations can recruit volunteers or university students to take notes during focus groups if they do not have enough field staff to send two facilitators to each community.

One of the most positive parts of focus group discussions is that they enable community members to express individual opinions, engage in group deliberations, and potentially agree about answers to important questions. In some focus groups, the facilitator will need to play an active role to ensure that all participants are able to share their views and to move the discussion forward when participants get caught up in disagreements and debates.

5. Open the discussion and ask the group to set ground rules.

First, facilitators should everyone to introduce themselves. Then, facilitators should ask participants to volunteer the ground rules. Ground rules may include rules like: "Respect everyone's opinion;" "Give everyone a chance to answer each question;" and "Listen to one another – no interrupting." The facilitator should try to make all participants feel as comfortable as possible for the duration of the discussion.

6. Begin asking questions, and ensure that all focus group discussion participants have an opportunity to speak.

Focus group discussions require skillful facilitation to ensure that more vocal individuals do not answer all the questions and dominate the discussion. Facilitators should also be alert for complex power dynamics in the group – for example: are more wealthy/powerful women silencing less powerful/less wealthy women? If several people are talking too much, the facilitator should actively call on quieter participants and ask them to share their views. Subtleties of power relations may influence the discussion and effectively silence some participants; facilitators should gracefully ensure that all are able to speak freely.

7. Allow for discussion and disagreement: As participants feel more comfortable in the focus group setting, spirited debates and disagreements may arise. Facilitators should encourage such debate and not try to stop it. After all participants have had an opportunity to express their views, facilitators may want to summarize what has been said and encourage the group to arrive at a few main conclusions. If community members are unable to come to agreement on how to best answer a question, facilitators should try to determine why consensus was not possible. Does one group member feel that his rights are threatened by the community land protection process? Does another community member have a different background or livelihood than the other group members that is causing her to disagree? Facilitators should describe such debates in detail on the baseline or endline questionnaire and include an analysis of why they think community members were unable to agree.

8. Conclude the discussion: Facilitators should observe the group closely and actively move the discussion along if they sense that participants are getting tired or want to leave. And the end of the discussion, facilitators should thank participants and explain the next steps of the community land protection process.

HOW TO RECORD AND USE DATA FROM KEY INFORMANT INTERVIEWS AND FOCUS GROUP DISCUSSIONS?

Recording data from key informant interviews and focus group discussions can be challenging. Facilitators should take extensive notes of everything that is said, and, if possible, record focus group discussions on their phones or on tape recorders. Facilitators should make a special effort to capture:

- **Quotations:** Recording the exact words that key informants and/or focus group participants can be very powerful, especially when assessing the impact of community land protection efforts. (As an example of how powerful quotations can be, see the box on women's participation in community land governance at the beginning of this chapter.)
- **Disagreements:** Focus group participants may not always agree on answers to facilitators questions. If there is disagreement, it is important for facilitators to records all of the disagreeing opinions and analyze the roots of the debate.
- **Observations:** Facilitators should note when focus group participants or key informants avoid directly answering questions, appear nervous during discussions, or have especially strong reactions to certain questions.

After gathering the data. After undertaking focus group discussions and key informant interviews, facilitators should look at the data and analyze it, together with all relevant staff members of the facilitating organization. During these discussions, facilitators can discuss any surprising information that they may have uncovered and discuss how they might handle challenging situations that arise. Then, facilitators may want to:

- **Publish the findings** in a short paper, report or an academic article, to enhance learning across the field of land rights protection and promote professional development.
- **Report the findings back to the community.** Community members are experts in their own right, and may be able to use the data gathered in positive ways. For example, if the baseline data show that people are not using local natural resources sustainably, facilitators can share that data with the community and then support the community to take action to improve the situation. Motivated community members might learn data collection techniques, then use the techniques to gather data and track information that may contribute to the overall health and wellness of the community.

NOTES

ONGOING MONITORING AND EVALUATION: COLLECTING DATA THROUGHOUT THE COMMUNITY LAND PROTECTION PROCESS



Facilitating organizations should not only collect baseline and endline data; it is also important to capture data throughout the community land protection process. Such data is necessary for:

1. Effective program management, including project planning and reporting; and
2. Assessment of the impacts, challenges and successes of ongoing community land protection efforts.¹

CAPTURING DATA TO SUPPORT EFFECTIVE PROGRAM MANAGEMENT

Facilitating organizations should keep all key information – for example: data on community demographics, and contact information for community leaders, Community Land Mobilizers, and Interim Coordinating Committee members – in one place. This information should be well organized so that supervisors, new staff, and all others who may need to see a “snapshot” of the community can access it easily and understand it quickly.

Facilitators should also keep careful track of community progress through the land protection process. There are many community land protection activities, and if facilitators are working with a number of communities at once, it may be challenging to keep good track of where each community is in the process. Such information can also be helpful to see how

long each step of the community land protection process takes, and adjust work plans accordingly.

To best support organized program management, facilitators should collect the following information:

• **Basic community information:**

- Estimated or known community population
- Number of households in the community
- Basic spatial data, such as a community’s GPS coordinates and estimates of a community’s land area in hectares
- The names of all ethnic groups living within the community;
- How the community land is used (for example, grazing, farming, hunting and gathering, etc.)

• **Contact information of key actors:** Facilitators should keep the contact information of all community leaders, Community Land Mobilizers, Interim Coordinating Committee members and Land Governance Council members in one central, easily accessible location to ensure that program staff are able to contact these individuals when necessary. Facilitators may also want to keep the contact information of all relevant local government officials in this same location.

1. To support facilitating organizations’ program management, monitoring and evaluation, and data collection efforts, Namati is designing an *Integrated Program Management and Monitoring and Evaluation* system. This system is designed to be a program management system, a fieldwork-monitoring tool, and an impact assessment tool all combined into one simple, easy to use system. Namati’s online *Integrated Program Management and Monitoring and Evaluation* system is currently being finalized. Namati is also developing a comprehensive *Project Management and Monitoring & Evaluation Toolkit* that will include all forms and tools described in this chapter. This online system and related toolkit will be launched in late 2016.

- **Community progress through land protection activities:** To track community progress, facilitators should record:
 - The date that a community began the community land protection process;
 - The dates that a community began and completed each “stage” of the community land protection process;
 - Whether a community has remained stalled or stuck on a certain community land protection activity;
 - Dates of future meetings; and
 - The overall financial costs of the community land protection process in that community. (It is important to gather data that can show policy makers how much the community land protection process costs, on average, per community.)
- **Important Program Documents:** the community land protection process generates various important documents, including: meeting notes, drafts of the by-laws, boundary harmonization MOUs, sketch maps of the community, GPS/computerized maps, valuation worksheets, and formal land registration applications. Facilitators should create a digital folder on their computer for each community and store digital versions (photographs or scans of documents and maps, as well as any photographs, videos, and sound recordings) within that one, central computer file. All files should be clearly labeled (so that all facilitators can locate files easily when necessary) and regularly backed up to ensure that program documents are not lost.

To support program management efforts, Namati has created a **Community Summary Template**. It is advisable for the facilitating organization’s M&E point person to update each community’s template at least once per month to ensure it is accurate. (See the template at the end of this chapter.)

ONGOING MONITORING AND ASSESSMENT OF IMPACTS, CHALLENGES AND SUCCESSES

Facilitators should also capture data about the immediate-term impacts and results all community land protection activities. Facilitators can then analyze and use this data to assess the impact of community land protection efforts and improve their work along the way. Facilitators should capture the following data to help analyze how well community land protection work is going in any given community:

1. Community Land Protection Activities and Meeting

Records: Facilitators should capture basic information for each meeting that they facilitate in the community, including:

- Date of the meeting
- How many women attended, and how many men attended
- Total attendance
- Any stories, good quotations said by community members, a short description of any debates or conflicts, and a brief summary of what went well/what was accomplished.

2. End of Stage Assessments: Experience has shown that facilitating organizations are able to most effectively assess the impact of land protection efforts by recording concrete, factual data on the outcomes and impacts of each “stage” in the community land protection process. When conducting end of stage assessments, facilitators should:

- **Assess the community progress’s according to objective indicators.** Facilitators should directly answer certain objective, factual questions that can indicate how successfully the community is progressing through the community land protection process. To support this, Namati has developed suggested “End of Stage Indicators” (see the box below). Facilitating organizations should feel free to add other indicators that track other desired outcomes and goals. When developing indicators to assess the impact of land protection efforts, facilitators should:

- **Ensure that indicators are as specific as possible.** Indicators are most useful when they are specific and related to a single goal that facilitating organization wants to assess.

- **Collect data necessary to assess progress.** Indicators are only useful if facilitating organizations ensure that they collect data needed to assess progress on the indicator. Sources of data to assess indicators should be identified before facilitating organization begin to carry out community land protection activities and field staff should be instructed to regularly collect necessary data.
- **Document impacts, success stories, and challenges:** Facilitators should sit together and critically reflect on how all the activities in the “stage” went, then brainstorm what went well and should be replicated for future efforts as well as what went poorly and can be a learning experience that will help improve the work going forward. Facilitators should record

any positive or negative impacts they observe in the community and write down specific stories that illustrate all immediate impacts of community land protection activities. Whenever possible, facilitators should include quotations from community members as evidence of impacts and outcomes. Facilitators should make sure to take time to reflect on what did not work well and make recommendations of how to address each challenge.

End of stage assessments are a fertile time for all facilitators to sit together as a team and learn from their work. Facilitating organizations may want to create a monthly meeting to review progress, celebrate victories, and brainstorm ways to improve future efforts.

END OF STAGE INDICATORS

Stage 1: Laying the Ground Work

A. Community Definition

- What is the territorial/landscape-based definition of the community?
- What sub-units are included?
- Has the community agreed that everyone living in the territorial/landscape-based definition of the community is a community member?
- If no, explain the definition of who is a community member and should also be involved in the community land protection process? Who is not a member?

B. Community Land Protection Goals

- In the Terms of Engagement, did the community commit to making changes to its land governance system?
- In the Terms of Engagement, did the community commit to making sure that all community residents participate in the land protection process?
- In the Terms of Engagement, did the community commit to strengthening the land rights of women and members of minority groups?
- In the Terms of Engagement, did the community commit to managing its natural resources sustainably?

C. Community Motivation (Visioning/Valuation)

- Does the community have a clear vision for its future?
- If yes, is it making plans to work toward this vision?
- What was the estimated replacement cost value of the community’s common areas, as calculated in the valuation exercise?
- Did the community make any decisions or come to any conclusions as a result of arriving at this estimated value?

D. Diverse Participation/Community Organization

- How did the community select its Community Land Mobilizers?
- Is one of the Community Land Mobilizers a woman?
- How did the community select its Interim Coordinating Committee?
- Does the Interim Coordinating Committee include women? If yes, how many?
- Does the Interim Coordinating Committee include youth? If yes, how many?
- Does the Interim Coordinating Committee include members of minority groups? If yes, how many?

Stage 2: Strengthening Community Governance of Land and Natural Resources

A. Participation and Inclusiveness

- Did women argue for rules that protect their interests?
 - Were their opinions taken seriously and included in the by-laws?
 - Give an example of a rule that was changed because of women's input:
- Did minorities argue for rules that protect their interests?
 - Were their opinions taken seriously and included in the by-laws?
 - Give an example of a rule that was changed because of minorities input:
- Did youth argue for rules that protect their interests?
 - Were their opinions taken seriously and included in the by-laws?
 - Give an example of a rule that was changed because of youth input:
- According to Community Land Mobilizer reports, how many by-laws meetings took place at the sub-unit level that were not attended by the facilitating organization?
- Did the by-laws change to become compliant with national constitution between the second and third draft?
- What percentage of the population of the community actively participated in the by-laws drafting process?
- What percentage of the population of the community actively participated in the by-laws adoption process?
- Did local leaders publicly sign and endorse the finalized by-laws?

B. Commitment to By-laws Implementation and Enforcement

- Do the by-laws contain enforcement mechanisms?
- Do the by-laws include fines for people that break rules, or fees for outsiders who want to use community lands and resources?
- Do community leaders acknowledge the by-laws as legitimate and binding?
- Have community leaders taken any steps to enforce the by-laws?

C. Governance and Accountability

- Do the by-laws define the responsibilities of community leaders and the Land Governance Council?
- Do the by-laws contain clear rules for when community leaders and the Land Governance Council must consult the entire community?
- How do existing leaders and Land Governance Council plan to relate to each other and coordinate their authority?
- Do the by-laws include rules for how to hold community leaders and the Land Governance Council accountable for bad decisions?
- Do the by-laws contain clear instructions for how the Land Governance Council should be elected?
 - Was the Land Governance Council elected according to these rules?
- Do the by-laws include clear instructions for how community leaders and the Land Governance Council should transparently manage finances in the community?

D. Diversity of the Land Governance Council

- Does the Land Governance Council include pre-existing community leaders? If yes, which ones?
- Does the Land Governance Council include women? If yes, how many?
- Does the Land Governance Council include youth? If yes, how many?
- Does the Land Governance Council include members of minority groups? If yes, how many?

Stage 3: Harmonizing Boundaries and Documenting Community Lands

A. Boundary Harmonization

- During the initial boundary harmonization, how many boundary conflicts did the community identify?
- Once the boundary harmonization process began, how many boundary conflicts actually existed?
- How many boundaries were harmonized? Which ones?
 - Did the community sign Memoranda of Understanding (MOUs) for each of these boundaries?
 - What are the names of the communities where boundaries were successfully harmonized?
- How many boundaries were not harmonized? Which ones?
 - Why was the community unable to harmonize its boundaries?
- Did communities need to call in elders or government officials to help resolve boundary disputes?

B. Mapping Community Lands

- Did the community complete a hand-drawn sketch-map?
- Did the community complete a GPS map/digital of its lands?
- Did any government officials participate in the mapping exercises?
- Do community members agree that the maps accurately reflect the community's lands?

Stage 4: Pursuing Legal Recognition

- What government agency/department/ministry was the registration paperwork submitted to?
- Was any unexpected information required by government officials to process the registrations?
- How long (in days) did it take from the date that the paper work was submitting to the date that government recognition was officially granted?
- Did any government officials demand bribes to facilitate the registration process? If yes, how much?
- Were any other bureaucratic obstacles encountered in the registration process?

Stage 5: Preparing Communities to Prosper

A. Community Action Plan

- Has the community begun to take active steps toward the goals in their action plan? If yes, please describe.

B. Negotiation Training

- Does the communities have a plan of how they will respond to any potential investor? If yes, please describe.

C. Ecosystem Regeneration

- Does the community taken active steps to begin to regenerate depleted resources? If yes, please describe.

D. Livelihood Diversification

- Have you linked the community with any livelihoods support? If yes, please describe.

SAMPLE COMMUNITY SUMMARY TEMPLATE

Community Name:

Population:

Area of Community Land:

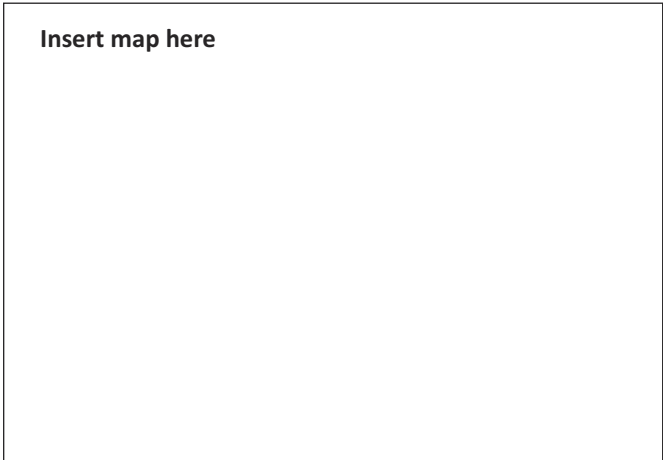
Number of Households:

Date of Last Meeting:

Clans/Ethnic Groups Living on Land:

Type of Land:

Land Use:



Names and Contact Information of Key Customary Leaders:

NAME	POSITION	PHONE NUMBER
1.		
2.		
3.		

Names and Contact Information of Community Land Mobilizers:

NAME	GENDER	PHONE NUMBER
1.		
2.		
3.		

Neighboring Communities:

COMMUNITY NAME	BOUNDARIES HARMONIZED? OR NOT HARMONIZED?
1.	
2.	
3.	

CLPP STAGE MILESTONES / Laying the Groundwork:

VISIONING	VALUATION	LEGAL EDUCATION	SELECTION & TRAINING OF COMMUNITY LAND MOBILIZERS	SELECTION & TRAINING OF INTERIM COORDINATING COMMITTEE
DATE COMPLETED:				

CLPP STAGE MILESTONES / Strengthening Community Governance of Land and Natural Resources:

BY-LAWS: 1ST DRAFT	BY-LAWS: WOMEN'S CONFERENCE	BY-LAWS: 2ND DRAFT	BY-LAWS: LEGAL CHECK & 3RD DRAFT	FINANCIAL MANAGEMENT	BY-LAWS: ADOPTION	BY-LAWS: ENFORCEMENT STRATEGIES	SELECTION & TRAINING OF LAND GOVER- NANCE COUNCIL
DATE COMPLETED:							

CLPP STAGE MILESTONES / Harmonizing Boundaries and Mapping Community Lands:

BY-LAWS: 1ST DRAFT	LAND CONFLICT RESOLUTION	BOUNDARY HARMONIZATION	MOU SIGNING & BOUNDARY DEMARCATON	TECHNICAL MAPPING, SURVEYING, GPS	COMPLETION OF GOVERNMENT REGISTRATION
DATE COMPLETED:					

CLPP STAGE MILESTONES / Pursuing Legal Recognition:

DATE OF REGISTRATION SUBMISSION:	DOCUMENTS SUBMITTED:	APPLICATION SUBMITTED TO:	DATE OF REGISTRATION APPROVAL

CLPP STAGE MILESTONES / Preparing Communities to Prosper:

LIVELIHOODS DIVERSIFICATION	PLANNING	ECOSYSTEM REGENERATION	NEGOTIATION
DATE COMPLETED:			

CLPP STAGE MILESTONES / Baseline/Endline:

BASELINE/ENDLINE	DATE COMPLETED:	LINK TO DOCUMENT
BASELINE:		
ENDLINE:		

CLPP STAGE MILESTONES / End of Stage Assessment:

STAGE	DATE COMPLETED:	LINK TO DOCUMENT
LAYING THE GROUNDWORK		
HARMONIZING BOUNDARIES & MAPPING COMMUNITY LANDS		
STRENGTHENING COMMUNITY GOVERNANCE OF LAND & NATURAL RESOURCES		
PURSUING LEGAL RECOGNITION		
PREPARING COMMUNITIES TO PROSPER		

Important Program Documents:

DOCUMENTS	DATE COMPLETED:	LINK TO DOCUMENT

NOTES