

FOSTERING INCLUSIVE DECISION-MAKING IN LAND GOVERNANCE AND LAND USE



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SCIENCE FOR ACTION



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LAND
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The Science for Action Series is jointly coordinated by the International Land Coalition (ILC) and the Global Land Programme (GLP). It brings together key findings from research networks relevant to ILC'S ten commitments to People-Centred Land Governance. The Series facilitates exchange of knowledge between scientists, civil society, and grassroots organisations to strengthen efforts of land users, practitioners and policy makers to bring about positive change in land governance.

This brief refers to Commitment Seven, to: Ensure that processes of decision-making over land are inclusive, so that policies, laws, procedures and decisions concerning land adequately reflect the rights, needs and aspirations of individuals and communities who will be affected by them. This requires the empowerment of those who otherwise would face limitations in representing their interests, particularly through support to land users' and other civil society organisations (CSO) that are best able to inform, mobilise and legitimately represent marginalised land users, and their participation in multi-stakeholder platforms (MSP) for policy dialogue.

It is based on the research of the Centre for Development and Environment (CDE), Nitlapan and Collaborating for Resilience (CoRe).

The **International Land Coalition**, the **Global Land Programme** and their partners seek to ensure that decision-making in relation to land use and governance is inclusive and all key stakeholders, including marginalised groups, and their interests are represented.

DEFINING INCLUSIVE DECISION-MAKING

Decision-making around land use and management is a complex issue that impacts a wide array of stakeholders. Inclusive decision-making requires that representatives from all stakeholder groups are given the space to be listened to when decisions are made; that those affected are identified and invited to participate in, and influence decisions affecting them; and finally, that ongoing systems are put in place to facilitate continuous involvement and consultation.

In the context of land governance, the concept of inclusive decision-making evolved in response to the lack of participation in decision-making about land ownership, use, tenure and governance which impacts people's ability to influence conditions affecting their lives, livelihoods and landscapes.

UNDERSTANDING THE CONTEXT

All stakeholders impacted by land governance and land use decisions should be involved in the decision-making process, irrespective of wealth, power, gender or other social differences. Some groups may be excluded based on their ethnicity, gender, social class or location. Even where no formal barriers exist to their participation there is a lack of understanding of norms and processes through which legal or other types of decisions around land have typically been made. Further, as land tenure is often unclear and insecure, the issue of who can make decisions about land use and management and how these decisions are made, are often complex, requiring affected parties to navigate and negotiate competing claims.

In line with the concept of inclusive decision-making, a model of multi-stakeholder negotiation and participation as a means to improve land

governance has gained traction. In an effort to reduce disputes and find effective solutions to conflicts over land ownership and use, all interested actors, such as representatives from CSOs, IGOs, governments, indigenous groups, landless small holders, academia, and the private sector, are convened. Through this process all interested parties are invited to contribute with the goal of reducing disputes and uncovering effective solutions to conflicts over land ownership and use.

FACING CHALLENGES

The complexities of multi-layered legal and political systems pose many barriers to inclusive decision-making. It is vital to open opportunities to individuals and groups who otherwise face limitations in representing their interests. At the local level, for example, youth and women are frequently excluded from decision-making about land use, and often unaware of their legal rights about ownership. Land users can benefit from liaising with CSOs and other organisations that have the resources and expertise to legitimately represent, inform and otherwise support marginalised land users and ensure that they are able to participate fully in multi-stakeholder platforms (MSP) for policy dialogue, at the local as well as national level.¹

IMBALANCES IN DECISION-MAKING POWER

Power imbalances in decision-making can generate dynamics where actors with more resources may employ their means (whether political, financial or social) in order to exclude stakeholders. The full array of stakeholders, from government groups to commercial enterprises, as well as small land holders and other local



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stakeholders, must be given equal opportunities to express their views at a sub-national level. Part of this is the access local land users have to information on the status of laws and their legal rights.

LIMITED ACCESS TO INFORMATION

Ensuring that local communities have access to information is critical. Without access to information through secure and credible channels (such as via trusted village representatives, local radio, mobile phones, through schools or faith groups) an imbalanced playing field where land and management decisions are made inequitably can be created. ►

WHAT MATTERS IN INCLUSIVE DECISION-MAKING OVER LAND

- Establishing a clear understanding of the types of rights associated with land governance at all levels and scales, and being aware of how this may impact stakeholder inclusion.
- Ensuring that all key stakeholders are equipped with the knowledge and skills to be aware of their rights and duly represent their interests in processes at national as well as sub-national levels.^{2,3}
- Being aware that in multi-stakeholder dialogue, powerful actors can potentially dominate and exclude or suppress minority groups at any level, preventing them from being able to influence decision-making.³
- Promoting effective mediation between stakeholders to optimise the power balance and build momentum of inclusive decision-making processes.
- Recognising that groups are not homogenous, but can comprise vastly different individuals with contrasting needs and interests.⁴

FINDING SOLUTIONS

RECOGNITION OF, AND RESPECT FOR LAND AND PROPERTY OWNERSHIP

Equal recognition between the legal and informal forms of land and property ownership is an important baseline criterion for including key stakeholders in decision-making processes.³ While formal land titles confer a greater likelihood of having a voice in these processes, recognition of informal or de jure land rights is also key to inclusivity in decision-making around land use and management, especially in the context of competing claims on land.

BALANCING POWER

Recognising all legitimate stakeholders, including indigenous peoples, rural women, youth and landless farmers, as well as government agencies, businesses and larger organisations (such as international organisations who would support representation of legitimate stakeholders), and including them in the decision-making process shifts the power balance and can help to democratise proceedings. A fairer balance of power between all levels of stakeholders

is achieved when local knowledge about land and resource management, for example of smallholders and indigenous groups, as well as the voices of all other stakeholders are shared and valued.

IMPROVING OUTCOMES THROUGH CO-PRODUCTION

The likelihood of success, in that decision-making on land issues take place via inclusive processes, is markedly improved where understanding and knowledge are generated in an interactive way involving diverse actors, even integrating knowledge by academic and non-academic actors, such that those actors directly affected by the outcomes proposed are strongly invested in the processes and the results of such decisions.

PROMOTING EXCHANGE ON EQUAL TERMS

Acknowledging all actors and the rights they are entitled to, as well as listening, empathising and engaging in dialogue with stakeholder groups, is an essential part of people-centred land governance and decision-making and can help in preventing social disruption and conflict.^{2,5}



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PROVIDING PLATFORMS FOR EQUAL PARTICIPATION

MSPs are a useful means of creating safe, moderated deliberative spaces to allow communication between players on an equal footing. They can help reduce problems with persistent power asymmetries.^{2,6} Multi-stakeholder dialogue also needs to appeal to, and engage, diverse actors by using tools that encourage participation. For example, using smartphone applications or social media may prompt a better response rate in younger age groups, while role-playing and visual storytelling exercises can often be effective with elder groups

or when working to communicate across language barriers.

FACILITATION AND MEDIATION

When a mediator is involved in land use negotiations, a more collaborative, respectful working relationship can be built among all stakeholders.^{2,3} Where mediators are influential and well-connected on a local or national level, this greatly aids their authority in negotiating the proceedings of MSP activities. An external facilitator may contribute to facilitating land disputes, reducing conflict over land rights and protecting the interests of the minority groups. ▶

EXAMPLES OF SOLUTIONS AT WORK

In resource disputes in the North Kivu region of the Democratic Republic of the Congo, international mediation organisations, including Barza Inter-Communaire, were able to broker interethnic land disputes by assembling leaders from the region's nine major ethnic groups to work together to diffuse issues between the diverse ethnic groups as they arose. This helped by ensuring that those directly impacted by the conflict were actively engaged in resolving tensions surrounding land ownership.⁶

In Tanzania, ILC member Tanzania Natural Resource Forum (TNRF), has been educating villagers on the value of their land and resources as well as facilitating the development of local bylaws – with input from entire village populations, from children to the elderly – to enable them to benefit from the true market value of their assets.⁶



FINDING SOLUTIONS (CONTINUED)

EFFECTIVE AND CONSTRUCTIVE DIALOGUE

A critical aspect of the decision-making process is to negotiate equitable resolutions.^{2,3,7} Where the interests of the various actors involved in land use decision-making diverge, it is necessary to disaggregate the main factors, needs and desires driving various interest groups and engage in constructive dialogue to understand the various dimensions and ensure all stakeholders are heard.^{2,3,8} One example is the Land Governance Working Group (LGWG) in Nepal, a platform formalised under the aegis of the Ministry of Land Management, Cooperatives and Poverty Alleviation (MOLMCPA) to bring together disparate stakeholders to work together on land issues at all levels.⁹

CREATING INTEREST GROUPS

Where minority groups have small numbers and lack the power to influence or to be included in land management decision-making, the creation of interest groups or networking with others with similar interests can help build strength through numbers.³ By harnessing the power of collective action, as well as creating publicity or linking up with other groups or organisations, it may be possible to gain greater recognition in the decision-making process.¹⁰

POSITIVE ROLE MODELS

At the local level, offering positive role models for minority groups, particularly young people and women, can encourage them to make their voices heard within their own communities.^{3,4} Due to traditional social models or a perceived lack of skills, experience or material wealth, these groups are often overlooked for leadership positions or during decision-making processes.⁵ ●

EDUCATION, GENDER AND YOUTH

Raising awareness around ingrained ideas and education towards changing these are important tools through which to tackle the challenges that face less-represented stakeholders and their CSO champions in opening up opportunities for women and young people, particularly to become involved in decision-making.^{2,3,4}

Many actors may be unfamiliar with modes of communication that optimise multi-stakeholder dialogue. Thus, education and training in a range of skills, such as in addressing large groups of people or negotiating solutions, can be beneficial in allowing less represented groups to make their voices heard.^{3,4} Coaching in these skills can be rolled out through MSPs to support these groups to develop and utilise them in context. Furthermore, as part of an educational initiative, introducing gender inclusive dialogue as well as vocabulary and phrases to all stakeholders that evoke ideals of equality between demographics may also help in subtly shifting existing perceptions.

LOOKING TO THE FUTURE

Securing the safety and security of land and environmental defenders (LEDs) requires that those that support them:

- Under conditions of intense conflict, involve a neutral external, professional mediator during negotiations who may serve as an effective lever in addressing power imbalances between the less and the more powerful groups. This helps facilitate a forum for all voices to be heard and furthers collaboration and mutual understanding.^{2,3}
- Expand decision-making processes to incorporate forums in which minority groups can express their viewpoints and contribute directly to outcomes.^{2,3}
- Support less politically powerful stakeholders, such as young people and women, to exercise their rights and participate in decision-making.^{2,5}
- Set up and develop interest groups with the support of CSOs to help build positive community action and increased recognition of minority interests in the decision-making process.
- Provide local communities with access to up-to-date information on land ownership and rights to participate in decision-making.
- Define clear outputs, terms of reference, roles and responsibilities for all stakeholders in the participatory decision-making process (such as MSPs) in order to appropriately manage expectations. Failing to do so can lead to disappointment of participants and collapse of the participatory decision-making.
- When relevant, employ co-production approaches to ensure diverse ways of understanding challenges and crafting solutions, by researchers, communities and other interested parties, can be mobilised towards meeting the needs and goals of affected groups.
- Carry out applied research to better understand the strengths and weaknesses of different kinds of decision-making modes and processes, and how decision-making around critical issues of land use and management can be made more inclusive.⁴

ACKNOWLEDGEMENTS

This brief is based on the following research and articles used in consultation with the authors:

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We would like to thank Blake Ratner (Collaborating for Resilience), Selmira Flores (Nitlapan), Christoph Oberlack and Lara Lundsgaard-Hansen (Centre for Development and Environment at the University of Bern and the GLP) for their contributions.

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For a full list of references please refer to the Annex - End notes

Science for Action is a jointly coordinated series of ILC and GLP, gathering key research findings on land governance and land science from researchers in their networks.



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DOI: 10.48350/159987

GLP [Global Land Programme], ILC [International Land Coalition]. (2021). Fostering Inclusive Decision-Making in Land Governance and Land Use, Science for Action Series No. 7. Rome, Italy and Bern, Switzerland: ILC and GLP/Centre for Development and Environment, University of Bern.
<https://doi.org/10.48350/159987>

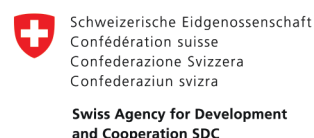
This brief is based on the research of the Centre for Development and Environment (CDE), Nitlapan and Collaborating for Resilience (CoRe).



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