

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.