

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 unsupportive 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?

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: