

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 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