



TAPPING THE POTENTIAL: THE ROLE OF GRASSROOTS IN LAND POLICY IMPLEMENTATION

SECURING LAND AND PROPERTY RIGHTS FOR ALL

IMPLEMENTING LAND POLICY: TAPPING THE ROLE OF GRASSROOTS

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How grassroots communities can engage with formal structures to help make pro-poor implementation a reality



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FOREWORD



The women living in Maasai communities of Longido, northern Tanzania, have attended training workshops and now know their land rights and what the Village Land Act means to them. In India, an alliance of slum and pavement dwellers has used

self-enumeration at citywide scale as a tool to actively engage with local governments in decision making. In the Philippines, Community-Based Forest Management agreements have been advocated by a local NGO as an additional way to secure indigenous land tenure rights in the face of increasing commercial pressure on customary territories. Women's groups are undertaking their own community assessments and initiating community-led planning in Lima, Peru.

Grassroots groups such as these across Africa, Asia and Latin America are ready to engage at a higher level in implementing pro-poor land policies.

Too often, land interventions are based on an exclusive, top-down approach that fails to involve the grassroots communities they are meant to serve. Implementation is also frequently top-down. Grassroots communities play a purely passive role: they are seen as objects of data gathering and, later, as beneficiaries. This is one of the major reasons that land policies remain so poorly implemented and why implementation tools are often ineffective.

This report sets out four examples where grassroots organizations' engagement with formal land policy implementation processes is strengthened. The premise is that land policy implementation and any

land interventions — whether in India, Tanzania, Peru, the Philippines or elsewhere — are far more effective in helping poor rural and urban communities when those communities are meaningfully involved.

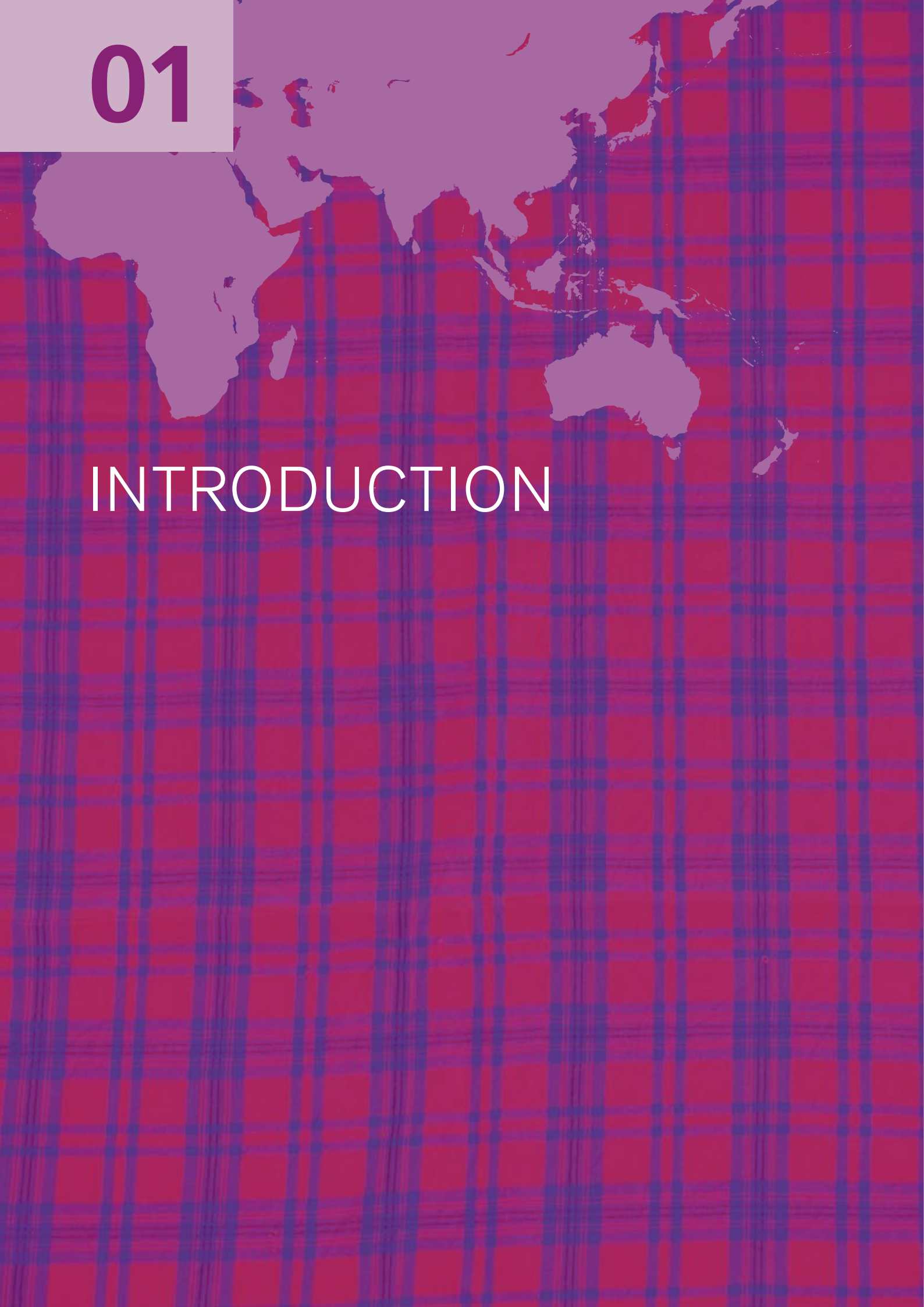
This is one of the key principles for which the Global Land Tool Network (GLTN) advocates. GLTN partners, with their Secretariat in UN-Habitat, recognise that grassroots engagement is a necessary element in any land tool design and implementation. Our special thanks go to those GLTN partners and their local affiliates who drive the initiatives described in the report: the Huairou Commission, the International Land Coalition, and Shack/Slum Dwellers International.

There is a great deal of untapped potential for constructive engagement between formal structures and grassroots communities. These could deliver land-related interventions that are both cost-effective and large scale, and reach all of those who need them. Through providing small grants, GLTN enables a process of learning and communication to take place that leads to grassroots solutions making the critical leap from a modest pilot phase to systemic change through large-scale interventions. The examples described in this report will build confidence among stakeholders from different sectors towards achieving this goal.

A handwritten signature in black ink, reading 'Joan Clos'.

Dr Joan Clos
Executive Director, UN-Habitat

01



INTRODUCTION

In 2010, the Global Land Tool Network (GLTN) provided support to four pilot projects aimed at helping grassroots organizations to strengthen their engagement with formal land policy implementation processes. In India, a grassroots-based alliance promoted an alternative, more people-centred and effective methodology for a city-wide slum upgrading programme. In Tanzania, a local NGO and women's network explored how the Village Land Act can be better implemented to improve the tenure status of Maasai women. In Peru, a network of community organizations helped women's groups and whole communities to take a proactive role in natural disaster mitigation efforts. In the Philippines, a land-rights NGO, working with indigenous community organizations and government agencies, succeeded in unblocking the processes for securing land access and tenure over idle lands.

This booklet describes these innovative projects and identifies some of the key lessons that can be learned from them. The starting point is the belief that land policy implementation and any land interventions will be far more effective in helping poor rural and

urban communities when those communities are meaningfully involved. The questions it addresses are why should grassroots communities be actively engaged in this way? And how can they most effectively engage?

Five key messages are emphasized:

1. Effective policy implementation is demand-led.
2. Grassroots communities have vital information.
3. Grassroots communities have vital resources.
4. Effective engagement builds on effective organization.
5. Better policies come through learning by doing.

These projects were part of the Network's wider work on grassroots participation and the development of pro-poor, gender-responsive tools for land policy implementation. Together with the GLTN Secretariat and UN-Habitat a number of GLTN partners and their local affiliates collaborated to support the projects: these were the Huairou Commission, the International Land Coalition and Shack/Slum Dwellers International.



Maasai women learning about their land rights under the Village Land Act, Tanzania
Photo © UN-Habitat/Åsa Jonsson

TAPPING THE
POTENTIAL:
WHY GRASSROOTS
COMMUNITIES
SHOULD BE MORE
INVOLVED IN POLICY
IMPLEMENTATION

Access to land and secure tenure are prerequisites of poverty alleviation and sustainable development in both urban and rural contexts in developing countries. Unfortunately, land policies have often tended to deliver access to land and tenure security predominantly for high and middle-income groups, or for businesses in the formal sector. Land users who are poor, such as farmers, pastoralists and forest users with customary rights to land, or the inhabitants of informal urban settlements, have been poorly served. Corruption and lack of political will has often blocked pro-poor reforms, and where land initiatives have targeted the poor, the scale has generally been too small to meet demands.

“*The laws and policies may be in place, but governments lack the appropriate tools to implement them.*”

In many cities and countries, however, there are laws and policies that create the potential for pro-poor, gender-responsive outcomes. But even where such laws and policies exist, their effect has been disappointing. Often, little thought has been given to how these can be implemented effectively and in less time. There is also little recognition of what it takes to ensure such laws and policies have the desired impact in the communities they are supposed to serve.

For example, implementation strategies often envisage unnecessarily expensive surveys or long and complex administrative procedures that block progress. Implementation may be delegated to government agencies or local authorities that may not have the necessary human and financial resources, or the necessary political will, to achieve implementation at scale. Grassroots communities may not even know that these laws and policies exist. In short, the laws and policies may be in place, but governments lack the appropriate tools to implement them.



Sharing data collected through self-enumerations in India
Photo © Slum/Shack Dwellers International

Part of the problem is that policies and tools for land administration and management are often developed with an exclusive, top-down approach that does not involve the grassroots communities that these tools are meant to serve. Likewise, implementation may be conceived as a top-down process. Grassroots communities are thought of as having a purely passive role, as objects of data gathering and later as beneficiaries. But excluding the grassroots can lead to interventions that are poorly designed, difficult to implement and that do not address the real needs and interests of those they are supposed to benefit.

Without the active participation of grassroots communities, implementation is done without the wealth of knowledge of local conditions that these people possess and without them defining their own needs and priorities. In treating communities as passive beneficiaries, implementing authorities fail to recognize just how much communities themselves can do to overcome problems and to contribute to government efforts. Indeed, without these communities actively creating pressure for implementation that addresses their needs, it may not happen at all.

Excluding the grassroots can lead to interventions that are poorly designed, difficult to implement, and not representative of the real needs of those they are supposed to benefit.

“Participation” can mean very different things to different people. The question we need to ask of every land policy implementation process is not “Is it participatory?” but “How participatory is it?” Participation can be very weak or very strong. The stronger it is, the more effective it will be in moulding implementation processes that actually work for poor people.

The question is not ‘Is it participatory?’ but ‘How participatory is it?’.

Grassroots communities should have a say in participatory implementation processes for those processes to be really effective. Communities need a clear stake in their engagement with implementing agencies, which means knowing that their engagement will make a difference.

Critical engagement in policy implementation is a powerful learning experience, and forms a basis for engagement in policy development at the highest levels.

The most effective engagement strategies are likely to be those that build on strong grassroots organization in which communities are able to take the initiative to ensure that effective implementation takes place. Such active, critical engagement in the policy implementation process is also a powerful learning experience for community-based and civil society organizations. It forms a basis on which they can engage in policy development at the highest levels.

What does “involved” mean? A typology of grassroots participation

Different degree of participation can be characterized as follows, from weakest (and least effective) to strongest:

Passive involvement: Community members receive information but have no opportunity to express their own views.

Information giving: Community members answer questions from outsiders, but have no influence over what the questions are or how the information they give is used.

Consultation: The views of grassroots communities are taken into account, but decisions are made by others who are under no obligation to accept the community's views.

Functional participation: Grassroots community members are involved in groups brought together by outsiders to meet their objectives, with the latter defining and limiting the scope of community decision-making.

Interactive participation: Grassroots communities are closely involved in needs analysis, information gathering and decision-making phases, and the outsiders favour the communities' viewpoints, giving them an incentive to stay actively involved.

Self-mobilization: Grassroots communities take the initiative in gathering information, identifying needs and setting objectives; they involve outsiders as partners if needed, and possibly in a catalytic role.

Source: UN-Habitat, 2009.



Community risk mapping in Lima, Peru have formed a successful basis for government support
Photo © Huairou Commission

The challenges of “scaling up”

Many organizations work at a community level, developing innovative ways to address problems faced by communities. But they face particular challenges when they seek to “scale-up” to a provincial, city-wide or national level. These relate in particular to the need to build a working relationship with policy makers and state agencies, whilst not weakening the community-led quality of their work. Key challenges include:

1. Maintaining effective representation of, and accountability to, the grassroots.
2. Communicating effectively at a scale, using different forms of media.
3. Ensuring that participation is not lost or watered-down, and that the value of a community-led approach is recognized by state actors.
4. Reconciling or overcoming competing interests by building a wider coalition of support among policy makers, NGOs, academia, media, donors, and so on.
5. Reconciling local and technical knowledge, making technical information accessible to grassroots communities and local knowledge acceptable to technical specialists.

GLTN’S WORK ON GRASSROOTS PARTICIPATION

The Global Land Tool Network brings together international partners to work on tool development as practical ways to solve problems in land administration and management. It also provides technical assistance to initiatives at country-level. The Network’s strategies for promoting grassroots participation reflect this institutional setting.

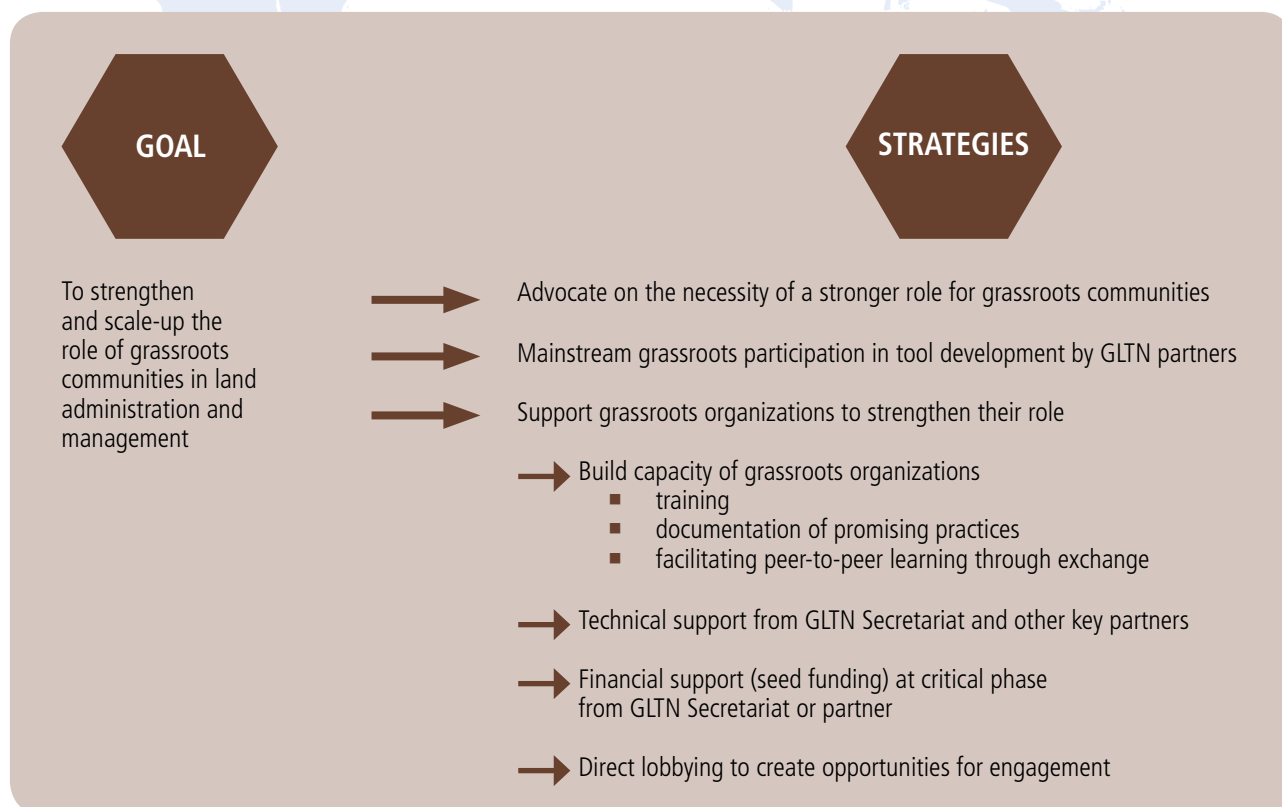
The first strategy is advocacy aimed at governments, local authorities, donors and other development partners on the need for a stronger role for grassroots communities in land interventions. An important part of this strategy is the documentation and communication of experiences that show the difference which grassroots engagement can make.

The second of the Network’s strategies is to mainstream stronger grassroots participation within the work of its partners.

The third is to work through partners to support grassroots organizations. This can include technical support and high-level lobbying to help create opportunities for engagement; “seed funding” that aims to be catalytic in enabling a learning process; and support to build the capacity of grassroots organizations for engagement in land implementation processes.

The fourth strategy related to all of the above is to scale-up effective community-led initiatives so that they potentially reach more people and have a larger impact.

Figure 1. How GLTN promotes grassroots participation



Community validation of information in Lima Peru
Photo © Huairou Commission

03

THE PROJECTS

SCALING UP PARTICIPATORY MAPPING TO CITY-WIDE LEVEL IN INDIA

The context

In India, key challenges for slum up-grading initiatives are the tendency for municipalities to exclude communities from the planning process and to focus on the “low hanging fruit” - slums where tenure security is not an issue and households are relatively better off, rather than tackling slums with the greater need. Earlier government schemes have thus produced upgrading or relocation projects on an ad-hoc basis. To address some of these issues, the national government unveiled the Rajiv Awas Yojana policy in 2009. The policy was conceived as a scheme to make India “slum free” in five years, beginning with a city-wide approach to upgrading slums and an acknowledgment that change would begin with the provision of tenure security to all slum dwellers. The two main phases of the Rajiv Awas Yojana policy envisage the formation of a city-wide slum database and the development of a Slum Free City Plan of Action that will prioritize slums for upgrading.

As a policy, the Rajiv Awas Yojana guidelines emphasize the inclusion of slum communities, however, unwieldy technical requirements, also set out in the guidelines, threaten to undermine these good intentions and become a pretext for excluding grassroots participation. For example, the methodology to prepare a city-wide slum database is based on remote sensing and GIS; these are expensive tools and require professional expertise when field-based community methods could work just as well. By excluding slum communities from the planning process, all information is put in the hands of experts and administrators. Communities are given little opportunity to provide information about their situation or to express their needs and priorities. Additionally, the city-wide slum surveys to be carried

out require detailed information to be collected on all households in all slums, which is a time-consuming process that introduces a real threat of data becoming outdated. Also, crucial under the Rajiv Awas Yojana policy, is the assumption that slums are “static”, which means any data gathered at a specific moment is frozen and forms the basis of all subsequent state intervention, when, in reality, slums grow, households move and multiply and databases change. Basing state intervention on outdated data could distort all planning, leading to “non-starter” projects.

The alliance – NSDF, Mahila Milan and SPARC

These are some of the Rajiv Awas Yojana challenges noted by an alliance formed by National Slum Dwellers’ Federation, Mahila Milan (a social movement of slum and pavement dwellers’ and women’s savings groups) and the Society for the Promotion of Area Resource Centres. The alliance is a member of Shack/Slum Dwellers International. For over two decades, the alliance has practised and promoted alternative, community-driven approaches to the implementation of urban development policy in India and has acted as a critical partner in the implementation process. The alliance pioneered the practice of self-enumerations by slum and pavement dwellers as a tool for active engagement with local governments in decisions made on upgrading or relocation.

The approach

Responding to the limitations of the Rajiv Awas Yojana guidelines, the alliance developed a proactive approach to urban planning and policy implementation by building on the active participation of the urban slum dwellers. Instead of using expensive tools, licensed software and time-consuming surveys, the alliance recommends a process based on cost-effective tools and phase-wise data collection. First, simpler slum

profiles and basic slum boundary mapping is carried out. This data is used to prioritize slums for upgrading or relocation on a city-wide basis. Detailed mapping, household surveys and total station surveys are then carried out only for these prioritized slums.

As part of the alliance's methodology, members of the National Slum-dwellers' Federation and Mahila Milan visit each slum and work with the community leaders to compile a slum profile and collect GPS data points along the slum boundary. GPS points are uploaded onto Google Earth by trained federation and Mahila Milan members and analysis is done with support from Society for the Promotion of Area Resource Centres members. They use open-source GIS software to create a digital city-wide slum map and database that can be used for planning purposes that remains accessible to, and the joint property of, the city and community members.

Through Shack/Slum Dwellers International, the Global Land Tool Network supported the piloting of this process in the city of Cuttack, in India's Orissa State, in 2010-2011. The support was financial and technical and a key focus was on helping the alliance train local federation members to use low-cost, open-source technology as simple but effective tools for data collection. Fundamental to addressing land tenure issues is recognizing communities' ability to do slum mapping and surveying.

Results

The Cuttack pilot has been central to the alliance's advocacy efforts, both in Cuttack and at the state, national and international levels through Shack/Slum Dwellers International. Through the process of data collection, Cuttack Mahila Milan has formed several new groups and created awareness on land tenure processes. At the end of the survey, Mahila Milan had discovered almost 70 more slums than the official number and used this as a tool for dialogue with the municipality to carry out a joint verification. In April 2011, the alliance was selected through a tendering

process to carry out Rajiv Awas Yojana slum surveys in Cuttack. A call for tenders to provide a GIS was made at the same time but NGOs were not eligible to apply. The alliance opposed this position with a policy brief based on Cuttack's experience that outlined the challenges of the expensive, time consuming and exclusionary methodology being proposed under the Rajiv Awas Yojana guidelines.

At a national level, the alliance's advocacy has built some support for institutionalizing the role of NGOs and CBOs in database creation and planning under Rajiv Awas Yojana. However, implementation at the state and city levels is being carried out differently by excluding these types of organizations. Despite the demonstration of an effective process by the alliance, the city of Cuttack still called for a re-bid of the GIS tender under the guidelines and is in the process of selecting professional consultants. This is also the result of a national policy that allows states to access Rajiv Awas Yojana funds only if the process prescribed in the guidelines is followed. With many states having received such funds, these seemingly wasteful processes must be carried out. Therefore, the challenge is still to balance the need for municipalities and states to produce data quickly and still engage communities in the process of data collection. Meetings and workshops held so far reveal a general lack of awareness and confusion about Rajiv Awas Yojana at city and state levels. The mapping techniques under the guidelines are too technical to understand and there is little effort to demystify the process. As a result, any recommendations made will take time to have an impact.

The alliance is now trying to expand the Cuttack experience to other cities by connecting with networks of other NGOs and setting up exchanges between Federation members and other communities, local governments and civil society organizations. The alliance's aim is to embed the community-driven approach into the large-scale national programme through a continued successful demonstration of experiences, such as those in Cuttack.



Training on mapping in Orissa, India
Photo © Shack/Slum Dwellers International

MAKING THE VILLAGE LAND ACT WORK FOR MAASAI WOMEN IN TANZANIA

The context

The Tanzanian Village Land Act of 1999 gives customary rights of land occupancy equal legal standing to statutory rights of occupancy. It also contains provisions designed to promote and protect the rights of women within customary regimes. It thus provides for both men and women to be registered as landowners, either together or separately, and promotes gender-balanced representation on local land-related decision-making bodies.

Despite the provisions in the law, Maasai women are excluded from decision-making and are denied their right to control basic properties including land. Effective implementation of the Act is limited and women are excluded from the development of village, ward and district development plans. This situation is due to many factors such as cultural attitudes, lack of knowledge and skills, disempowerment and low literacy levels, as well as poor knowledge of their legal rights and prescribed procedures.

The Maasai Women's Development Organization

The Global Land Tool Network project with the Maasai Women Development Organization, a member of the Huairou Commission, supported the organization in seeking to capitalize upon the opportunities provided by the Village Land Act. The Act creates opportunities both for Maasai communities to enhance their communal security of tenure in the face of competing demands for land in the Arusha and Manyara areas of Tanzania, and for women to enhance their security of tenure over land, and thus their economic and political status within these communities.

As part of its work to improve sustainable livelihoods of Maasai women in Tanzania, the women's organization works to facilitate the certification of village lands in a way that expressly defines the rights of women. It also promotes women's participation in village level governance and fosters women leaders.

The approach

The organization's approach has eight basic steps:

1. Supporting the organization of women's groups within the umbrella of the Pastoralist Women's Forum.
2. Training on the Village Land Act and land administration processes for women's groups.
3. Training on leadership skills for women's groups.
4. Awareness-raising activities within the community on women's rights to land, for example on women's rights to representation within village decision-making bodies.
5. Local-to-Local dialogues¹ between groups and local officials.
6. Supporting the preparation of applications for land under the Village Land Act.
7. Facilitating plot demarcation with group members and the district land officer.
8. Ensuring that land documents are safely stored.

Self-mobilization by women forms the starting point of this process because the women's organization has found that women gain confidence by acting together, and that when women act in a group rather than as

¹ Local-to-Local (L2L) dialogues are a series of locally-customized strategies that grassroots women's groups initiative to engage in ongoing dialogues with local leaders and government authorities. Women negotiate a range of development issues, priorities, plans, and programmes in ways that enhance community participation and address women's priorities. See <http://www.huairou.org/sites/default/files/L2L%20Manual%20for%20web.pdf>



Outside the village land office in Longido, Tanzania
Photo © UN-Habitat/Åsa Jonsson



Women trained by the Maasai Women Development Organization, Tanzania
 Photo © UN-Habitat/Åsa Jonsson

individuals their actions are more readily accepted by men. The approach is also about much more than helping women to apply for land. The awareness-raising and dialogue activities pursued by the women's groups inform and change the attitudes of the whole community, of community leaders and of land officials up to the district level. It is seen as important that demand for the effective implementation of the Village Land Act comes from women's groups in order to ensure that the gender-sensitive aspects of this Act are also implemented.

Results

The project provided direct training for 270 women and 130 men but is considered to have affected twice this number indirectly. Building on previous initiatives, Maasai Women Development Organization's approach has also helped approximately 850 women to gain land allocations from Village Land Committees, either through allocations to women's groups or to households, and has improved women's representation in village governance. This has been a learning opportunity; a way for the organization to investigate the real obstacles to the effective implementation of the Village Land Act, and for this to inform the strategies to be adopted by the organization in future.

One of the difficulties encountered by the project is resistance by husbands and male community leaders to women's applications for land. The organization has made progress on this front by explicitly including men in the process at an early stage to build support, and by awareness-raising on gender issues. However, continuing instances of discrimination underlie the need to ensure that the approach is one that brings benefits to the households and communities as a whole, and that simply ensures women are not left out in the implementation of the Act.

The project has also identified the lack of knowledge that exists about the Village Land Act, not only among women but also among the community leaders responsible for its implementation. So, building capacity at this level also needs to be an integral part of the approach. There is also a lack of capacity to implement the Act because the stipulated forms and certificates are not available at the village level. In some cases, the organization has brought forms from the district office. In other cases, letters and minutes of meetings have been used as (legally acceptable) documentation of occupancy rights but there is a lack of awareness

that this can be done. Likewise, it has identified the lack of land registries kept at village or district level as a factor that undermines de facto tenure security, and is engaged with the Pastoralist Women's Forum in advocacy at these levels to establish such registries.

Another difficulty is that many villages in Longido district do not possess a certificate of village land issued by the Land Commissioner. Without this, land allocations in the village are not legal. Some Village Councils are also reluctant to allocate land prior to the completion of a village land use plan, as envisioned by the Land Use Planning Act, 2007. There is thus a strategic need for Maasai Women Development Organization and the Pastoralist Women's Forum to focus on the role that women's groups can play in ensuring that village lands as a whole are secured, and that village land use planning takes place which adequately incorporates the needs of women.

COMMUNITY-LED DISASTER MITIGATION IN LIMA

The context

Informal settlements in Lima, Peru, are exposed to various natural hazards, including earthquakes, landslides and flooding. The vulnerability of these settlements is compounded by factors such as poor quality and unplanned housing, lack of risk awareness and disaster preparedness among communities and a lack of structural remedial measures, such as retaining walls. Another factor compounding the problems of many of these communities is their lack of secure tenure.

Solving or mitigating these problems is not easy. Some communities may be in high-risk locations, where the only recommendable solution is relocation. In others, however, a number of measures can be taken

to mitigate risks. Some can be taken by community members themselves if they are organized, such as ensuring that rubbish does not block river courses, that escape or evacuation routes are kept clear, and that plans are made for households where children are left alone during the day. Other measures are largely beyond the capacities of communities and require government support, such as slope reforestation, or building retaining walls and riverbank defences.

Government programmes do exist to reduce risks. Funds for risk mitigation should, in theory, be provided by municipal authorities, with the National Institute of Civil Defence playing a technical role in assessing risks and recommending remedial measures. The involvement of Institute and the implementation of risk mitigation measures represent the first stage in the process of formalizing tenure under the Commission for the Formalization of Informal Property, which is responsible for the national titling programme.

However, these agencies do not have sufficient capacity in a city of eight million people. Funding is also a critical bottleneck. Communities are, in theory, able to influence municipal spending through participatory budgeting under the "Framework Law on Participatory Budgeting", but this has not been envisaged to cover risk mitigation measures. The agencies involved in the process also have a top-down and technocratic approach that does not respond well to the needs of communities. The communities themselves lack awareness of the risks they face, of the measures that can be taken, and of their rights and the opportunities created by the legislative and institutional context.

GROOTS Peru

It was in this context that the Global Land Tool Network through the Huairou Commission provided support to GROOTS Peru, a Huairou Commission member made

up of four grassroots organizations.² The aim of the project was to support, help scale-up and learn from the work of GROOTS Peru in promoting community planning and accountable governance in Lima.

The approach

The members of GROOTS Peru couple awareness-raising strategies with practical training to empower communities in Lima to conduct a participatory assessment through mapping of community resources, capacities, vulnerabilities and risks. This community risk mapping exercise is used to develop a baseline of information, build consensus on priorities for action, and to collectively develop community risk mitigation plans.

The creation of a Community Risk Map by volunteers from the community thus forms the basis for negotiations and the development of a Community Risk Prevention Plan articulated to existing local area planning. This plan then forms the basis of collective action by the community, both in addressing problems internally (for example, maintaining evacuation plans or keeping escape routes clear), and in conducting advocacy and dialogue with municipal and national authorities. Community leaders drive this process, which aims to engage with local authorities and channel resources to implement the action plans to prevent and manage risks. Training also focuses on the obstacles to the formalization of settlements, and on how to achieve tenure security for women and communities.

Results

One community where the disaster management process was implemented is Vista Alegre, in the San Martín de Porres District of Lima. The settlement has a population of 250 families located on a rocky slope at risk of landslides. The situation is worsened by poverty – housing is very poorly constructed and residents do not have a water supply, sanitation or easy access to schools and health care facilities. To make matters worse, the community lives under threat of eviction following the state's sale of the land to a private developer. Having lived there for over 20 years, the community is seeking to expropriate the land through a legal process.

Another community involved in the process, Paraiso, is located on the flood plain of the Rimac River in the Chaclacayo district of Lima. The settlement was established in 1987 by eight families but it has grown to 19 families with a population of 100 people. Although the settlement was recognized by the municipality as a neighbourhood in 1995, it has struggled to obtain basic services and only got a water supply in 2007.

In both communities, training was provided on natural hazards and their link to eviction issues in Peru, using the Draft Bill of Expropriation and Hyogo Framework of Action to increase awareness. Grassroots groups conducted community mapping and developed prevention plans with key priorities. The process also included the creation of Risk Management Committees to carry forward the communities' proposals and to representative communities when engaging with local authorities and decentralized governance institutions. In Paraiso, for instance, the Risk Management Committee identified a need to construct a retaining wall to protect the settlement from flooding that has increased due to intensified rainfall. A community

² Mujeres Unidas para Un Pueblo Mejor, National Federation of Women Organized for Life and Integral Development (CONAMOVIDI), Network of Women Organizing East Lima (REDMUORLE), Bancos Comunales, and Servicios Educativos El Agustino (SEA). These grassroots organisations worked in collaboration with Estrategia and the Lima and Callao Neighbourhood's Federation (FOVELIC).



Training on community mapping by grassroots organizations in Peru
Photo © Huairou Commission

proposal to build the wall was presented by a community representative to the Municipal Assembly. This is a multi-stakeholder forum in which civil society and 42 mayors discuss proposals and allocate a budget for community development in Metropolitan Lima. As Paraiso already has guaranteed basic services, the community's main priority now is to implement and monitor their plan to withstand the impact of flooding and improve public safety, and so removing obstacles to possible tenure rights formalization by Commission for the Formalization of Informal Property.

UNBLOCKING PROCESSES FOR SECURING INDIGENOUS PEOPLES' TENURE IN THE PHILIPPINES

The context

Attempts by indigenous communities in the Philippines to secure title to customary lands has so far focused on applications for Certificates of Ancestral Domain Titles. However, the process of allocating these has effectively stalled, due in particular to high survey costs, amongst other factors. The NGO Task Force Mapalad has supported indigenous communities making the applications. Recently, however, it also identified Community-Based Forest Management agreements as a supplementary way of securing indigenous land

tenure rights in the face of increasing commercial pressure on their customary territories. These agreements are for a term of 25 years, renewable for another 25, and do not prejudice the consideration of ongoing Certificates of Ancestral Domain Titles applications. Community-Based Forest Management applications also face severe bottlenecks, but Task Force Mapalad considers that these agreements have much greater potential for approval in the short-term.

Even though these agreements may be more achievable than Certificates of Ancestral Domain Titles, the obstacles are numerous. The application requires the formation of a legally constituted organization by the concerned community, endorsements at the Barangay (community-level) and municipal levels, a perimeter survey, and endorsements from no less than five national agencies. Applications are further hindered by the lack of organizational and legal capacity among communities that could benefit, and also by vested interests that often hinder endorsements at different levels. The net result of these factors is that applications may never be made, or that they may become mired in local politics.

Surveying is also a key implementation bottleneck, as are problems with over-lapping departmental responsibilities and tenure instruments, both of which



Inter-agency dialogue in Manila
Photo © Task Force Mapalad

can delay applications at the national level. There can be a tendency to refer applications back and forth between agencies, stalling the approval process.

Task Force Mapalad

Task Force Mapalad is a national federation of farmers, farm workers and individuals working for agrarian reform and rural development. The project carried out by this Federation in coordination with the Global Land Tool Network was co-funded by both the International Land Coalition and Task Force Mapalad. It was an opportunity to pilot an approach to unblocking Community-Based Forest Management applications.

The approach

Key elements of Task Force Mapalad's approach are:

- Capacity development, focusing on para-legal training and local level organization. Primary target groups are key members of community-based organizations. Government is strategically involved at an early stage: for example, the Department for Environment and Natural Resources officials assist in para-legal training for indigenous peoples' organizations.
- Support for the formation of appropriate organizations for making a Community-Based Forest Management application (often multiple organizations may exist and dialogue may focus on how to merge and formalise these for the purpose of the application).
- Networking and dialogue with key local stakeholders, including not only local government representatives and officials, and departmental staff, but also local "influentials" such as local figures from the church. This requires knowledge of networks and informal patterns of influence that are unique to each locality.
- Local and national-level advocacy by applicant communities to help mobilize political will for endorsements and overcome vested interests (applicants are also voters).

Results

The project demonstrated how grassroots engagement can be effective at both the local and the national levels. At the national level, Task Force Mapalad was involved in the formation of the National Task Force on Public Lands to promote coordination between agencies in dealing with Community-Based Forest Management and related applications. The Federation was originally sceptical, fearing a delaying tactic, and called for a public dialogue on what the terms of reference of this Task Force would be. This dialogue took place, leading to the formation of the Task Force with Task Force Mapalad as a member, along with the Department for Environment and Natural Resources, the Department of Agrarian Reform, the National Anti-Poverty Commission, the Department of Interior and Local Government and the National Commission on Indigenous People. The Federation's engagement with the Department for Environment and Natural Resources has also secured a commitment to fund one survey per month for applications.

Although Community-Based Forest Management applications are still a lengthy and difficult process, the project has made significant progress in two years since the start of implementation. Ten applications have been supported, representing 19,577 hectares and 4,583 individual applicants. By the end of 2011, ten had been endorsed at the local level, four had been surveyed and three had received national endorsements.

From Task Force Mapalad's perspective, the point of the pilot is not principally to test the Community-Based Forest Management as an interim alternative, but to develop and test an approach for facilitating the approval process for collective tenure instruments that is not, in principle, limited to the agreements. The key lesson is about the role civil society organizations can play in capacity development and in facilitating local-level consensus that unblocks decentralized land administration and allows communities to make use of the tenure regularization options available in an effective manner. It also reveals how organizations like Task Force Mapalad can learn about obstacles to policy implementation through engagement in implementation processes, enabling them to engage constructively and effectively in policy dialogue.

KEY MESSAGES

EFFECTIVE POLICY IMPLEMENTATION IS DEMAND-LED

Many implementation processes stall, or remain small scale, because of a lack of political will at various levels. Often, different levels of local government and different government agencies are involved, and there are many competing demands for human and financial resources. Different actors in the implementation process may have a variety of vested interests so that there is a readiness to let implementation slip, or to let it serve constituencies other than the rural or urban poor.

In such an environment, in which those responsible for implementation face many competing demands, it is essential that grassroots communities can generate effective demand for pro-poor implementation.

The project in Tanzania has shown how women's groups can drive the implementation of the Village Land Act, making sure its provisions are used both for communities and for the women within them.

The project in the Philippines has shown how vested interests at the local government level very often block complex application processes for securing land tenure for indigenous peoples. It has shown how popular mobilization, local and national advocacy, and alliance building with other actors, such as the church or media, can sometimes shift the balance of competing demands towards the demands for pro-poor implementation of existing policies.

A related issue is the need for implementation processes to reflect the informed views and preferences of grassroots communities. Community members need to play an active role in defining needs and in deciding how they are met.

“Communities were able to define needs for risk-mitigation measures and to successfully mobilize resources.”



Bukidnon camp at the Department of Environment and Natural Resources, the Philippines
Photo © Task Force Mapalad

The project in Peru has shown how communities, led by women's groups, were able to define needs for risk-mitigation measures and to successfully mobilize resources for such measures through participatory budgeting institutions, thereby changing the agenda of those institutions.

The alliance project in India is centred on the role slum-community organizations can play in gathering and managing data for city-wide planning. With ownership of and access to this data, they will be in a much stronger position to influence the outcomes of the planning process, and to ensure it responds to their needs and aspirations.

GRASSROOTS COMMUNITIES HAVE VITAL INFORMATION

Communities may be able to generate better information, at lower cost.

The alliance project in India reveals another challenge to effective implementation that governments face; that is, the difficulty and cost of acquiring the necessary information. Effective implementation may require insider information about informal settlements, local natural resources or customary tenure systems; information that is difficult, if not impossible, for outsiders to obtain without genuine collaboration with communities.

In India, in the Rajiv Awas Yojana implementation guidelines, hopes have been pinned on remote sensing as a way to gather spatial data about slums, while expensive and time-consuming, professionally conducted household surveys have been prescribed. The Cuttack pilot process, however, has successfully shown that communities may generate better and

more credible information, at lower cost. Building on the fact that slum-dwellers know where the boundaries of their slums are, and can provide the basic information for a slum-profile, the alliance approach has shown how community-based organizations can generate geo-referenced data that is an efficient solution for city-wide planning.

The processes developed by both Task Force Mapalad and GROOTS Peru rely on local knowledge, mobilized by community organizations, to create maps and inform local planning. This plays a particularly central role in the Peruvian project. Instead of depending on a technical survey and assessment by the National Institute of Civil Defence (which has limited capacity to carry these out), communities could use their own knowledge of their communities to develop maps and identify the actions they could take, and the specific needs they had for government support. These Community Risk Prevention Plans have formed the basis of successful lobbying and mobilization of government support.

Communities were able to use their own knowledge of their communities to develop maps and identify the actions they could take.

GRASSROOTS COMMUNITIES HAVE VITAL RESOURCES

Another barrier to implementation at scale is cost. But it would be wrong to imagine that grassroots communities always have to demand funds, and that government and donors are the only providers. Grassroots engagement in land policy implementation processes can also overcome resource issues.



Local communities using GPS to collect vital information in India
Photo © Slum/Shack Dwellers International

“Grassroots communities can mobilize time and money to help implement policy, when they see their how it serves their own interests to do so.”

In part, this is because communities can often identify and provide cost-efficient solutions. This is shown in the Indian and Peruvian cases, where community-led data gathering and mapping processes are ways of getting around cost barriers. But more fundamentally, it is because grassroots communities can mobilize time and money to help implement policy when they clearly see how it serves their own interests to do so. Community participation takes time, and this is a scarce and valuable resource that community members often provide, but that usually goes unaccounted for. All the projects depended on investments of community members' time, most clearly in mapping and planning activities in India, Peru and the Philippines. The cost of contracted labour for these activities would be considerable. One of the key advantages of community-led approaches is that they are typically co-resourced by communities.

There are also numerous instances in which communities have been able and willing to co-finance processes such as slum-upgrading, both through their own savings and through their ability to access and service credit. Their ability to do this is likely to be increased where there are existing savings groups. But, whatever the resources are that communities can provide, they are only likely to provide them when implementation is genuinely demand-led.

EFFECTIVE ENGAGEMENT BUILDS ON EFFECTIVE ORGANIZATION

Grassroots organization is the foundation of effective engagement in land administration and management processes. All of the projects built on and invested heavily in strengthening community-based organizations, and this was essential to give community members the capacity and common voice necessary for effective and critical engagement and negotiation at local, municipal and higher levels.

“Strengthening community-based organizations was essential for effective and critical engagement.”

The success of the projects in Peru and India depended on the existence of strong community organizations. The grassroots organizations in Peru were able to mobilize women's groups within its network that already had experience of effective engagement on social issues.

In India, the approach built on the community-level membership of Mahila Milan and the National Slum-Dwellers Federation. In slums where these networks were not present, a pre-existing basis of trust was absent and communities were often cautious about participation. However, even in these cases, the project was seen as constructive in reaching out to new communities where effective organization was lacking.

In the Philippines and Tanzania, facilitating the formation and strengthening of community-based organizations was an essential aspect of the projects. The experience in Tanzania was that participation in the Pastoralist Women's Forum was critical to the ability



Mobilization and dialogue at the National Commission on Indigenous Peoples, the Philippines
Photo © Task Force Mapalad

of women to play a role of active engagement in local land allocation and planning processes.

Engagement helps grassroots-based organizations to go beyond advocacy towards interacting critically and constructively on policy formulation.

In the Philippines, a key future objective that Task Force Mapalad identified was that indigenous people's organizations develop their capacity to manage and administer the lands to which they are gaining tenure rights, as a way of strengthening these rights in the face of ongoing commercial pressures on land resources.

BETTER POLICIES COME THROUGH LEARNING BY DOING

Grassroots communities are able to contribute to making the land administration and management processes more effective by critically advising on the design of policies, legislation and plans of implementation. But, their ability to do so depends on their organization and on their experience with implementation processes. Engagement with formal processes of land administration and management is always a learning experience. It helps grassroots-based organizations to go beyond advocacy that expresses demands or needs to interacting critically

and constructively on policy formulation and on the formulation of implementation guidelines, including on technical issues.

In the Philippines, the project was seen as a way to explore how the implementation of tenure instruments such as Community-Based Forest Management could be unblocked for indigenous communities. It was a process of discovering the barriers and finding out what was necessary to overcome them. Task Force Mapalad's engagement highlighted overlapping responsibilities between agencies and led directly to the formation of an Inter-Agency Task Force in which they were invited to participate and advise.

In Tanzania, as in Peru, the engagement was at a more local level. But these are still learning processes enabling the critical assessment of implementation processes; for example, enabling the women's grassroots organizations to identify weaknesses in land administration (lack of registries) at district and village level.

In India, the alliance project was explicitly planned as a learning exercise that would allow the alliance to advocate, with authority and at the national level, on the design of the Rajiv Awas Yojana programme implementation process. In this, the project has been very effective, helping to shift attitudes towards grassroots participation among national and municipal level authorities.

SUMMARY



Discussions between grassroots organizations and government officials, Tanzania
 Photo © UN-Habitat/Åsa Jonsson

These projects reveal the untapped potential of constructive engagement between formal structures and grassroots communities for delivering land related interventions that are cost effective, large-scale, and that reach those who need them.

Grassroots communities and their organizations can mobilize broad support at the local level to ensure that implementation takes place and, through participation, they can help ensure that interventions really address the needs that exist on the ground. These communities can also bring vital information to processes that may be expensive or impossible to obtain without them, and they can mobilize labour and financial

resources to help make change happen at scale. Their organizations provide essential pathways for effective participation and communication. And in engaging with implementation processes in this way, they can become valuable contributors to the process of policy development.

But realizing this potential to the full requires scaling-up beyond pilot initiatives. The Global Land Tool Network's role in such processes is to act as a catalyst, share lessons, develop capacity, and provide seed funding to illustrate that this cross-sectoral engagement is worth it and is an effective way to work towards achieving secure tenure for all.

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SPARC works with the National Slum Dwellers Federation, a grassroots organization of urban slum dwellers and Mahila Milan, a women's collectives in slums.



REFERENCES

Huairou Commission. 2010. Grassroots women and decentralised governance: change through partnership. Huairou Commission, New York. www.huairou.org/sites/default/files/Grassroots%20Women%20and%20Decentralised%20Governance.pdf

Huairou Commission, New York. www.huairou.org/sites/default/files/Grassroots%20Women%20and%20Decentralised%20Governance.pdf

Huairou Commission. 2011. Local-to-local dialogue resource manual: A guide for grassroots women-led engagement with local government and decision makers. New York, USA: Huairou Commission, 2011. www.huairou.org/library/general

Huairou Commission. 2012. Transforming development: Creating synergies between grassroots women and institutions of governance. New York, USA: Huairou Commission.

Huairou Commission and GROOTS International. 2011. Community learning tools: Mapping grassroots women's realities, capacities and priorities in the face of climate change. (Draft report).

Maasai Women Development Organisation. 2011. Empowering grassroots women to benefit under the Village Land Act, Tanzania. Final report submitted to the Huairou Commission.

Maasai Women Development Organization. 2012. Guidebook on utilizing the Village Land Act as a tool in achieving women's land rights, Arusha, Tanzania.

Servicio Educativos El Agustino. 2011. Community disaster mitigation: Grassroots women organize for safe communities and tenure security, Peru. Final project report. Huairou Commission, New York.

Servicios Educativos El Agustino. 2012. Community mapping as tool to prevention and management of risk in vulnerable areas: A guide for grassroots leaders. Lima, Peru.

UN-Habitat. 2007c. Not about us without us: Working with grassroots organisations in the land field.

UN-Habitat and Global Land Tool Network, Nairobi. www.gltn.net/index.php?option=com_docman&gid=212&task=doc_details&Itemid=92





Promoting of women's participation in village level governace
Photo © UN-Habitat/Åsa Jonsson





About the Global Land Tool Network

The Global Land Tool Network was established in 2006 as a partnership of key international actors working to promote land reform and global coordination of land issues. The network builds on a shared understanding that delivering land rights to the poor requires the development of pro-poor land tools at scale. Following its core values, network initiatives must be pro-poor, gender-sensitive, affordable, promote equity, support subsidiarity and have a large-scale approach.

The Network focuses on five thematic areas: land rights, records and registration; land use planning; land management, administration and information; land law and enforcement; and land value capture. The Network also explicitly recognizes the need for tools to be gender responsive, to be applicable to religious communities and post-conflict situations, and to promote grassroots participation. It is recognized that there is a space and need for grassroots participation in the design and implementation of all tools that the Network works on.

For this reason, grassroots communities have been involved with Global Land Tool Network partners in the development of various tools, such as participatory enumeration, the Gender Evaluation Criteria and the Social Tenure Domain Model. Grassroots organizations have played a role both in advising on the design and in piloting these tools. The Network has also pursued activities specifically to strengthen the involvement of grassroots communities in land administration and management, such as the pilot initiatives described here.

UN-Habitat facilitates the Network and hosts the Secretariat.

ABOUT THIS PUBLICATION

This publication describes four pilot projects supported by Global Land Tool Network (GLTN) partners to strengthen grassroots organization engagement with formal land policy implementation processes in India, Tanzania, Peru and the Philippines.

The premise is that land policy implementation and any land interventions will be far more effective in helping poor rural and urban communities when those communities are meaningfully involved.

There is a large untapped potential for constructive engagement between formal structures and grassroots communities, which could deliver land-related interventions that are cost-effective and large scale, and which reach those who need them. The examples described in this publication will build confidence among stakeholders from different sectors towards achieving this goal.

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