



Engaging with decision-makers

CAN BE USED FOR:

- Improving community capacity to carry out advocacy autonomously
- Strengthening voice of communities and marginalised groups in decision-making processes
- Negotiating new policies or law reforms that facilitate inclusive land governance

► Overview

Interactions with decision-makers are key to any efforts to improve inclusivity in land governance, whether they be state officials, Indigenous or community leaders, or corporate representatives. Communities and marginalised groups often have restricted access to decision-making platforms and the information required to meaningfully engage in decision-making processes. A lack of political will to address the issues faced by local communities, corruption of government officials, unethical relationships with the business community, informal power imbalances, safety risks, and the potential for recrimination, backlash or criminalisation can all be legitimate issues that discourage or hamper efforts by local communities to access and safely participate in decision-making spaces.



TOOL #1

Building reputation and relevance

One of the main barriers to influencing decisions at both policy and practice levels is accessing decision-makers themselves. This could be due to their lack of willingness to engage directly with local people, but also due to a lack of understanding, awareness, information or connections on both sides - for decision-makers and for local communities. Understanding the needs and priorities of decision-makers can help to overcome these barriers and to streamline processes that can otherwise be complicated and bureaucratic. Regional governments, for example, may lack the capacity or expertise to implement national land regulations and may be unaware of the special rights and interests of Indigenous Peoples and local communities that should be taken into account. By bringing in their awareness of government processes and ability to mobilise people at the grassroots level, CSOs can position themselves and the communities they serve as important actors for decision-makers to consider in the creation, revision and implementation of new policies and legislations.

In Indonesia, for example, a national government decree on adat areas requires further action and implementation by district governments, but many have been slow to respond or do not fully understand the new decree. In addition, many local mayors are not up to date with the land rights and livelihood situation of Indigenous or local communities in the rural areas of their districts, particularly because district governments themselves lack adequate funding to properly reach, survey and understand all the communities and issues in their respective areas. Even simple things like travelling to rural communities can be a major challenge when roads have been neglected for years and bad weather can make them impossible for cars to traverse. Perkumpulan Pancur Kasih (**PPK**) realised that without support, the district government in

Sanggau in West Kalimantan would not be able to implement the national Adat decree in a way that respected the rights and interests of Indigenous Peoples. Consequently, they approached district government officials about putting the Adat decree into practice in the form of a draft regulation they had prepared with a network of other CSOs working on Indigenous Peoples land justice issues, demonstrating to government officials how their knowledge and expertise could assist the decision-making and implementation process. They also positioned the local mayor as a champion of progressive policy change and demonstrated the popularity he would gain amongst his constituency if he took action. As a result, a Memorandum of Understanding with the mayor was signed in 2017, which includes agreements on participatory mapping, working with women and protecting

and restoring adat culture. Specific regulations have since been put in place that recognise and protect adat law across the whole district.

“National policies do not always make it to the local level. It is important for us to communicate the content of the regulations and offer support in understanding them”

SAULUS EDY (PPK, INDONESIA)

In Senegal, IED Afrique has worked with paralegals in order to select and train women leaders within communities. The aim is that they can then form a local group of facilitators or paralegal advisors. The knowledge and skills they have developed and capacity to advise community members has helped them to be accepted into decision-making spaces within their communities.

TOOL #2

Inclusive advocacy

Advocacy is more powerful when communities and rural land users themselves drive engagement with authorities, based on their own priorities. CSOs can play a facilitatory role here, for example by assisting in setting up local dialogue forums. These could be within communities themselves in order to collectively identify the main issues they are facing and develop advocacy strategies, or involve multiple stakeholders to work towards solutions.

“When you work locally, you do not need to be the leader. Let the community lead, and you can be there to facilitate.”

MAMADOU FALL (IED AFRIQUE,
SENEGAL)

For example, prior to the Covid crisis, PPK facilitated dialogue between Indigenous adat and women leaders and the local mayor on implementing the national decree on recognition of adat customary areas in West Kalimantan, Indonesia. In Senegal, women’s organisations have been at the centre of lobbying mayors and parliamentarians for the creation of local Land Commissions extensions; bodies made up specifically of women which must be consulted by the Commission when decisions are being made¹⁶. In both cases, the presence of women at the centre of these advocacy efforts and their direct engagement with decision-makers were fundamental to their success.

Constructive engagement & evidence-based research

Depending on the context, approaching advocacy in a manner that seeks to build relationships with state officials and other stakeholders can prove more productive than confrontational approaches. Maintaining good relationships with officials in development or spatial planning bodies can help CSOs to stay up to date on the latest policy developments, support transparency and information sharing, and promote the inclusion of local communities in relevant planning processes.

Clear communication is very important here, for example in identifying priorities and establishing an accurate understanding of decision-making processes and procedures. Knowing when and how decisions are made can reveal opportunities for targeted engagement, such as public consultation phases or gaps in decision-makers' knowledge that CSOs and local communities can help to fill. It is important that input or demands are formulated in a constructive manner so that decision-makers do not feel they are being attacked, which could make them less willing to engage. This can be done by clearly identifying problems, their perceived source, and providing concrete steps that can be taken to overcome them that will benefit decision-makers as well as local communities. Emphasising wider goals and mutual benefits is an effective way to influence decisions. For example, local decision-makers often have a shared interest in conflict prevention, sustainable development and more efficient implementation of national policies at the local level.

Evidence-based research is a persuasive tool to strengthen the case for advocacy demands. The data gathered should be clearly targeted at relevant issues or policy processes. For example, PPK has found it effective to create analyses of regional and municipal spatial management plans, highlighting the potential risks if certain actions are or are not taken, suggesting alternatives and emphasising the potential long term financial and time-related savings that could be made. It is also important to remember that decision-makers exist beyond state structures as well, so research should also focus on providing recommendations for customary leaders, CSOs, private sector actors and any other relevant stakeholders.

Things to consider and anticipate

- **NEEDS OF DECISION-MAKERS.** Decision-makers often sit within bureaucratic structures. In order to take actions on civil society advocacy demands, such as certain policy changes for example, they may need specific information or documents that they cannot easily access or create. To help facilitate a good outcome, CSOs should understand these needs and show how they can help to provide for them.

- **CONSTRUCTIVE.** CSOs can often be seen as a nuisance by decision-makers. Strong critiques can be taken as a threat to their authority, making them less likely to engage with advocacy demands. Where possible, it is useful to engage in a constructive manner whilst emphasising mutual beneficial outcomes in working together. A helpful strategy is to know and understand the positive aspects of local political agendas where CSOs could work together with decision-makers in order to build constructive relationships and frame engagement on more critical agendas.
- **CAPACITY BUILDING.** Capacity building is relevant for all actors, from communities to CSOs and government officials. Strategies should be put in place to ensure that all stakeholders, including decision-makers, understand and appreciate the significance of decisions for local communities and the information required to achieve a good outcome in the relevant decision-making processes. Identifying differences in perspectives and understanding between decision-makers and local communities is a fundamental first step to breaking down bias, prejudice, stereotypes and other barriers to good outcomes.
- **NETWORK.** Investing time and energy in building a strong network for engaging with decision-makers is very important. This can bring earlier and deeper access to information, stakeholder engagement platforms and expert panels, as well as increased solidarity and resilience for local communities when advocacy processes appear to be slow and exhausting. Simple practices such as saving phone numbers at meetings, making a database of strategic contacts and keeping in touch regularly can lead to useful collaboration and new opportunities.

CASE STUDY // IED AFRIQUE, SENEGAL

Community Land Charters

Facilitating the development of local land charters at commune level that lay out rules for decisions over land allocation and acquisition.

Past attempts at land reform in Senegal have paved the way for the current privatisation of state lands. Decentralisation that placed responsibility for land allocation in the hands of local authorities has seen an increase in land allocated to private investors without local communities being consulted in a meaningful way. The increased interest from investors, escalating land conflicts and increasing demands for accountability from citizens led to the establishment of the National Land Reform Commission in 2012. It was tasked with addressing these issues, amongst others, and formulating a new land policy.

In this context, IED Afrique, a Senegal-based CSO working on sustainable development, has pioneered a participatory approach to decision-making on land allocation. It takes the form of locally negotiated land charters, which are essentially a set of rules and protocols verified by multiple stakeholders¹⁷. These must be followed when decisions

are being taken on land allocation, for example when local authorities are approached by external investors.

The charters can take different forms based on the specific local context, but the process always starts by creating a local forum for dialogue in order to identify local issues. Different actors such as farmers, pastoralists, women, youth, local government officials and traditional leaders convene in these forums. The community also appoints a group of paralegals, including women and youth, in order to support this process and the drafting of the charter. The aim here is to identify three or four main issues or challenges and form specific dialogues around them to come up with potential solutions. The first meeting is held at commune level, but thereafter participants can be split into smaller groups, with the idea being that certain actors may be better able to express themselves in a smaller setting. Each group designates a facilitator, who then represents them when the conversation comes back to commune level. Within this process, specific tools such as SWAT analysis (Strengths, Weaknesses, Advantages, Threats) or 4Rs (Respect, Reciprocity, Reconciliation and Relevance) for facilitating discussions can be used.

This is followed by a process of consultation and negotiation, facilitated by paralegals as well as the local government, which eventually progresses into outlines and then more elaborate drafts being created. This process involves multiple revisions and ongoing discussion and negotiation between community members and different

actors, requiring not only verification at community level but also by legal experts and local government officials to ensure that the charters comply with prevailing laws. Once the final charters are ready they are submitted to the relevant state authorities for approval.

These are still relatively new innovations, but signs of success are already evident. Because community participation and verification is at the centre of the process, the charters hold greater legitimacy. Active involvement has also made communities, and marginalised groups within communities in particular, aware of the issues at play and more inclusive protocols being developed. This, combined with interaction with multiple local stakeholders, leaves them in a far stronger position to hold decision-makers accountable and to engage with them on the issue of land as well as other issues relevant to them.

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