

# USING ACTION RESEARCH TO IMPROVE LAND RIGHTS AND GOVERNANCE

for Communities, Women and Vulnerable Groups

Photo: Petterik Wiggers / Panos Pictures



## Why IDRC supports research on land rights and governance

Rising commodity prices in 2009 unleashed a wave of commercial interest and investments in rural lands by multinational corporations and national elites across the global South, and especially in Africa. National governments have also supported large-scale agriculture, forestry, mining and oil projects as a strategy for their countries' growth and development.

While recent research (Cotula & Berger, 2017) suggests that the initial fever for land development cooled somewhat when commodity prices fell earlier this decade, some local populations are only now beginning to feel the "squeeze" of earlier investments. Changes to policy frameworks to promote investments in lands and natural resources that helped drive the earlier rush remain. Sooner than later, demand for rural lands is expected to rise again, and local populations will have to brace for a new wave of social, economic and environmental pressures.

Even when communities welcome outside investment, they may face potentially destabilizing risks, such as

- expropriation
- reduced, limited or no access to lands
- loss of livelihoods and cultural heritage
- increased conflict brought on by competition for land.

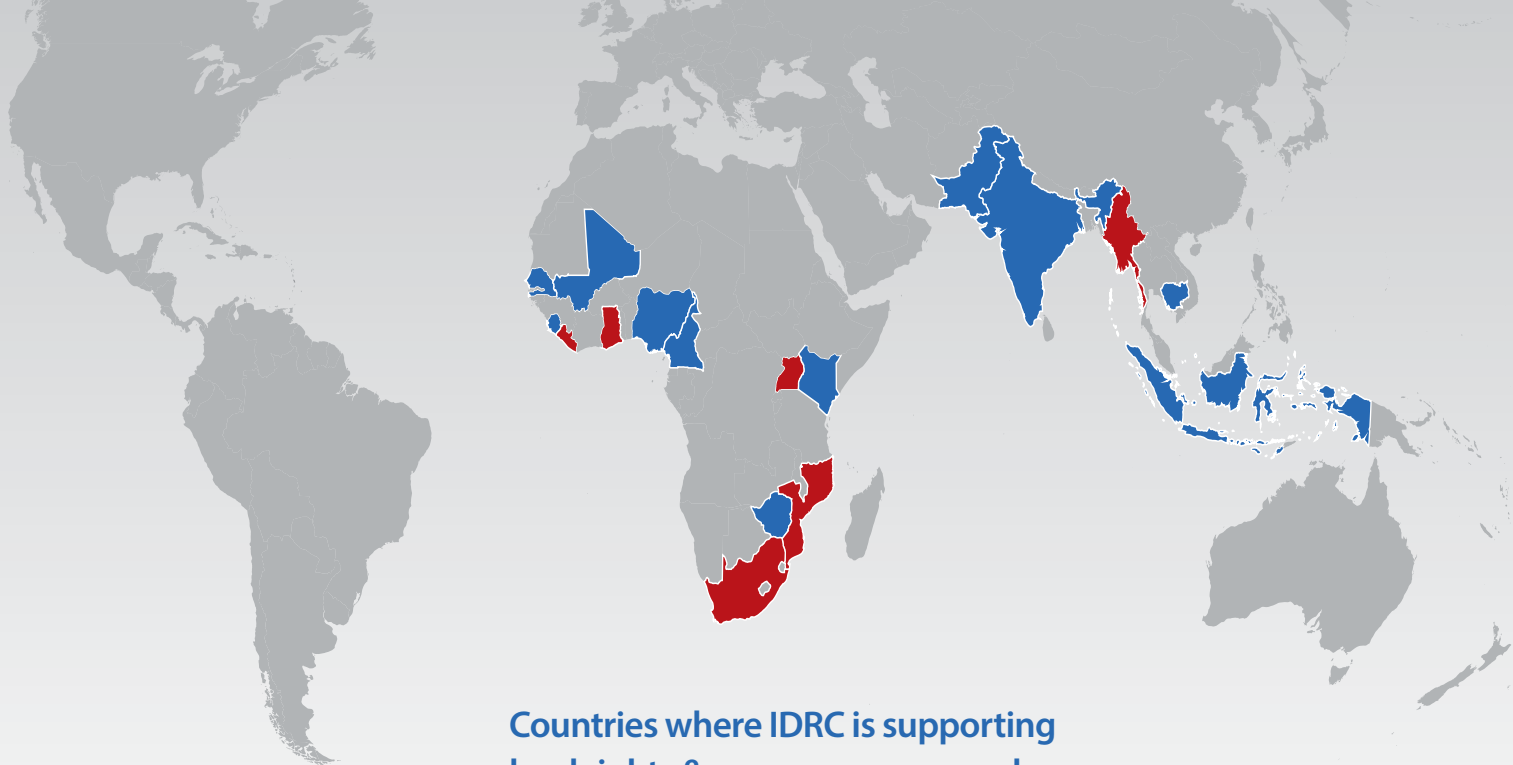
When faced with such risks, many communities are unaware of their individual rights, are left out of land concession-granting processes, or have little power to advocate for fair compensation. This is particularly true for communities that manage land use and ownership through customary rules and have no formal legal title to their lands. Insecure land tenure and natural resource rights are at the root of many of the negative impacts of large-scale land acquisitions. These impacts are felt more heavily by women, youth, indigenous groups and the poorest members of a community.

It's important for development agencies like the International Development Research Centre (IDRC) to shed light on these questions and help mitigate the burden women and vulnerable groups are facing in terms of weak rights, exclusion and poor participation in decision-making. These questions include securing land rights for those living on and from the land, especially small farmers, indigenous peoples and the landless; customary ownership and exclusions inherent in the rules; the rights to fair compensation for excluded members of the communities; the intrinsic relationship of indigenous peoples with their lands, territories, and natural resources; and, the forms of community land rights and customary land tenure rights as a way to address land conflicts.

Even in places where progressive laws exist, non-compliance and poor governance around land deals remain widespread. In response to these challenges have come new opportunities to make land investment processes more accountable, fair and just.



Photo: IDRC / Sven Torfinn



## Countries where IDRC is supporting land rights & governance research

- 11 Current research countries (2017-2020)
- 6 Past research countries (2013-2017)

### Our action research agenda

Since 2013, the IDRC has supported action research projects on land rights in Sub-Saharan Africa and in Asia. These projects have aimed to identify solutions that empower communities, women and vulnerable groups to claim land rights, manage lands and natural resources, negotiate just deals, and challenge unfair decisions, laws and policies.

A new cohort of projects, launched in 2017, seeks to build on previous work by providing greater evidence on two fronts. They aim to

- identify what works to protect communities, women and vulnerable groups in the face of large-scale acquisitions or threats to community lands, and
- contribute to making national and regional land laws and policies more just.

**In Africa:** An initial round of projects led by locally based organizations is underway in Cameroon, Kenya, Mali, Nigeria, Senegal and Sierra Leone, with ongoing efforts in Zimbabwe.

**In Asia:** New projects are starting up in Pakistan, Indonesia, India and Cambodia.

IDRC-supported land rights projects are action-oriented and participatory, with a strong emphasis on partnership with affected communities and co-design of research and advocacy strategies. Several research teams are drawing on the support of international non-governmental organizations as core members of the team. All of IDRC's research teams share a common goal of engaging with communities to ensure their full participation as change agents in the research process.

The action dimension of our partners' research projects consists mostly of testing strategies that support and strengthen land rights, governance, laws and policies. In Asia, an emerging focus revolves around compensation. In differing ways, and as part of identifying "what works," all projects have settled on three questions to guide their research efforts.

**Question 1:** What strategies are most effective in helping communities, women and vulnerable groups claim and secure their land tenure rights, manage communal natural resources, and resolve land disputes, including inter-generational divides? This question looks primarily at internal community dynamics and, based on that focus, seeks to find ways to ensure secure, peaceful and well-managed tenure rights and natural resources.

**Question 2:** What legal empowerment, customary justice and policy strategies can help communities, women and vulnerable groups secure their rights in relation to local and national land acquisition processes and land politics? This question focuses on dynamics with external actors and how communities, women and vulnerable groups can effectively negotiate just deals, ensure fair compensation, and challenge unjust decisions, laws and policies in respect to land acquisitions.

**Question 3:** What specific strategies help to strengthen women's land rights and empower their participation in community and national decision-making processes? This question reflects the projects' commitment to promoting women's voice and agency on questions of land as fundamental to the work. (See Women's Land Rights and Gender Considerations on page 7.)

## The change we want to see

All of IDRC's research on land rights begins with a common premise, namely that local actors and communities most directly affected by land rights and governance challenges are best placed to advocate for positive change.

Research teams design unique approaches targeted to the needs of specific country and community contexts. At the same time, the projects share essential elements across contexts, in terms of approaches and results as they relate to issues of land rights and governance. Together, these methods contribute to a common theory of change.

A vital element guiding this approach is that change needs to occur at both the community and national levels. Essentially, research teams must target both levels at once, across contexts.

These are the primary community-level results that IDRC research teams are working in support of:

- Communities participate in and challenge decision-making processes related to land investments; initiate collective action and dialogue.
- Communities develop rules to manage community lands, resources and to resolve disputes in ways that are legitimate, inclusive and equitable towards gender and vulnerable groups.
- Women achieve better protection of their land rights, including through development of strategies to challenge, resist and negotiate more equitable deals with investors and within their communities.
- Communities negotiate better deals with investors.

At the national level, IDRC-supported research teams are seeking to contribute to national land policy and land reform processes that reflect solutions to address land rights governance challenges faced by communities, women and vulnerable groups on the ground. Reforms to national laws and policies that some of IDRC's research teams are trying to achieve include improved standards and procedures for:

- demarcating community lands
- requiring community participation on land investments
- developing functioning community-based land management structures
- supporting communities in creating community by-laws for natural resource exploitation
- negotiating more equitable compensation for land losses or displacement.

## How we see change happening

In generating change at community and national levels, IDRC-supported research projects on land rights seek to produce evidence on "what works."

To bring about community-level change, research teams are:

- working with communities in a participatory way to formalize customary and traditional land rules and boundaries
- working with communities to secure their tenure rights, and to discussing land rights and governance issues openly
- working with communities to protect them from external threats and to shift internal power dynamics so as better to protect women and vulnerable groups
- working to support communities during land investment negotiation processes, so as to mitigate the often-stark power imbalances between communities and investors.

In contributing to national-level reforms, research teams draw directly on evidence generated from working with affected communities. In effect, such evidence can build a vital bridge between communities and policy-makers. When well-positioned, it brings the needs and values of community members to the corridors of power occupied by public officials at national and state levels.

Embedded in IDRC's approach to supporting research partners across several contexts is a belief in "strength in numbers." Generating a larger body of evidence on "what works" on similar questions and challenges aims to identify how positive impacts can be scaled to reach broader population groups. We also provide support for strategic policy engagement and advocacy by research teams as a group targeting improved policies and action on a regional and global level.

Finally, IDRC acknowledges that efforts to address land rights and governance issues can raise a common set of tensions, including the need to balance the following:

- Community rights versus individual rights, especially where the two conflict;
- Efforts to advocate for changes to policies and laws versus improved implementation of existing policies and laws; and
- Supporting communities, women and vulnerable groups to claim and secure rights to manage communal resources through pursuing administrative route versus supporting the conventional methods of litigation or media campaigns.



## Strategies the research is testing to bring positive change

### 1) Community-level paralegals

Paralegals, or grassroots legal advocates, are a promising strategy for supporting communities to gain stronger land rights and governance. In many contexts, paralegals provide front-line support where few other forms of legal assistance exist, and act as a vital link to traditional institutions. They provide valuable hands-on support to community-level dispute resolution, in raising awareness and mobilizing community members around their rights and in cases where communities choose to negotiate around their land with investors.

#### Cameroon and Sierra Leone

Researchers are experimenting with different forms of paralegal support to see how they strengthen communities' abilities to achieve equitable deals with investors. For example, a project in Cameroon is supporting a local community-investor dialogue process. Empowering communities to recognize and use customary tenure rules to the benefit of all community members, especially women and vulnerable groups, exists as a core focus in both countries.

#### Kenya and Sierra Leone

Projects seek to understand how paralegal support and related strategies can help overcome power imbalances between communities and investors during negotiations about land. A related aim is to understand the role of paralegals in holding governments accountable for and ensuring compliance with social and environmental terms set prior to corporate investment.

#### India and Indonesia

Community paralegals are working with affected communities to increase their legal literacy and to help identify regulatory violations in environmentally harmful projects. The goal is to help communities engage fearlessly and confidently with government while enforcing legal norms.

### 2) Community land rights and land tenure security

Across IDRC-supported projects, efforts to strengthen land rights and governance is being approached at a community-level. This strategy is in contrast to common approaches that focus on individual or household land titles. The community-level approach links land rights questions to efforts to strengthen community-level and public governance. It enables a focus on communal resources and power imbalances that arise within communities and that they face from external actors.

#### Sierra Leone, Kenya and Zimbabwe

Teams are trying to understand the institutional and policy barriers to formalizing community land tenure in order to shift local norms and power dynamics to empower women's voices. In Sierra Leone and Kenya, a community land protection model supports stronger community-level governance and rules as possible aids to negotiating fair deals with investors. In Zimbabwe, researchers have been working directly with communities to strengthen responses in the face of potential displacement due to development projects.

#### India, Cambodia and Indonesia

Researchers are building communities' capacities to negotiate better compensation in the face of eroding tenure and rights related to community lands. A project in the Indonesian province of Papua is working directly with indigenous people to protect affected communities against eviction from communal lands in the face of government-driven land use changes. In India, researchers are working with local communities to understand community perception of 'fair compensation' for the acquired land.

#### Cameroon, Mali and Nigeria

Within different contexts, teams are examining how communities are affected by and can respond to the challenge of intersecting land acquisition processes. This refers to land issues that straddle or include overlapping types of resource exploitation (agricultural, mining, forestry and water). In Nigeria, for example, efforts will focus on training communities to understand intersecting regulatory frameworks and institutions that have power over and govern their land and forests.





Photo: Namati

### 3) Community-level advocacy committees on land issues

Across all countries, research teams are assisting communities to establish village-level land committees, with a view to raising awareness about rights, and to foster inclusive and responsive governance of land and associated resources. A core question across all countries, similarly, is how to ensure diverse and at times competing views of groups within communities, i.e. women, youth, indigenous and vulnerable groups are given voice, in a fair and just manner, in land governance and rights processes.

#### **Mali**

Efforts here are focused on building capacity of communities to give effect to new community land rights under recent changes to agricultural law.

#### **Kenya and Sierra Leone**

Teams are working to set up village-level committees and to formulate community by-laws to manage community land and natural resources. This is happening as part of a community land protection model that uses paralegal supports.

#### **Indonesia**

Teams are developing strategies to link indigenous communities in Papua, especially women, with each other and with national and local institutions. This will help to increase the institutions' effectiveness in responding to demands for accountability and justice within the context of large-scale land acquisition projects.

### 4) National-level policy dialogue

Across all countries, project teams will work with affected communities to develop strategies to raise awareness of local-level challenges, to ensure that those are reflected in national-level policy, laws and practices. In that light, recognition of customary and community land rights, and harmonization between formal and informal tenure systems is an overarching concern across countries.

#### **Mali and Kenya**

The focus is on helping communities to act on recent recognition of community land rights in law.

#### **Cameroon, Nigeria and Sierra Leone**

Projects seek to understand how paralegal support and related strategies can help overcome power imbalances between communities and investors during negotiations about land. A related aim is to understand the role of paralegals in holding governments accountable for and ensuring compliance with social and environmental terms set prior to corporate investment.

#### **Mali, Nigeria, Sierra Leone and Zimbabwe**

Projects are examining how government laws, policies and responses to large land acquisitions have been effective—or not—in enforcing environmental regulations.

### **India, Indonesia, Cambodia**

Efforts are made to feed the community generated 'fair compensation' model for land acquisition into policy. Community consultations will inform regional policies on compensation in rural areas.

### **Pakistan**

Community action research in Karachi hopes to take the voice of evicted urban citizens to policy-makers for just compensation.

## **5) International Standards**

International and regional standards and policy processes are key tools teams are deploying, as part of national-level action and advocacy to strengthen land rights and governance for communities.

### **Mali, Nigeria and Senegal**

Teams will draw on the internationally recognized Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) as a tool and set of standards to advocate for stronger accountability by public officials. Additional efforts will target two existing and complementary policy processes by ECOWAS: 1) ongoing negotiations aimed at developing sub-regional ECOWAS land guidelines based on the Framework and Guidelines of Land Policy Initiative of the African Union and 2) ECOWAS' Zero Hunger Initiative for West Africa.

## **Women's land rights and gender considerations**

The IDRC is committed to supporting gender transformative research. All of IDRC's research projects dealing with land issues incorporate clear gender dimensions and incorporate women's land rights as a key priority.

Women's land rights have seen important gains in some countries, through stronger recognition in formal laws. Huge gaps in knowledge remain, however, about 'what works' to strengthen women's land rights on the ground, and how stronger property rights benefit women over time.

In all countries, all of IDRC-supported research teams strive to open women's access to policy engagement over land rights among the affected communities; build women's capacities to turn into community leaders with voice and, strive to advance gender equality and the empowerment of women as the most effective way to build more inclusive, peaceful and prosperous societies.

Women in many of the poorest regions of the world are denied equal rights to access, use, inherit, control, and own land and the challenges is not only laws and policies which often dilute

or deny women's rights to land, even when laws enshrine such rights, legal loopholes, gaps in implementation, and gender-discriminatory practices undercut these formal guarantees.

The projects integrate sex and gender analysis and an understanding of gender differences in both research design and in research activities. That approach means looking also at how best to engage men in their different roles, as spouses, community leaders, and household decision makers. The teams are trying to understand how social and traditional norms best support those efforts. How to reinforce positive norms and lessen the negative impact of exclusionary norms? How are efforts to strengthen women's land rights and community leadership and decision-making power linked?

### **Senegal**

Researchers will be training and supporting women in negotiation and advocacy strategies, to determine what supports are most effective in ensuring women's agency and voice in securing just land deals. This applies especially at the level of local leadership and land commissions. A quota system for women's representation in local land processes will be an important component in this area.

### **Indonesia**

Researchers will work with indigenous women in Papua to strengthen their capacity to understand the impact of large-scale land acquisitions, develop appropriate strategies and link to those institutions that can assist them in gaining their rights.

### **Sierra Leone and Kenya**

Teams are examining how methods to secure community land titles — such as drafting by-laws to manage community lands and natural resources — can address the potential exclusion of women and minorities, and protect women and vulnerable groups as land pressures increase.

### **Cameroon, Mali and Nigeria**

Research is looking at ways to best facilitate the equitable participation of women and women's rights organizations in local and national-level policy debates on land.

### **India and Pakistan**

Indian teams are designing research to ensure women's perspectives can inform national debates on compensation around land rights.

In Pakistan, research aims to empower women to negotiate just terms of compensation linked to resettlement after eviction caused by expansion of urban areas.



## Anticipated results

Here's what IDRC-sponsored action research on land rights is on track to achieve in support of communities, women and vulnerable groups.

1



### Community land rights & governance

In Sierra Leone, 50 communities supported by paralegals aim to protect 100,000 ha of land; 97,500 community members affected.

In more than 80 communities in Cameroon, Kenya, Mali, Nigeria, Senegal, Sierra Leone, participation of women and vulnerable groups in local governance and decision-making processes is increased and more equitable.

In more than 80 communities, in Cameroon, Kenya, Mali, Nigeria, Senegal, Sierra Leone and Zimbabwe, awareness of their land tenure rights and strategies to secure them is improved.

In Papua, Indonesia, more than 30 facilitators trained by the project work with indigenous women to develop advocacy options.

2



### Public accountability & fair deals

In India, 25 paralegals seeking environmental justice for affected communities by resolving 93 violations cases related to environmentally harmful projects.

In Pakistan a new mechanism involving 10,000 displaced people in Karachi triggered community participation to improve access to public servants and political representatives.

In Cameroon and Sierra Leone, direct support to 50+ communities to negotiate and enforce fair land deals, protecting 75,000+ ha land area, and over 100,000 community members.

In Sierra Leone, efforts aim to help design a new fund to provide legal services for communities negotiating with investors, under the country's land policy framework.

3



### Women's land tenure security & participation

In more than 80 communities in Cameroon, Mali, Nigeria and Senegal, increased participation by women and vulnerable groups allows more influence in local governance and decision-making processes.

In Senegal, 60 women from three communities gain more capacity to contribute to/participate in local decision-making processes that formalize land rights.

In Papua, Indonesia, 80 indigenous women build capacity and through participatory action research and become advocates for change.

4



### National-level policy reform

In Nigeria, Cameroon and Sierra Leone, projects feed into development of community- and gender-sensitive land policy reforms.

In Mali and Kenya, projects aim to strengthen efforts to implement new laws recognizing community land rights.

In Sierra Leone, efforts aim to work with the country's Environmental Protection Agency to develop and enforce protections around land development and use.

In Indonesia, India and Cambodia, the community generated evidence feeds into policy for 'fair compensation' in 6 cases of land acquisition conflicts through engaging policy communities.



# OUR THEORY OF CHANGE

## Accountable, Just & Fair Land Rights & Governance for Communities, Women & Vulnerable groups

Contribution to Sustainable Development Goals (SDGs)



GLOBAL  
OUTCOMES



Women achieve better protection of their land rights



Stronger tenure security & voice for communities, women and vulnerable groups



More just & equitable land laws and policies (national & global)



Improved social cohesion for communities

INTERMEDIATE  
OUTCOMES



Communities negotiate more equitable deals with investors



Communities develop legitimate & equitable rules to manage lands & resolve disputes.



Improved voice & participation of women & vulnerable groups in asserting their land rights



Communities participate in and challenge decision-making processes related to land



National land policy & land reform processes reflect solutions to address community land challenges



Strategic engagement with regional / global bodies, with a view to making policies more reflective of community land challenges

IMMEDIATE  
OUTCOMES

Locally-driven,  
action research

Experiment  
with Tools

Community  
participation

Cross-project  
collaboration

Recommendation  
for change

OUTPUTS AND  
APPROACHES

Evidence on 'what works' bridges between communities & policy-makers

COMMUNITY-LEVEL  
EFFORTS

NATIONAL/POLICY-FOCUSED  
EFFORTS

Part of Canada's foreign affairs and development efforts, the International Development Research Centre (IDRC) invests in knowledge, innovation and solutions to improve the lives of people in the developing world. IDRC works with many stakeholders including civil society organisations, think tanks, regional organisations and government departments in the developing world to promote growth, reduce poverty, and drive large-scale positive change.

IDRC's Governance and Justice Program supports stronger and more inclusive mechanisms of governance and justice contributing to the development of safer spaces, free from violent conflict and insecurity and assisting to create conditions where vulnerable groups, particularly women and girls, can empower themselves to prevent and overcome gender violence.

**Governance and Justice**

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