



Introduction to the Responsible Governance of Tenure

Processes, Mechanisms and Frameworks

 Food and Agriculture Organization of the United Nations
 This course is funded by the European Union through the EU-FAO Improved Global Governance for Hunger Reduction Programme.


© FAO, 2013

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

LEARNING OBJECTIVES



- Identify ways to engage in participatory and gender-sensitive processes for policy and laws development and implementation.
- Recognize the importance of policy and organizational frameworks to improve governance of tenure.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

INTRODUCTION

What are the processes and mechanisms that, in addition to the guiding principles, promote progression to responsible governance of tenure?

Participatory processes

Policy frameworks

Organizational frameworks

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

STRENGTHENING PEOPLE'S PARTICIPATION IN GOVERNANCE OF TENURE

Participation can range from:

CONSULTATION

to

FULL INVOLVEMENT

INVOLVEMENT

↓

The government or officials retain control of the process, but want to get opinions from others.

↓

Parties are involved as key decision-makers and implementers.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

WHAT ARE PARTICIPATORY PROCESSES

There are various forms of consultation and participation, including the following:

Participation



Face-to-face engagement



Formal committees and public inquiries



Written documents and submissions

Consultation



Working groups or parties



Multi-stakeholder platforms



Assigning responsibility to citizens

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

WHAT ARE PARTICIPATORY PROCESSES



The decision on which type of participation is the most appropriate depends on a variety of factors. Which approach to engagement could be used in the examples below?

A. The government is introducing a new law that allows fishing licenses to be traded.

B. The government has decided to change access to the fishing areas in the south of the country occupied by a small indigenous community.

C. A new set of rules regulating harvesting of trees in national parks is being developed by a national committee.

1. Face-to-face meetings

2. Written submissions

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

CHARACTERISTICS OF EFFECTIVE PARTICIPATION

Effective participation should have the following characteristics:



A **wide range of views** should be involved.

The involvement should be **active**.



The participants should have **all the information** they need.

The participants' **input should be considered**.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

BARRIERS TO PARTICIPATION

Power imbalance may be a real obstacle to effective participation.



Power imbalances occur where people do not have equal authority, status, perceived legitimacy or other quality either within their group or between groups, or between them and the officials consulting with them.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

BARRIERS TO PARTICIPATION

There are other **barriers** that stop people participating and which require efforts to address. Can you identify them?

Power imbalances

1. Language
2. Complexity
3. Religion
4. Gender
5. Knowledge and education
6. Familiarity with processes
7. Physical disabilities
8. Distance
9. Age and marital status
10. Nationality
11. Access to the web

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

GENDER SENSITIVE APPROACHES



A gender sensitive approach requires that those in charge:

- identify the needs of women;
- establish how to gain access to women's opinions and inputs;
- determine what are the barriers to the involvement of women.

Once these matters are investigated, then positive steps need to be taken.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

GENDER SENSITIVE APPROACHES



Try to match each of the possible barriers to women participation shown below with the appropriate positive step to take.

A. Young and unmarried women are not admitted to take part in mixed meetings.

B. Women and girls have to work in the fields during the day, while men and boys look after the livestock or do cash labour.

C. Women cannot attend school and cannot read nor write.

1. Conduct meetings at the community or local level at appropriate times.

2. Have women-only meetings.

3. Assign an advocate or adviser to present views or to advise on issues.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

HOW TO ACHIEVE PEOPLE PARTICIPATION

Additional, practical actions governments and officials can take to promote participation include:



Identifying participants



Providing adequate resources



Showing good will and building trust



Ensuring information sharing

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

HOW TO ACHIEVE PEOPLE PARTICIPATION

Other factors that need to be in place for participatory processes and gender sensitive processes to work involve:



Leaders, officials and participants



Government-wide policies and coordination and secretariat services



Time

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

WHY IS PARTICIPATION IMPORTANT?

Many can benefit from participation.



The people who are going to be affected



The vulnerable and poor

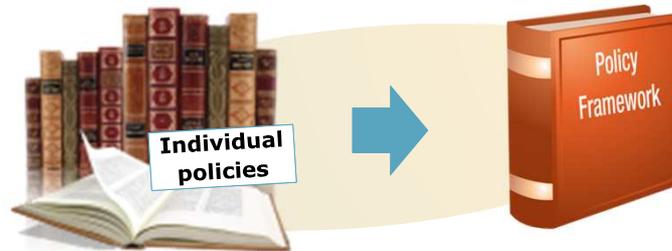


The governments and others, such as development companies, professional organizations or civil society groups

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

WHAT IS A POLICY FRAMEWORK?

A **policy framework** is a set or body of individual policies covering a particular topic or area.



The purpose of **individual policy documents** is to establish an approach to certain aspects of a particular topic.

The purpose of a **policy framework** is to establish the rules and long-term objectives for how a particular sector is going to be managed.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

ESTABLISHING A POLICY FRAMEWORK

Once the policies are in place, it is necessary to implement them, including such matters as:

- Recruiting and training of officials.
- Establishing any services.

- Publishing information and reporting on results.
- Monitoring the policies and laws to make sure that the right outcomes are achieved.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

WHAT IS AN ORGANIZATIONAL FRAMEWORK?

An **organizational framework** covers the government agencies and bodies that implement and administer the policies and laws, provide services, and supervise and enforce compliance with laws.

Which are the principles of an organizational framework?

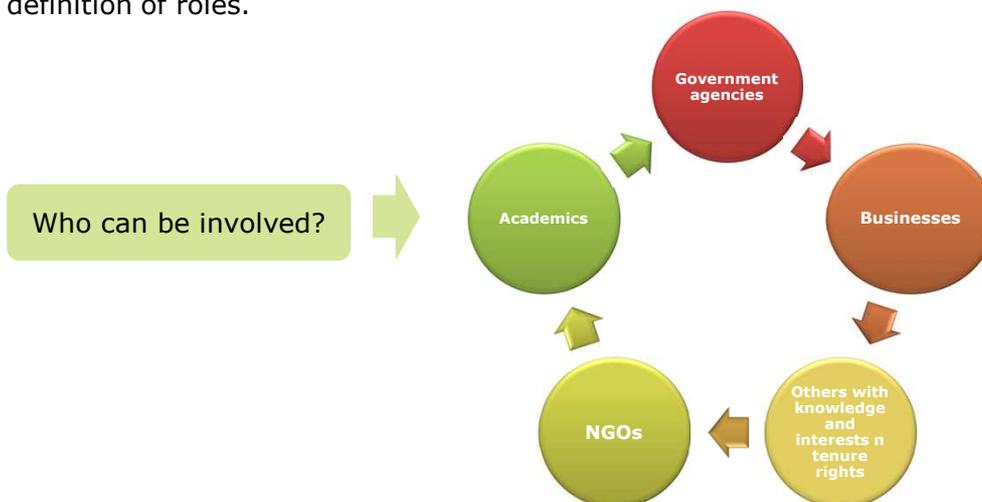
What should an organizational framework deliver?

How should an organizational framework operate?

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

NEED FOR COORDINATION AND COLLABORATION

An organizational framework also includes issues such as collaboration and definition of roles.



Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

NEED FOR COORDINATION AND COLLABORATION



Below are some of the negative effects that can derive from a lack of coordination and collaboration. For each of them, can you select actions that help overcome them?

A. No one agency or group has all the relevant information.

1. Resource sharing or coordination

B. Sectoral policies show contradictions or loopholes.

2. Clear definition of roles and responsibilities

C. There is often duplication and waste of efforts and resources.

3. Policy and legal framework development

D. There is overlap of functions and of areas of competence

4. Information gathering and sharing

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

ESTABLISHING LEVELS OF RESPONSIBILITIES

Collaboration and coordination can be enhanced by a clear definition of roles and responsibilities.

To achieve this, states can:



place the responsibility with a national agency, but provide services at **regional** and **local** levels through branch offices

or

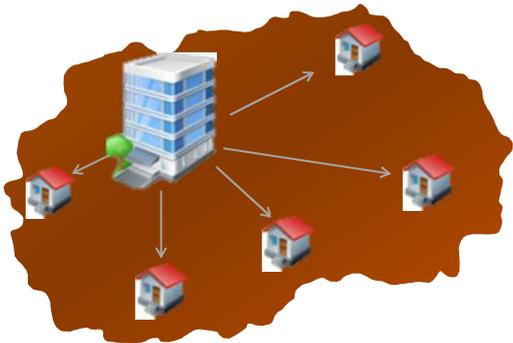


place the responsibility at the tier of **government** – national, regional or local – that is most appropriate.

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

ESTABLISHING LEVELS OF RESPONSIBILITIES

Just as importantly as allocating responsibility in a way that effectively delivers services to the people between levels of government or between agencies is allocating responsibility within agencies.



Ideally, operations and services are located near the people who use them (through small branch offices or mobile offices).

Introduction to Responsible Governance of Tenure
Processes, Mechanisms and Frameworks

SUMMARY

This lesson has looked at the main processes and mechanisms to support progression to responsible governance of tenure, with a particular emphasis on the policy development processes and the government organizations involved with governance of tenure. It looked at:

- how to strengthen people's participation in the governance of tenure of land, fisheries and forests, through such measures as gender-sensitive processes, addressing barriers and sharing of information;
- policy and organizational frameworks in support of improved governance of tenure; and
- the importance of coordination and collaboration between sectors, and ensuring that services are delivered at an appropriate level of government.