Africa Learning Exchange Report

10 February 2017
Radisson Blu Hotel, Dakar, Senegal

1   INTRODUCTION

This report captures the ideas and recommendations shared at the first Africa Learning Exchange on 10 February 2017 at the Radisson Blu Hotel in Dakar, Senegal. Organized by the Tenure Facility, the Africa Learning Exchange followed the Rights and Resources Initiative (RRI) public seminar "From Risk and Conflict to Peace and Prosperity," held on 9 February, including legal experts, CSOs and government representatives from 11 African countries. The one-day Learning Exchange brought together pilot leaders from Cameroon, Liberia and Mali; observers from the Democratic Republic of Congo, Burkina Faso, and Senegal; technical experts; staff from the Tenure Facility secretariat; and observers from the Swedish International Development Cooperation Agency and the Ford Foundation. For a list of participants see Annex A.

The objectives were to:

- Strategize ways to overcome barriers to secure tenure implementation by exchanging experiences and strategies among pilot leaders from Mali, Cameroon, and Liberia
- Share lessons learned for the Tenure Facility
- Identify paths for scaling up progress on tenure security implementation

In the morning, the session opened with welcoming remarks and then considered the challenges and lessons learned from three pilots: Cameroon, Liberia and Mali. In the afternoon, in breakout groups and group discussions, participants considered strategic questions and ways forward.

For the agenda of the Africa Learning Exchange, see Annex B. For a summary of the Africa Learning Exchange proceedings see Annex C.

Sandra McGuire compiled this report from presentations by Tenure Facility pilot country delegations and notes recorded by Briana Okuno, Janis Alcorn, Mary Nyuyinui and Sandra McGuire. The opinions expressed do not necessarily represent the views of the Tenure Facility, the donors who support the Tenure Facility, and/or the participants in the meeting.

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2 ADDRESSING COMMON CHALLENGES

Engaging governments

WHAT IS THE ROLE OF THE GOVERNMENT?

Participants said it is the government's role to implement secure land and forest tenure, but many governments need help. The pilot projects produced evidence that communities can support government implementation of secure land and forest rights (Liberia), CSOs can support government by developing or strengthening local structures (such as Local Land Commissions in Mali) and projects can develop tools to support government and other stakeholders (Cameroon.)

HOW CAN WE SECURE THE INVOLVEMENT OF THE GOVERNMENT FROM THE START?

Participants said government involvement "from the start" is essential to success and to scaling up tenure security. To ensure early involvement, participants recommend the following actions:

> **"Our projects have specificity. Everywhere we have tried to set up a dialogue space. We are building trust and confidence. The dialogue structure is the key to success. It remains when the project is finished."**

- Anchor the project in existing law, peace plans or reforms under discussion by the government, and demonstrate to the government how the project will help achieve government goals.
- Conduct an inventory of customary practices in order to build on what exists, if possible.
- Map the institutions likely to be affected or to influence project implementation, as well as institutional competencies and capacities.
- Identify and engage the government administrators whose actions will be needed to strengthen tenure security.
- Formalize the involvement of government actors: national, regional and local.
- Establish a steering committee chaired by a government agency representative.
- Ensure efficient communication mechanisms and consistency of message.
- Create discussion platforms with government representatives to encourage their involvement in all phases of project implementation.

HOW CAN WE ENCOURAGE THE EFFECTIVE PARTICIPATION OF THE GOVERNMENT AND BUILD TRUST?

Drawing on their collective experience, Learning Exchange participants said effective government participation is encouraged and trust gained by the following actions:

- Capitalize on the credibility and legitimacy the Tenure Facility brings to the process, as well as its ability to convene stakeholders with divergent interests.

- Engage government and other stakeholders during project design.
- Define clearly and in a participatory way the roles and responsibilities of the government.
- Create a spirit of synergy and complementarity among the various stakeholders involved in project implementation.
- Appoint an independent point person who is trusted by government and civil society.
- Provide information and training for government actors.

> "Getting authorities to listen comes with problems. We realized that government has accepted to deal with others. The fact that there is a dialogue is evidence that things are improving. This did not happen in the past."

Learning highlight: VISIT GOVERNMENT OFFICES REGULARLY

Liberian participants said they needed to engage government more actively. Their Land Authority has the mandate to engage other agencies. However, the Authority's Advisory Group has met only twice – which is not enough. The Cameroon initiative´s Advisory Group plans to re-engage at the senior political level by visiting heads of agencies.

Participants from Cameroon said they encourage government participation and trust by:

- Meeting with all stakeholders in a pre-project consultation.
- Identifying all key agencies that needed to be involved.
- Ensuring that each agency delegates the appropriate level of person to participate in the process.
- Engaging a facilitator trusted by all partners.
- Being flexible in project implementation.
- Clearly defining the role and procedures of an advisory board.
- Involving lead entities responsible for coordination (MINEPAT) as co-chair.
- Ensuring the independence of the facilitator and the technical secretariat.

Advancing reform in Africa

WHAT PROCESSES CAN BE USED TO TRANSLATE THE RESULTS AND LESSONS LEARNED INTO FUTURE INITIATIVES?

- Document experiences and optimize and leverage the experiences.
- Develop synergies with other players on the ground.
- Reach out to others outside our networks, such as the private sector and government authorities.
- Seek to influence other initiatives and

> "We are planting seeds that will have an impact on livelihoods and living conditions, laying the foundations for better quality of life."

financiers.

- Engage with actors on similar themes, such as food security, women's rights, forest governance, and climate change.
- Find ways to reduce costs, such as by simplifying procedures, thereby making reform more affordable and sustainable for the government and other actors.
- Engage agencies that could benefit, such as those responsible for Environmental Impact Assessments.
- Capitalize on lessons learned from other countries.
- Demonstrate to the government the financial impact of implementing the tools developed.
- Scale up the project, taking into account the orientations of the government and by supporting implementation.
- Encourage laws to support engagement at the national scale and consider follow-up and assessment mechanisms.
- Support the government by translating adopted texts into local languages and disseminating them.

Learning highlight: SEEK SYNERGIES WITH OTHERS

Liberian pilot leaders organize regular project coordination meetings to share within and among partners. They document success stories and capture and share information through electronic and print media, and community radio stations. In Liberia, USAID is interested in the guidelines for self-identification. Liberian pilot leaders will explore synergies with World Bank's Forest Sector Program and REDD+ actors, as secure tenure is a prerequisite for these programs.

Cameroon pilot leaders propose to share experience with the National Participatory Development Program, which is funded by the African Development Bank, World Bank, and the European Union. However, political will and funding are not yet sufficient. Cameroon needs to strengthen capacity to implement tenure security. To address this, the pilot leaders are increasing the involvement of other NGOs in the field, training their staff in participatory mapping, and involving academia in their initiative.

WHAT ARE THE PATHS OF EXPANSION AND THE ROLES GOVERNMENTS COULD PLAY IN IMPLEMENTING SIMILAR PROJECTS IN AFRICA GOING FORWARD?

- Bring together key individuals from national authorities to prepare common positions and submissions to regional and international forums on tenure security.
- Call on and equip government agencies to share stories and learning from projects at regional, sub-regional and international forums such as the African Union, ECOWAS, CEMAC, and COMIFAC.

"How do you handle government resistance? Government commitment is never to be taken for granted. But there are good people everywhere in a listening mode."

- Look for converging points in other processes and initiatives such as FLEGT, the Interlaken Group, TFA 2020, RSPO, and REDD+.
- Build on international commitments, especially the secure tenure commitment recently made by the African Union.
- Extend the use of new tools to the sub-regional and regional levels by linking them to ongoing projects at these levels, and through bilateral collaboration.

HOW CAN WE ENGAGE THE PRIVATE SECTOR?

- Learn how to talk to the private sector.
- Identify key players in the private sector who could benefit from the tools developed.
- Explain the potential benefits of implementing the tools that have been developed.
- Have an ongoing dialogue with the private sector and encourage a win-win model secured through memoranda of understanding.
- Identify win-win opportunities and disseminate experiences of success.
- Encourage them to support communities´ collective land and forest rights.

Implementing

WHAT CHALLENGES DO GOVERNMENTS FACE IN IMPLEMENTING LAND TENURE LAWS?

- When countries promulgate a law, they must also include financing to implement it. But they don't have the money that is needed.
- Often governments do not implement laws, because they have difficulty mobilizing the necessary resources, due in part to low revenue from taxpayers in their countries. The government must set priorities accordingly.

> **"My government would not give priority to land commissions when faced with other priorities. Yet, what would they do if they understood what they would save by redirecting conflict?"**

- Well-implemented decentralization processes can reduce the load borne by central governments. However, implementation has not been effective in some countries.
- Laws do not always take into consideration of existing institutions and traditional practices at the local level.
- Many issues are caused by overlapping government mandates and a lack of coherence and coordination among ministries.

WHAT IS THE ROLE OF CIVIL SOCIETY AND COMMUNITIES IN DEVELOPING AND IMPLEMENTING LAWS?

- CSOs can contribute to developing laws by advocating for specific provisions and by carrying out the review of draft laws.
- Some governments are decentralizing, so communities need to assume new responsibilities for implementation.

> **"CSOs are more accustomed to protesting than to implementing. We need to accompany government."**

- Civil society has legitimate organizations that can draw the government's attention to the application of laws, and communities stand behind those organizations.
- Expectations can be high following the passage of a land rights law. Civil society can help government with public information and outreach to communities and the private sector.
- Community-based organizations can implement government initiatives effectively and at low cost — and may be a better option than national civil society organizations that have national presence but more limited connections to communities.

Ensuring women's participation

HOW DO WE ENSURE WOMEN'S PARTICIPATION?

- Invite women to attend every community meeting.
- Ensure women are represented in every consultation and decision-making process.
- Ensure women are asked to speak at every meeting and their views are recorded.
- Make it possible to for women to speak in their local language and be understood.

Resolving conflict

HAVE THE PILOTS REDUCED CONFLICT?

Several pilot leaders said their initiatives are reducing conflict in countries, including those that have recently experienced armed conflict.

In Mali, conflicts are traditionally resolved at the local level by *Commissions foncières villageoises et communales* (COFOs). The COFOs support implementation of the land policy by playing a primary role in managing resources (land, forest, and mining), resolving conflicts at the local level, and serving as forums for dialogue about implementing land policy. The COFOS make decisions about land, timber, and tree ownership, decisions that ultimately influence lives and livelihoods. Communities appreciate the role of COFOs, but lacking in tools and legitimacy, the COFOs were not being effective. The pilot strengthened COFOs in southern Mali, which are peacefully resolving many problems in the communities, and thus preserving social peace.

In 2011, Liberia developed a conflict resolution mechanism based on alternative land dispute resolution at the customary level. This mechanism managed local conflict and only unsatisfactory decisions rose to higher legal authorities. The pilot reduced conflict by strengthening the customary conflict resolution system with tools that enable communities to self-identify their lands and rights. However, the pilot is set within a bigger picture: Liberia's land rights bill has not been adopted, and concessions continue to generate conflict. The pilot is providing a basis for communities to negotiate with concessionaires by providing communities with the tools to self-identify and clarify the area of their lands. However, self-identification can also generate conflict. The pilot lays the groundwork for the future fast-tracking of a new land rights law through which communities will have greater say over their land and conflicts can be reduced.

Innovating

Participants said their pilots are not necessarily doing new things, but doing them differently, by:

- Facilitating dialogue among stakeholders who do not usually work together and involving everyone from the start.
- Emphasizing solutions that work.
- Working in situations where others are already working – with opportunities for synergy, scaling up and additional funding.
- Encouraging reflection and self-evaluation.
- Building self-confidence.

> "We started then to believe that it could be done. This pilot showed it was absolutely necessary to equip these land tenure commissions so that communities and people will believe in them. The government is now convinced this is how things will be done."

3   NEXT STEPS FOR PARTICIPANTS

The Learning Exchange participants recommended the following next steps:

- Document the results, mistakes, successes, lessons learned, and stories.
- Take the results back to the participating communities, share the results with them in local languages, and collect their feedback.
- Consolidate the findings and share them at the national and regional levels.
- Organize exchange visits across countries to enhance learning and pooling of resources.
- Ask governments to share the results in regional and sub-regional forums.

> "We are discovering operating modalities, pioneering in Africa, leading the way and setting legal precedents."

4   RECOMMENDATIONS FOR THE TENURE FACILITY

The pilot leaders suggested that the Tenure Facility:

- Stay flexible!
- Conduct an evaluation of each pilot and document outcomes.
- Support exchanges among pilots, and with other countries in Africa.

ANNEX A: LIST OF PARTICIPANTS

First Name	Last Name	Country	Affiliation
Samuel	Nguiffo	Cameroon	Center for the Environment and Development (CED)/TF Board Member
Timothee	Fomete	Cameroon	Rainbow Environment Consult
David	Abouem	Cameroon	TF Focal Point/Africa Learning Exchange Facilitator
Marie Madeleine	Bassalang	Cameroon	Rainbow Environment Consult
Nora	Bowier	Liberia	Sustainable Development Institute (SDI)
Stanley	Toe	Liberia	Liberian Land Authority
Re-Al	Myers	Liberia	Sustainable Development Institute/PMU
Bennie	Vio	Liberia	Ministry of Internal Affairs Traditional Council
Ibrahima	Coulibaly	Mali	CNOP/TF Advisory Group Member
Moussa	Djire	Mali	TF Focal Point
Daouda	Diarra	Mali	High Council of Agriculture in Mali
Boubacar	Diarra	Mali	Helvetas Mali
Alain	Traore	Burkina Faso	TENFOREST
Madjelia	Some	Burkina Faso	REFACOF
Charles	Lawrence	Liberia	Sida
Göran	Björkdahl	Burkina Faso	Sida
Eva	Kouka	Nigeria	Ford Foundation
Carmel	Kifukieto	DRC	CAGDFT
Thierno	Cisse	Senegal	CNCR
James	Acworth	UK	TF Consultant
Filippo	Del Gatto	Germany	TF Consultant
Jim	Smyle	USA	TF Consultant
Kirk	Talbott	USA	TF Consultant
Sandra	McGuire	Canada/Spain	TF Consultant
Mary	Nyuyinui	Cameroon	RRI
Solange	Bandiaky-Badji	Senegal/USA	RRI
Andy	White	USA	RRI/TF Board Member
Janis	Alcorn	USA	TF Secretariat/RRI
Briana	Okuno	USA	TF Secretariat/RRI

ANNEX B: AGENDA OF THE AFRICA LEARNING EXCHANGE, 10 February 2017

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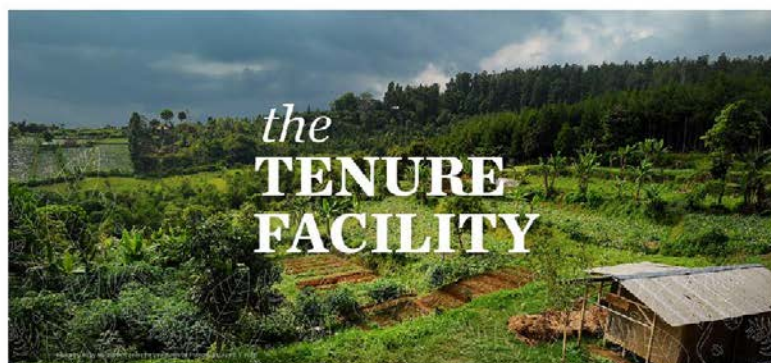
AFRICA LEARNING EXCHANGE

10 February 2017

Radisson Blu Hotel, Dakar, Senegal

AGENDA

Learning Exchange Objectives

1. Strategize on ways to overcome barriers to secure tenure implementation by exchanging experiences and strategies between Mali, Cameroon, and Liberia Tenure Facility pilot projects.
2. Share lessons learned for the Tenure Facility.
3. Identify paths for scaling up progress on tenure security implementation.

9:00	**Opening Remarks – Samuel Nguiffo and Andy White** Introductions of participants Tenure Facility Learning Strategy – Dr. Janis Alcorn Africa Learning Exchange objectives – M. David Abouem
9:45	**Lessons Learned, Challenges, and Looking Forward** Presentations • Cameroon • Liberia • Mali Clarification questions and discussion
10:45	**Coffee/Tea Break**

SWEDEN

11:00	Plenary Discussion of Lessons Learned, Challenges, and Scaling Up
12:00	Lunch
1:30	Small Group Working Discussions of Strategic Questions
15:00	Coffee/Tea Break
15:15	Presentations from Small Groups, Followed by Plenary Discussion
16:00	Next Steps
17:00	Closing Remarks

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ANNEX C: SUMMARY OF PROCEEDINGS OF THE AFRICA LEARNING EXCHANGE, 10 February 2017

1. Opening remarks

El Hadji Thierno Cissé of CNCR in Senegal thanked the Tenure Facility for choosing Senegal to host the Africa Learning Exchange at an important moment in the country's own land reform and decentralization process.

Samuel Nguiffo, Tenure Facility Board member, welcomed participants to the first regional event of its kind dedicated to learning and strengthening tenure security on the African continent. He explained that half of the Tenure Facility's six pilots are being implemented in Africa, with the other half shared between Latin America and Asia, thus giving great responsibility to the continent and its organizations.

Andy White, Tenure Facility Board member and Coordinator of RRI, which has been incubating the Tenure Facility, recognized the urgency and timeliness of Senegal's land reform. He acknowledged that reforms are political processes and that every country is different. He explained that the Tenure Facility is still 'under construction.' He called on participants to help shape the Tenure Facility by reflecting on the pilots and sharing what their perspectives on what works and does not work. He highlighted the special responsibility of the pilot implementers as 'authors' and 'shapers' of the Tenure Facility.

Janis Alcorn, the Interim Director of the Tenure Facility, explained the Tenure Facility's theory of change, unique purpose, phased development, and importance placed on learning.

Minister David Abouem, Cameroon Tenure Facility Focal Point and facilitator of the Africa Learning Exchange, emphasized that learning is crucial to successfully scaling up land tenure security initiatives.

2. Presentation by the Cameroon delegation

Community Mapping for Effective Land Use Planning: Developing a common community mapping protocol in Cameroon
Project Leaders: Centre for Environment and Development (CED), Forest Peoples Programme (FPP), Rainforest Foundation UK (RF-UK); administered by Rainbow Environment Consult.

Start date: December 2015
Expected end date: March 2017
Aim: To develop a standardized national protocol for participatory mapping acceptable to the government and all stakeholders

- Strategic facilitation is essential to securing government support and ownership of participatory mapping – and to putting it in place.

MAJOR ACTIONS FOR SCALING UP

- Promote private-sector use of community mapping in project planning and community relations.
- Follow up on the National Institute for Cartography's commitments to accept the new mapping process, use as official maps the community maps produced with the pilot's methodology, and act as the repository for these maps.

QUESTIONS RAISED

- How can we strengthen community land management in the context of decentralization in Mali?
- What is the definition of "community" in the land reform process in Liberia?
- How do we strengthen land governance at the community level in all countries?
- How can we ensure community land management as a pre-requisite for REDD+ processes?
- How can we align stakeholders' interests (government, community, civil society and private sector) to bring about real tenure change? What have we learned from the experiences of the Interlaken Group, RRI and others?

3. Presentation by the Liberia delegation

Protection of collective customary community land rights in Liberia
Project Leaders: Sustainable Development Institute (SDI), Foundation for Community Initiatives (FCI), Parley, Development Education Network Liberia (DEN-L), and the Government of Liberia's Interim Land Task Force.
Start date: March 2016
Expected end date: March 2017
Aim: Support development of a seven-step participatory community self-identification methodology for use nationally.

CHALLENGES

- How can we make it a more community-led process?
- What should be done while waiting for the laws to be in place?
- How can ongoing threats to community land rights and tenure security be managed while new legal provisions are being implemented?
- Some communities still do not see self-identification as an important step in the legal realization of their land rights, thus there is a need to rethink how the community self-identification process fits into the overall landscape of collective customary rights, as well as a need to include other steps such as mapping and demarcation in the process.

- How do we to encourage alignment between the government's agenda and that of civil society organizations?
- The increased participation of women in all decision-making levels remains a significant challenge in the entire process and needs to be handled strategically.

LESSONS

- It is possible to slowly build relationships with government via formal agreements.
- Community-based organizations can implement government initiatives effectively and at low cost — and may be a better option than national civil society organizations that have national presence but limited connections to communities.
- Women must be included in all decision-making processes and explicitly called upon to speak to ensure their robust participation.
- Government partners outside the Land Authority see the partnership between civil society and government as an attractive tool for legal reform and recognition of rights.
- Community organizations need more structured and intensive capacity-building.
- Communities need independent technical and legal advice.

MAJOR ACTIONS FOR SCALING UP

- Increase the number of CSOs involved and encourage pooled fundraising.
- Develop a partnership between government and a coalition of civil society organizations for the advancement of community land rights.
- Develop a sustainability plan for increasing involvement of community-based organizations and a sustainability plan for transferring responsibilities from national CSOs to communities.
- Rethink how the community self-identification process fits into the overall landscape of collective customary rights.
- Include other steps such as mapping and demarcation in the process.
- Clarify the role of the Tenure Facility in future activities.

QUESTIONS RAISED

- How does the government monitor the roles of different actors? What have been the experiences of other pilot projects when private companies are involved in implementing customary community land rights?

LEARNING HIGHLIGHT

- The Liberia team found that the participatory mapping approach carried out by the pilot in Cameroon could be useful to them. In addition, they noted that it could be helpful to engage in a process to build the capacity (technical and legal) of all actors.

4. Presentation by the Mali delegation

Support project to land and forest tenure in Mali
Project Leaders: Coordination Nationale des Organisations Paysannes (CNOP) and HELVETAS.
Start date: December 2015

Expected end date: March 2017

Aim: Accelerate implementation of the new land policy for the decentralized and management of natural resources under the Peace Agreement, and strengthen village and community land rights

CHALLENGES

- How do we capitalize on the results of a short and ambitious project, with demonstrated interest from all actors on land issues, in a context where there are no concrete modalities for expanding effective implementation?
- How do we reconcile the interests of stakeholders that are sometimes competing?
- How do we mobilize private sector stakeholders?
- How do we overcome the reluctance of authorities to address land issues?
- How to we move forward when there is political and institutional instability and subsequently frequent changes in government?

LESSONS

- *Commissions foncières villageoises et communales* (COFOs) at the community and council levels can support implementation of land policy by playing a primary role in managing resources (land, forest, and mining), resolving conflicts at the local level, and serving as forums for dialogue about implementing the land policy.
- The pilot provided missing tools for the effective functioning of COFOs and in this way restored the government's authority and enabled populations to rebuild their trust in government actions.

MAJOR ACTIONS FOR SCALING UP

- Undertake a multi-year national program for consolidating and scaling up the pilot's experience.
- Strengthen the functionality of village COFOs.
- Transfer responsibility for forest management to communities through the decentralization program.
- Institutionalize mining operators' investment programs for local communities to ensure mining company contributions to local development.
- Build the capacity of stakeholders for land and forest governance.
- Enable exchanges of experience among stakeholders in the different projects and produce documents for capitalizing on the different land practices in the sub-region.

5. Update on the Tenure Facility

Andy White, RRI Coordinator and TF Board member, updated the group on the Tenure Facility and responded to questions, as follows:

- SIDA will be funding an evaluation of the Tenure Facility. The group's comments today will help to inform the evaluation.
- The Tenure Facility is establishing an office in Stockholm, Sweden, this year.

- The Tenure Facility is working to secure more funding from the Norwegian and Swedish governments and the Ford Foundation.
- The Tenure Facility is now recruiting an executive director.
- The Tenure Facility is strengthening its communication and support for learning. When funding is secure, the Board of Directors and the Advisory Group will select the next set of projects. There are strategic decisions to be made regarding the countries and the types of projects. The Board will also discuss how to scale up the projects.

A. The Tenure Facility's location in Sweden

HOW WILL THE FACILITY INTERACT WITH VARIOUS GOVERNMENTS AND MANAGE DIVERSITY WHEN BASED IN STOCKHOLM?

Sam Nguiffo: The issue of diversity will be a challenge to overcome. However, the staff will be international with linguistic and cultural diversity. The Tenure Facility's worldwide network will support the Secretariat in its interactions with governments and different contexts. In addition, we will draw on the experience of RRI.

Andy White: The choice of Sweden was due to the comparative ease of establishing the office. Sweden's government demonstrated more interest than other governments in hosting the Tenure Facility. It is also easier to have international staff in Sweden than other locations.

B. Exchanges among pilots and countries

BEFORE SECURING FUNDING, WILL IT BE POSSIBLE FOR THE TENURE FACILITY TO SUPPORT EXCHANGES BETWEEN COUNTRIES? THERE IS A NEED FOR SENEGAL TO PARTICIPATE IN THE CAPITALIZATION AND SHARING OF RESULTS TO HELP ITS REFORM PROCESS. THE EXPERIENCE OF MALI IS LIKE THAT OF SENEGAL; IT COULD BE IMPORTANT TO VISIT THE MALI PROJECT.

Tenure Facility Interim Director Janis Alcorn responded by encouraging the delegation from Mali to submit a proposal for their initiative. She stressed that the Tenure Facility´s purpose is to support local initiatives.

C. The Tenure Facility's future

WILL THE FACILITY CHANGE?

Sam Nguiffo: The Tenure Facility will remain as flexible as possible. It will choose different projects. Learning will be continuous.

Andy White: The Tenure Facility will remain flexible. We don't want to convert lessons into rules for the next generation of projects. The Tenure Facility is built on trust and respect. These are the important rules that the Tenure Facility must keep.

Janis Alcorn: The Tenure Facility is set up to encourage partners' creativity, responsiveness and flexibility. The Tenure Facility evaluation to be conducted in June will take into account all the points raised here. The Tenure Facility will maintain connections with the pilot leaders into the future.