

# Reimagining Community Land Governance



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## Equitable Earth Initiative

[www.equitable-earth.org](http://www.equitable-earth.org)

Equitable Earth Initiative connects research, policy and practice to promote governance of land and resources for sustainable prosperity.

# Reimagining Community Land Governance

## 1. The Importance of Community Land Tenure

Effective land governance built on a framework of clear land and resource tenure is recognized as a fundamental prerequisite for social and economic development and sustainable management of resources. Without clear and predictable rules governing ownership of land, and rights of access, use and management for resources on the land, there is little incentive for investment or sustainable management. Importantly, it is also gradually being recognized that these principles apply not only to private land but also to land that is used and managed collectively.

Communities can and do organize themselves from the bottom-up to manage land and resources that belong to them *as communities*. The traditional land tenure systems of some indigenous peoples, for instance, have one category of land that belongs to individuals or to families, and another category of *commons*—areas of land which are managed by the community as a whole. Over the past few decades, an accumulating mass of research in the environmental social sciences has documented effective governance by communities of their commons. This growing body of knowledge has shown that the so called “tragedy of the commons” is not really about commons but rather describes what happens when social and political forces undermine community governance systems and transform community property into no one’s property. A milestone in the achievements of this collective research effort was reached in 2009 when the Nobel Prize for economics was awarded to Elinor Ostrom, the scientist at the forefront of this work.

Among development and conservation organizations, this work has provided an intellectual grounding for community-based approaches to conservation and natural resource management. At the level of global environmental governance, it is reflected for example in the Convention on Biological Diversity, in which the countries of the world have all pledged to set aside a percentage of their land for parks and other kinds of protected areas. In this Convention, protected areas that are owned and governed by communities count toward a country’s protected areas target alongside national parks that are managed by the state. And in the realm of national policymaking, there is now an impetus in many

countries toward developing legislation and regulations which recognize and give practical effect to one or more categories of community land tenure.

This latter development is an important one. Legal recognition of and respect for community land rights is critical to ensure that communities hold an essential degree of authority as the custodians of their territories, enabling them to pursue sustainable management of their communal resources. Too often, national legislation has treated community land as if it is “unused” or “wasteland” or “not yet allocated”, leaving communities vulnerable to losing that land, sometimes bit by bit, sometimes in one fell swoop. Without legal recognition of community land rights, that land is easily captured by the state or by influential individuals or corporations whether from within the community or from beyond. Communities facing this situation have little incentive to manage their community forests or pastures or wetlands. Moreover, it is not only recognition of community *ownership* rights that is needed, but also clear recognition of community *management* rights. These are the collective rights to establish and enforce rules on the *who*, *when* and *how* of cutting trees from the community forest or grazing livestock on the community pastures. If the right of community institutions to manage the land and resources is not recognized, then users of the resource can choose to ignore community rules. The move by a growing list of countries to reverse this situation by developing legislation that recognizes community land rights is a welcome development.

## 2. Prevailing Ideas on Community Land Governance

While the recognition of community land rights is a necessary step toward overcoming the perverse incentives that arise when a community’s traditional land is claimed by the state or has effectively become no one’s property because of a governance vacuum, there is nevertheless a danger in the way these issues are often conceived. The notion of “effective land governance” is often understood very narrowly as referring to the rules of land ownership, and discussions of community property rights tend to be much more about *property* than they are about *rights*. When land comes to be understood primarily as property that can be owned, rather than as a component of an ecosystem, or as our home, then a community’s connection to the land loses some of its animating spirit. Conceiving of land as property that can be owned—even if sometimes owned by communities instead of by individuals or corporations—implies also that ownership can change hands. There are unfortunate examples of the formalization of community land tenure, rather than securing community land, having instead accelerated its alienation by establishing clear and relatively easy procedures for it to be removed from collective community

ownership, whether through individualization and subdivision, or through appropriation by the state in the name of “the public interest”, or both.

In discussions on the connection between land governance and sustainability, there is often an implicit assumption that if we can just put in place the right institutions, policies and laws to recognize community ownership and to put communal land and communal land rights on a level playing field with private land and land rights, and then ensure that the policies and laws are implemented, then the resulting incentive structure will enable communities to sustainably manage their land. This perspective goes hand in hand with a view of development in which the land is seen as a source of resources, and in which development is about expanding frontiers and extracting those resources. The crux of these kinds of arguments in favor of community property rights is *effectiveness*, and this can eventually work against communities’ collective goals. When community land governance is understood primarily in terms of ownership, incentives and effectiveness, community land being converted to some other use is not necessarily seen as a problem. From this perspective, as long as the rules are functioning transparently—including the rules for reallocating community land to individuals, corporations or the state—it is assumed that the incentive structure for communities, investors, the state and others will function efficiently and result in effective management. Given these concerns about the way that community land governance is typically conceived, we suggest that there is a need for an alternative conceptual framework.

### 3. Holistic Community Land Governance

The ideas which follow are intended as a contribution toward an alternative conceptual framework for community land rights and governance, drawing on three principles which are at the heart of Equitable Earth Initiative’s work: *citizenship*, *interconnectedness*, and *justice*. The concept of *citizenship* rejects the false dichotomy of society vs. the individual. It is recognition by the society and the community, through their institutions and culture, of the dignity of the individual, and commitment on the part of the individual to participate in the society and the community and contribute to them. *Interconnectedness* refers both to the material, cultural and spiritual connections between human beings and nature, and to our connections to each other as members of the human family. Rural and indigenous communities have history, values, practices, and other spiritual and cultural connections to their land that go beyond the mere material resources that they get from that land. *Interconnectedness* implies that land is not simply a resource to be used, or property to be owned. Even when our cultures and economies do not reflect and honor that interconnectedness, we are connected: human beings depend on land and ecosystems,

we live on land, and we in turn affect it. *Justice* is integrally connected with interconnectedness. Interconnectedness implies that injury to one human being is injury to us all and that genuine well-being cannot be achieved for some while others suffer. Moreover, human beings' interconnectedness with nature means injustice in social affairs will inevitably result in unhealthy relationships with the natural world. Social justice is a prerequisite for achieving sustainable development.

We tentatively refer to the alternative conceptual framework that we are working toward as *holistic community land governance*. In this perspective, governance is not primarily about mediating conflict and balancing competing interests and tradeoffs; instead, it is about creating communities and societies characterized by unity and justice as they work toward a sustainable prosperity. A holistic land governance system is one that deepens people's connections to nature and to each other. Actions toward creating an effective, just, and sustainable land governance system will often include the development and strengthening of a formal system of land tenure that recognizes and protects community property rights; but this is not all that is needed. Support for holistic community land governance is about creating a system that translates interconnectedness and justice into practical reality. Doing so requires an approach that builds capacity at three levels: the institutions, the community and the individual. These can be thought of as three core protagonists in an overall governance system.

Support to institutions involves, as discussed above, the creation, implementation and strengthening of the institutions of communal land tenure. Laws and procedures that define and describe the shape of communal land tenure are needed, as these are what make community property rights real. However, the institutional component of a community land governance system also needs capable community governance organizations that will manage the communal resource. This typically involves some kind of representative committee or council, but importantly it also requires community assemblies, annual general meetings or other institutions that give voice to the whole community. Interventions aimed at strengthening community land governance should not stop at the establishment of laws that recognize community land tenure; they should also aim at building the capacity of these kinds of community organizations and deliberative fora.

The community itself is the second of the three main protagonists in a land governance system founded on citizenship, interconnectedness and justice. Two extremes are to be avoided here. One is to automatically assume that in rural communities, geographical proximity automatically translates into cohesion and shared interests, or that the people of any locality will always be ready to work together for

the common good. Community-based natural resource management initiatives, for example, are too often based on a naïve assumption that communities are homogeneous and cohesive.

On the other hand, it is also a mistake to assume that “community” is nothing more than a misleading label that we apply to the people who happen to be living in the same place. When the interconnectedness and oneness of humanity is manifested through inter-personal relationships at the local level in neighborhoods and villages, and united action becomes part of the local culture, the whole can become greater than the sum of the parts, and *the community* begins to take on an emergent life of its own. To the extent that the community is embodying justice and interconnectedness and a culture of working together, the connections to the land and resources that they are collectively managing—to the commons—become deeper and stronger.

The third protagonist in this system is the individual. The governance system for community land and resources must of course establish clear ways in which the individual can participate in the institutions of governance and clear rules and norms for how the individual can access and use those resources. The concept of *citizenship*, however, suggests a more profound role for the individual. The land governance system, beyond simply ensuring that individuals can democratically participate in the institutions and can equitably participate in accessing resources, can also take as part of its mandate the development of individuals’ capacities to understand and appreciate the resource and to participate in its management. The governance system should seek ways to further deepen people’s appreciation of their connection with nature and the land. Individuals, in turn, can contribute to a healthy community land governance system by finding ways to contribute to the collective culture of that community.

Justice and the recognition of interconnectedness together oblige governance systems to ensure that when resources are extracted from the land, the people who live on that land and are most closely connected to it benefit equitably. This perspective implies, moreover, an understanding of development that does not treat land and nature simply as resources to be exploited or frontiers to be expanded into. The interconnectedness of human beings and nature points to a mode of development that is about humanity progressing by respecting those interconnections and recognizing that human beings and nature exist together as a single system. Recognition of interconnectedness inspires a vision of development which cares for ecosystems, the land, and the people on the land. True development is development of our potentials and capabilities as individuals, communities, and societies within the landscapes and ecosystems that we live in and are connected to. Within a healthy system of holistic

community land governance, therefore—one in which the institutions, the community and the individual are each playing a role—the land governance system is not simply a means of establishing the right incentives for sustainability, nor is it simply about defining ownership and mediating competing interests. It is, rather, a component of a larger collective effort aimed at empowering communities and the individuals that make up those communities.

## 4. Taking Action

For Equitable Earth Initiative, these initial attempts to reimagine community land governance direct us toward certain kinds of interventions. First, our contribution to communal land governance systems which are both effective and just is centered on working alongside partners to build their capacity. At the local level, this involves supporting communities and their institutions to take their place at the forefront of processes that affect them. In this regard, our community and organizational partnerships are driven by rural and indigenous communities' own priorities. Concerted, collaborative action with partners aims at consciously strengthening both governance systems and practical management actions in pursuit of those priorities in community-designed and community-driven processes. Concretely, Equitable Earth Initiative supports communities through capacity building, and by helping them to carry out research and generate their own knowledge and to engage in policy processes and other kinds of advocacy. In addition to consistent engagements with partners at the grassroots, we also systematically draw on insights from these efforts and on the analysis of current policy and institutional trends in land and natural resource governance to influence a shift toward multi-level and evidence-driven deliberative governance frameworks.

In summary, being part of empowering grassroots processes—ones that enhance the generation and application of knowledge by communities and their engagement in higher level governance and policy processes—is at the heart of what Equitable Earth Initiative does, in an effort to not only reconceptualize community land governance but to transform it.

## 5. Questions for Collaborative Exploration

We recognize fully that implementing the kind of approach to land governance described above will not be easy, and we do not pretend that the ideas outlined above are complete or that we have all the answers. Developing an alternative conceptual framework along these lines raises challenging questions, a few of which are summarized here.

*Where rural populations are being rapidly integrated into national economies and cultures, how can collective rights for communal land be strengthened while at the same time supporting the growing desire of individuals within such communities to own their own piece of land?*

*In situations of gross inequality and injustices, what, if any, role is there for approaches based on dialogue and fostering unity?*

*How can we promote an approach promoting community land rights and communal governance in situations where the community is experiencing internal conflict, corruption and inequality?*

*How can meaningful participation of women in community land governance institutions be encouraged and supported in a way that goes beyond quotas and tokenism?*

*Given the persistent push of commercialization and individualism, the growing human population, and ever increasing pressure on and competition for land, what kinds of tangible interventions can foster perspectives in which land is not seen primarily as property to be owned and as a source of resources to be extracted? What kinds of interventions can move holistic perspectives from conceptual framework to practical reality?*

Equitable Earth Initiative looks forward, over the coming years, to exploring these questions through its work and partnerships.