

Identifying Key Factors for Successful Community Rights Documentation from USAID's Multi-Country Experiences in Zambia, Vietnam, Paraguay, Ghana, and Burma.

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Community-led rights documentation and, in some cases, recognition initiatives are growing around the world. Government, private sector actors and communities are finding value in such processes that have the potential to support dialogue, negotiation, reduce conflict and create win-win outcomes among diverse interests over land and resource uses. In some cases, it can lead to recognition and formalization of rights for local stakeholders. Yet there is a wide diversity of types of rights that are being documented from household, to community, to ethnic rights. Goals of the processes also range, from creating an evidence-base for local actors of their current and historical land-use, to facilitating multi-sector spatial planning, to integrating records into formal land administration systems.

Based on USAID's experience in Ghana, Paraguay, Burma, Zambia and Vietnam, we find that the best practices related to general processes to document rights are relatively consistent and include a strong understanding of the community, clear outreach and communications, inclusive participation of women youth and vulnerable populations, use of appropriate technology and strong local partnerships. In all cases, locally-led rights documentation has additional impacts and unintended consequences, both positive and negative, beyond the original documentation goal. This paper will share a selection of these experiences.

With respect to the interface between the policy framework and piloting on the ground, USAID has worked under a range of conditions from piloting broad policy statements where there is no immediate implementing legislation foreseen to the development of pilots around very recent regulations. In both cases, the role of outreach and communication is central to successful piloting, so as to create an interest on the part of local beneficiaries but also not to create unrealistic expectations. In such cases, bringing local government officials into the process becomes an important approach to find value in the processes even if they are not ultimately recognized. As a result, the activities of piloting new policy or legislation each ensure that the data collected and products can be useful to households and communities even in the absence of a supportive policy framework. For example with locally produced maps, the programs highlight the potential uses of locally produced participatory maps as one form of evidence in local planning and boundary negotiations between neighbors, whether or not the product is legally recognized.

Scalability of community rights documentation has been a major challenge globally, as donors invest heavily in a select few local partners and are left with pockets of success, capacity and funding within a wider landscape. USAID experience has explored conditions for scalability including the relationship between government, and CSO/private sector partners, and the process for moving from village to district to province to national levels, particularly as data management needs increase. With respect to government and CSO/private sector partners, USAID has generally found that non-governmental partners are more adept scaling and managing bulk registration processes than government officials who have long-term existing roles. Yet, when it comes to administration and long-term management of low numbers of daily changes/interactions, government may be more suited to responding to these needs. At the same time, data management is a major challenge, particularly as it relates to quality control in both bulk registration and long-term administration. There is a need for standard quality

control tools that automatically flag concerns, as well as expert database administration skills, which may be reliably contracted to consulting companies. These costs may exceed the total costs for all other administration and cannot be excluded from the process. However, a benefit of the database skills is that the unit cost decreases dramatically as the size of the intervention increases.

The presence of a long-term home for community-developed data is a challenge that is increasingly being addressed by the international community through platforms like Landmark and Cadasta, however, the extent to which these data are available on the local level varies. Countries that are developing One Map approaches or National Spatial Data Infrastructure have found value in integrating community developed maps into their platforms, but in other countries the data does not have a clear government or non-governmental home. At the same time the choices associated with developing static printed basemaps for communities and having a dynamic digital platform for community rights poses challenges for government and intermediaries to balance. USAID found that at the local level penetration of mobile tools is not yet adequate to have communities interacting with digital platforms for decision making. Yet for companies and central government the digital platform will be an important element of a useful community map.

While USAID approaches have varied from near crowd sourcing with existing data to systematic engagement with every landholder/community, the role of validation is central to all community rights processes. Validation also adds significantly to costs and must include a form of mediation between different stakeholders, whether local communities interacting, or interactions between government officials/layers and local communities. These processes may lead into a conflict and dispute resolution phase.

This paper and presentation will compare the five country cases across these and additional elements of community rights recognition pilots to identify pitfalls and conditions for success.