

**Governance working group
Final Report to the ILC Council
6 October 2021**

The Governance working group was mandated at the 37th ILC Council meeting in June 2021. It was formed based on the recognition that ILC governance needs to strengthen its bottom-up nature, and that although it was formed to foster dialogue without power imbalances in a coalition based on diversity, ILC's highly diverse membership, real-world power imbalances, and some elements of its current governance and management framework result in ongoing power asymmetries that restrict some members' ability to fully participate in decision making.

Thus, as also indicated by the recent Impact Assessment, the Council determined that the size and complexity of ILC demands a review of how it can best be governed as a member-led and regionalised network working for system change.

Through an inclusive and representative process, this governance review of ILC intends to provide recommendations for updating ILC's governance institutions and the functioning of ILC's governance processes (see ToRs).

The Working Group

The working group consists of 8 members, representing different constituencies, history with and knowledge of the coalition and understanding of governance: Amina Amharech, Jean-Philippe Audinet, Barbara Codispoti, Selmira Flores, Fridah Githuku, Dewi Kartika, Anne Larson and Moni Rowshan. The group held 5 in-person meetings for approximately 2 hours each, the first to discuss and refine the ToRs, the second to finalize the ToR and brainstorm. The final three meetings focused on clearly outlining the problems and considering recommendations to address them. Between meetings we followed the ToR guidance to organize the notes from our discussions and provide comments to feed into each subsequent meeting. In some cases WG members were able to consult with their constituents for further inputs. For the final meeting and in the notes provided below, we converted the information into a guidance table for presentation to the Council and shared comments and final inputs over email.

The table is based on recognizing two main sources of power differences, one arising from the diversity of the membership – the very nature of the coalition – and the other deriving from the institutions of the coalition. We understand that we cannot change the former, but precisely because of the former, the institutional arrangements cannot be neutral (e.g. “treating people as equals”) without reinforcing inequalities. The ILC charter recognizes and values the different (institutional/individual) perspectives in ILC (the big and the small, the north and the south, (formal) experts' profiles and people representing those affected by the problem, etc.). Yet a “one size fits all approach,” such as in administrative or institutional systems, favors those who are more familiar with these. ILC needs to recognize the existing imbalances and take actions, such as through positive discrimination, within the context of a diverse coalition, to address them.

Recognizing the complexity of the topic, we humbly present our characterization of the problems and some potential solutions for consideration.

DETERMINANTS OF THE PROBLEMS	Problem characterization	PROPOSED SOLUTIONS to gradually achieve the structural changes (next 3 years)	SCENARIOS (next decade)	Observations and risks
<p>1.Diversity and nature of the ILC</p> <p><i>General power imbalances and differences of interest outside the coalition that affect relations within the coalition or the efforts of the coalition or its members</i></p>	<p>Need to assure governance change over time</p> <ul style="list-style-type: none"> -Some members feel they are not treated as equals within the coalition -Some members express concerns about the dominance of IGOs within the coalition; others perceive that the larger NGOs are also favored -This affects the ability to dialogue -Affects member engagement -Treating people the same without recognizing existing imbalances can reinforce existing inequalities -One size fits all (in governance and operations) can favor certain over others <p>Peoples organizations/ grassroots members seen as “beneficiaries”</p> <p>Some members do not understand why some IGOs are part of the ILC</p> <ul style="list-style-type: none"> - Whereas some (many?) take it for granted that there is a benefit to having IGOs and people’s orgs together, there is little knowledge of the history, how these relations have changed over time; nor are members aware of concrete examples of how this relationship has led to change - not clear who can best bridge relationships of tension between (council et al) members 	<p><u>Need to set clear governance goals, with indicators, baseline and progress monitoring</u></p> <p>Overcoming power imbalances requires positive action or positive discrimination, not just bringing us all into one coalition with good intentions.</p> <p>For the privileged: This includes always being aware of biases, working to change them and being held accountable; using privilege to open spaces for others.</p> <p>For the coalition as a whole: This means agreeing on and setting clear goals, indicators and monitoring progress: <u>Add governance module to 3-year member survey (or start with separate annual survey, then add to standard survey)?</u></p> <p>For governance institutions, see section 2.</p> <p><u>Reframing</u>: The idea in this coalition should not be to “fund members” but to “resource high impact interventions for land rights”</p> <p><u>Document</u> the history of how the coalition was formed and changes over time to support a culture change in the coalition (history, purpose, opportunity):</p> <ul style="list-style-type: none"> -the IGOs (and I/NGOs) need the grassroots for impact -the IGOs are/ have been perceived as donors and the grassroots as the beneficiaries: this needs to change; reframing as partners -the individual representatives of IGO members do not speak for their institutions, but they support the coalition goals – their challenges and role within the coalition should be broadly agreed and understood -IGOs can’t be the go-between between activists nationally and their boards – but they can still be key allies -how regional (and sometimes national) alliances can and have led to change -clarify the role and contribution of member types 	<p>MECHANISMS of COLLABORATION and DIALOGUE ARE BASED on the FULL RECOGNITION OF POWER IMBALANCES WITHIN THE COALITION</p> <p>ILC PROPOSES NEW ENGAGEMENT MODELS TO FULLY REALIZE THE POTENTIAL OF the MIX of members IGO/CSO/CBO, as well as TRANSFORMING POTENTIAL CONFLICTS</p>	

	<p>-IGO reps do not fully represent/speak for their organizations. They face their own Internal challenges and struggles to keep land on the agenda. Limited room for action at national level</p>	<p>-“we need each other”</p>		
	<p>How to manage ‘conflicts’ or disagreements among coalition members</p>	<p>Create (elect?) a <u>committee</u> to help bridge conflicts (or foster direct engagement e.g. national level) among members. This should not be assigned to the Secretariat.</p> <p>Need to characterize which type of conflicts e.g.</p> <ol style="list-style-type: none"> 1. misbehaviors of members: sexual harassment, financial mismanagement not related to internal control of hosting institution; address existing gaps 2. issues of representativity, political conflicts) among members <p>Clarify existing mechanisms. Create mechanism where there are gaps.</p> <p>For the ‘conflicts’ between IGO/CSO (e.g. Indonesia), members from these IGOs can inform about and facilitate access to complaint/grievance mechanisms of IGOs by CSOs members. Share these mechanisms with members.</p> <p><u>Document</u> lessons learned from conflict and share, to enhance capacity of members</p>		
	<p>The potential power of the mix of members (IGO/ NGO/ CBO) has yet to be fully realized. Not fully taking advantage of existing capacities within membership. Network functioning is conceptualized as a homogeneous entity rather than</p>	<p>-<u>call for ideas</u> on how to have an ‘open dialogue’ and how to move to a more collaborative, member-driven coalition</p> <p>-Make more explicit the ways in which IGOs / INGOs can exercise their power on behalf of the coalitions grassroots members and overall goals.</p> <p>-<u>regional exercises</u> on strategy, with multiple types of</p>		

	diverse entities working together, supporting each other in their different capabilities.	members, can feed into governance changes (e.g. theory of change workshops where members come to a mutual understanding of the role and potential of different members and alliances)		
<p>2. Institutional set up of the ILC leading to power asymmetries</p> <p><i>2.1 The role of the Council, the relationship to the Secretariat and the extent to which the Council has the faculties required to make decisions as mandated</i></p>	<p>Limited decision-making power of council members.</p> <p>On council meetings: not enough time to discuss, reflect, meet; docs received too late; too many with no prioritization in terms of relevance, sequence of Secretariat presentations; too many Secretariat participants at Council meetings</p> <p>For a large and growing coalition, global council meeting twice a year is not an effective decision-making body/ Inclusiveness and participation cannot depend on the global council*</p> <p><u>The recommendations here are equally relevant to regional steering committee-RCUs.</u></p> <p>Councilors come to Council with no experience – experienced members have an advantage over those, e.g. grassroots organizations are more likely to rotate</p>	<p>-Consider acting more as a typical board of directors. <u>Council should</u> call the meetings, decide on the agenda, decide on who to invite, including who from the Secretariat should be present for which agenda items. Members of the Secretariat should be invited to attend by the chair(s). There should be significant time for the council to meet without others present -Note: the Chair(s) will have a bigger task</p> <p>-Members need to unlearn dependence on Secretariat</p> <p>-The Secretariat should <i>facilitate</i> the members/ council</p> <p>-Consider rotation of chair(s) each meeting, representing a certain constituency</p> <p>-Allocate adequate time to receive documents</p> <p>-Document transparency and quality: use “<u>board papers</u>” with clear purpose, background and requested action for each item; papers clearly tied to agenda items by number etc (best practices for boards)</p> <p>-<u>The agenda could be set</u> at least two weeks prior to the meeting, between the chair(s) and Secretariat; a short council meeting could be arranged to discuss the agenda prior to finalizing the agenda</p> <p>-consider smaller group meetings or <u>caucuses</u> of council members to be held prior to or during the council meetings to reflect on the agenda or specific topics</p> <p>-consider <u>time quotas for the agenda</u> such that administrative tasks (25%). are secondary to strategic discussions (75%)</p> <p>-More adequate induction trainings, including discussion on expectations</p> <p>Some options: -<u>Mentoring</u> by outgoing members for a determined period of time (pairing of new members with former members)</p>	<p>GREATER RESPONSIBILITY – GREATER OWNERSHIP OF COUNCIL(s)</p> <p>MORE COMPLEX GOVERNANCE SYSTEM NOT ONLY BASED ON THE GLOBAL COUNCIL AS SOLE DECISION-MAKING BODY (reduced mandate of global council, increased mandate at regional level)</p> <p>GREATER RESPONSIBILITY OF MEMBERS IN LEADING and IMPLEMENTING THE ILC STRATEGY</p>	

		<p>-Board <u>induction program</u> to be led by former council members</p> <p>-<u>Advisory committee</u> established of former board members</p> <p>The <u>retirement of members from the council and RSC should be staggered/ distributed across the years</u>. That way we avoid having a entirely new council/ASC.</p> <p>Consider requiring all council members to rotate (if not from other organizations, from the same organization).</p>		
	<p>Current Council does not correspond with proportional representation of the members, disadvantaging grassroots</p> <p>Council: CBO: 31.6 IGO: 36.8 CSO/other: 31.6</p> <p>Coalition Membership: CBO: 40.4 IGO: 5.2 CSO: 47.6 Academia/research: 6.8</p>	<p>-Make council membership proportional to ILC membership OR at least increase weight of grassroots organizations represented at the council</p> <p>-tensions/complaints over participation in the council to be addressed at the source (national/regional level)</p> <p>AND/OR <i>in a more radical change scenario based on the principles of subsidiarity – see proposals here below</i></p>		
	<p>*The current global council (and its functioning model) is insufficient as a sole governing body of the ILC</p>	<p><u>Consider gradually transforming the regional steering committees into regional councils</u>. Increasing the number of members (currently only 5), clearer rules of election, solid and robust criteria for functioning and representativity. Consider quotas for countries with a high number of members.</p> <p>-Build on best of regional experience to date and learn from problems</p>	<p>FEDERATED STRUCTURE based on the principle of subsidiarity: global address global issues and regional; regional address regional and local. Consider expanding to national level in future.</p>	

		<p>-Members should include the mix of coalition members</p> <p><u>-Assure progress on the necessary cultural changes before rushing to institutional changes</u></p> <p>-Nested representation from regional councils to global council</p> <p>-Deliberate efforts to reach out to/listen to smaller members</p> <p>Pros:</p> <ul style="list-style-type: none"> • More space for members who feel disconnected to both participate and play a role in governance at regional level • We have no choice but to make radical change (need for impact, funding is moving regional) • Regional councils would increase the relevance of ILC at region level • Potential to change the perception/ bias from IGOs that they are the donors and grassroots/ people's orgs are the beneficiaries <p>Cons:</p> <ul style="list-style-type: none"> • Beware of simply decentralizing the problems. Members are currently not happy in (some) regions either • Importance of maintaining cross-region communication, not allowing the coalition to fracture • Federations can be very complex and difficult • Beware of too many meetings • Don't let the global lose touch with the grassroots 		<p>Consider: should local organizations have global positions?</p> <p>No. Local organizations should not be global councilors but rather be represented by their broader federations based on principle of subsidiarity.</p> <p>v.</p> <p>Yes. This should not be prescribed due to importance of learning in both directions; representation failures; difficulty of implementing (global councilors will be based on regional elections)</p>
	<p>Too much consultation/ participation can also be a cost. "Ideal" democratic participation may not exist. We need to be aware of the trade-offs.</p>			

<p>Some Members do not feel always informed/involved in ILC activities, do not feel engaged, that Secretariat imposes decisions</p>	<p>Actions to improve ownership include culture change and institutional changes. <i>Shift in decision making to members should precede formalizing steering committees as regional councils.</i></p>	<p>MORE FUNDING AT REGIONAL LEVEL REQUIRES A FUNCTIONING GOVERNANCE STRUCTURE AT REGIONAL LEVEL</p>	
<p>Members receive requests from multiple units of Oneteam/ Secretariat</p>	<p>Better coordination within the secretariat and RCU will help manage information flow to members.</p> <p>The structure on the flow of funds to members should be audited and completely revised. Remove multiple in-between levels that make it so inefficient, for example, funds for CBI-4 moves from global secretariat to Africa CBI 4 coordinator, then to CBI4 Sub regional coordinators- then to Members of CBI-4 within the sub-region. The process is inefficient and expensive both in terms of time and money.</p>	<p>NEW ENGAGEMENT MODELS OF IGOs and INGOs at REGIONAL LEVEL</p>	<p>Consider: should funds be managed regionally or centrally?</p>
<p>Decentralization created new units of subordination – no greater autonomy</p> <p>Election process and functioning of Regional Steering Committees is not optimal</p> <p>Many points above about relation of Secretariat to council are repeated regarding RCU and RSC</p>	<p>Re-visit processes, take lessons from better functioning regions</p> <p>Change in culture (above) will generate greater ownership and buy-in and thus more member commitment.</p> <p>But this requires – as described above with the Council – greater initiative from members, leadership in governance (agenda setting etc), and the RSC to play a facilitating role.</p> <p><i>Virtually all recommendations above regarding Council apply to regional steering committees.</i></p>		
<p>Current uneven regional structures (e.g. EMENA lacks coordination and funds)</p>	<p>-regional governance structures should be based on same criteria across regions (in terms of support by coordination structures, adequate funding to conduct a minimum of both governance and operations)</p>		
<p>Little success in fundraising, thus limited ‘ownership’. Structure not conceived to facilitate resource</p>			

	<p>mobilization at regional level (team not equipped with this capacity)</p> <p>Global CSOs group not so well structured or active in decision making.</p> <p>- Some members do not understand criteria for funds allocation, procedures and requests</p> <p>ONE TEAM</p> <p>-Accountability lines not clear (who reports to whom?) between global and regional and in general among different structures of the coalition/ members</p> <p>-Perception that Secretariat favors larger, more powerful and/or higher budget organizations as the 'go to' organizations</p>	<p>More bilateral direct relationship with global secretariat needed</p> <p>Members need to understand bigger picture, reasons behind requests and procedures</p>			<p>The relationship between the secretariat and the member/s is a symbiotic one and a two-way relationship. Members engage the secretariat and the secretariat engage the members.</p> <p>The more active a member's organization is, the more likely the secretariat will engage them.</p>
2.3 <i>The membership expansion</i>	MEMBERSHIP (and membership committee)				
	<p>Highly diverse and growing coalition. Trends of members expansion: ILC doubling members every ?? years. Fast growth and diversity is one source of tension</p>	<p>OPTIONS DISCUSSED (not endorsed):</p> <p>Consider freezing expansion for the next 6 years and concentrate on implementing these governance restructuring proposals.</p> <p>What is the strategic number of total membership. Will we always be a growing coalition?</p> <p>In the meantime, invest in an alternative option to</p>	<p>A GOVERNANCE STRUCTURE ADAPTED TO A FAST GROWING COALITION</p> <p>AND/OR</p> <p>DELIBERATELY LIMIT MEMBERSHIP EXPANSION WITH INDICATED</p>		

		membership which is “Allies/Associate”. We speak about it but don’t actively implement it. Intentionally attract and admit allies/associates to the national land coalition.	PROPORTION OF “ALLOWED” GROWTH?	
	Lack of understanding of ILC also related to growing membership. New grassroots are also new to international level, so double handicap.	Is the ILC member capacity building programme working?		
	Growing competition for a smaller pot of funds	We should also address the issue of competition for resources between ILC-The coalition and individual member institutions. Which bids should ILC -The coalition, go for and which ones should they leave to individual member institutions?		
	ASSEMBLY			
<i>2.4 The role of the assembly</i>				
		Based on the above problems, need to change the way in which the AoM is organized, how council members are elected at the AoM; need to define a realistic timeframe		
3. External factors				
3.1 Donors’ funding is moving regional – Donors priorities on certain regions with respect to others				