ACTION POINT / Unit 10: Customary Institutions

EMG Training of Trainers, July-September 2024 Got questions? Reach out: OasisToT@outlook.com



Background: The functions of customary institutions for EMGs primarily lie in community engagement, consensus building, promoting stewardship, social enforcement and conflict resolution. Customary laws are institutions in the form of formal and informal rules that govern community behavior. Traditional governance systems like "xeer" which are community-based and rooted in local values hold an important place. Bylaws in environmental management help regulate community actions to protect resources and ensure sustainable practices. They help set clear guidelines on managing resources and define penalties for violations, ensuring that community members follow agreed-upon rules. The development of bylaws follows a structured process, including engaging communities, drafting rules, and setting up governance structures for oversight. Community input is essential throughout the process, fostering ownership and ensuring that bylaws are tailored to local contexts.



Your task:

Outline and identify the bylaws relevant to your restoration project.



Duration: 2-5 hours



Implementation steps: all the boxes should be checked by the end of the exercise!

Purpose of the task: Clarify regulatory framework, ensure community involvement,

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1) With the EMG members		

Organise	a meeting	with your	EMG	members.

prevent conflicts establish enforcement mechanisms.

- □ Identify the existing customary laws, resource management practices and informal regulations. Think also about ownership and responsibilities over resources and relevant areas.
- □ Ask the EMG members to develop a draft for the bylaws, let them come up with rules they want to see enforced. Tell them these are supposed to serves as a suggestion and that those bylaws must be confirmed by the community in the next steps. They should see their role as a body that suggests these rules rather than a body that sets them in stone.

Example: Area XY can be grazed from April-October by person 1,2 and 3 - person 2 and 3 are responsible for setting up enclosures. Area G should be grazed only 2 times a week and the limit on grazing will be checked by person 4. Water well in area Z will be maintained by person 5. Tree harvesting should be done to a maximum of XY kg per week and person 7 is responsible for keeping track of that. Violators should pay a fine/provide community service (like cleaning up the trash in market area, etc).

- □ With the help of EMG members, organise a meeting with the community members (local leaders, elders and women, youth, etc).
- Raise awareness through local media, posters and word of mouth about the meeting and the new rules to be agreed upon. All the interested parties should be given a chance to participate in step 2).

2) With the EMG members and their communities

- □ Based on the results from your session in step 1), ask the participants about any other existing laws and informal agreements they established. Use the results from step 1) to get into more detail on how these rules are enforced, whether they caused any conflict in the past.
- these are only suggestions and they would like to hear the community's opinion and ideas emphasise that they are not single handedly going to write any rules.

 □ Each bylaw should be discussed and appropriate enforcement measures set

☐ The EMG members present the suggestions for the bylaws. They should emphasise

- (responsible people, violation consequences, etc). Make sure to facilitate the discussion so that sensitive topics are discussed respectfully.
- areas they would like to regulate or agree on.

☐ The EMG members ask the community to add other needed bylaws and suggest other

- ☐ List all the bylaws that were agreed upon.
- ☐ List all the monitoring bodies (people or groups of people).
- ☐ List all the penalties for violations.
- Check that all the bylaws do not conflict with the regional and national legal frameworks.
- Hold a vote or other types of official commemoration to adopt these bylaws.3) After the meeting

- ☐ Make sure to get help from traditional leaders who should support the implementation of these rules.
- report violations. The process should be simple, accessible and confidential if needed.

 Continually assess the impact of the bylaws on the restoration goals, track the

☐ Create a reporting structure: establish a process with the EMGs that helps them

progress and if certain bylaws become obsolete - ADAPT!

Materials needed (these are suggestions; not all might be needed!):



General recommendations for meetings can be found in <u>Unit 2.</u>

□ The usual gear needed for meetings (papers, pens, other visual tools, see suggestions

for working with illiterate communities on the website <u>nere</u>)	

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