



INTERNATIONAL
LAND
COALITION

Advancing the Monitoring of Land Governance for Ensuring Impact on Poverty Reduction *Draft*

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This paper has been prepared by Annalisa Mauro, Mike Taylor and Tim Bending – ILC Secretariat for the initiative “**Land Governance in Support of the MDGs: Responding to New Challenges**” organised by World Bank Washington, DC March 9 and 10, 2009.

Introduction

The International Land Coalition (ILC) is a network of organisations united by a shared vision that promoting secure and equitable access to and control over land for poor women and men reduces poverty and contributes to dignity and inclusion. Its members include United Nations and Bretton Woods organisations, research organisations and civil society organisations from around the world. It exists because of the conviction that, by coming together to debate, share knowledge and work together, these organisations can achieve more than the sum of their separate efforts.

Today, there is a growing consensus on the cross-cutting contribution of resource rights in reducing poverty, achieving food security, resolving resource conflicts, providing incentives for sustainable resource management and as a contribution to democratic development.

In order for land policy reforms to contribute more fully to poverty reduction and sustainable development, they must be closely related to processes that empower poor men and women in decision-making processes.

The ILC seeks to promote a pro-poor land agenda by facilitating global debate and advocacy; by creating space for civil society to engage in national-level dialogue on land issues and to actively participate into the democratic national processes; by promoting research, monitoring and innovation, and the sharing and dissemination of knowledge within and beyond the network; by building the capacity of member organisations to fulfil these roles; and by building an evermore effective, globally representative, member-led coalition to make the case for pro-poor land policy and practice.

This paper examines one core activity of the ILC that is foundational to many of the wider activities that ILC undertakes; monitoring secure access to land. It examines the ways in which monitoring access to land provides a basis for action by a variety of organisations within and beyond ILC's membership, and emphasises the diverse roles in monitoring land governance by different stakeholders. It draws on the lessons learnt from the Land Reporting Initiative, started in 2004, and subject of a workshop of members and partners in December 2008 to redefine and expand the initiative.

Monitoring Land Governance

Land governance refers to formal and informal processes of allocating and securing rights to land, both within the state and outside of it¹. Land governance is thus related to norms of democratic governance, in which popular participation through civil society plays an essential role.

Land governance is at its best a multi-stakeholder effort. Over the past decade there has been an increasing recognition by governments of the diverse ways in which land is used. As a result, some recent land policies and laws have been more accommodating of the often pluralistic nature of tenure systems. This change in mindset has in some countries been enabled by a shift towards the decentralisation of land governance, enabling rights to access land and natural resources to be defined at local levels. In many contexts, increasingly active civil society organisations on land issues have created a stronger demand for different perspectives and priorities to be reflected in land policy formulation and implementation. The increasing 'democratisation' of land tenure and management demands that a wider variety of interest groups are able to collect and access information on land governance which they can use to support their efforts (see Annex 1). The increasing multi-vocality of land tenure processes in many countries thus presents a need for increasing multi-stakeholder involvement in land monitoring.

The collection and availability of land governance data is improving. Nonetheless, despite the changing context data is at best patchy, and in many important areas largely absent. Land governance data can be categorised according to inputs, processes, outputs, outcomes, and impacts. These categories translate roughly into: laws and policies; administration and implementation processes; outputs such as land registries; outcomes such as rates of landlessness and conflict; and impacts on factors such as poverty. These distinctions are important because while there is an increasing focus and effort directed at monitoring administration processes and outputs, there is a severe lack of available data on outcomes that would allow a better analysis of the impacts of land governance policies, and also on the particular outcomes for women, and for groups that do not access land through formal property systems..

Overall, there is not only a need for land governance monitoring that is more comprehensive both in terms of covering more countries, more comparably, and in terms of covering all the key aspects of land governance. Particularly from civil society stakeholders, there is also a demand for monitoring that is able to measure the impacts of land governance on poverty. It is at this level that perspectives on what constitutes 'good land governance' may be most divergent. It is thus also at the impact level that there is a particular need to enable diverse groups to monitor according to factors that they consider important.

Gathering evidence for better land governance

A large number of ILC member and partner organisations are actively involved in monitoring land issues. The roles that these monitoring activities play can be categorised as:

- i. gathering evidence for advocacy;
- ii. providing a basis for dialogue and information for democratic governance;

1 Adapted from UNDP Bureau of Development Policy Cross-Practice Initiative on Land Governance

- iii. providing information for empowerment and coalition-building; and

Within these roles, monitoring can serve to show why land governance reform may be needed, to show what policy changes may be required, to characterise and evaluate processes of land governance administration and implementation, to measure policy outputs and to evaluate the effectiveness of these outputs in terms of outcomes on access to land resources and tenure security, and impacts on poverty, food security and sustainability.

(i) Gathering evidence for advocacy

Supporting advocacy is a key role for monitoring. Advocacy goals range from promoting compliance with international agreements to promoting policy changes and national and sub-national levels. UN-HABITAT's Urban Observatory system is designed to monitor the implementation of the Habitat Agenda, while FAO has supported a civil society advocacy group, Food First International Action Network (FIAN), to develop monitoring tools that CSOs can use for parallel reporting on the Voluntary Guidelines on the Right to Food. Monitoring is more advanced on more general human rights and governance norms, which of course have relevance for land governance, and particularly by international CSOs. Transparency International surveys on corruption, for example, include the land sector.

A perhaps much greater role for monitoring is in support of advocacy at the national level. In this, civil society organisations predominate, among them many members of ILC. Very often the role of monitoring is to put the need for land governance reform on the national agenda. The Centro Peruano de Estudios Sociales (CEPES) assesses and raises awareness of the main drivers of land re-concentration in the present period: land markets, privatisation of cooperatives, creation of irrigated arable land, concessions for extractive industries, investments in biofuels and tourism. CEPES developed a monitoring system based on normative, institutional, census, subjective and other indicators, including normative indicators relating to the protection of land rights within international agreements, constitutions and national laws. The National Land Rights Forum (NLRF) in Nepal, supported by ILC member Community Self-Reliance Centre, is able to generate information on the land rights situation through its organisational structures at the district and community levels. As a key element of participation in the movement, community-level groups conduct participatory analyses of land ownership structures and power relations in their communities and use this to inform their own strategic planning. The data produced is also collated at the district and national levels to inform strategic planning and advocacy. Civil society organisations also work to promote better standards of land administration. Kenya Land Alliance, for example, has monitored the mismanagement of public lands. Other organisations are focussed on evaluating the outputs and outcomes of land policy, such as in the Philippines and Madagascar where CSOs are seeking to track independently the performance of land reform programmes.

(ii) A basis for dialogue and information for democratic governance

Monitoring is not only about generating evidence to back-up advocacy claims. It is also important as a means of stimulating dialogue between sectors such as civil society, government and IGOs. It provides a constructive basis for dialogue. An example is Land Watch Asia, which has been formed by ILC civil society members in six countries: The Philippines, Nepal, Indonesia, Bangladesh, Cambodia and India. Land Watch Asia has taken the approach of producing coordinated country studies on national land policy and priority issues, linked by a regional level analysis that also draw on assessments of the

policies of regional and bilateral bodies (Australia, China and Japan, Asian Development Bank, ASEAN and SAARC). These studies are proving an effective starting point for discussions; a way of opening space for dialogue between CSOs, government and intergovernmental institutions. The initiative has also been influential in opening up space for discussions with the Asian Development Bank, ASEAN and the World Bank in the region. Platforme SIF, a CSO alliance in Madagascar is, through the collection of primary information, seeking to influence the Programme National Foncier. Another example is Fundación Tierra in Bolivia which sees its role as providing accurate, evidence-based information on the land reform situation and process in the country, enabling informed debate and political participation, in a situation that is otherwise highly politically charged and affected by misinformation.

Through their monitoring efforts, CSOs can be seen as feeding into civic education as part of processes of democratic (land) governance. Monitoring land governance partakes of the general process of democratic governance. This is never more the case than when monitoring is used to raise general public awareness and inform public participation in the political process.

(iii) Information for empowerment and coalition-building

One of the lessons from the recent ILC workshop on monitoring land issues was the diversity of roles that monitoring can play for different organisations. For civil society organisations, monitoring can be an important tool for empowering people who are affected by land issues, when these people are themselves involved in the generation of evidence. In Nepal, monitoring is central to the building up of the Land Rights Movement as a grassroots-based organisation. Community groups play an active role in recording and analysing land-related issues within their communities, something that feeds directly into their own strategies for promoting change at the local level. The data generated is also collated at district and national levels (the National Land Rights Forum) to inform strategic planning at these levels. In providing a basis for discussions between organisations, monitoring can also play an important role in coalition-building, resulting in a sharing of information and informing debate about strategic priorities and the coordination of efforts. This has been a lesson learnt particularly from the experience of Land Watch Asia.

In summary, monitoring plays a critical role in promoting pro-poor land governance. It is critical in demonstrating the need for land governance reform and in putting land issues on national and international agendas. It also informs the development of appropriate policies, helps make governments accountable for the quality of administration services and the implementation of programmes, and enables the evaluation of policies and legal frameworks in terms of their effectiveness in providing tenure security and access to land for the poor, and their impacts in reducing poverty and improving food security and sustainability. In fact, when land governance is seen in the broader sense of how society governs the use of its land resources, monitoring can be seen as an essential component of the land governance process itself. It provides inputs for a governance process that is meaningfully inclusive.

The Land Reporting Initiative of ILC

As a global coalition, spanning from local grassroots organizations to United Nations agencies, international financial institutions and international organizations, ILC creates and benefits from unique opportunities to engage in dialogue on land issues. This engagement strengthens the ability of civil society voices to be heard on land issues at international, national and local levels. It creates opportunities for members with different access to political and economic power and differing views to engage together and discuss the role of land access security in the lives of poor men and women. These roles are enabled to a large degree by the assessment and monitoring of international, regional and national agreements, policies and laws that affect access of poor men and women to natural resources, especially land.

The **Land Reporting Initiative** (LRI) is an ILC initiative that supports and builds on the work of member organisations in monitoring land issues and trends. It also seeks to facilitate collaboration between civil society and inter-governmental organisations to promote better monitoring of land issues for ensuring impact on poverty reduction.

The **objective** of LRI is to; *Strengthen advocacy at national, regional and global levels for pro-poor natural resource governance reform by improved evidence-gathering on the exclusion of poor women and men by existing governance frameworks and practices, and the impacts of this exclusion in terms of access to land resources by the poor.*

The **expected results** of LRI are:

- (i) a stronger evidence base for advocacy which will have an impact both on public awareness concerning the tenure rights of poor women and men, and the formulation and implementation of laws and policies affecting such rights; and
- (ii) strengthened capacity of civil society and intergovernmental organizations to engage in advocacy and policy dialogue, as well as to influence the design and implementation of pro-poor land policies.

LRI was launched in 2004 at the request of the ILC Council. During 2008 ILC engaged in a comprehensive review and consultation of its membership on its involvement in monitoring land issues. Involving a broad range of organizations from civil society and intergovernmental sectors in internet-based discussions and a workshop held in December 2008, this process was aimed at identifying the role the coalition should play in this area.

Lessons learnt in LRI 2004-8

Initially, ILC's Council proposed that ILC's involvement in monitoring stems from a proposal that ILC could facilitate a global multi-stakeholder effort to develop and implement a common global system to monitor trends in the area of land rights and agrarian reform. This concept was developed as a result of ILC's participation in various global events, including its role as a convener of Ministerial Roundtables on land access at the High Level Segments of the UN ECOSOC.²

During this first phase, ILC supported many CSO organizations to design and implement land monitoring systems, in the meanwhile ILC took stock of the different initiatives launched by many IGOs .

² For example, ILC convened a seminar on "Indicators of Secure Access to Resources" at the 2005 session of the UN Commission on Sustainable Development in partnership with UNDESA, UNIFEM, Habitat and the CSO Major Groups.

ILC's experience has helped us learn lessons about what works in building more comprehensive land governance monitoring, and what doesn't. ILC was originally envisaged to be the facilitator of a global multi-stakeholder effort to develop and implement a land monitoring system, including the development of an agreed set of land indicators. The function of this system was seen as promoting national compliance with international human rights standards and other conventions including conference declarations. However, while many key actors supported the idea in principle, they also have specific needs that were difficult to reconcile with the goal of a standardised system. Organisations such as IFAD, World Bank, UN-HABITAT and UNECA have chosen to pursue the development of indicators adapted to their own needs. Meanwhile for civil society organisations, we have learned, monitoring also serves diverse functions, such as empowerment, strategic planning and public awareness raising, not to mention advocacy on nationally specific priorities, that would not be served by a common global system.

Thus Land Watch Asia and the observatories in Latin America, supported by and ILC and implemented by ILC members, have all been formed by small groups of organisations that, through the ILC network, have been able to identify common interests in monitoring particular land governance themes in particular ways. They have developed different monitoring strategies to suit their priorities and contexts. Accepting the diversity of contexts and institutional interests has been important. At the same time, ILC has also supported the exchange of experiences between regions, of which the December 2008 workshop is the latest example. Such learning from the approaches of other organisations in other regions will become increasingly important given the interest expressed in scaling-up some of these approaches, potentially to more global scale.

The potential that exists for monitoring land related activities in promoting pro-poor land governance is not met by the reality of the monitoring that is actually taking place. Data available from governments, international organisations and civil society, often suffers from a lack of comparability. Moreover, there is also a need for indicators that are capable to inform more strongly on the impacts of land governance reform on poverty.

The review of the first phase of LRI has prompted a more “bottom-up” approach aiming to foster the development of more comprehensive, coordinated and comparable monitoring over time, while realising tangible gains in the present. It is based on identifying and capitalising on synergies that exist between the existing monitoring-related efforts of organisations in the civil society and intergovernmental sectors. Most importantly this involves bringing organisations together to share the findings of monitoring activities in a way that creates opportunities for dialogue, and facilitating the sharing of knowledge and experiences on monitoring strategies, so that organisations can learn from each other and also develop forms of collaboration on monitoring that continue to support their needs.

LRI Phase II, starting 2009

LRI second phase is aimed to work more at collating at the national, regional and global levels the information generated by the monitoring activities of ILC members. It will lead to the development of a series of reports on land governance themes as a way of promoting and advancing global debate.

LRI is a process that deserves a gradual implementation. LRI - Phase 2 Steps are:

- i. Selection of pilot countries for each region where data are available

- ii. Systematization process for land-related data on selected countries
- iii. LRI national, regional and global reports with leading theme to respond to the existing vacuum of good synthesis information at the global level

A key point addressed during the LRI workshop of December 2008 was the potential usefulness of country studies. Such studies describe the key land related issues in a country and give a critical overview of the land policy situation, as well as mapping out the key actors related to land issues. They provide important inputs to national advocacy strategies as well as informing regional and global advocacy messages, but are also particularly useful for strategic planning by CSOs and contribute to knowledge exchange. The discussions emphasized the function that such country studies can play in influencing national policy-making, and suggestions were made that synergies be explored between this aspect of CSO monitoring and World Bank work on monitoring land governance.

In 2009, ILC will be piloting an initiative in several countries in each countries on how bringing organisations together to share the outputs of their monitoring activities can be a catalyst for constructive dialogue that is inclusive of government, the private sector, development agencies, civil society, academic institutions, etc.... The initiative is based on the development of a series of policy briefs drawing on the outputs of land assessment of ILC members. These briefs will in turn form the basis of national, multi-stakeholder consultations on the state of land governance in the country, as well as public awareness raising and advocacy directed at the policy-makers, with the objective of learning from the experiences of the previous period and keeping a constructive focus on land governance high on the national political agenda.

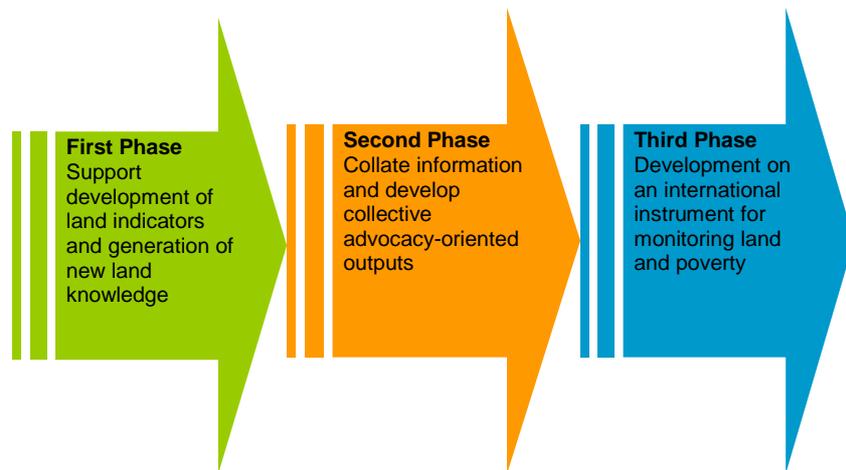
The regional dimension is mostly focused in opening multi-stakeholders spaces for dialogue supported by Regional reports with leading theme. The LRI regional dimension is mainly based on qualitative assessment. Cross-regional capacity building activities on LRI methodology are planned.

The systematization of national, regional data will be aimed to produce an ILC biennial Global report (2011) with strong impact and distribution to offer deeper and sounder land analysis in the countries and regions where ILC is working.

The systematization process for land-related data on selected countries is supported by the development of internet-based means for making the data widely available. This will be a global-level, collective output that collate all the diverse information produced by members and other organisations on land-related issues. It seeks to be a space stimulating information exchange and dialogue..

In implementing LRI second phase collaboration will be envisaged with other relevant actors, including the AU/UNECA/AfDB Land Policy for Africa Initiative, the ICARRD follow-up led by FAO as well as FAO's voluntary guidelines on land governance, and the Democratic Governance Assessments Programme and Governance Assessment Portal of the UNDP Oslo Governance Centre.

The new phase of LRI is based on the elements collected during the first phase and is aimed to bring the international debate into a third phase when an international instrument globally recognized to link land and poverty will be developed.



In sum, the second phase of LRI will build the initiative to perform three primary functions:

- 1. LRI as an ILC Facility to support the monitoring work of members, and the advocacy work that builds on that monitoring.** This is achieved through support to the individual monitoring activities of members, through support for knowledge-sharing, through facilitating collaboration between CSOs and IGOs on monitoring and related advocacy, and through working to open up spaces for dialogue on the results of monitoring work.
- 2. LRI as a mechanism through which members can develop more comparable and comprehensive data collection, regionally and globally.** This is achieved through the facilitation of, and support for, collaborative activities at regional and global levels.
- 3. LRI as a mechanism through which members can collate information and develop collective advocacy-oriented outputs at regional and global levels.** This is achieved through the facilitation of, and support for, collaborative activities at regional and global levels, including the production and distribution or hosting of collective outputs such as reports and web-based resources, and through support to joint advocacy initiatives.

Annex one: What data is being collected?

Legal and policy frameworks

Although there are databases allowing searches for land related laws and policies (e.g. FAOLEX) little work has been done to comprehensively and comparably assess the legal and policy frameworks of different countries. IFAD's indicators include an assessment of legal frameworks, but the results are not disseminated. Within civil society, the members of Land Watch Asia have developed coordinated country studies with a particular focus on land policy, whilst ILC members in the Andean region have set up a "Law in Action" observatory to use common indicators to assess land-related legal frameworks, with a particular focus on the representation of international agreements within national frameworks. One of the outcomes of the December 2008 ILC workshop was a commitment to explore how these approaches can be combined, scaled-up and replicated in other regions.

Administration and policy implementation: processes and outputs

This area has long been the main focus of suggested land governance-related indicators. In fact, efficiency of registration processes and the extent of land titling are probably the most commonly suggested indicators of tenure security and good land governance. Data on processes and outputs of various kinds has been collected through initiatives such as the IFC Doing Business Survey and UN-HABITAT's Urban Observatory System. The Land Governance Assessment Framework that has been developed by the World Bank's Good Governance in Land Administration initiative, and that has been piloted in 2008, focuses on this area, and does so in considerable and comprehensive detail.

Outcomes: access to land and tenure security

The concept of access to land for the poor is an important one in international policy debates, and is even a relatively well represented idea in international agreements. This fact notwithstanding, it is rather poorly represented in the indicators that are in use or have been proposed. As an outcome of land governance processes, access to land can be said to cover issues such as: distribution of land ownership; access to natural resources such as water, forest products and pasture; affordability, of land and housing; and landlessness, homelessness, and squatting. The only measure of access to land that has been monitored comprehensively is land concentration. Land concentration is not necessarily a good measure of the access to land enjoyed by poor and vulnerable groups, particularly where these groups are dependant on informal and secondary tenure rights.

It is commonly proposed that tenure security be assessed using indicators of administrative outputs such as the coverage of land registration. But such factors are outputs that influence tenure security outcomes, not security itself. Tenure security is represented by measures such as the frequency, severity and nature of disputes; the frequency of evictions; and perceptions of security. There have been efforts made to record evictions by, for example, UN-HABITAT and various CSOs such as AFRA in South Africa. Likewise household survey methods can be used to assess frequency of disputes and perceptions of security. The EC supported ISTT programme in Nicaragua, for example, piloted the inclusion of the question: "Do you fear eviction from your landholding?" along with other questions related to tenure security. However, there is no comprehensive data and conditions of tenure security.

Impacts of land governance

The impacts of land governance fall into two groups. The first are factors that can be directly linked to land governance outcomes, such as sustainable land management, and could well be measured part of an assessment of land governance. A survey question on whether landholders have invested in the productivity of their landholdings has been used, for example, by the ISTT programme in Nicaragua. The second are factors such as food security that are less directly linked. They are more likely to be covered by existing development indicators and as such could certainly inform and analysis of the impact of of different forms of land governance.

Land governance, gender and vulnerable groups

In relation to land governance monitoring, measures of gender equality fall into three main types: questions about the legal standing of women (e.g. their right to inherit property); quantitative measures that can be disaggregated according to gender (e.g. possession of titles, rates of eviction); and questions about the actual situations of women (What decision-making power do women have over co-owned property? How many women actually inherit land?). Gender disaggregation of formalisation data is often put forward, but in fact such a measure may be misleading in certain contexts, formal ownership or co-ownership not being the same thing as actual access to and control over resources.³ In fact, the degree to which women are dependent on customary tenure rights (within the household and the community) may severely limit the gender-sensitivity of monitoring systems based on formal systems of land tenure administration.

The interest in promoting *pro-poor* land governance may lead to a special focus on particular vulnerable groups. These include women, but also pastoralists, Indigenous Peoples, people accessing land through customary and common property regimes and tenant farmers. As with gender, the focus could be on legal protections, disaggregating quantitative data, and group specific issues. With a few exceptions, little attention could be paid to how the particular situations of these groups could be assessed. A significant problem is that monitoring systems based on formal systems of land tenure administration may be blind to the situations of land dependent groups who are not individual land owners, and blind to the access and relative security that certain non-formal tenure systems may provide.

³ For a discussion, see: Anne Lockley, 2006, *A Piece of land or a piece of paper? – Gendered indicators on property rights*, paper presented at the IWDA Symposium, Canberra, June 15.